

TOWN OF SAUGUS

Essex, ss.

To the Constable of the Town of Saugus

Greetings:

In the name of the Commonwealth of Massachusetts you are hereby required to notify and warn the inhabitants of the Town of Saugus, qualified to vote in Town affairs for the Annual Town Meeting at the Saugus Town Hall located at 298 Central Street on May 6, 2019 at 7:30 PM to hear and act on the following articles: viz;

Article 1. To hear and act on reports of Committees.

Article 2. To see what sum of money the Town will vote to raise and appropriate for Town charges for the ensuing Fiscal Year 2020. (Town Manager)

Article 3. To see if the Town will vote to make supplementary appropriations to be used 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 4. To see if the Town will vote to make supplementary appropriations to be used in conjunction with money appropriated under Article 6 of the 2018 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 5. To see if the Town will vote to make supplementary appropriations to be used in conjunction with money appropriated under Article 7 of the 2018 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 6. To see what sums of money the Town will vote to raise and appropriate for the Water Enterprise Fund for the ensuing Fiscal Year 2020. (Town Manager)

Article 7. To see what sums of money the Town will vote to raise and appropriate for the Sewer Enterprise Fund for the ensuing Fiscal Year 2020. (Town Manager)

Article 8. To see if the Town will vote to authorize an amount to be expended from each of the revolving funds listed below and authorized under the Town of Saugus Bylaws as amended

April 9, 2018 as Section 405.00 Departmental Revolving Funds for the ensuing Fiscal Year 2020
(Town Manager):

Saugus Senior Center Programs and Activities
Saugus Senior Center Lunch Program
Water System Cross-Connection Program
Town of Saugus Compost Program
Youth & Recreation Programs and Activities

Article 9. To see if the Town will vote to increase water rates with all receipts to be held within the Water Enterprise Fund to be used exclusively for water expenses, water maintenance, water debt and interest and water improvement programs, or take any other action relating thereto.
(Town Manager)

Article 10. To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money for the purpose of funding unpaid bills of a prior fiscal year. (Town Manager)

Article 11. To see if the Town will vote to authorize the Treasurer with the approval of the Board of Selectmen, to borrow a certain amount at 0% interest from the MWRA Local Pipeline Assistance Program for the purpose of designing and constructing improvements to water pipelines or to take any other action relative thereto. (Town Manager)

Article 12. To see if the Town will vote to accept the provisions of Chapter 44, section 53F ½ of the Massachusetts General Laws establishing the Saugus PEG Access Channel, Saugus Community Television, Inc. (SCTV) as an enterprise fund commencing July 1, 2019 for the ensuing Fiscal Year 2020. (Town Manager)

Article 13. To see if the Town will vote to appropriate a sum of money for construction and reconstruction of various streets and sidewalks, including the payment of costs incidental or related thereto; to determine whether this appropriation shall be raised by borrowing or otherwise; or to take any other action relative thereto. (Town Manager)

Article 14. To see if the Town of Saugus will vote to approve: The Saugus Contributory Retirement Boards' vote on March 26, 2019 to accept Section 20A of Chapter 32, any civil action brought against a member of a retirement board, such member shall be indemnified for all expenses incurred in the defense thereof and shall be indemnified for damages to the same extent as provided for public employees of chapter two hundred and fifty eight; provided, however that the claim arose out of acts performed by such member or members while acting within the scope of his official duties; and provided, further, that no member of a retirement board shall be indemnified for expenses incurred in the defense action, or damages awarded in such action, in which there is

shown to be a breach of fiduciary duty, an act of willful dishonesty or an intentional violation of law by such member. (Saugus Contributory Retirement System)

M.G.L. Chapter 32 Section 20A: In any city, town or other entity which accepts the provisions of this section, in a city, by a vote of the city council with the approval; of the mayor; in a town, by a vote of the town meeting; in a municipality having a town council form of government, by a vote of the town council; and in any other entity having a retirement board subject to the provisions of this chapter, by a vote of the governing board if such entity, any civil action brought against a member of a retirement board, the defense or settlement of which action is made by an attorney employed by the retirement board, such member shall be indemnified for all expenses incurred in the defense thereof and shall be indemnified for damages to the same extent as provided for public employees in chapter two hundred and fifty-eight; provided, however, that the claim arose out of acts performed by such member or members while acting within the scope of his duties; and provided, further, that no member of a retirement board shall be indemnified for expenses incurred in the defense if an action, or damages awarded in such action, in which there is shown to be a breach of fiduciary duty, an act of willful dishonesty or an intentional violation of law by such member.

