

**SPECIAL TOWN MEETING
MINUTES
June 17, 2013**

Town Moderator, Robert J. Long, called the June 17, 2013 Special Town Meeting to order at 7:30 p.m. at the Town Hall Auditorium, 298 Central Street, Saugus, MA with 35 members, plus the moderator present.

Joyce Rodenhiser and Edward S. W. Boesel were appointed and sworn as tellers.

Joseph Palczynski will, as a courtesy to the Finance Committee, be making motions this evening and Stacy Billingsley will, as a courtesy to the Town Manager be making motions for him this evening.

Town Moderator, Robert Long led the meeting in the Pledge of Allegiance which was followed by a moment of silence for the late Governor Cellucci who was laid to rest this week.

Town Clerk, Joanne Rappa, called the roll.

Town Meeting Member name	Present /Absent	Town Meeting Member name	Present /Absent	Town Meeting Member name	Present /Absent
ALLAN, P.	p	FALASCA, T.	p	CHRISTOPHER,R	p
ATTUBATO, J	p	FOWLER, J.	p	MOSCHELLA, D.	a
BARTOLO, J.	p	GILLIS, J.	p	MOSES, J.	p
BILLINGLSEY, S.	p	GOODWIN, P.	p	PALCZYNSKI, J.	p
BOESEL, E.	p	GROARK, L.	a	PETKEWICH, P.	a
BROOKS, W.	p	HAWKES, T.	p	POLITANO, K.	p
CARLSON, E.	p	JOHNSON, P.	a	RING, D. S.	p
CICOLINI, J.	a	JONES, W.	a	RODENHISER, J.	p
CONNORS, A.	a	KRAMICH, W.	p	ROSSETTI, P.	p
COTTAM, D.	p	LEUCI, J.	p	SERINO, A.	a
D'ANNA, S.	p	LONG, R.	p	SPENCER, B.	p
DEVER, M.	p	LOPRESTI, A.	a	STEWART, W.	p
DEVLIN, F.	p	MALONE, B.	p	SULLIVAN, B.	a
DINARDO, A.	p	MALTAIS, S.	p	SWEEZEY, S.	p
DOCKERY, M.	a	MANOOGIAN, P.	p	VADALA, P.	a
DOHERTY, S.	p	MCCARTHY, S.	a	VECCHIO, M.	a
FAIELLA, E.	p	MCLAUGHLIN, P.	p	Quorum count=	36

36 members present, a quorum is met.

Moderator long distributed handouts and asked that all financial articles be taken up first this evening.

Article 1. Reports of Committees.

Kenneth DePatto, Vice Chairman of the Finance Committee, explained the Committee's recommendations and asked members to support those recommendations.

Mr. Palczynski moves, as a courtesy to the Finance Committee, Article 2.

Seconded at 7:40 p.m.

Article as written:

Article 2. To see if the Town will vote to make supplementary appropriations to be used in conjunction with money appropriated under Article 5 (Sewer Enterprise Fund Budget) of the 2012 Annual Town meeting during the current fiscal year, and determine whether the money shall be provided by transfer from available funds; or to see what other action the Town wishes to take in the matter. (Town Manager)

Article as voted:

Article 2. Voted that the sum of \$12,000.00 be transferred from available funds to make supplementary appropriations to be used in conjunction with money appropriated under Article 5 (Sewer Enterprise Fund Budget) of the 2012 Annual Town meeting during the current fiscal year.

Unanimous voice vote to accept Article 2 as recommended by the Finance Committee at 7:40 p.m.

Mr. Palczynski moves, as a courtesy to the Finance Committee Article 3.

Seconded at 7:41 p.m.

Article as written:

Article 3. To see if the Town will vote to authorize the Town Treasurer, with the approval of the Board of Selectmen to raise and appropriate by borrowing or otherwise a sum of money for the purpose of providing additional funding for the Lincoln Avenue Reconstruction Project, or to take any other action relative thereto. (Town Manager)

Town Manager Scott Crabtree gave an overview of the second part of the Lincoln Avenue project and noted that public meetings will be held in the near future.

