

Saugus Board of Selectmen
December 10, 2013

*****MEETING MINUTES*****

AGENDA

Saugus Board of Selectmen
December 10, 2013 at 7:30 PM
Town Hall Auditorium
298 Central Street

- 1.) Call to order.
- 2.) Invited Guests: 0
- 3.) Approval of minutes: November 26; & December 3, 2013
- 4.) PUBLIC discussion: Elm St. Bridge / P. Rupp Consultant & CDM
- Mr. Johnson re: Elm St. Bridge.
- 5.) Correspondence:
 - 1.) MPO re: FFY's 2015-2018 Transportation Improvement Program.
 - 2.) Cemetery Commission re: use of cemetery garage.
 - 3.) Cemetery Commission re: request to insert Article into next Special/Annual Town Meeting Warrant.
 - 4.) 2014 License renewals.
- 6.) Citizen Comment Period
- 7.) Continued Hearings:
 - Home Town Pizza (continued from: 10/22/13; 11/12/13; 11/26/13 & to the call of the Chair.)
 - Show Cause: Personal Chef Co. (from 11/26 & 12/3/13)
 - Show Cause: Chapman's Auto Body; Burger King; J & M Italian; Qdoba; and Victor's. (from 11/26 & 12/3/13)
- 8.) Public Hearings: 0
- 9.) Town Manager's Report
 - * Medical Marijuana By-Law update.
 - * Opiate prevention program grant update
- 10.) Member's Comment Period
- 11.) Citizen Comment Period

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The Saugus Board of Selectmen met on December 10, 2013 at 7:30 PM in the Town Hall Auditorium, 298 Central Street. Present: Selectmen Paul Allan, Stephen Castinetti, Maureen Dever, Debra Panetta and the Chairman Ellen Faiella. The Town Manager Scott Crabtree was also present.

Invited Guests: None this evening.

Approval of minutes: November 26; & December 3, 2013

Ms. Panetta moved to approve the November 26 minutes. Ms. Dever offered a correction / amendment with no objection. Chair seconds 5-0.

Mr. Castinetti moved to approve the December 3 minutes. Chair seconds 5-0.

PUBLIC discussion: Elm St. Bridge / P. Rupp Consultant & CDM

- Mr. Johnson re: Elm St. Bridge.

The Chair said the public will have an opportunity to speak. The Manager gave a brief history of the grant application to address flooding and said this is the 4th public hearing to get input from the Board, residents and the public and introduced Paul Ross & Jean Roach from CDM, Paul Rupp consultant and DPW Director Brendan O'Regan. Mr. Ross presented a power point explain the conditions. Ms. Roach described the river, storm frequency and tributary drainage system. Mr. Ross showed pictures of damage caused from flooding and explained the flood mitigation grant and said the Town needs to decide to remove the bridge to improve drainage. Ms. Panetta asked how many homes are impacted. Mr. Ross said 20-25. Ms. Panetta asked if this will impact the Hamilton St. Bridge and asked if there is anything else they can do. Mr. Ross said there isn't anything else that will meet FEMA grant requirements and feels there will be a minimal impact downstream. Ms. Panetta asked if a traffic study was done. Mr. Ross said it was submitted with application. Ms. Dever said there are three options and asked if they have cost estimates for the other options. Mr. Ross said no. Ms. Dever said it is difficult to make a decision without information and asked for copy of presentation and traffic study. Mr. Ross said yes. Mr. Castinetti asked time constraints. Mr. Ross said by the end of year. Mr. Castinetti said that's not a lot of time and asked how quickly they could get cost estimates on other options and said he feels uncomfortable making a decision without information. Mr. Ross said there's not enough time for detailed analysis. Mr. Castinetti asked how long he has worked on this. Mr. Ross said application was submitted November 2010 and started a few months before that. Mr. Castinetti asked why he didn't have cost estimates. Mr. Ross said that was not the exercise CDM was hired to do. Ms. Panetta asked if there was any thought to a culvert at the bridge. Mr. Ross said a relief culvert was done at Shute Brook and that is expensive and don't think there's enough room. Ms. Panetta asked about utilities on the bridge. Mr. Ross said a water line and gas line. Ms. Dever asked if the grant covers road reconfiguration and utility relocation. Mr. Ross said utilities are eligible. The Chair said regarding alternatives that it would be helpful if they had cost estimates and said as he stated in the presentation this is the most cost effective way, but has no documentation to that.

The Chair said the Board received some letters and read: Kimberly Politano, TMMP7 opposed to bridge being removed; Marina & Larry Whittier, 108 Saville St. in favor of removing bridge; and Fae Saulenas, 26 Beachview Ave.