Article 15. To see of the Town of Saugus will vote to approve a new by-law by adopting a General Bylaw entitled “Plastic Bag Reduction Bylaw”.

The general purpose and intent of this bylaw is to protect the Town’s unique natural beauty and its water and natural resources by eliminating single use plastic check-out bags that are distributed in the Town of Saugus and to promote the use of reusable bags. (Ann Devlin, President, Saugus Action Volunteers for the Environment)

Proposed Bylaw:

Section 1. Purpose and Intent

The production and use of thin-film single-use plastic checkout bags have significant impacts on the environment, including , but not limited to: contributing to the potential death of aquatic and land animals through ingestion and entanglement; contributing to pollution of the natural environment; creating a burden to solid waste collection and recycling facilities, increasing the amount of plastic that is incinerated in Saugus; clogging storm drainage systems; and requiring the use of millions of barrels of crude oil nationally for their manufacture. The purpose of this bylaw is to protect the Town’s unique natural beauty and its water and natural resources by eliminating single-use plastic check-out bags that are distributed in the Town of Saugus and to promote the use of reusable bags.

Section 2. Definitions:

2.1 *Checkout bag* means a carryout bag provided by a store to a customer at the point of sale. Checkout bags shall not include bags, whether plastic or not, in which loose produce or products are placed by the consumer to deliver such items to the point of sale or checkout area of the store.

2.2 *Grocery Store* means a retail establishment where more than fifty percent (50%) of the gross floor area is devoted to the sale of food products for home preparation and consumption, which typically also offers home care and personal care products.

2.3 *Retail Store* means any business facility that sells goods directly to the consumer whether for or not for profit, including, but not limited to, retail stores, restaurants, pharmacies, convenience and grocery stores, liquor stores, seasonal and temporary businesses.

2.4 Reusable checkout bags means a bag with handles that is specifically designed and manufactured for multiple reuse and is either polyester, polypropylene, cotton or other durable material, or durable plastic that is at least 4.0 mils in thickness.

2.5 Thin-film single-use plastic bags are those bags typically with handles, constructed of high-density polyethylene (HDPE), low density polyethylene (LDPE), linear low density polyethylene (LLDPE), polyvinyl chloride (PVC), polyethylene terephthalate (PET), or polypropylene (other than woven and non-woven polypropylene fabric), if said is less than 4.0 mils in thickness.

2.6 Recyclable paper bag means a paper bag that is 100 percent recyclable and contains at least 40% post-consumer recycled content, and displays the words “recyclable” and “made from 40% post-consumer recycled content” in a visible manner on the outside of the bag.

2.7 This bylaw shall be known as the Plastic Bag Reduction Bylaw.

Section 3. Use Regulations:

3.1 Thin-film single-use plastic bags shall not be distributed, used, or sold for checkout or other purposes at any retail store or grocery store within the Town of Saugus.

3.2 If a retail store provides or sells checkout bags to customers, the bags must be one of the following (1) recyclable paper bags, or (2) reusable checkout bags.

3.3 Thin-film plastic bags used to contain dry cleaning, newspapers, produce, meat, bulk foods, wet items and other similar merchandise, typically without handles, are still permissible.

Section 4. Effective Date

This bylaw shall take effect six (6) months following approval of the bylaw by the Attorney General or January 1, 2020, whichever is later. Upon application of the owner or the owner’s representative, the Board of Health may exempt a retail store from the requirements of this section for a period of up to six (6) months upon a finding by the Board of Health that 1) the requirements

of this section would cause undue hardship; or 2) a retail store requires additional time in order to draw down an existing inventory of checkout bags.

