

Saugus Board of Selectmen
January 27, 2009

The Saugus Board of Selectmen met on January 27, 2009 at 6:45 PM in the Town Hall Auditorium, 298 Central Street. Present were: Selectmen Stephen Castinetti, Stephen Horlick, Michael Kelleher, Peter Rossetti Jr. and the Chairman Donald Wong.

Mr. Kelleher called the meeting to order at 6:55 PM. Mr. Castinetti and Mr. Wong were not at the table.

JIN: The Police Chief Domenic DiMella and Town Counsel John Vasapolli was present. Mr. Kelleher explained the purpose of the meeting to set date and time for show cause hearing voted 1/6/09. The Board discussed notification and witnesses. The Board agreed 2/11/09 at 7PM. Mr. Horlick asked Town Counsel to review the conditions on the license.

Mr. Horlick moved to adjourn the 6:45PM meeting. Mr. Kelleher seconds. Vote: 3-0.

The 6:45 PM meeting adjourned at 7:14 PM.

Respectfully submitted,
Wendy Reed, Clerk

The Saugus Board of Selectmen met on January 27, 2009 at 7:15 PM in the Town Hall Auditorium, 298 Central Street. Present were: Selectmen Stephen Castinetti, Stephen Horlick, Michael Kelleher, Peter Rossetti Jr. and the Chairman Donald Wong.

The Chair called the meeting to order at 7:17PM.

Interview: Ruth Molin.

Ms. Molin was present and Board Members asked questions and she gave her interests and background and said she is applying for either Cemetery Commission or Cultural Council.

Mr. Horlick moved to adjourn the 7:15PM meeting. Chair seconds. Vote: 5-0.
The 7:15PM meeting adjourned at 7:21PM.

Respectfully submitted,
Wendy Reed, Clerk

Saugus Board of Selectmen
January 27, 2009

The Saugus Board of Selectmen met on January 27, 2009 at 7:30 PM in the Town Hall Auditorium, 298 Central Street. Present were: Selectmen Stephen Castinetti, Stephen Horlick, Michael Kelleher, Peter Rossetti Jr. and the Chairman Donald Wong.

Invited guests: None this evening.

Approval of minutes:

Mr. Rossetti moved to approve the minutes of January 6, 2009 subject to any additions or corrections. Chair seconds. Vote: 5-0.

Mr. Horlick moved to approve the minutes of January 13, 2009 unless there are corrections. Chair seconds. Vote: 5-0.

Mr. Castinetti moved to approve the minutes of January 20, 2009 subject to any corrections. Chair seconds. Vote: 5-0.

Continued hearings: None this evening.

Mr. Rossetti moved to take up correspondence at this time. Chair seconds. Vote: 5-0.

Correspondence

1.) 2009 Population estimates.

Mr. Rossetti moved to notify the ABCC of no increase in population in 2009. Chair seconds. Vote: 5-0.

2.) Mr. DeFeo re: request for reappointment as constable.

Pasquale DeFeo, 84 Travalley Rd., Revere, was present. Mr. Castinetti said the Board has his letter and can see he has addressed a complaint received. Mr. Horlick asked how long he has been a constable. Mr. DeFeo said 41 years.

Mr. Castinetti moved to reappoint Mr. DeFeo as constable in the Town of Saugus. Chair seconds. Vote: 5-0.

3.) Saugus Knights of Columbus Annual Beano Report.

Mr. Rossetti moved to accept the report for the file. Chair seconds. Vote: 5-0.

4.) Boy Scout Troop 61 re: Eagle Scout Joshua Hollett.

Mr. Rossetti said becoming an Eagle Scout is difficult and is an honor to obtain and suggested the Board attend the ceremony.

Mr. Rossetti moved to invite Eagle Scout Hollett in to congratulate him. Chair seconds. Mr. Castinetti speaking on the motion said he attended a ceremony last year and said this is a significant accomplishment and achievement. Vote: 5-0.

5.) Affordable Housing Committee re: draft Accessory Dwelling Unit By-Law.

Mr. Horlick said he is a member of the committee and they sent the draft to Town Departments, Boards and Commissions to look over and submit comments. A public forum will be held on March 11 at 7PM.

Manager's report

- recommended the appointment of Stephen Rich to the Commission on Disability.

Mr. Kelleher moved to confirm the Manager's appointment of Stephen Rich to the Commission on Disability. Chair seconds.

Roll call vote: Mr. Castinetti, yes; Mr. Horlick, yes; Mr. Kelleher, yes; Mr. Rossetti, yes; Mr. Wong, yes. Vote: 5-0.

- said there have been 28 water breaks since July 1, 2008 and 21 of those breaks were addressed by our DPW. Mr. Horlick asked how he is dealing with the cost. The Manager said out of current year appropriation.