The Chair said they are requesting the Board make a decision within weeks of decision needed. Mr. Ross said they met with FEMA reps in the field and they indicated by year end, but can ask them for "drop-dead" date. Mr. Castinetti agreed and said to be held to a deadline is unfair they do not have the opportunity to weigh options. Ms. Dever said she's not comfortable without information and a deadline but nothing in writing and this is the last meeting before year end. The Chair asked if FEMA / MEMA are flexible. Mr. Rupp said not really and said they wanted to get a sense on the Town's interest because they have a waiting list for funding and doesn't believe it will be much more than January. The Chair said she doesn't want to pass up opportunity to get funds, but this doesn't give much time for a decision to be made without information on options and said the Board has two scheduled meetings in January and asked they get the information to satisfy Board questions.

Lee Johnson, 24 Palmetto St., said he has been a resident for 81 years and knows the river well and said homes were built on swamp and said that bridge takes all of Precinct 5 and said he questioned this on the Hamilton St. project and said taking the bridge out will not eliminate water in his cellar.

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Jack Perry, 7 Innis St., said he can't afford more water problems and described bridge replacement project in Minnesota and said 6 years ago it was recommended to widen the bridge and said whatever it takes, do it.

Tricia Johnson, TMMP 7, said she received calls asking her to oppose the bridge being removed.

Brian Costin, TMMP 7, said everyone is empathetic to flooding and asked how much out of the \$1.14million how much is bridge removal cost and drainage cost and said the bridge should be replaced. Mr. Ross said drainage is around half or more of total cost.

Ed Jeffrey, 21 Lothrop St., said there's a problem that needs to be addressed and if he has to be inconvenienced to help folks for the greater good, fine and asked when they are developing the plan would anything prohibit them to think and plan ahead to design for future bridge or footbridge. Mr. Ross said that is a good point and nothing would prevent replacing the bridge down the road.

Ron Meuse, 6 Alvah St., said there has been sewer backup and agreed they should take bridge down and plan to replace it later.

Fred Moore, 6 Ella St., noted the non-auto mobility difficulty and asked they try to find options.

Al Rodenhiser, 3 Cronin Rd., said the Hamilton St. Bridge is 20' wide and said if they do this how wide will the river be. Mr. Ross said there is no detailed survey at this point.

Dan McNeil, 4 Edison St., said he saw the flooding and has seen water coming up and over the Hamilton St. Bridge and when they reinforced the bridge they poured footings that made it 4' narrower.

Joan Leblanc, Saugus River Watershed Council explained the organization is involved in a lot of projects on the river and said this bridge has upper influence of the tide and said nothing will solve all flooding problems but this is a great opportunity to receive FEMA money to remove the bridge and said dredging is difficult if not impossible.

Fritz White, 7 Sterling Ave, former member of SEMA said he is familiar with the problem but doesn't know the impact if the bridge is taken out and asked if they do a project to do it right and should look at the full impact.

Brenton Spencer, TMMP5, said he received more calls on this issue and sympathizes with those that live there, but doesn't want the bridge removed and said the Town needs to look at drainage system.

Peter Rossetti, Planning Board, said the Planning Board has scheduled a public hearing on the proposed mills district By-Law.

Chet Stentiford, 47 Newhall Ave., said the Board must make a major decision in a short time and suggested we rectify the problem on our own.

Peter Manoogian, TMMP10, said it was stated removing the bridge is the only alternative FEMA will fund and the Board has questioned the cost of options and asked how they came to a decision without cost estimates. Mr. Ross explained process for FEMA eligibility. Ms. Roach said to clarify they did look at alternatives and explained. Mr. Manoogian asked if there's a cost share. Mr. Ross said 25%. Mr. Manoogian said he likes the suggestion to remove bridge and replace later.

Jim Blanchard, 61 Holland St., said he was involved in the Mother's Day flood and feels if you remove the bridge it will move the problem downstream and asked they do studies and do it right.

Donna McNeil, 4 Edison St., said this started in 2010 and they are just finding out now.

Marilyn Maravelias, 105 Saville St., explained flooding in her home.

Gene Decareau, 388 Central St., said it bothers him this has been studied for 3 years and the Board has 3 weeks to make a decision and challenged them to forget the money and do what's right for the whole community.

Robert Robertson, 5 Innis St. said the bridge is dangerous and should be replaced.

Tricia Johnson asked the deadline to re-apply if we don't go with this for more time. Mr. Rupp said this is the second application and there's a wait list. Mr. Ross said the process was delayed due to the government shut-down.

Dennis Gould, 6 Serino Way, said this is a tough problem and suggested if they take the bridge out they can prep for a future bridge.

