

Saugus Board of Selectmen
January 25, 2011

----- MEETING MINUTES -----

AGENDA

Saugus Board of Selectmen
January 25, 2011 at 7:30 PM
Town Hall Auditorium
298 Central Street

- 1.) Call to order.
- 2.) Invited Guests: Pop Warner C Team Cheerleaders
- 3.) Approval of minutes: January 4, 2011
(December 2; & December 7, 2010 – tabled on 12/14/10)
4. Continued hearings: - Rubin, Houston Ave. continued on 12/7 to 1/25/11
- Parisi, Arcade continued on 12/14 to 1/25/11
5. Public Hearings:

7:45 Jeffrey M. Loeser d/b/a Melrose Auto Body, for Special Permit (S-2) to allow off street parking and storage of vehicles for sale, to be located at 177 Central Street.
Application is also being made for Class II Auto Dealer's License.

7:55 Vital Transportation, Inc. d/b/a Jeff's Place, 23 Essex Street, for transfer of Common Victualer's License from: Jeff's Place, Inc., 23 Essex Street; and for determination of variance to waive the external grease trap requirement under Article IV, section 21 of the Town of Saugus Sewer Rules & Regulations. This hearing is being held under Article III, section 12 of the Town of Saugus Sewer Rules & Regulations.

8:05 Thrift Exchange, Inc., for Valuable Goods License to be exercised at 171 Broadway.

Correspondence

- 1.) Anna Parker lease
- 2.) Selectmen's FY12 Budget
- 3.) SCTV annual report
- 4.) Town Clerk re: request for banner
- 5.) Walgreen's, 166 Walnut Street re: request renewal of Extended Hours of Operation Permit
- 6.) MA Lottery re: Polcari's Keno request
- 7.) School Committee re: request to insert Article into next Special or Annual Town Meeting Warrant
- 8.) Atty. Magnan re: status of Aggregate S-2 Permit.
- 9.) Chris Sparages re: request for refund of I & I Fee

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

Saugus Board of Selectmen
January 25, 2011

The Saugus Board of Selectmen met on January 25, 2011 at 7:30pm in the Town Hall Auditorium, 298 Central Street. Present were: Selectmen Scott Crabtree, Stephen Horlick, Michael Serino and the Chairman Donald Wong. Absent was: Michael Kelleher. The Town Manager was also present.
Invited guests: Pop Warner "C" Team Cheerleaders.

Coaches Kerry Dustin and Taylor Joyal were present and explained they went through 5 competitions, and received 1st place in the Middlesex League Competition, 1st place in the Eastern MA Competition and 2nd place in the regional Qualifier and at the National Competition in Disney World they received 3rd place Bronze. The Chair read the citation and the coaches introduced each team member and the Board presented each with citation and congratulated them. Mr. Horlick thanked the team and their parents for their efforts and hard work and Said Mr. Kelleher could not be here but sends his best wishes. Mr. Serino said they have a history of accomplishments and thanked the coaches and said they are an asset to the community and makes Saugus proud. Mr. Crabtree congratulated them and said their efforts don't go unnoticed.

Mr. Horlick noted Special Counsel present.

Mr. Horlick moved the Board vote to go into executive session in the first floor conference room to return to open session to discuss the court decision on the I&I fee. Those to be present: Special Counsel Ira Zaleznik, clerk Wendy Reed, Town Manager Andrew Bisignani, Selectmen Scott Crabtree, Stephen Horlick, Michael Serino and Donald Wong. Chair seconds.

Roll call vote: Mr. Crabtree, yes; Mr. Horlick, yes; Mr. Serino, yes; Mr. Wong, yes.

The Board went into executive session at 7:46pm.

The Board returned to open session at 8:27pm.

Approval of minutes: January 4, 2011 (December 2; & December 7, 2010 – tabled on 12/14/10)

Mr. Serino moved to approve the minutes of January 4. Chair seconds. Vote: 3-0 with Mr. Crabtree voting present.

Mr. Serino moved to approve the minutes of 12/2/10. Chair seconds. Vote: 4-0.

Mr. Serino moved to approve the minutes of 12/7/10. Chair seconds. Vote: 4-0.

