

Saugus Board of Selectmen
January 10, 2012

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

AGENDA
Saugus Board of Selectmen
January 10, 2012, 7:00PM
Town Hall Auditorium
298 Central Street

1. Call to order.
2. Invited guests: 7:00PM Audit Report re: library.
3. Approval of minutes: November 29; December 6; & December 13; & December 20, 2011.
4. Enhanced Citizen's Forum
5. Continued Hearings:
 - McKay Construction S-2 from: 10/25/11; 11/15/11; 11/29/11; 12/13/11; **TO: 1/10/12**
 - **“Show Cause” Hearing on:** PAM, Inc. d/b/a LAVO Ristorante, 114 Broadway.
FROM: 11/29/11; 12/06/11; 12/13/11 **Held in abeyance / bankruptcy.**

PUBLIC HEARINGS:

- 8:00PM Verizon for permission to erect and maintain (1) jointly owned pole # P4/63, wires, cables with anchors, guys and necessary equipment & fixtures on Ballard Street as shown in plan no. 2 dated 11/15/2011
- 8:10PM Fat Fingers, LLC d/b/a Fat Fingers Pizza, Ice Cream & Gelato, for Common Victualer's License and for Entertainment License to be located at 343 Main St.
- 8:20PM Giovanni's, 194 Broadway, for a variance to waive the external grease trap requirement.
- 8:30PM 7-Eleven, for Common Victualer's License to be located at 32 Hamilton Street
- 8:40PM Cyber Palace, for Common Victualer's License and for Entertainment License to be located at 184 Broadway.

Correspondence

- 1.) FY 13 Selectmen's Budget request. (From 1/3/12)
- 2.) DPW Director re: heavy trucking on Eustis St. (From 1/3/12)
- 3.) Atty. Russell re: request to vacate foreclosure of 23 High St.
(Tabled 3/22/11 correspondence: Police Dept. re: Angela's liquor inspection)

Manager's Report
Member's Motions
Enhanced Citizen's Forum

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The Saugus Board of Selectmen met on January 10, 2012 at 7:00PM in the Town Hall Auditorium, 298 Central Street. Present: Selectmen Stephen Castinetti, Stephen Horlick, Debra Panetta, Michael Serino and the Chairman Scott Crabtree. Temporary Town Manager John Vasapolli was also present.

The Chair called the meeting to order and welcomed Mr. Vasapolli to his first meeting as Town Manager and asked item #3 be taken out of order.

Mr. Castinetti moved to take approval of minutes out of order. Chair seconds. Vote: 5-0.

Approval of minutes: November 29; December 6; & December 13; & December 20, 2011.

Mr. Castinetti moved to approve minutes of November 29, 2011. Chair seconds. Vote: 5-0.

Mr. Serino moved to accept minutes of December 6 regular meeting. Chair seconds. Ms. Panetta offered a correction. Vote: 5-0 as amended.

Mr. Serino moved to accept minutes of December 13th interviews. Chair seconds. Vote: 5-0.

Mr. Serino moved to accept minutes of December 13 regular meeting. Chair seconds. Ms. Panetta offered several corrections. Vote: 5-0 as amended.

Mr. Castinetti moved to approve minutes of December 20. Chair seconds. Vote: 5-0.

Enhanced Citizen's Forum None.

The Chair introduced DJ Napolitano from Congressman Tierney's Office. Mr. Napolitano said he has worked with some Selectmen and came to let the Board know he may be contacted as a resource and wished the new Town Manager best of luck. Mr. Horlick thanked him and noted Tierney's Office helped with the lobstermen issue and the Bly Bridge and thanked him for being available and said he's looking into grants for waterways projects. Mr. Serino said he has known him for many years and sent his thanks to the Congressman and congratulated Mr. Napolitano on his election. The Chairman congratulated him on a successful campaign and thanked him for coming. Mr. Napolitano said to let him know if there's anything they need.

Invited guests: 7:00PM Audit Report re: library.

The Chairman suggested an executive session to discuss library report and personnel issues.

Mr. Horlick moved the Board vote to go into executive session to discuss library audit report and personnel issues those to be present Selectmen Castinetti, Horlick, Panetta, Serino and Crabtree; John Vasapolli; auditor; Town accountant; treasurer and Diane Wallace. Chair seconds.

Roll call vote: Mr. Castinetti, yes; Mr. Horlick, yes; Ms. Panetta, yes; Mr. Serino, yes; Mr. Crabtree, yes.

The Board entered into executive session at 7:18PM.

The Board reconvened in open session at 9:14PM.

The Chair apologized for the wait and said the Board discussed the audit of the library and interim director and based on preliminary findings they continued investigation and additional information was received in executive session and recommends the Board schedule a disciplinary hearing on Ewa Jankowski.