Saugus Board of Selectmen
January 27, 2009

- said the 6 month review on 2/4/09 with the Finance Committee and said Melanson & Health will attend to present FY08 audit report.
- He will be submitting his FY10 budget to the Board next week and will meet with the Board on 2/10/09.

The Chair said last meeting the Board asked the library to address safety provisions and they have written back and read letter.

Mr. Castinetti moved to take up the 7:45PM public hearing. Chair seconds. Vote: 5-0.

7:45 Neil Treitman, for Special Permit (S-2) to allow: massage therapy at Flex Fitness located at 304 Lincoln Avenue, Assessor's Plan 2014, Lot 35.

Neil Treitman was present. Mr. Horlick said the Building Inspector's comment regarding strip malls and asked which space. Mr. Treitman said inside Flex Fitness.

Any in favor or in opposition? None.

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

Mr. Kelleher moved to grant the S-2 Permit to allow massage therapy at Flex Fitness located at 304 Lincoln Avenue. Chair seconds. Mr. Horlick added without objection Health Agent recommendation: the State now licenses message establishments and therapists a MA State therapy license is noted, but no establishment license.

Roll call vote: Mr. Castinetti, yes; Mr. Horlick, yes; Mr. Kelleher, yes; Mr. Rossetti, yes; Mr. Wong, yes. Vote: 5-0.

The Chair wished all a happy Chinese New Year.

Member's motions

Mr. Castinetti: said we have ordered grave markers to be replaced at a substantially reduced expense for all metal and will have them put up for Memorial Day and thanked all. Mr. Kelleher said the efforts should be recognized and congratulated him, Doug Cooper, Dennis Gould and all that were involved.

- said the Ballard Street temporary bus stops have been relocated.

- said the Board is still in the process of selecting a Harbor Master and said the Board needs to meet to review applications. The Board discussed dates and times.

Mr. Castinetti moved the Board meet to review packages submitted by applicants on Wednesday, February 11 after the show cause hearing. Chair seconds. Vote: 5-0.

Mr. Castinetti moved to take up the 7:55 PM public hearing. Chair seconds. Vote: 5-0.

7:55 Gamestop, Inc. d/b/a Gamestop #4089, 1201 Broadway, Square One Mall, for Valuable / Used Goods License.

Mr. Horlick said like himself, they do video game systems and excused himself from the table and left the room.

Raphael Lacerda, manager was present.

Any in favor or in opposition? None.

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

Mr. Castinetti moved to grant the Valuable / Used Goods License to Gamestop, Inc. d/b/a Gamestop #4089, 1201 Broadway. Chair seconds. Vote: 4-0.

Mr. Horlick returned to the table.

Member's motions, continued

Saugus Board of Selectmen
January 27, 2009

Mr. Castinetti: Mr. Castinetti moved to appoint Ann Furey to a three year term on the Cultural Council to commence immediately and expire December 31, 2011. Chair seconds. Vote: 5-0.

Mr. Castinetti moved to appoint Ruth Molin to a three year term on the Cemetery Commission commencing immediately and expire December 31, 2011. Chair seconds. Vote: 5-0.

Mr. Rossetti: said the Board had some requests regarding Verizon and the Board sent a letter to meet with them again and the Verizon representative said he has nothing to report at this time, but will meet with the Board in the spring.

- said Saugus Coalition of Domestic Violence held a vigil and students from Saugus High School and clergy and the public attended and recognized Katie Galenius and Mike Stewart and said they will hold their walk for domestic violence. Mr. Kelleher thanked Mr. Rossetti for recognizing the tremendous work of Katie Galenius.

- said the Charter Commission held a meeting of focus groups and there was a good turn out with issues and questions and the draft will continue to develop and said to clear up some issues, there was no reduction in their budget and the Board is charged with the distribution to print about 9,000 copies, approximately 50 pages each with a mailing cost of \$5,000 at minimum depending on how they distribute it to every household of registered voters and are looking into cost and they will have to allocate money.

Mr. Rossetti moved to take up the 8:05PM public hearing at this time. Chair seconds. Vote: 5-0.

8:05 North Suburban Hockey League, LLC, 210 Forest Street, for three coin operated devices at Kasabuski Arena.

Dan Maniff, Director was present. Mr. Horlick asked if they got permission from DCR. The Manager said they had a meeting last week with DCR and the representative said there is nothing in the lease that prohibited application.

Any in favor? None.

Any in opposition? Karla deSteuben, 172 Forest Street, expressed concern the application is outside the scope of intended use and the neighbors want to make sure their neighborhood stays residential and has concern does not want to go down that slope and noted the small parking lot and wonders if those using the facility would stay longer. Mr. Rossetti said the other facility has 6 machines and is intended for those waiting for ice time or waiting for players and doesn't think 3 games is an issue and read Fire Dept. recommendation and said space is restricted. The Chair asked them to police it so kids aren't coming in off the street to play and just for people waiting. Mr. Maniff said not a problem. Mr. Horlick asked the game ratings. Mr. Maniff said children rated. Mr. Castinetti said the concern they will be opening the door beyond the scope, that several restaurants in Town have them. Ms. De Steuben said this is a residential neighborhood, not Rte. 1.