Continued hearings: - Rubin, Houston Ave. continued on 12/7 to 1/25/11

Eric Rubin, 50 Houston Avenue, for Special Permit (S-2) to allow off street parking of vehicles, to be located at 53 Houston Avenue.

Attorney Richard Magnan, 194 Central Street was present with Engineer Rick Salvo and applicant Eric Rubin and explained the facility is a certified assisted living facility with 6 bedrooms and 10 beds and is proposing in the near future an addition and as part of the proposal it's the Building Inspector's opinion they will need 6 additional parking spaces and this plan allows for parking across the street and read a letter in support submitted by Laurie Schena, 48 Houston Avenue. Mr. Crabtree asked they show on plan where her house is and Mr. Rubin did. Atty. Magnan read a letter in support from Tony Tierno, 12 Winter Street and a letter by Sean Maltais, TMMP6 also in favor. Mr. Serino asked the number of residents there now. Atty. Magnan said 10. Mr. Crabtree asked if they have a lease on the proposed lot. Atty. Said they will license yearly. Mr. Crabtree asked what if they don't renew. Atty. Magnan they can condition it. Mr. Crabtree asked the legal definition of assisted living. Mr. Rubin said an assisted living is not a medical model it is a residence – like living at home. Mr. Crabtree asked if their medical condition changes they no longer stay there. Mr. Rubin said it depends and explained. Mr. Crabtree said if there are visiting nurses they may need more parking. Mr. Rubin said they do have visiting nurses and a house doctor. Mr. Crabtree asked average traffic daily. Mr. Rubin said on a busy day 3 or 4 and said he lives next door and allows for overflow parking.

Ant for or against? Paul Bennett, 28 Fairchild Ave. said his father is there and it's great and support.

Peter Manoogian, 50 Ballard St., TMMP10 in support and said the Board must consider the use of the land and the land is barren and was abandoned property when the State built a group home there which is consistent with the use.

John Hiduchick-Nakayama, 28 Houston Avenue, said he has lived there a year and is a great place and good for the community and supports the application.

Gary, 46 Bristow Street in support.

Saugus Board of Selectmen
January 25, 2011

Anthony Lanci, 29 Sunnyside Park, said it is barren land and good use for it.

Mr. Serino moved to close the hearing. Chair seconds. Vote: 4-0.

Mr. Serino moved to grant Special Permit (S-2) to allow off street parking of vehicles, to be located at 53 Houston Avenue. Mr. Serino speaking on the motion said it's an asset to the community. Mr. Crabtree speaking on the motion said his only concern is the lease and added condition as long as license / lease with the State is in effect. Mr. Horlick said he will support the motion. Chair seconds with condition.

Roll call vote: Mr. Crabtree, yes; Mr. Horlick, yes; Mr. Serino, yes; Mr. Wong, yes. Vote 4-0.

Continued hearings: - Parisi, Arcade continued on 12/14 to 1/25/11

Sam & Mike Parisi, for Special Permit (S-2) to allow an arcade with License for 50 coin operated devices, to be located at 184 Broadway.