Ms. Panetta moved to schedule a disciplinary hearing on Ewa Jankowski. Chair seconds.

Vote: 5-0.

Continued Hearings:

- McKay Construction S-2 from: 10/25/11; 11/15/11; 11/29/11; 12/13/11; **TO: 1/10/12**

The Chair said a letter was submitted requesting to continue.

Mr. Castinetti moved to continue the hearing. Chair seconds. Vote: 5-0.

Continued hearings:

- **"Show Cause" Hearing on:** PAM, Inc. d/b/a LAVO Ristorante, 114 Broadway.

FROM: 11/29/11; 12/06/11; 12/13/11 **Held in abeyance / bankruptcy.**

The Chair asked if any new information. Their clerk said no. The Chair said it will remain held in abeyance.

Ms. Panetta moved to continue to January 31st. Chair seconds. Vote: 5-0.

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8:00PM Verizon for permission to erect and maintain (1) jointly owned pole # P4/63, wires, cables with anchors, guys and necessary equipment & fixtures on Ballard Street as shown in plan no. 2 dated 11/15/2011.

Joseph Gleason Right of Way was present and explained the need for pole for service to a new business.

Any in favor or in opposition? None.

Mr. Serino moved to close the hearing. Chair seconds. Vote: 5-0.

Mr. Serino moved to grant Verizon permission to erect and maintain (1) jointly owned pole # P4/63, wires, cables with anchors, guys and necessary equipment & fixtures on Ballard Street as shown in plan no. 2 dated 11/15/2011. Chair seconds. Vote: 5-0.

Mr. Gleason explained he received a request last time he was before the Board and apologized that the issue hasn't been addressed but he will make sure the repair is done.

The Chair requested correspondence # 3 be taken out of order.

Mr. Horlick moved to take correspondence #3 out of order. Chair seconds. Vote: 5-0.

Correspondence

3.) Atty. Russell re: request to vacate foreclosure of 23 High St.

Collector / Treasurer Wendy Hatch was present and explained the foreclosure and the rehab project and said she is amenable to it as agreed upon. Atty. Frank Russell, 11 Dartmouth Street, Malden was present and said he represents the receiver. Mr. Castinetti said it is then sold at auction and asked if auction is restricted. Atty. Russell said this won't be a restricted sale. Mr. Serino said he would include the deadline in the motion. Ms. Hatch said that's fine.

Mr. Serino moved the Board vote to allow the judgment for foreclosure dated October 20, 2011 to be vacated and title of the property at 23 High Street be returned to Madeline A. Alexson, guardian of the estate of Michael Leccese as stated on the foreclosure judgment. That the Town of Saugus will enter into a forbearance agreement with Chelsea Restoration Corporation, as the Receiver appointed by the MA Attorney General. That if all terms of the agreement are not met by July 31, 2012 the Treasurer will initiate a new foreclosure proceeding in Land Court. Chair seconds. Vote: 5-0.

8:10PM Fat Fingers, LLC d/b/a Fat Fingers Pizza, Ice Cream & Gelato, for Common Victualer's License and for Entertainment License to be located at 343 Main St.

Dale Sarno was present and explained a 50's theme restaurant with a juke box that's not coin operated and will be shut off by 9:30pm. Mr. Horlick asked number of seats. Mr. Sarno said 18. Mr. Horlick asked if entertainment was TV and juke box. Mr. Sarno said yes. Mr. Horlick asked house of operation. Mr. Sarno said 10:30am to 9:30pm. Mr. Horlick asked 7 days a week. Mr. Sarno said yes. Ms. Panetta asked what he will serve and if he had a menu. Mr. Sarno said pizza, subs, ice cream & gelato. Ms. Panetta asked if he had a business plan and if he has owned a restaurant before. Mr. Sarno said he has worked in the business and has been a partner and said he is opening a chain at four locations and this is the first.

Any in favor or in opposition? Bob Long, 26 Bennett Avenue said it's good to see a business go in there and only suggest if the Board grants the entertainment that the juke box be off by 9:30pm and no outside speakers and wished him the best. Mr. Serino said the requested hours of operation are 10:30am to 9:30pm.

Mr. Serino moved to close the hearing. Chair seconds. Vote: 5-0.

Mr. Serino moved to grant the Common Victualer's License and Entertainment License to Fat Fingers, LLC d/b/a Fat Fingers Pizza, Ice Cream & Gelato, 343 Main Street with the following conditions: hours of operation 10:30AM to 9:30PM, Monday through Sunday; entertainment restricted to one juke box and one television; limit of 18 seats; and no external speakers. Chair seconds. Vote: 5-0.

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8:20PM Giovanni's, 194 Broadway, for a variance to waive the external grease trap requirement.