Monica Delima, 104 Saville St., said flooding is scary and said this is not the first meeting on this and said something needs to be done.

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Stephen Horlick, 6 Bacon Dr., said when the Board discussed this last year there were 2 concerns, Hamilton Bridge handling increased flow and drainage study for the whole town. Ms. Roach pointed out what is happening now is an uncontrolled spillway and by opening it there will be a more controlled flow to the next bridge.

Mr. Strautin, 93 Saville St., described the intersection and it is dangerous.

The Chair asked that information requested be sent to the Board and asked they inquire about the gap in time added to the end for additional time. Mr. Rupp said he will ask. Mr. Ross said information is limited and will be ballpark estimates. Ms. Panetta asked for copy of traffic study and cost benefit analysis. Mr. Ross said a traffic study and hydraulic study are major undertakings and cannot have them in short order. The Chair asked about traffic study in application. Mr. Ross said it was a traffic count not full study. Mr. Castinetti asked likelihood of small streams backing up and groundwater up. Mr. Ross said this proposal will mitigate the problem not eliminate it. Mr. Castinetti expressed concern with causing problems downstream. Mr. Ross said the application plan is conceptual and there will be more details and studies done during design. Ms. Dever said a few weeks ago the Chair said she wanted to do things correctly not quickly and said she cannot make an informed decision without additional information. Mr. Allan said it seems we need to look at entire river and agreed he doesn't want to move the problem somewhere else. The Chair thanked them for coming and said hopefully they will be given a date and this will be put on a January agenda.

Chair called recess at 9:40 PM.

Chair called the meeting back to order at 9:48 PM.

Correspondence:

1.) MPO re: FFY's 2015-2018 Transportation Improvement Program.

The Manager said Mr. Rupp and DPW Director are present and said we do have plans for proposal going forward. Mr. Rupp said Saugus is collaborating with Revere & Malden to create Rte. 1 improvement project and suggested the communities put out a joint statement at the meeting tomorrow. The Manager said he feels it's in the best interest of Saugus.

The Manager said while Mr. Rupp is here he can speak to the casino question. Mr. Rupp said there are draft regulations but they are on hold and applicants have voluntarily reached out to communities and said there's no deadline on the process. The Chair asked about the 10 day to be recognized. Mr. Rupp said that is from when an application is filed and it is early in the process. Ms. Dever asked if this phase is a pre-application. Mr. Rupp said yes the qualification stage and application comes later. Mr. Allan asked if a Selectmen representative should be involved. The Manager said yes. Mr. Rupp also explained a pool of money to be generated by casinos that will fund communities impacted. The Chair said she will call to change contact information. The Manager asked the new DPW Director be included as contact and to copy to Mr. Rupp.

2.) Cemetery Commission re: use of cemetery garage.

Mr. Gould was present and explained history of the commission and said stuff was going on not conducive to operations and said he met with the Manager and spoke with the AG's Office that suggested he write a letter to the Board and did. Mr. Castinetti asked the Manager's intentions. The Manager said he is looking at options and are making improvements to work area. The Chair said she hopes they can come together and having the stakeholders part of the discussion in the decision making process and requested an update in March. Ms. Dever said she saw the storage containers and equipment out in the elements and there's a need to have this addressed. The Chair noted the Board received an e-mail from the Manager regarding the Emergency Management move.

3.) Cemetery Commission re: request to insert Article into next Special/Annual Town Meeting Warrant.

Mr. Gould said this request has been in every budget for 10 years and has been cut from the budget each year and described special piece of equipment needed so as not to disturb graves. Ms. Panetta asked what they would do with old backhoe. Mr. Gould said he doesn't know if there is any value. The Manager said the DPW is creating a list of equipment and is looking at the cemetery as well. Ms. Panetta said she agrees there should be a capital plan. Ms. Dever said she is a big believer in Town Meeting and if

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someone asked to put an article before Town Meeting, let Town Meeting decide. Mr. Allan asked if purchased if it could be used for other things. Mr. Gould said yes.

Ms. Dever moved to insert the Article into the next Special or Annual Town Meeting Warrant.
Chair seconds 5-0.