Sam Parisi, 108 Commercial Street, Gloucester was present with Michael Parisi and Rosalie Parisi were present and S. Parisi described the Lucky 7 Arcade in Gloucester and said he submitted all the paperwork and letters in support. Mr. Horlick asked if he understood the Board was short one member and 4 votes are required. S. Parisi said yes. M. Parisi explained the patrons are senior citizens over 50 and they can win gift cards from local establishments. Mr. Horlick asked amount of machines. M. Parisi said 40. Mr. Crabtree asked if they have any other like establishments. M. Parisi said yes in Gloucester. Mr. Crabtree asked how long. M. Parisi said 4 ½ years. Mr. Crabtree asked the number of machines there. M. Parisi said 50. Mr. Crabtree asked if there are other establishments like this. M. Parisi said not like this and said it's like Chucky Cheese or Bonkers for adults. Mr. Crabtree asked about prizes. M. Parisi said gift certificates. Mr. Serino said the last time they were before the Board they said they would not allow anyone under 21 in and asked if that's legal. M. Parisi said they don't discriminate but would consider making it 18. The Chair asked if that was to keep kids from hanging out. M. Parisi said exactly. Mr. Crabtree said it sounds like an interesting concept. M. Parisi said they are popular in Florida. Mr. Crabtree said it's his understanding there's places in Lynnfield and Revere. Mr. Horlick asked hours of operation. M. Parisi said Monday through Thursday 11am to 10pm, Friday & Saturday 11am to 11pm and Sunday 12 noon to 10pm. Mr. Serino said he went back to 2007 and questions were raised by the Lottery and the recommendation by police that it falls under lottery as slot machines. S. Parisi said in 4 ½ years they haven't heard from the lottery and the police recommendation now said no problem and said for the arcade permit all they need is MA approval numbers and they have them and asked if they were illegal why would he be in business and why would the police have no problem and said it's a win / win for the Town with \$4,000 fee and local businesses benefit from the gift certificates. M. Parisi said the lottery did question and explained they were deemed a game of chance and approved. Mr. Crabtree said he would like to visit the place. M. Parisi said when they came last time there weren't enough Board Members and now he's not sure the landlord will hold the spot. Mr. Horlick asked he explain how the machines work. M. Parisi said you put money in and you have choices that involve skill. Mr. Horlick said like a video poker machines without a cash payout.

Any for or against? Rosalie Parisi, 108 Commercial Street, Gloucester said they are an asset to Gloucester to the community and local merchants.

Jean Bartolo TMMP6, said she hopes the Board does not support this and feels it is taking advantage of seniors and does not want this in Saugus.

Kevin Crowell, 25 Bow Street, said he lives behind the place and has dealt with the nightclub for the past 15 years and said who's to say young kids won't gather there and hopes they consider this carefully and said he is concerned if they have a sound system and late hours.

David Burns, 30 Cliff Road, said this type business targets those that have limited funds and feels it would be bad and feels it would be exploiting those we want to protect.

Rick Smith, TMMP3 is not in favor because it is gambling and feels there's enough addiction problems and if granted it would open the door to them going everywhere.

Bob Long, 26 Bennett Ave., said that has been a troublesome location and don't want to see this new type business in this area and said we are not Gloucester, we are not the same and doesn't see the need and hope the Board denies it.

Saugus Board of Selectmen
January 25, 2011

M. Parisi said he understands the concerns and said they are not a loud place and the games don't make noise and no music and no late nights and it's not a place with people just hanging around. Mr. Crabtree said he has concerns and would like to be supportive but would like to review the legal case from the prior application and said he can't get his hands around the concept and would like a site visit.

Ms. Bartolo said this is exploitation of senior citizens.

Mr. Serino moved to continue the hearing to February 8 for site visit. Mr. Crabtree speaking on the motion thinks it's in the best interest to have a chance to look at the place and the legal opinion. Chair seconds. Vote: 3-1 with Mr. Horlick voting in opposition. Mr. Horlick said he opposed this because he thinks they should vote it tonight. Mr. Crabtree said he should have offered a substitute motion.

Mr. Horlick moved to close the hearing. Chair seconds. Vote: 3-1 with Mr. Serino voting in opposition.

Mr. Horlick moved the Board vote to deny the request for Special Permit (S-2) to allow an arcade with License for 40 coin operated devices, to be located at 184 Broadway for the following reasons: this type business would not benefit the Town; the concerns of the neighborhood; additional traffic; it would not be a benefit to the community; and once you let one in, you will have many; and it's not the right course the Town should be taking. Chair seconds. Mr. Crabtree speaking on the motion said it is difficult to support not having all information and would have liked a site visit and see the legal opinion from 2007 to see if the public would benefit from this type business model. Mr. Serino speaking on the motion said he will support the motion but would have liked to have seen the Atty. General's Decision before and said he talked with previous Board Members and Town Counsel to take into account but the motion to close forces a vote so will support because it looks like a form of gambling.

Roll call vote: Mr. Crabtree, yes; Mr. Horlick, yes; Mr. Serino, yes; Mr. Wong, yes. Vote 4-0.

Public Hearings:

7:45 Jeffrey M. Loeser d/b/a Melrose Auto Body, for Special Permit (S-2) to allow off street parking and storage of vehicles for sale, to be located at 177 Central Street.

Application is also being made for Class II Auto Dealer's License.