Article as voted:

Article 3. Voted to authorize the Town Treasurer, with the approval of the Board of Selectmen to raise and appropriate by borrowing or otherwise a sum of \$875,000.00 for the purpose of providing additional funding for the Lincoln Avenue Reconstruction Project.

Unanimous voice vote to accept Article 3 as recommended by the Finance Committee at 7:41.5 p.m.

Mr. Palczynski moves, as a courtesy to the Finance Committee, Article 4.

Seconded at 7:44 p.m.

Article as written:

Article 4. To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$10,000.00 for the purpose of funding the Round Hill Historic Site Project. (Town Manager)

Article as voted:

Article 4. Voted to raise and appropriate or transfer from available funds the sum of \$10,000.00 for the purpose of funding the Round Hill Historic Site Project.

Unanimous voice vote to accept Article 4 as recommended by the Finance Committee at 7:44.5 p.m.

Mr. Palczynski moves, as a courtesy to the Finance Committee, Article 5.

Seconded at 7:44.5 p.m.

Article as written:

Article 5. To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$10,000.00 for the purpose of making expenditures on behalf of the Town of Saugus Tree Farm. (Town Manager)

Article as voted:

Article 5. Voted to raise and appropriate or transfer from available funds the sum of \$10,000.00 for the purpose of making expenditures on behalf of the Town of Saugus Tree Farm.

Unanimous voice vote to accept Article 5 as recommended by the Finance Committee at 7:45 p.m.

Mr. Boesel moves to take Article 14 out of order.

Seconded at 7:45.5 p.m.

Yeas: 35 Nays: 0 at 7:45.5 p.m.

Article 14 is voted to be taken out of order.

Mr. Palczynski moves, as a courtesy to the Finance Committee, Article 14.

Seconded at 7:46 p.m.

Article as written:

Article 14. To see if the Town will vote to amend the Town Bylaw by adding the following Section 812 under Section 800, LICENSES and PERMITS:

Town By Law Adding Section 812 to Section 800 Licenses and Permits.

Section 812. Civil fingerprinting for individuals applying for or in possession of certain licenses: Civil Fingerprinting.

812.01. Chapter 256 of the Acts of 2010 and incorporated into the Massachusetts General Laws as Chapter 6 Section 172B ½ has authorized the Town to create the following Bylaw enabling the Police Department to conduct State and Federal Fingerprint Based Criminal History checks for individuals applying for or in possession of certain licenses including but not limited to those engaged in the business of Hawking and Peddling or other Door-to-Door Salespeople, Pawn Dealers, Secondhand Dealers, Ice Cream Permit and Hackney Drivers.

812.02. The Police Department may conduct State and Federal Fingerprint Based Criminal History checks for individuals applying for or in possession of certain licenses including but not limited to those engaged in the business of Hawking and peddling or other Door-to-Door Salespeople, Pawn Dealers, Secondhand Dealers, Ice Cream Permit and Hackney Drivers.

812.03. An applicant, employee, or volunteer seeking to engage in the above employment shall submit, if required by the licensing authority, fingerprints taken by the Police Department along with a fee of one hundred (\$100.00) dollars.

812.04. Upon receipt of the fingerprints and the appropriate fee, the Police Department will transmit the fingerprints to the State Police Identification Unit through the Department of Criminal Justice Information Services (DCJIS), formerly the Criminal History System Criminal File and then submit the fingerprints to the Federal Bureau of Investigation (FBI) for a comparison with national records. The result of the FBI check will be returned to the State Police, which will then disseminate the state and national results back to the Police Department.

812.05. In rendering a fitness determination, the Police Department will decide whether the record subject has been convicted of (or is pending indictment for) a crime, which bears upon his or her ability or fitness to serve in that capacity, any felony or a misdemeanor, which involved force or threat of force, controlled substances or was a sex-related offense.