2014 License renewals.

Mr. Castinetti moved to approve the following establishments' License / Permits for 2014 with same conditions / restrictions:

2014 All Alcoholic Common Victualer's License

Border Café,	819 Broadway	Entertainment
Continental,	266 Broadway	Entertainment
Donatello's,	44 Broadway	Entertainment
Hammersmith	330 Central St.	Extended Hours of Operation Permit (CV only)
Hooters,	1143 Broadway	Entertainment
Prince,	517 Broadway	Entertainment & 2 coin operated devices

Beer 2014 & Wine Common Victualer's License

Angela's,	890 Broadway,	Entertainment
Caffe' Di Calabria,	184 Broadway	Cordials & Liqueurs & Entertainment

2014 All Alcoholic Common Victualer's Club

ITAM,	1 Beachview Ave.	Entertainment & 1 coin operated device
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2014 All Alcoholic Package Store License

Amato's,	206 Lincoln Ave.
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2014 Class I Auto Dealer's License

York Ford	1481 Broadway
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2014 Class II Auto Dealer's License

Loan Express,	160 Broadway
Noah's Motors,	622 Broadway
Pro Collision Center,	233 Hamilton St.

2014 Miscellaneous Licenses

Razor's Edge,	304 Lincoln Ave.	Entertainment
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Chair seconds 5-0.

Ms. Panetta moved to approve the following establishments' License / Permits for 2014 with same conditions / restrictions:

2014 Common Victualer's License

Bacci's ,	4A Howard St.	
Caffe Il Sogno,	53 Jackson St.	Entertainment
Charlie's,	1-3 Main St.	Entertainment
Dunkin Donuts,	35 Lincoln Ave.	
Dunkin Donuts,	508 Lincoln Ave	
Five Guys,	180 Main St.	
Golf Country,	860 Rear Broadway	Golf / Driving Range
Lena's,	496 Lincoln Ave.	
Lendy's Deli,	653 Broadway	
Nick's Place,	308 Central St.	Entertainment
Nicky's Pizza Time,	361 Lincoln Ave.	
Peter's Pizza,	48 Hamilton St.	
Santoro's,	259 Essex St.	
Soc's,	67 Lynn Fells Parkway	Trans. Vendor/seasonal
Subway,	124 Broadway	
Subway,	508 Lincoln Ave.	
Target,	400 Lynn Fells Parkway	
Tumble Inn,	488 Lincoln Ave.	Entertainment & Extended Hours of Operation

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2014 Valuable / Used Goods License

Belden Jewelers, 1201 Broadway

2014 Extended Hours of Operation Permit

Cliftondale Santos, 2 Essex St.

Stop & Shop, 164 Main Street

Chair seconds 5-0.

Ms. Dever moved to approve the following establishments' License / Permits for 2014 with same conditions / restrictions:

La Vita Mia 36 Hamilton St. All Alc. Common Vic. & Entertainment

Maddy's, 1639 Broadway All Alc. Common Vic. & Entertainment

American Legion, 44 Taylor St. All Alc. Club Common Vic.

Final Finish, 24 Rear Bennett Highway Class II Auto Dealer's

Jimbo's Auto Body, 136 Broadway Class II Auto Dealer's

T.J.'s Auto, 124 Rear Ballard St. Class II Auto Dealer's

Mets Cab, 3 Taxi Cabs

Superior Amusements, 1201 Broadway, 2 coin operated devices

Savvy Hair, 4 Howard St. Entertainment

Home Town Pizza, 23 Essex St. Common Victualer's

Lincoln Ave Pizza, 240 Lincoln Ave Common Victualer's

Rte. 1 Mini Golf, 1565 Broadway, Ent, 23 coin operated devices & golf

J & S Jewelry, 406 Lincoln Ave. Valuable / Used Goods

Global, 1123 Broadway Extended Hours of Operation Permit

Chair seconds 5-0.

Mr. Allan moved to approve the following establishments' License / Permits be renewed for 2014 with the same conditions / restrictions pending missing documents / information be submitted before license / permit be issued:

2014 All Alcoholic Common Victualer's License

Applebee's, 214 Broadway Entertainment

La Vita Mia 36 Hamilton St. Entertainment

Maddy's, 1639 Broadway Entertainment

Old Saugus, 114 Broadway Entertainment

Out of Asia, 1268 Broadway

Sake, 670 Broadway Entertainment

2014 All Alcoholic Common Victualer's Club

American Legion, 44 Taylor St.

Fox Hill, 114 Ballard St. Entertainment & juke box

2014 Common Victualer's License

Iron Diner, 325 Main St. Entertainment

Square One Mall, 1201 Broadway Entertainment

Starbucks, 723 Broadway Extended Hours of Operation

Honey Baked Ham, 405 Broadway

Chair seconds 5-0.

Mr. Castinetti moved the Board vote to Take no action but vote to renew any application that were received and compete by December 31st at the January 7th meeting. Chair seconds 5-0.

Citizen Comment Period

The Chair said they will take this up after the following business.

Continued Hearings:

- Home Town Pizza (continued from: 10/22/13; 11/12/13; 11/26/13 & to the call of the Chair.)

