

Saugus Board of Selectmen
January 20, 2016

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

AGENDA
Saugus Board of Selectmen
January 20, 2016 at 7:30 PM
Town Hall Auditorium, 298 Central Street
Saugus, MA

Call to order.

Correspondence:

- 1.) Collector / Treasurer re: request to approve Bond Anticipation Note (BAN) for roll-over of BMS project, sewer, Lincoln Ave project and backhoe bonds; and approval of MA Clean Water Trust Interim Loan for sewer system upgrades / project
- 2.) Saugus National Little League re: request for Parade Permit for opening day ceremony.
- 3.) Saugus Youth Soccer re: request for banner announcing registration.
- 4.) Police Dept re: recommendation on "No U-Turn sign on Mantor Ct.
- 5.) Knights of Columbus re: Beano Report.
- 6.) Prince Italian Foods, Saugus, Inc. re: request for approval of Pledge of License.

Citizen's Comments

Public Hearings:

7:45 PM Detour Cars, LLC, 136 Broadway, for modification of Class II Auto Dealer's License by amending the numbers of cars for sale allowed to be stored on premises.

Old Business: 1.) Alternative Therapy Group re: request for letter of non-opposition of medical marijuana dispensary.

Citizen's Comments

Old Business 2.) Sully C's, 168 Broadway: update on liquor License.
3.) Hilltop: update on liquor license.
4.) Update on money owed by tenants at Square One Mall.
5.) Selectmen's Office DRAFT FY17 budget.

New Business: - DRAFT annual report to ABCC.
- Town Clerk re: request for approval of March 1st Presidential Primary Election Ballot.

Manager's Report:

Approval of minutes: January 6, 2016

Member's Comments:

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The Saugus Board of Selectmen met on January 20, 2016 at 7:30PM in the Town Hall Auditorium, 298 Central Street. Present: Selectmen Scott Brazis, Jeffrey Cicolini, Jennifer D'Eon, Mark Mitchell and the Chairman Debra Panetta. The Town Manager Scott Crabtree was also present.

Selectman Cicolini moved to take correspondence #2 out of order. Chair seconds 5-0.

Correspondence:

2.) Saugus National Little League re: request for Parade Permit for opening day ceremony.

Tom Whittredge, 17 Hood St was present and requested permit for season kick-off parade and described parade route starting at Oaklandvale School to Elks Field where opening day ceremony will be held. The Chair complimented the wonderful job they do and noted police recommendation that they work with police.

Selectman Brazis moved to grant the request of Saugus National Little League for Parade Permit for opening day ceremony starting at 9AM from Oaklandvale School on Main Street to Elks Field on April 30, 2016 with rain date of May 1, 2016. Chair seconds 5-0.

1.) Collector / Treasurer re: request to approve Bond Anticipation Note (BAN) for roll-over of BMS project, sewer, Lincoln Ave project and backhoe bonds; and approval of MA Clean Water Trust Interim Loan for sewer system upgrades / project.

Collector / Treasurer Wendy Hatch was present and explained the first request to roll over financing of BMS project, sewer, Lincoln Ave project and backhoe bonds to August because the middle school project has not had a final close-out yet and anticipate it will be done by August and explained 4 bids received and Eastern Bank was the successful bidder. The Chair thanked her.

Selectman Cicolini moved it be

Voted: that we hereby determine, in accordance with G.L. c.70B, that the amount of the cost of the Belmonte Middle School project authorized by a vote of the Town passed on May 2, 2011 (Article 4) not being paid by the school facilities grant is \$8,956,415 and we hereby approve of the issuance of notes and bonds in such amount under said G.L. c.70B.

Further Voted: to approve the sale of a \$2,220,163 1.30 percent General Obligation Bond Anticipation Note (the "Notes") of the Town dated January 29, 2016, and payable August 12, 2016, to Eastern Bank at par plus a premium of \$7,153.43.