Attorney Richard Magnan, 194 Central Street, was present and apologized that Mr. Loeser was not present because he had a death in the family and was unable to attend and requested to continue the hearing and noted neighbors present.

The Chair asked if anyone wanted to speak for or against the application or they could wait until next meeting.

Nick Nicosia, 7 Hull Drive, gave the history of the area and location and said he can smell the paint and can hear the noise and the site he sees is not what you would want to see in your back yard and invited the Board to see it and the dumpster and said they have encroached on the right of way and trees were taken down and thinks there was a pond where the parking lot is now and asked if they approve this that they protect the residents. Mr. Horlick asked if the trees were on the property. Mr. Nicosia said no. Mr. Horlick asked if the dumpster is on their property. Mr. Nicosia said no. Mr. Horlick said you can't blame this business for another's actions and said the Board of Health and the State checked the place a few years ago. Mr. Crabtree asked the attorney to bring the concerns to his client to see if there's anything he can do. Mr. Nicosia asked about parking on Central Street. The Board explained off street on the property.

Mary McKenzie, 9 Hull Drive, said she lives behind the plastics firm at 177 Rear Central Street and believes some of the issues are confused by address. Mr. Crabtree asked if she has issues with noise, the view or the smell. Ms. McKenzie said yes and presented a petition signed by 19 residents opposed and read.

John Capici, 13 Hull Drive, said it's a residential area and doesn't want business to increase and is against it.

David Burns, 30 Cliff Road, said he doesn't live in the area but use to live next to a gas station and the noise is a nuisance.

Judy Lubov, 15 Hull Drive, wants the land surveyed and thinks they are on conservation land.

Saugus Board of Selectmen
January 25, 2011

Mr. Horlick asked to schedule a site visit.

Mr. Serino moved to continue the hearing to February 8. Chair seconds. Vote: 4-0.

7:55 Vital Transportation, Inc. d/b/a Jeff's Place, 23 Essex Street, for transfer of Common Victualer's License from: Jeff's Place, Inc., 23 Essex Street; and for determination of variance to waive the external grease trap requirement under Article IV, section 21 of the Town of Saugus Sewer Rules & Regulations. This hearing is being held under Article III, section 12 of the Town of Saugus Sewer Rules & Regulations.

Vitaly Pogrebnoy, 376 Ocean Ave., Revere, was present and requested transfer. Mr. Crabtree asked how long the previous owner was there. Mr. Pogrebnoy said 10 months. Mr. Serino asked if menu would be the same. Mr. Pogrebnoy said there will be some changes. Mr. Serino asked hours of operation. Mr. Pogrebnoy said same, but open until 10pm. Mr. Serino said he is asking for waiver for external grease trap and the Board needs the menu if he is changing the menu to see if it is required. Mr. Crabtree asked what changes he plans. Mr. Pogrebnoy said grease will not increase. Mr. Serino said they need to see the menu. Mr. Crabtree asked how long to put the menu together. Mr. Pogrebnoy said only the prices will change. Mr. Crabtree asked how long he will need. Mr. Pogrebnoy said 3 weeks to a month. Mr. Serino said they can vote the transfer and continue the grease trap. The Chair said he would like to continue the whole hearing.

Mr. Serino moved to continue the hearing to March 1. Chair seconds. Vote: 4-0.

8:05 Thrift Exchange, Inc., for Valuable Goods License to be exercised at 171 Broadway.

David Young was present and explained request. Mr. Serino asked how long he has been in business. Mr. Young said over a year. Mr. Horlick asked what type business he has now. Mr. Young said used items by consignment. Mr. Horlick asked if pawn. Mr. Young said no. The Chair asked if he knows the By-Law. Mr. Young said yes.

Any for or against? None.

Mr. Serino moved to close the hearing. Chair seconds. Vote: 4-0.

Mr. Serino said the Board voted to limit the number of Licenses to 10 and one license expired making one available.

Mr. Serino moved to grant the request for Valuable Goods License to be exercised at 171 Broadway. With hours of operation Monday through Saturday 10am to 5pm and Sunday 12 noon to 5pm. Chair seconds. Vote: 4-0.