- Show Cause: Personal Chef Co. (from 11/26 & 12/3/13)

-Continued "Show Cause" Hearing on: Personal Chef Co., Inc., 124 Broadway -Property owner: Broadway Realty, Concord MA To deny, revoke or suspend all licenses and permits held for failure of the

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property owner and / or tenant listed above to pay municipal taxes / fees owed for more than 12 months. (from 11/26/13 & 12/3/13)

Ms. Panetta moved to close the hearing. Chair seconds 5-0.

Ms. Dever moved the Board vote to deny and revoke the Beer and Wine Common Victualer's license held by Personal Chef Co, Inc, 124 Broadway, for failure to pay municipal taxes, and other municipal charges for more than twelve months, and for not entering into a payment plan for payment of back taxes and or municipal charges that are more than twelve months in arrears.

This action is based on reports of the Town of Saugus Collector of Taxes and after more than four notices was sent from the Selectmen's Office with no response from the Licensee.

Chair seconds 5-0.

Ms. Dever said upon advice of the Town Manager, moved the Board vote to not renew the Beer and Wine Common Victualer's license held by Personal Chef Co, Inc, 124 Broadway, for failure to pay municipal taxes, and other municipal charges for more than twelve months, and for not entering into a payment plan for payment of back taxes and or municipal charges that are more than twelve months in arrears and for failure to submit an application for renewal. Chair seconds 5-0.

-Continued "Show Cause" Hearing on: Chapman Auto Body, Inc. d/b/a Chapman Auto, 16 Rear Hamilton Street -Property owner: SOR & S Realty Trust, 16 Hamilton St.; Burger King Corporation, d/b/a Burger King, 720 Broadway -Property owner: S One Realty Trust, Lynnfield MA; DP Purveyors, Inc. d/b/a J & M Italian, 340 Central St.-Property owner: J & M Chirichiello, 3026 Founders Way; ZRC Operations Company d/b/a Qdoba Mexican Grill, 366 Broadway;-Property owner: Shops at Saugus, LLC, San Antonio TX; Victor Grillo d/b/a Victor's Italian Cuisine, 1539 Broadway;-Property owner: Two Amici Realty, LLC, Malden MA>To deny, revoke or suspend all licenses and permits held for failure of the property owner and / or tenant listed above to pay municipal taxes / fees owed for more than 12 months. (from 11/26/13)

The Chair said J & M has paid and others have contacted the office but do not have conformation of payment tonight.

Ms. Panetta moved to continue the hearing to January 7, 2014 in hopes the license holders pay by December 31, 2013. Chair seconds 5-0.

Public Hearings: None this evening

Citizen Comment Period

Peter Manoogian said he is here as a member of the Aggregate Post Closure Committee requesting the Board make appointment to fill vacancy on the Committee and noted they have been working on a draft report and want to schedule a meeting Dec. 18th.

Town Manager's Report

Medical Marijuana By-Law update: said Town Meeting approved a temporary moratorium that expires 9/30/14 and are in process drafting zoning and regulations by March. Ms. Dever asked if the goal was to have a By-Law for the Annual Town Meeting. The Manager said yes.

Opiate prevention program grant update: said a community assessment has been completed. Ms. Dever asked if there are any additional community meetings scheduled. The Manager said he will check.

Member's Comment Period

Ms. Panetta said the Saugus River Watershed Council held their annual event last night and Michelle Blee, Eric Devlin and Pam Harris were given River Stewardship Awards and congratulated them.

Ms. Panetta wished everyone happy holidays and thanked everyone that came out for the stroll and tree lighting and said she heard many compliments about the wreaths.

Mr. Castinetti said he would like the Board to recognize the SHS Sports Hall of Fame inductees for this year with citations.

Mr. Castinetti wished all happy holidays.

Mr. Allan commented that the tree lighting was outstanding and wished everyone happy holidays.

Ms. Dever requested updates for January meeting on flood mitigation plan; on meeting with Attorney Zaleznik; on deed restrictions at Weylu's property. The Manager said those requests have been sent out

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and will follow up. Ms. Dever requested update on updating the Board's website. The Chair said she has not talked to IT yet.

The Chair asked Mr. Castinetti to reach out to Attorney Zaleznik to arrange a meeting with the Board. The Chair wished all happy holidays.

The Chair said this Board has been on board for 5 weeks and she has heard tremendous feedback and wanted to pass on the compliments.

Mr. Castinetti moved to adjourn. Chair seconds 5-0.

Meeting adjourned at 10:52PM.

Respectfully submitted,

Wendy Reed, Clerk