Further Voted: that in connection with the marketing and sale of the Notes, the preparation and distribution of a Notice of Sale and Preliminary Official Statement dated January 7, 2016, and a final Official Statement dated January 14, 2016, each in such form as may be approved by the Town Treasurer, be and hereby are ratified, confirmed, approved and adopted.

Further Voted: that the Town Treasurer and the Board of Selectmen be, and hereby are, authorized to execute and deliver a significant events disclosure undertaking in compliance with SEC Rule 15c2-12 in such form as may be approved by bond counsel to the Town, which undertaking shall be incorporated by reference in the Notes for the benefit of the holders of the Notes from time to time.

Further Voted: that we authorize and direct the Town Treasurer to establish post issuance federal tax compliance procedures in such form as the Treasurer and bond counsel deem sufficient, or if such procedures are currently in place, to review and update said procedures, in order to monitor and maintain the tax-exempt status of the Notes.

Further Voted: that each member of the Board of Selectmen, the Town Clerk and the Town Treasurer be and hereby are, authorized to take any and all such actions, and execute and deliver such certificates, receipts or other documents as may be determined by them, or any of them, to be necessary or convenient to carry into effect the provisions of the foregoing votes.

Chair seconds 5-0.

Ms. Hatch explained the second request for financing the final phase of work needed to be done per the Administrative Consent Order on the sewer system. The Chair said the phases of the project have been coming in below budget and asked if that is still the case. Ms. Hatch said the bids came in as expected. The Manager said this is the last phase under the ACO and the largest because it made more sense to finish the project and said he will be looking to continue work in other areas in Town that need to be done but are not under the ACO. The Chair asked if this is the last phase under the official ACO. The Manager said that is correct. Selectman Cicolini asked the difference in amount requested. Ms. Hatch explained the vote of Town Meeting authorization for the amount.

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Selectman Cicolini moved it be

VOTED:(1) That the Town shall issue a bond or bonds in an aggregate principal amount not to exceed \$2,996,000 (the "Bonds") pursuant to Chapters 29C and 44 of the General Laws and votes of the Town passed June 2, 2014 (Article 16), for the construction of sewers and other water pollution control facilities identified in such vote (the "Project");

(2) that in anticipation of the issuance of the Bonds the Treasurer is authorized to issue an interim loan note or notes (the "Notes") from time to time in an aggregate principal amount not to exceed \$2,996,000;

(3) that each Bond or Note shall be issued as a single registered security, and sold to the Massachusetts Clean Water Trust (the "Trust") at a price determined pursuant to the Financing Agreement;

(4) that the Treasurer is authorized to determine the date, the form, the maximum interest rate and the principal maturities of each Bond and Note, and to execute a Financing Agreement (or Agreements) with the Trust with respect to the sale of the Bonds and Notes, such date, form and maturities and the specific interest rate or rates of the Bonds and Notes to be approved by a majority of the Board of Selectmen and the Treasurer and evidenced by their execution of the Bonds or Notes;

(5) that all action taken to date by the Town and its officers and agents to carry out the Project and its financing, including the execution of any loan commitment or agreement by the Treasurer, are hereby ratified, approved and confirmed; and

(6) that the Treasurer and the other appropriate Town officials are each hereby authorized to take any and all actions necessary or convenient to carry out the provisions of this vote, including execution and delivery of the Financing Agreement(s) and the Project Regulatory Agreement(s) relating to the Project.

Chair seconds 5-0.

Ms. Hatch said the last request is for the Board to sign MA Clean Water Trust loan voted May 2015 and now issuing of final note and said no vote is required.

3.) Saugus Youth Soccer re: request for banner announcing registration.

No one was present. The Chair read request for banner to announce soccer registration on Main Street from March 1st to March 30th.

Selectman D'Eon moved to grant request of Saugus Youth Soccer re: request for banner announcing registration on Main Street from March 1 to March 30, 2016 and to waive the bond requirement because they are a non-profit. Chair seconds 5-0.

4.) Police Dept re: recommendation on "No U-Turn sign on Mantor Ct.

The Chair said she received request from Anthony LoConte and read and said the police submitted recommendation and read and said she spoke with Mr. LoConte and he was unable to come.