Section 5. Enforcement

5.1 Enforcement of this bylaw shall be responsibility of the Board of Health or its Agent. The Board of Health shall determine the monitoring process to be followed, which may be limited to responding to citizen reports and/or incorporating the process into other town duties as appropriate.

5.2 Any retail or grocery store distributing plastic checkout bags in violation of this bylaw shall be subject to a noncriminal disposition fine as specified below. Any such fines shall be paid to the Town of Saugus.

Violation of the Plastic Bag reduction Bylaw

- 1) Penalty: First Offense – Warning; Second Offense - \$50 per day; Third an each subsequent offense - \$100 per day.
- 2) Enforcing persons; Board of Health Agent.

Section 6. Severability

If any provision of this bylaw is declared invalid or unenforceable the other provisions shall not be affected thereby.

Non-substantive changes to the numbering of this bylaw may be permitted in order that it be in compliance with the numbering format of the Town of Saugus Bylaws, or take any other action related thereto.

Article 16. To see if the Town of Saugus will vote to approve a new by-law by adopting a General Bylaw entitled “Polystyrene Food Container Reduction Bylaw”.

The general purpose and intent of this bylaw is as follows: Polystyrene contains dangerous substances which when heated release toxic chemicals that be carcinogenic. Elimination polystyrene food and beverage containers is in the best interest of the health and welfare if the inhabitants of the Town of Saugus. Foam polystyrene food and beverage containers form a significant portion of the solid waste that adds to the tonnage being incinerated. Polystyrene is not a biodegradable or compostable, and is generally not recyclable. (Ann Devlin, President, Saugus Action Volunteers for the Environment).

Proposed Bylaw:

Section 1. Purpose and Intent

Polystyrene contains dangerous substances which when heated release toxic chemicals that be carcinogenic. Eliminating polystyrene food and beverage containers is in the best interest of the health and welfare of the inhabitants of the Town of Saugus. Foam polystyrene food containers form a significant portion of the solid waste that adds to the tonnage being incinerated. Polystyrene is not biodegradable or compostable, and is generally not recyclable.

Section 2. Definitions

2.1 “*Disposable Food Service Container*” means single-use disposable products for serving or transporting prepared, ready-to-consume food or beverages. This includes but is not limited to plates, cups, bowls, trays and hinged or lidded containers.

2.2 “*Food Establishment*” means an operation that stores, prepares, packages, serves, vends, or otherwise provides food for human consumption. Food Establishment shall include any fixed or mobile place, structure or vehicle whether permanent, transient, or temporary, private, public or non-profit, routinely serving the public; or any other eating and drinking establishment or place in which food or drink is prepared for sale or for service to the public on the premises or elsewhere. School cafeterias are included in this ordinance.

2.3 “*Polystyrene*” means and includes blown polystyrene and expanded and extruded foams (sometimes called “Styrofoam”, a Dow Chemical Do. Trademarked form of EPS insulation) also referred to as expanded polystyrene (EPS), which are thermoplastic petrochemical materials utilizing a styrene monomer and processed by any number techniques including, but not limited to, fusion of polymer spheres (expandable bead polystyrene), injection molding, form molding, and extrusion-blow molding (extruded foam polystyrene); and in this bylaw is referenced as “Foam Polystyrene is generally used to make cups, bowls, plates, trays, clamshell containers, meat trays and egg cartons and is identified by recycling code #6.

2.4 “*Prepared Food*” means any food or beverage prepared on the Food Establishment’s premises for consumption on the premises or elsewhere, using any cooking or food preparation technique. This does not include any raw uncooked meat, fish or eggs unless provided for consumption without further preparation.

2.5 BOH means the Board of Health or Board of Health’s Agent.

2.6 This bylaw shall be known as the *Polystyrene Food Container Reduction Bylaw*.

Section 3. Use Regulations

Except as provided herein, Food Establishments are prohibited from dispensing Prepared Food to customers in Disposable Food Service Containers made from Foam Polystyrene.