812.06. The Police Department shall establish, by rule or regulation, a civilian fingerprinting system for the purposes of conducting state and national criminal history records checks of persons applying for certain licenses within the town. Any person applying for a license for the following activities within the Town is required to submit with the application, a full set of fingerprints taken by the Police Department within six (6) months prior to the date of application:

1. Hawking and peddling or other Door-to-Door Salespeople
2. Pawn Dealers
3. Secondhand Dealers
4. Hackney Drivers
5. Ice Cream Permit

812.07. A person applying for a license and who is required to submit a full set of fingerprints to the licensing authority pursuant to this Chapter, may request and receive a copy of his or her criminal history records from the Police Department. Should the license applicant seek to amend or correct his or her record, he or she must contact the DCJIS, or its successor, for a state record of the FBI for records from other jurisdictions maintained in its file.

812.08. The fee charged to the applicant by the Police Department for the purpose of enforcing this section shall be one hundred (\$100.00) dollars for each application. A portion of the fee, thirty (\$30.00) dollars, as specified in Chapter 6 Section 175B ½ of the Massachusetts General Laws, shall be deposited into the Firearms Fingerprint Identity Verification Trust Fund, and the remainder of the fee may be retained by the Police Department for costs associated with the administration of the fingerprinting system.

812.09. The Town or any of its officers, departments, boards, committees or other licensing authorities is hereby authorized to deny any application for, or to revoke, or to suspend any license or permit, including renewals and transfers thereof, for any person who is determined unfit for the license, as determined by the licensing authority, due to the information obtained pursuant to this ordinance.

812.10. Civil Fingerprint Application, the fee for an applicant, employee or volunteer seeking to engage in the business as described in Section 800 of the Town of Saugus Bylaws and in accordance with Chapter 6 Section 175B ½ of Massachusetts General Laws shall be one hundred (\$100.00) dollars.
(Chief of Police)

Mr. Sweezy moves to amend Article 14 by adding a new section as follows:

812.11. The State, National and FBI Criminal History Information will not be disseminated to unauthorized entities.

Seconded at 7:47 p.m.

Mr. Sweezy spoke in favor of the article and explained his proposed amendment.

Edward Boesel, Town Counsel John Vasapolli and Police Chief Domenic DiMella all spoke on the article.

A vote came on Mr. Sweezy's amendment.

Yeas: 32 Nays: 3 at 7:53 p.m.

Sweezy amendment passed.

Article as voted:

Article 14. Voted to amend the Town Bylaw by adding the following Section 812 under Section 800, LICENSES and PERMITS:

Town By Law Adding Section 812 to Section 800 Licenses and Permits.

Section 812. Civil fingerprinting for individuals applying for or in possession of certain licenses: Civil Fingerprinting.

812.01. Chapter 256 of the Acts of 2010 and incorporated into the Massachusetts General Laws as Chapter 6 Section 172B ½ has authorized the Town to create the following Bylaw enabling the Police Department to conduct State and Federal Fingerprint Based Criminal History checks for individuals applying for or in possession of certain licenses including but not limited to those engaged in the business of Hawking and Peddling or other Door-to-Door Salespeople, Pawn Dealers, Secondhand Dealers, Ice Cream Permit and Hackney Drivers.

812.02. The Police Department may conduct State and Federal Fingerprint Based Criminal History checks for individuals applying for or in possession of certain licenses including but not limited to those engaged in the business of Hawking and peddling or other Door-to-Door Salespeople, Pawn Dealers, Secondhand Dealers, Ice Cream Permit and Hackney Drivers.

812.03. An applicant, employee, or volunteer seeking to engage in the above employment shall submit, if required by the licensing authority, fingerprints taken by the Police Department along with a fee of one hundred (\$100.00) dollars.

812.04. Upon receipt of the fingerprints and the appropriate fee, the Police Department will transmit the fingerprints to the State Police Identification Unit through the Department of Criminal Justice Information Services (DCJIS), formerly the Criminal History System Criminal File and then submit the fingerprints to the Federal Bureau of Investigation (FBI) for a comparison with national records. The result of the FBI check will be returned to the State Police, which will then disseminate the state and national results back to the Police Department.