Selectman Mitchell moved to approve the "No U-Turn" sign be placed on Mantor Court as recommended by the police department. Chair seconds 5-0.

5.) Knights of Columbus re: Beano Report.

Selectman Mitchell moved to accept the report for the file. Chair seconds 5-0.

6.) Prince Italian Foods, Saugus, Inc. re: request for approval of Pledge of License.

Steven Castraberti was present and explained re-financing with a new bank. Selectman Cicolini said for clarification that the Board has voted to not approve pledge requests in the past because they were not financial institutions and this request is and that is fine.

Selectman Cicolini moved to approve the request of Prince Italian Foods, Saugus, Inc. of Pledge of License for purpose of refinancing with a new bank as outlined in packet. Chair seconds 5-0.

Citizen's Comments

The Chair explained that anyone that wanted to speak on the medical marijuana dispensary listed under "Old Business" could sign the sign-in sheet and they may speak when it is taken up and said she would like to mention the Board has rules & guidelines for citizen comment that was adopted some years ago and read: *Citizen's Comment Period will be part of all regular Board of Selectmen meetings held in the Town Hall Auditorium. In order that all citizens have an opportunity to be heard before the Board while at the same time insuring the ability of the Board of Selectmen to conduct Town's business in an orderly manner, the following rules and procedures shall apply:*

1.) Citizen's Comment Period will be for Saugus residents only. Any resident wishing to speak shall identify themselves by name and address.

2.) All issues / topics must be included on the Board of Selectmen's Agenda.

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* *The name of the person making the request must also be included on the Board of Selectmen's agenda next to the issue / topic.*

* *Please see the Clerk to the Board of Selectmen to be placed on the agenda.*

* *The deadline to get on the agenda is 3:00 p.m. on the Wednesday before the Board's scheduled Tuesday meeting.*

3.) *Speakers shall be allowed three (3) minutes to publically comment.*

* *Written comments longer than three (3) minutes may be presented to the Selectmen before (or) after the meeting for the Board members to review and consideration at an appropriate time.*

* *The Board members will have 30 seconds (each) to respond if they choose.*

4.) *Improper conduct, defamatory or abusive remarks are always out of order.*

* *No personal complaints will be heard.*

* *All personnel complaints should be handled by the Town Manager's Office.*

* *Please refrain from using names.*

* *If a speaker persists the Chairman may terminate the individuals privilege of address.*

Selectman Cicolini said he is comfortable in allowing property owners to speak and Board Members agreed.

No one was present for Citizens Comment.

Public Hearings:

7:45 PM Detour Cars, LLC, 136 Broadway, for modification of Class II Auto Dealer's License by amending the numbers of cars for sale allowed to be stored on premises.

Nick Markos, owner was present and requested modification of 40 car restricted to no more than 73 vehicles for sale and explained site improvements, removal of a house on the lot and said the lay out was reviewed and approved by the Building Inspector and Fire Dept. and said he did go before the Zoning Board of Appeals and they did not find it detrimental to the area noting the issue was not raised at any of their meetings. The Chair asked if he is the owner. Mr. Markos said he is 1 of the business owners. The Chair said for clarification his application was initially was referred to the Zoning Board of Appeals because the Zoning By-Law Article 9, section 9.2 states "*preexisting nonconforming structures or uses may be extended or altered by Special Permit from the Board of Appeals, provided no such extension or alteration shall be permitted unless there is a finding by that Board, after hearing, that such change, extension or alterations shall not be more detrimental than existing nonconforming use to the neighborhood*"; and said she did read their minutes and after 2 hearings issued no decision and voted to refer it back to the Selectmen and said she called Town Counsel and asked if the Board could vote without ZBA determination and he said the Board could condition it on a favorable Zoning Board of Appeals finding. Selectman Cicolini said his letter includes sales & repairs and he thought they were not doing repairs. Mr. Markos said the location had the use sales & repairs for over 60 years and would need to make repairs but will not be offering auto body repairs only auto maintenance. Selectman D'Eon asked if someone buys a car if he wouldn't fix it. Mr. Markos said he would do repairs. Selectman Cicolini asked if he did repairs only on vehicles sold. Mr. Markos said yes and doesn't do repairs for general public. The Chair said she has concerns because Town Meeting changed the Zoning By-Laws which made auto services a nonconforming use on Rte 1 and said there are 27 car sales in Town and question the public need. Mr. Markos said Saugus has 26,000 residents but Rte 1 thrives of the north shore area and asked if a public need survey had been done and said the By-Law is vague "auto related services" could mean anything and it's too subjective.