Mr. Crabtree moved for recess. Chair seconds. Vote: 4-0.

Meeting recessed at 10:24pm.

The Chair called the meeting back to order at 10:31pm.

Correspondence

1.) Anna Parker lease.

Frank Perella, 54 Hammersmith Dr., President of Saugus Youth Soccer was present and requested the Board support and read a statement and said the renovations are complete and they met with Town Officials and Schools and they are in support. Mr. Crabtree said he has an e-mail from the Superintendent and want to make sure he's in agreement. The Manager said he is and said his comment was in reference to the language and explained revision. Mr. Crabtree asked their clerk if the Superintendent was in agreement. The Clerk said the Superintendent said he was satisfied with the language. Mr. Crabtree said they don't have leases with other fields and thinks there should be a consistent policy. The Manager said this is the only field with a lease. Mr. Crabtree asked if the others are permitted by Youth & Recreation. The Manager said no. Mr. Crabtree said they are similar issues with water use and electricity. The Manager said he supports providing water and they pay their own electricity. Mr. Crabtree said he is happy it was worked out between the different entities but doesn't think the Board has the authority. The Manager said in the spirit of the intent of Town Meeting even though it has not been enacted yet he brought it to the Board and would like them to sign it as well. Mr. Serino asked extension option. The Manager said 4 years with 4 year option. Mr. Serino asked final language. The Manager read.

Bob Long, 26 Bennett Ave., said what a difference 8 years makes and said the Soccer Association has made improvements the Town couldn't afford to do and said before there were groups

Saugus Board of Selectmen
January 25, 2011

from out of Town using the fields and in his opinion it was public property for public use and said the State has not finalized the Charter Changes but our new State Rep. has put it on the fast track and wanted to thank the Manager and said the new language is a good situation and would like the Board to indorse the wording and 4 year contract. Mr. Crabtree said the issue was the schools didn't have enough access and everyone joined together. Mr. Long said the Town doesn't have the funds and this serves a purpose.

Peter Manoogian, TMMP10, said he has concern with the provision that they get free water and trash pickup and said people pay the water rate and Town Meeting are the Water Commission. The Chair said the Soccer spent a lot of money and fixed and is being used by Youth Soccer and schools. Mr. Manoogian said everything is accounted for in the Water Enterprise Account and this is clearly an exemption. The Manager said he didn't give away water, it was negotiated and said they have expended in excess of \$300,000 and there is a public use – the schools and have never received a complaint and said Town Meeting sets the water rate but he is in charge of the enterprise account.

Mr. Serino said he sat on the Charter Committee and the Board approving leases is the right thing to do and said this is a great lease and thanked the Manager.

Mr. Serino moved to adopt the 4 year lease with 4 year extension option with language change and read. Chair seconds. The Manager said 8 years ago he was approached by Youth Soccer and he had many complaints about the field condition and felt this was a great opportunity and we now have 3 beautiful fields. Mr. Crabtree agreed and indorse changes and will support agreement because the School Department, Town Manager and Superintendent are in agreement and will vote to support. Mr. Horlick said if the Moderator and Superintendent and Soccer have no concerns he will support it.

Mr. Serino asked for roll call vote.

Roll call vote: Mr. Crabtree, yes; Mr. Horlick, yes; Mr. Serino, yes; Mr. Wong, yes. Vote 4-0.

2.) Selectmen's FY12 Budget.

Their clerk said she is not requesting any changes. Mr. Crabtree said it was brought up in the past and to track issues he would like to appropriate some of the legal fees into a line item in the Selectmen's budget. The Manager said they do track and explained. Mr. Serino agreed with Mr. Crabtree and said he brought this up in the past and would like to see a separate line item in their own budget and said he thinks it will give the Board a better understanding of what's spent on issues and feel the Board needs the resources to do their job. The Manager said there's \$75,000 and if the Board would like he will put \$50,000 in the Board's budget under general litigation. Mr. Serino said they may not use it, but would rather have it.

Mr. Crabtree moved to move \$50,000 from legal fees and create a new line item in the Selectmen's budget. Chair seconds. Mr. Horlick agreed and said it gives better control and asked it be segregated and the total amount of the budget to be amended to a total \$90,144. Chair seconds. Vote: 4-0.