Attorney Nelson Chang, 47 Jackson Street was present with applicant Steve Konis, 778 Humphrey Street, Swampscott and explained location at Walnut Plaza and explained they are not proposing a traditional grease trap but a grease recovery system. Ms. Panetta asked if one or more. Mr. Konis said just one. Mr. Serino asked if the Board of Health looked at the system. Atty. Chang said if there are questions they can look at the applicant's other two locations that have this system. Ms. Panetta asked as a follow up question, since the Building Inspector, Board of Health and Plumbing Inspector commented if they were familiar with the system. Atty. Chang said the information was provided but he believes they are not aware of this type system. Ms. Panetta said she's uncomfortable when departments issue recommendation or comment and would like to get feedback from the experts on this proposed system. Mr. Castinetti read Board of Health comments and said reading the system's specs there may be a misunderstanding and would like to know how it performs. Atty. Chang said he could provide a demonstration. Mr. Castinetti said he hates to stall but would be more comfortable with more information. The Chair said they could continue and request Plumbing Inspector look at it.

Any in favor or in opposition? None.

Mr. Castinetti moved to continue the hearing. The Chair added: for further comments and research on the two other locations he has. Chair seconds. Vote: 5-0.

8:30PM 7-Eleven, for Common Victualer's License to be located at 32 Hamilton Street.

Gail Bagnera, franchise owner was present and explained the request for 2 tables with 4 seats. Mr. Serino asked how many seats. Ms. Bagnera said 4 chairs and 2 tables. Mr. Serino asked about extended hours. Ms. Bagnera said she has a Permit for 24 hours.

Any in favor or in opposition? None.

Mr. Serino questioned have seating from 2am to 6am. Mr. Castinetti said its only 4 chairs and doesn't think it's a big issue.

Mr. Horlick moved to close the hearing. Chair seconds. Vote: 5-0.

Mr. Horlick moved to grant the Common Victualer's License to 7-Eleven, 32 Hamilton Street with restriction of 4 seats. Chair seconds. Vote: 5-0.

8:40PM Cyber Palace, for Common Victualer's License and for Entertainment License to be located at 184 Broadway.

Attorney Robert Noonan was present with applicants Diane Losano, Greg Hayward and proposed manager Shawn Sbriglia and explained request and the proposed family run business noting the Losano family is a Saugus family and explained the purchase of internet time but they are applying for Common Victualer's to be able to serve customers coffee and snacks and are looking to make arrangement with a local business to prepare the food and explained entertainment is for 2 televisions and did submit floor plan and parking plan and hours of operation Monday – Thursday 10am to 12 midnight and Friday & Saturday 10am to 1am. Mr. Horlick read questions on application and asked what age group would be discriminated against. Mr. Hayward said he could amend the answer and was not sure what the question meant. Mr. Castinetti said he has concern and asked if not have food service why a Common Victualer's is needed. Atty. Noonan said they don't have an agreement yet. Mr. Castinetti said he has concern it may put a strain on a business that is struggling to stay open. Mr. Sbriglia said if that establishment wants to supply food they are willing to talk and they want all business there to succeed and said they haven't had time to work out or meet the neighboring businesses yet. The Chair asked if primary business is internet access. Mr. Sbriglia said the sale of internet time. The Chair read and asked about gifts. Atty. Noonan said the primary business is internet access for customers to access e-mail, check stocks, or play simulation games for free. Mr. Sbriglia said the free play sweepstakes is to get people in. The Chair asked where places with similar business model are located. Atty. Noonan said Lynnfield, Revere and a number of other communities and said this is not gaming. The Chair said at one point the Attorney General raided

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some establishments with similar model and found other elements were involved. Atty. Noonan said this is a family run business, a Saugus family and if there are violations there would be civil remedy. Ms. Panetta asked how they control access. Mr. Sbriglia said when a customer signs in on a computer the software will restrict. Mr. Hayward said the software won't allow download of music or movies. Ms. Panetta said she has 2 teenagers and sometimes kids just do a random search and asked what would prevent them from accessing something inappropriate. Mr. Hayward said its automatic and explained the software. Ms. Panetta asked about seating. Mr. Hayward said cubicle style, similar to staples and said public libraries and hotels sell internet time.

Any in favor or in opposition? Antonello Verdiglione, business owner at 184 Broadway said he talked to the landlord and he said no other coffee shops would go in there and said he's having a hard time and this would make it harder for his business.

Matthew Sbriglia, 4947 West Broadway, Manhattan commented that the gentleman should offer to make the coffee and snacks for them and that would enhance both businesses.