Any to speak in favor or opposed? None.

Selectman D'Eon moved to close the hearing. Chair seconds 5-0.

Selectman D'Eon asked Board Members how they felt about it. Selectman Cicolini said he has confidence and trust in Town Meeting and feels he would be going against their decision if granted and we need to consider the long term effect that once granted it is there in perpetuity. Mr. Markos said the By-Law is hurting the ability to thrive and described comments from customers the lot is empty and gives a negative appearance. Selectman Cicolini said that he realizes that the petitioner owns or leases a lot and was given a permit for 40 cars and by knocking down the house they opened up space but it isn't the board's responsibility to allow for more vehicles simply because the decision was made to knock it down as there are many other factors to consider. Mr. Markos said he is asking for help.

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Selectman D'Eon moved to deny the request of Detour Cars, LLC, 136 Broadway, for modification of Class II Auto Dealer's License by amending the numbers of cars for sale allowed to be stored on premises because the lot is already non-conforming and any change made goes along with the License for future use. Therefore, existing license will not be modified. Chair seconds 5-0

Old Business:

1.) Alternative Therapy Group re: request for letter of non-opposition of medical marijuana dispensary.

Chris Edwards, Executive Director of Alternative Therapies Group was present and explained they opened the first dispensary in the State in Salem in 2014 and described an experienced team that has worked in other States and will work with communities to address issues and concerns and said they are requesting the Board or Town Manager write letter of non-opposition and read sample letter and said he did submit a letter to the Board to address a concern with the dispensary changing if marijuana is legalized and read offer to have signed restriction that it would not. Selectman Cicolini said they are a nonprofit business and would not be able to but if there is reorganization they could and is not sure how to address the concern. Mr. Edwards said if they have any suggestions he is all ears. Selectman D'Eon said she has 2 children and have worked in a medical facility and is not opposed to medical marijuana. The Chair said this is not a public hearing but did put out announcement in all the local newspapers, on cable, in the Boston Globe and the Chamber of Commerce that the Board wanted to hear from residents. Selectman Brazis asked if the 3 minute rule will be adhered to. The Chair said yes.

Citizen's Comments (on Alternative Therapies Group)

Virginia Howard, 12 Osprey Rd, said she is a tenant and was never notified of any meetings and lived there for 8 years and is opposed to location citing wildlife and wetlands.

Selectman Cicolini moved to allow additional 2 minutes. Chair seconds 5-0.

Bill Leuci, 35 Wilbur Ave and TMMP4 said he served on the Economic Development Committee when changes were made to zone the area and said the area is commercial and is in favor.

David McGeney, VP/GM Business Copy Assoc. 26-28 Osprey Rd in opposition based on location and said the Salem facility isn't visible and this is right on Rte 1.

Selectman Cicolini moved to allow additional 2 minutes. Chair seconds 5-0.

Mr. McGeney said the State is preparing to legalize marijuana and this place will become open to the public and asked the Board to deny request.

Dave Hussey, 30 Staff Rd, in favor and said it's a great location and will help people and convenience is key and it's a business area.

John Paglierani, 20 Osprey Rd, in favor and feels it's a good thing and said the facility in Salem is in a neighborhood.

Josh Cooper, property owner of proposed location said he researched it with his wife who is a nurse and thinks it's a good thing and said he has a business in the rear of this property.