3.) SCTV annual report

Mr. Serino moved to refer to the file. Chair seconds. Vote: 4-0.

4.) Town Clerk re: request for banner

Mr. Horlick moved to approve request. Chair seconds. Vote: 4-0.

5.) Walgreen's, 166 Walnut Street re: request renewal of Extended Hours of Operation Permit

Mr. Serino moved to grant request. Chair seconds. Vote: 4-0.

6.) MA Lottery re: Polcari's Keno request

Mr. Serino moved to refer to the file. Chair seconds. Vote: 4-0.

7.) School Committee re: request to insert Article into next Special or Annual Town Meeting Warrant

Mr. Serino moved to insert Article into next Special or Annual Town Meeting Warrant. Chair seconds. Vote: 4-0.

8.) Atty. Magnan re: status of Aggregate S-2 Permit.

Atty. Richard Magnan was present and explained he is waiting for opinion requested from Town Counsel regarding the batching plant which is in Melrose. Mr. Serino said he had a similar question regarding RESCO and read opinion submitted by Town Counsel at that time and would guess the opinion would be the same.

9.) Chris Sparages re: request for refund of I & I Fee

Saugus Board of Selectmen
January 25, 2011

Chris Sparages, 57 Elmwood Ave. was present and explained request based on recent court decision and explained he did pay under protest. Mr. Crabtree said this is something the Board cannot discuss in public at this time.

Mr. Horlick moved to refer the correspondence to Special Counsel. Chair seconds. Vote: 4-0.

Manager's Report:

- recommended the reappointment of Lawrence Shaver to the Planning Board.

Mr. Horlick moved to confirm the reappointment. Chair seconds.

Roll call vote: Mr. Crabtree, yes; Mr. Horlick, yes; Mr. Serino, yes; Mr. Wong, yes. Vote 4-0.

- recommended the appointment of Daniel Hubbard as an alternate member of the Planning Board.

Mr. Horlick moved to confirm the appointment. Chair seconds.

Roll call vote: Mr. Crabtree, yes; Mr. Horlick, yes; Mr. Serino, yes; Mr. Wong, yes. Vote 4-0.

Member's Motions

Mr. Serino: The Board needs to meet to discuss the budget. The Manager said he will submit the budget to the Board on Feb. 15th. Mr. Crabtree said the Board needs to discuss budget issues.

Mr. Serino moved to schedule a budget meeting prior to Feb. 8th at 6:30pm. Chair seconds. Vote: 4-0.

- Said last year the Board invited departments and the public and would like to do the same.

The Manager announced on Feb. 9th the Finance Committee will hold their 6 months review and on Feb. 16th there will be the exit conference with the auditors and said he is planning on requesting a Special Town Meeting on March 7th and have an Article for borrowing to address ADA compliance at the high school.

Mr. Serino moved to cancel the February 21 Special Town Meeting. Chair seconds. Vote: 4-0.

- Said the Board should meet on the 5 year capital plan in March.

Mr. Horlick: announced the Chamber of Commerce organizational meeting this Thursday.

- asked for update on Bly Bridge. The Manager said he will get update.

- thanked the Manager on his efforts to remove snow on corners and asked he make it a priority with the new storm coming. The Manager said we have spent \$600,000 and we are doing our best and said there is no place to put the snow.

- asked about Avedisian bounced check. Their clerk said it was made good.

- asked the Manager to talk to the Superintendent about Comcast grants.

Mr. Serino said the Board of Health sent a request for separate packets when recommendations are requested.

Citizen's Forum

Ray Lawrence, 83 Auburn Street, said he has 3 things and said they have been working on the bridge and said a business has been working on Rte. 107 with trucks in the parking lot every night.

Mr. Horlick moved to request the Building Inspector see if any permits are needed or an issues with a business running out of the location. Chair seconds. Vote: 4-0.

Mr. Lawrence asked the corner of Ballard Street and Rte. 107 be widened and explained the snow makes it real narrow. The Manager said it's a State road but will look into it.

Mr. Horlick moved to adjourn. Chair seconds. Vote: 4-0.

Meeting adjourned at 11:45pm.

Respectfully submitted,
Wendy L. Reed, Clerk