Rick Smith, TMMP9, asked the name of the 3 games, asked prizes or awards, and asked if there is no ice time will it be open to off the street to play. The Chair said a crane machine, lethal weapon and the Board addressed that no one off the street to come in. Mr. Maniff said they are not looking for people to come in off the street to hang out. Mr. Kelleher said they are talking about 3 games and doesn't know any rink without games. The Chair said he sees the concern and they have a right to speak. Mr.

Saugus Board of Selectmen
January 27, 2009

Kelleher said he never said they didn't have the right to speak, but thinks they're making too much of it.

Ms. De Steuben said she is not in opposition but has concerns and this could open the door for other activities that never took place there before and wants it on record and said she lives there and it is not Rte. 1, this is different and this is a big deal, it is activity in a residential neighborhood. The Chair said it's good the rink hears the concern of the neighbors.

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

Mr. Kelleher moved to grant North Suburban Hockey League, LLC, 210 Forest Street three coin operated devices at Kasabuski Arena. Chair seconds. Vote: 4-1 with Mr. Horlick voting in opposition.

The Chairman stepped down from the next hearing and passed the Chair to Vice Chair Castinetti.

8:15 Oasis Mediterranean Cuisine, 24 Frank Bennett Highway, Maribel Abdel-Hadi, Manager for NEW All Alcoholic Common Victualer's License.

Saher & Maribel Abdel-Hadi, 18 Ferry Road, Methuen were present. The Vice Chair asked he explain. Mr. Abdel-Hadi said this is a new application because they lost the license they had and this application has no entertainment. Vice Chair asked if similar concept as original restaurant. Mr. Abdel-Hadi said yes. Mr. Kelleher said he went by there and it doesn't look good and asked about condition and plan. Mr. Abdel-Hadi said the landlord will fix exterior and roof and then he will fix interior and hopefully an agreement will be reached soon and said it is a condition of the Board that he meet with the Police Chief & Fire Chief before. Mr. Kelleher asked if he was aware of the police recommendation not recommending. Mr. Abdel-Hadi said no, but no entertainment. Mr. Kelleher read police recommendation. Mr. Horlick said a new license needs 3 votes to pass. Mr. Rossetti asked who owns the building. Mr. Abdel-Hadi said F&Z Realty and said it was unfortunate he paid for a license and lost it and wants to correct his mistake.

Any in favor or in opposition? Attorney Richard Magnan, 320 Central Street, was present representing owners F&Z Realty and said the property owners wishes the Board be aware that they do not have a lease and the terms of the former lease terminated and based on that fact there is no intention to lease the property. Mr. Kelleher asked the applicant before them is not a tenant. Atty. said a perspective tenant. Mr. Kelleher asked if they are marketing. Atty. said there are insurance and damages issues. Mr. Kelleher said it looks horrible inside. Atty. said there is no lease. Mr. Horlick said they have before them a person asking for a license without a lease to exercise it. Atty. said no lease. Mr. Horlick said they need a location. Mr. Castinetti said the lease was terminated and asked when it expired. Atty. said the owner's position is the lease is terminated.

Mr. Horlick moved to table the 8:25PM public hearing. Chair seconds. Vote: 5-0. Mr. Castinetti said his concern is the opinion is based on the insurer and landlord's position. Mr. Horlick said you need the owner's permission. Mr. Kelleher asked to clarify because there are many reasons you could terminate a lease. Atty. said the lease has terminated. Mr. Horlick said the application needs a lease. Mr. Rossetti asked if they explored other locations. Mr. Abdel-Hadi said no.

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

Mr. Horlick moved to deny Oasis Mediterranean Cuisine, 24 Frank Bennett Highway a new all alcoholic common victualer's license for the following reasons: they

Saugus Board of Selectmen
January 27, 2009

do not have a lease; the owner of the property has not given permission to exercise license on the property; comments of police dept. and read: Regarding this license application the police dept. recommendation is this license should be denied based on the numerous complaints and police reports on file, the owners and manager of this license has a total disregard for Town of Saugus Liquor Rules & Regulations and license issued by MGL c.138.; and the applicant admitted violation of MGL; and the Board should not give this person a license. Mr. Kelleher said there are issues here and the Board can't place a license where there's no lease and the ABCC would kick it back; and need for location. Mr. Rossetti said without location he cannot support it. Mr. Horlick said they had liquor license and his disregard for the Chief and the liquor rules & regulations that he admitted to violating he doesn't feel comfortable giving him a license. Vice Chair seconds. Vote: 4-0.