Chris Richardson, 5 Osprey Rd, opposed and said he doesn't think anyone is opposed to medical marijuana it's the location and said if this goes in he will be the last house there and feels if marijuana is legalized the business will change.

Bill Horrigan, owner of 32, 26 & 28 Osprey Rd, said he provided the Board with packet of information and his concerns and said he is opposed to location.

Selectman Cicolini moved an additional 2 minutes. Chair seconds 5-0.

Mr. Horrigan said he has improved his property and is a good taxpayer and doesn't think this is an image Saugus wants to project.

Mr. Edwards responded to some comments stating Salem facility is not hidden and the City Council & Mayor felt it was a positive for community and regarding the strain names they don't make-up the names and they do have a bank account and lastly California has had for 20 years and in that time there will be some negative articles.

The Chair thanked all for coming and said she is here to listen and said the Town Manager has been contacted by other facilities. The Manager said he was approached last year but didn't get a sense of direction from the Board so didn't get additional information and offered it might be better if they gave direction so he can see what they are offering. The Chair agreed and feel it prudent the Board work with

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the Manager and Economic Development Director. The Manager said other communities are in process and has spoken to Burlington and Brookline and has spoken to Salem. Selectman Mitchell said he has a couple of concerns and am not sure why they would want to be “tucked away” and is not concerned with “image” and asked why wouldn’t they go to Salem and said he has concern with some things heard about doctors that will write prescriptions and said again why hide the facility noting the move to across the highway says to him it is trying to be hidden away. Selectman Cicolini said there will be a ballot question on the November ballot to legalize and said no one is opposed to medical marijuana and the Town did rezone to include it in this area to protect our town and is not comfortable until his questions are answered on how to best protect the town from it changing. The Chair said she is not prepared to write a letter of non-opposition at this time. Selectman Cicolini said he is not saying no to the request but would like to continue to explore potential restrictions through Town Counsel.

Selectman Brazis moved to take no action this evening and do their due diligence researching how best to address concerns and take it up at the March 2nd meeting. Chair seconds 5-0.

Selectman Brazis moved for recess. Chair seconds 5-0.

Meeting recessed at 9:31PM.

The Chair called the meeting back to order at 9:44PM.

Old Business 2.) Sully C’s, 168 Broadway: update on liquor License.

Attorney Michael Utke, Cummings Park, Woburn representing Sully C’s was present with business owner Elaine Byrne, said he sent letter to the Board outlining the work that needs to be done and some have been addressed but there are still outstanding issues and did submit reports and on December 9th the Building Inspector sent notice the building is to be vacated until work done and has not been made aware the work has been completed. The Chair said that the Board received correspondence from the Building Inspector today and he indicated that his client had a concern about contractors being hired. He assured us that they had valid building licenses and the required insurance. The Board’s concern is that your client has a liquor license that isn’t being used, and we did send a letter to the business owner back in June. Our role is not to mediate between your client and the landlord. The Board wants the business to be operational and the liquor license to be used, and would like to understand the timeline so that we can move forward. Attorney Utke said there is mold and black water and contractors are on site and said the other business in the building has closed as well and said his client cannot give a time-line. Selectman Brazis said he appreciates the update and asked the manager who is responsible to check if the mold has been remediated. The Manager said it depends on the type mold and will check. Selectman Brazis said a couple of weeks ago the Board was told the work was done. Attorney Utke said as soon as the building is safe they are ready to open but the roof is still leaking. Selectman Brazis asked if the outstanding items that need to be done would be easily seen during an inspection. Attorney Utke said some are apparent. The Manager said there is no occupancy right now. Selectman Brazis said the memo from the Building Inspector said Boston Market is ready to open. Selectman Cicolini said moving forward, there’s an issue with non-use of a liquor license and if it’s not worked out the Board may take the license. Attorney Utke said the landlord claims the repairs have been made but has report showing they have not and his client can’t open until work completed. Selectman Mitchell asked if it’s possible to move to a new location. Attorney Utke said the cost would be extreme. Selectman Brazis said the e-mail from the Building Inspector states his client was in his office telling him not to issue permits. Attorney Utke said it’s clear from the mold reports the work needs to be done by qualified contractors and the contractors on site are taking no precautions. The Manager suggested there are other avenues to help his client. Attorney Utke said they have already filed legal action. Selectman Brazis said the Building Inspector said the contractors had valid licenses. The Chair said the last time they were here they were asked to work it out and is concerned with the liquor license and needs a time frame and said she does not want to take the license but needs to see progress.