Section 4. Effective Date

This bylaw shall take effect six (6) months following approval of the bylaw by the Attorney general or January 1, 2020, whichever is later. Upon application of the owner or the owner's representative, the Board of Health may exempt a food establishment from the requirements of this section for a period of up to six (6) months upon a finding by the Board of Health that (1) the requirements of this section would cause undue hardship; or (2) a food establishment requires additional time in order to draw down an existing inventory of foam polystyrene disposable food service containers.

Section 5. Enforcement

5.1 Enforcement of this bylaw shall be the responsibility of the Board of Health. The Board of health shall determine the monitoring process to be followed, which may be limited to responding to citizen reports and/or incorporating inspections into existing food establishment inspections.

5.2 Any food establishment in violation of this bylaw shall be subject to a non-criminal disposition fine as specified below. Any such fines shall be paid to the Town of Saugus.

Violation of the Polystyrene Food Container Reduction Bylaw

- (1) Penalty: First Offense – Warning; Second Offense - \$50 per day; Third and each subsequent offense - \$100 per day.
- (2) Enforcing persons: Board of Health or its Agent.

Section 6. Severability

If any provision of this bylaw is declared invalid or unenforceable the other provisions shall not be affected thereby.

Non-substantive changes to the numbering of this bylaw may be permitted in order that it be in compliance with the numbering format of the Town of Saugus Bylaws, or take any other action related thereto

Article 17. To see if the Town will vote to authorize the Town Treasurer, with the approval of the Saugus Board of Selectmen to raise and appropriate by borrowing or otherwise, a sum of money for the purpose of funding for the paving of, Cliff Road and Anderson Way. (Ruth Babcock)

Article 18. To see if the Town will vote to amend the Town of Saugus Bylaw 602.13. (Ronald Witten, Town Meeting Member Precinct 1)

Current By-Law

603.13 No person shall drink any alcoholic beverage as defined in G.L. c. 138, s.1, or possess an opened container full or partially full of any alcoholic beverages, while on, in or upon any public

way, upon any way in which the public has a right of access, in any place to which members of the public have access as invitees or licensees, in any park or playground, conservation area or recreation area or on private land or place without consent of the owner or person in control thereof. Violators may be arrested without a warrant, so long as probable cause of a drinking violation exists. Any vehicle used, or found in violation of this section may be towed at the expense of the owner and under the direction of the Police Department. Those persons found in violation of this By-law shall forfeit and pay for each offense a fine of Two Hundred (\$200.00) dollars. (Article 28 of the 2003 Annual Town Meeting held on May 13, 2003).

Proposed Amended By-law.

603.13 No person shall drink any alcoholic beverage as defined in G.L. c. 138, s.1, or possess an opened container full or partially full of any alcoholic beverages, nor shall they smoke or consume marijuana as defined in G.L. c94c s.1, while on, in or upon any public way, upon any way in which the public has a right of access, in any place to which members of the public have access as invitees or licensees, any sidewalk, in any park or playground, conservation area or recreation area, school yard, beach or bike/walking path or on any town owed property or on private land or place without consent of the owner or person in control thereof. Violators may be arrested without a warrant, so long as probable cause of a drinking violation or a marijuana smoking or consumption violation exists. Any vehicle used, or found in violation of this section may be towed at the expense of the owner and under the direction of the Police Department. Those persons found in violation of this By-law shall forfeit and pay for each offense a fine of Two Hundred (\$200.00) dollars

Article 19. To see if the Town will vote to appropriate a sum of money to reimburse the Saugus Housing Authority \$14,409.28, an expense that the Authority paid due to a water break February 2, 2017. The Town routinely absorbs the cost of water main breaks even in unapproved roads wherever they may occur. The Town decided at the time to not pay this charge and the Authority paid the bill expecting to be reimbursed by the Town. (Will Stewart, SHA Commissioner and Town Meeting Member Precinct 3)