The Chair said he has concern understanding the business model and doesn't have enough information and said he doesn't want to bring a bad element to Saugus. Atty. Noonan said any business could abuse and if they do the Board can put them out of business and said this is a family run business. The Chair said it sounds like it could be a benefit to the community and he has to contemplate what is best for the residents and isn't sure he has enough information and would like to see other locations with this business model and asked where one is located. Mr. Hayward said he will get the information. Mr. Castinetti asked if they are willing to withdraw application for Common Victualer's. Mr. Hayward said if they can still serve, yes. Mr. Serino said he has concern with seating and adequate parking noting they need 12 spaces and would like to see a certified parking plan showing adequate parking for all business there. Mr. Horlick agreed. Mr. Serino said he wants to see the entertainment application amended and would like a number listed in capacity.

Mr. Serino moved to continue the hearing to January 31 and certified parking plan to be submitted. Chair seconds. Vote: 5-0.

Mr. Serino moved recess. Chair seconds. Vote: 5-0.

Meeting recessed at 10:38PM.

The Chair called the meeting back to order at 10:45PM.

Correspondence, continued

1.) FY 13 Selectmen's Budget request. (From 1/3/12)

Mr. Horlick moved to submit to Town Accountant. Chair seconds. Vote: 5-0.

2.) DPW Director re: heavy trucking on Eustis St. (From 1/3/12).

The Chair said he spoke with Town Counsel on alternate routes. Mr. Vasapolli explained to get State approval an alternate route must be provided and since the property abuts other ways and paper streets the Board can make a clear argument there are alternate routes available. The Chair said there are paper roads in other communities also and would like to submit to the State for approval. Mr. Castinetti said Franklin Street in North Revere abuts the property and would prefer that than moving the problem to another street in Saugus. Mr. Serino agreed.

Mr. Castinetti moved application for "No Heavy Trucking" on Eustis Street be submitted with alternative route of Franklin Street, Revere. Chair seconds. Vote: 5-0.

The Chair said as update that a transitional team was appointed by the Board consisting of himself, Mr. Vasapolli, Treasurer and Town Accountant and over the last couple of days they met with dept. heads reviewing and assessing the financial condition of the Town and inconsistencies have been identified regarding budgetary and procedural matters and these matters are being reviewed and when further information is obtained it will be presented to the Board of Selectmen.

Manager's Report

- said he started at 12pm Friday and as indicated he has spent time meeting with dept. heads and held staff meetings and outlined his goals, powers and duties and to address concerns he had he did outline the bid laws and said he had a round table and talked with each department and said he wants to work as a team

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and try to determine present needs and future needs and will meet with them every 2 weeks and give the Board periodic updates. Mr. Serino said he had the opportunity to attend the meeting with the Chairman and it was a good idea and thanked him for doing that. The Chair said the transitional team will meet with depts. and get input and involvement and look at ways to make their depts. more efficient and what budget needs are and said it's exciting and is looking forward to moving forward in preparing the budget and thanked everyone.

The Chair said as a housekeeping issue that letters were sent to the Library Board of Trustees requesting their resignations and confirmed they received two and recommended the Board vote to remove them based on the findings.

Ms. Panetta moved the Board vote to remove the library Board of Trustees. Chair seconds.

Mr. Horlick moved to accept the resignation of Teresa Lyons. Chair seconds. Vote: 5-0.

Vote on the main motion: 5-0.

Mr. Horlick said in light of removing the trustees moved the Board appoint temporary trustees: Wendy Hatch, Joanne Gayron and Paul Allen. Chair seconds. Vote: 5-0.

Mr. Horlick moved to advertise for Board of Trustees. Chair seconds. Vote: 5-0.

Member's Motions

Mr. Serino: said they voted to invite Pop Warner Cheerleaders in. Their clerk said invitation was sent and will try for next meeting.

The Chair said he would like to set up dates for other meetings for public hearings on Bike to the Sea and SCTV and for public input to help create a job description for Town Manager and get public input.

Mr. Serino moved to schedule public hearings on Bike to the Sea and on SCTV on January 24 at 7:30PM; and schedule public meeting on January 25 at 7PM and February 4 at 9AM to discuss Town Manager. Chair seconds. Vote: 5-0.

Mr. Castinetti: Nothing this evening.

Ms. Panetta: Nothing this evening.

Mr. Horlick: Nothing this evening.

The Chair announced since there have been numerous requests and with help from DPW there will be a cleanup of Cliftondale and Saugus Center and said the Board has been pushing to get this done in the past and it will be a community initiative.

Citizen's Forum: Bob Camuso, 27 Eustis Street, thanked the Board and said the signs are up and said the street is already showing damage with cracks and said he is curious if the Board restricts trucking on Eustis Street asked where the vote of the Zoning Board of Appeals stands because they granted permission for them to use Eustis Street and said on another issue scrap metal thieves are a problem and have broken into a neighbor's garage and asked what they can do. The Chair said they will have the Manager notify the Chief. Mr. Serino said the Board of Appeals may have granted access for cars and it might be 2 different issues.

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

Meeting adjourned at 11:09PM.

Respectfully submitted,

Wendy Reed, Clerk