Selectman Cicolini moved to continue this to March 2 and if there’s no definite time-line then schedule a show cause on April 6th. Chair seconds.

Selectman Brazis moved a substitute motion to continue to February 10th. Chair seconds.
Vote on substitute motion 5-0.

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3.) Hilltop: update on liquor license.

Selectman Brazis said they received letter from their attorney and read. The Chair said she would like them to come before the Board.

Selectman Brazis moved to request license holder and / or their attorney to attend the February 10th meeting. Chair seconds 5-0.

4.) Update on money owed by tenants at Square One Mall.

The Chair said they received update that the mall is paying the remaining balances and will be paid by January 22nd.

Selectman D'Eon moved to grant the extension to January 22nd. Chair seconds 5-0.

5.) Selectmen's Office DRAFT FY17 budget.

Selectman Cicolini moved to approve (office) budget FY17 as revised. Chair seconds 5-0.

New Business: - DRAFT annual report to ABCC.

- Town Clerk re: request for approval of March 1st Presidential Primary Election Ballot.

Selectman D'Eon moved to accept the report and send to the ABCC. Chair seconds 5-0.

Selectman D'Eon moved to approve March 1st Presidential Primary Election Ballot. Chair seconds 5-0.

Manager's Report:

-Update on SHS Project: said the optional walk through for designer / architect bidders was held.

-announced the 2 ice rinks at the Vets opened today and have started planning a winter festival.

-announced the DOR certified free cash at \$2.1m and contributed, in part to excise tax, meals tax and hotel occupancy tax up and commended dept. heads. Selectman Cicolini asked about snow reimbursement from last year. The Manager said we have not received any yet.

Approval of minutes: January 6, 2016

Selectman Brazis moved to approve the minutes. Selectman Cicolini and the Chairman offered some corrections. Chair seconds 5-0.

Member's Comments:

Selectman Brazis recognized a Saugus boy serving in the Coast Guard Seaman Coleman and thanked him.

Selectman Brazis said they received some suggestions from the police dept re: Talbot St traffic / parking issues and asked the Manager to work it out with the police.

Selectman Brazis said at last meeting a resident spoke at citizen's comments accusing the Board and said SCTV is in litigation and the Board cannot talk about it, as advised by attorney and his comments were unacceptable to question the Board's integrity and feel they deserve a public apology.

Selectman D'Eon said she is the liaison to the Superintendent Search Committee and gave update

Selectman D'Eon moved the Board invite Justin Tabbi in for citation on February 10th to commend him for all his work. Chair seconds 5-0.

Selectman Cicolini said this evening there was a discussion held regarding Alternative Therapies Group and said it was not a public hearing but the Board allowed people to speak because they felt it important to hear concerns.

Selectman Cicolini said he went to a meeting and announced senior / low income weatherization program and other assistance programs available. The Chair asked if the information could be placed on the Town website. Selectman Cicolini agreed and on cable also. The Manager said the programs are sponsored through MA Save.

Selectman Mitchell announced the Ron McCarthy alumni basketball tournament will be held on Saturday at 10AM and said this will be the 2nd year of giving a scholarship.

The Chair wished retired Fire Chief Donald McQuaid well.

The Chair said their clerk received information on licensing software. Their clerk said she did contact them and they are willing to do a demo. The Manager said they have a contract for software vender and said they may have a module in the Munis System.

The Chair said she was contacted about student government day and all agreed on May 3rd.

Citizen's Comments None.

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Selectman Brazis moved to adjourn. Chair seconds 5-0. Meeting adjourned at 10:57PM.
Respectfully submitted,
Wendy Reed, Clerk