812.05. In rendering a fitness determination, the Police Department will decide whether the record subject has been convicted of (or is pending indictment for) a crime, which bears upon his or her ability or fitness to serve in that capacity, any felony or a misdemeanor, which involved force or threat of force, controlled substances or was a sex-related offense.

812.06. The Police Department shall establish, by rule or regulation, a civilian fingerprinting system for the purposes of conducting state and national criminal history records checks of persons applying for certain licenses within the town. Any person applying for a license for the following activities within the Town is required to submit with the application, a full set of fingerprints taken by the Police Department within six (6) months prior to the date of application:

1. Hawking and peddling or other Door-to-Door Salespeople
2. Pawn Dealers
3. Secondhand Dealers
4. Hackney Drivers
5. Ice Cream Permit

812.07. A person applying for a license and who is required to submit a full set of fingerprints to the licensing authority pursuant to this Chapter, may request and receive a copy of his or her criminal history

records from the Police Department. Should the license applicant seek to amend or correct his or her record, he or she must contact the DCJIS, or its successor, for a state record of the FBI for records from other jurisdictions maintained in its file.

812.08. The fee charged to the applicant by the Police Department for the purpose of enforcing this section shall be one hundred (\$100.00) dollars for each application. A portion of the fee, thirty (\$30.00) dollars, as specified in Chapter 6 Section 175B ½ of the Massachusetts General Laws, shall be deposited into the Firearms Fingerprint Identity Verification Trust Fund, and the remainder of the fee may be retained by the Police Department for costs associated with the administration of the fingerprinting system.

812.09. The Town or any of its officers, departments, boards, committees or other licensing authorities is hereby authorized to deny any application for, or to revoke, or to suspend any license or permit, including renewals and transfers thereof, for any person who is determined unfit for the license, as determined by the licensing authority, due to the information obtained pursuant to this ordinance.

812.10. Civil Fingerprint Application, the fee for an applicant, employee or volunteer seeking to engage in the business as described in Section 800 of the Town of Saugus Bylaws and in accordance with Chapter 6 Section 175B ½ of Massachusetts General Laws shall be one hundred (\$100.00) dollars.

812.11. The State, National and FBI Criminal History Information will not be disseminated to unauthorized entities.

Yeas: 32 Nays: 3 at 7:53.5 p.m.

Article 14 passed as amended.

Stacy Billingsley moves, as a courtesy to the Town Manager, Article 6.

Seconded at 7:56 p.m.

Article as written:

Article 6. To see if the Town will vote, pursuant to Massachusetts General Law c.82 to accept Applewood Lane (632.48 linear feet) as shown on a plan of land entitled “Definitive Subdivision Plan on Longwood Avenue to be known as Applewood”, prepared by Otte & Dwyer, Inc., Land Surveyors and McKenzie Engineering Group, Inc., Civil Engineers, dated April 1, 1997 and recorded with Essex South District Registry of Deeds in Plan Book 324, Plan 28. (Town Manager)

Unanimous voice vote to accept Article 6 as written at 7:57 p.m.

Stacy Billingsley moves, as a courtesy to the Town Manager, Article 7.

Seconded at 7:58 p.m.

Article as written:

Article 7. To see if the Town will vote, pursuant to Massachusetts General Law c.82 to accept Birch Pond Drive (2312.95 linear feet) as shown on a plan of land entitled “Definitive Plan Birch Pond Estates”, prepared for Walnut Street Trust, by Otte & Dwyer, Inc., Land Surveyors, dated April 5, 1990 and recorded with Essex South District Registry of Deeds in Plan Book 292 Plan 97. (Town Manager)

Unanimous voice vote to accept Article 7 as written at 7:58.5 p.m.

Stacy Billingsley moves, as a courtesy to the Town Manager, Article 8.

Seconded at 7:59 p.m.