The Chair returned to the table.

Mr. Horlick moved to take the 8:25PM public hearing off the table. Chair seconds. Vote: 5-0.

8:25 Chapman Auto Body, Inc., d/b/a Chapman Auto, 29 Eagle Road, for transfer of Class II Auto Dealer's License to new location: 16 Rear Hamilton Street.

Attorney Richard Magnan was present with applicant Brian Chapman and explained request for transfer to new location and explained the family run business and said the Building Inspector requested plans that were not complete until this afternoon and have not had time, but will submit to the Building Inspector and asked the Board continue the hearing to address the concerns.

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

Member's motions, continued

Mr. Rossetti: Breakheart has 2 movies a month and their anniversary activities will be held this spring.

- said there has been more information from the State on budget cuts.
- the grave markers, it's a wonderful thing they will be in place and applaud everyone for working together to get them replaced.
- issues with water and sewer, and water breaks are increasing and are working on a plan and it will be expensive.
- need to announce when the Board will close the Annual Town Meeting Warrant and it will likely be March 31.
- liquor issues they spoke of last meeting the Chief will be contacting liquor license holders.

Mr. Rossetti moved the Board send letters to license holders stating the Town of Saugus is very, very serious about liquor violations and they will be dealt with quickly and we will not allow our citizens to be put at risk. Chair seconds. Vote: 5-0.

- presented the Chair with cupcake and all sang Happy Birthday to him.

Mr. Kelleher: said regarding the rink considering the history and this organization came in and its open and they support our youth organizations and its vital they stay in existence.

- said there are several liquor license points he wants to raise.

The Chair and Vice Chair excused themselves from the table.

Mr. Kelleher asked for motion to schedule a the show cause hearing on JIN.

Saugus Board of Selectmen
January 27, 2009

Mr. Rossetti moved the Board schedule a show cause hearing on Jin on February 11 at 7PM regarding violation of section 1.05(b) and section 1.12 (a)(5). Mr. Kelleher seconds. Vote: 3-0.

The Chair and Vice Chair returned to the table.

- said incidents today or past and he did visit establishments to see.

The Chair excused himself from the table.

- said Hooters, he would like to bring them in and ask they explain and have a discussion on IDs and if the decline, he will request a show cause hearing. Mr. Horlick asked if they had a report. The clerk said no report has been submitted. Mr. Kelleher said the days are over of waiting for investigations.

Mr. Kelleher moved to have Hooters in regarding issue with ID at next meeting. Vice Chair seconds. Vote: 4-0.

- said the Board rewrote the Liquor Rules & Regulations but he has looked at other communities but times have changed and have had in the past incident required liquor store to put ID scanner and it makes sense and said it would be prudent to look at the rules & regs. and to move quickly and efficiently.

Mr. Kelleher moved to establish a subcommittee to report back to the Board to look at the liquor rules & regulations. Vice Chair seconds. Mr. Rossetti said he applauds the idea, the scope of work is extensive and it should be a committee of the whole. Mr. Horlick said when they revised them before it was a long process and should be the whole Board. Mr. Kelleher if it's the wish of the Board its fine and said when they last rewrote them we only need fine tuning. Mr. Rossetti said the Chair's input would be valuable, but he couldn't vote on it. Mr. Kelleher said he would like to have license holders input. Vote: 4-0.

- said to set the record straight during Charter Commission review it was said the Board moves slow and invites the public to look into the facts and gave some examples of other communities and long hearings and said they get it done far less expense and many times includes reimbursement of legal fees.

The Chair returned to the table.

Mr. Horlick: said he sees tolls and gas tax meeting in March and the North Shore taking the hit.

Mr. Horlick moved the Board send letter to State Delegates opposed to gas tax and toll increases. Chair seconds. Vote: 5-0.

- said the ABCC does seminars on licensing and would like to invite them to use the Town Hall.

Mr. Horlick moved the Board send letter inviting ABCC to use the Town Hall for licensing seminars. Chair seconds. Vote: 5-0.

- said the Board received e-mail regarding fuel leak and asked what happened. The Manager explained there was a gas or diesel spill and called the Fire Chief and DPW to address, but someone called DEPO and they did an inspection but haven't heard anything.

- asked the number of plows we cut back. The Manager said they have 70-90 plows available, but they all don't work and we try to do as much in house as we can. Mr. Horlick said last storm there was an issue with sand down before plow. The Manager explained. Mr. Horlick said with snow, rain then freezing we expect tomorrow, the DPW is in for a tough day.

Saugus Board of Selectmen
January 27, 2009

Citizen's forum: None.

Mr. Kelleher moved to adjourn. Chair seconds. Vote: 5-0.
Meeting adjourned at 9:18 PM.
Respectfully submitted,
Wendy Reed, Clerk