Article as written:

Article 8. To see if the Town will vote, pursuant to Massachusetts General Law c.82 to accept Carr Road (1426.23 linear feet) as shown on a plan of land entitled “Definitive Plan Carr Farms, Saugus, Mass.”, prepared by Hayes Engineering, Inc., dated August 19, 1976 and recorded with Essex South District Registry of Deeds in Plan Book 140, Plan 100. (Town Manager)

Unanimous voice vote to accept Article 8 as written at 7:59.5 p.m.

Stacy Billingsley moves, as a courtesy to the Town Manager, Article 9.

Seconded at 8:00 p.m.

Article as written:

Article 9. To see if the Town will vote, pursuant to Massachusetts General Law c.82 to accept Hanson Road from Bisbee Road westerly to the cul-de-sac (298.78 linear feet) as shown on a plan of land entitled

“Plan of Land Saugus, Mass.”, prepared by Carter & Towers Engineering Corp., dated December 14, 1987 and recorded with Essex South District Registry of Deeds in Plan Book 250, Plan 31. (Town Manager)

Unanimous voice vote to accept Article 9 as written at 8:00.5 p.m.

Stacy Billingsley moves, as a courtesy to the Town Manager, Article 10.

Seconded at 8:01 p.m.

Article as written:

Article 10. To see if the Town will vote, pursuant to Massachusetts General Law c.82 to accept Maraia Lane (828.10 linear feet) as shown on a plan of land entitled “Definitive Plan Birch Pond Estates”, prepared for Walnut Street Trust, by Otte & Dwyer, Inc., Land Surveyors, dated April 5, 1990 and recorded with Essex South District Registry of Deeds in Plan Book 292, Plan 97. (Town Manager)

Unanimous voice vote to accept Article 10 as written at 8:01.5 p.m.

Stacy Billingsley moves, as a courtesy to the Town Manager, Article 11.

Seconded at 8:02 p.m.

Article as written:

Article 11. To see if the Town will vote, pursuant to Massachusetts General Law c.82 to accept Pamela Road (391.11 linear feet) as shown on a plan of land entitled “Subdivision of Land in Saugus”, prepared by Towers Engineering Co., dated Nov. 3, 1955 and recorded with Essex South District Registry of Deeds as Plan No. 672 of 1956. (Town Manager)

Unanimous voice vote to accept Article 11 as written at 8:02.5 p.m.

Stacy Billingsley moves, as a courtesy to the Town Manager, Article 12.

Seconded at 8:03 p.m.

Article as written:

Article 12. To see if the Town will vote, pursuant to Massachusetts General Law c.82 to accept Stockade Road (516.32 linear feet) as shown on a plan of land entitled “Subdivision Plan of Land in Saugus”, prepared by Dana F. Perkins & Sons Inc., Surveyors, October 7, 1959 recorded in the Land Registration Office as Plan No. 27282K and on a plan of land entitled “Subdivision Plan of Land in Saugus”, prepared by Dana F. Perkins & Sons Inc., Surveyors, February 25, 1960 and recorded in the Land Registration Office as Plan No. 27282M. (Town Manager)

Unanimous voice vote to accept Article 12 as written at 8:03.5 p.m.

Stacy Billingsley moves, as a courtesy to the Town Manager, Article 13.

Seconded at 8:03.5 p.m.

Article as written:

Article 13. To see if the Town will vote, pursuant to Massachusetts General Law c.82 to accept Zamora Street (502.43 linear feet) as shown on a plan of land entitled “Definitive Subdivision Plan Zamora Street Saugus, Massachusetts”, prepared by Carter & Towers Engineering Corp., dated June 20, 1988 and recorded with Essex South District Registry of Deeds in Plan Book 249, Plan 6. (Town Manager)

Unanimous voice vote to accept Article 12 as written at 8:04 p.m.

Edward S. W. Boesel moves to adjourn Sine Die.

Seconded at 8:03.5 p.m.

Unanimous voice vote to adjourn Sine Die at 8:03.5 p.m.

Respectfully submitted,

Joanne D. Rappa
Town Clerk