

Saugus Board of Selectmen  
January 28, 2014

\*\*\*\*\*MEETING MINUTES\*\*\*\*\*

AGENDA  
Saugus Board of Selectmen  
(January 21, 2014 at 7:30 PM)  
**MEETING RESCHEDULED TO January 28, 2014 at 7:30 PM**  
Town Hall Auditorium  
298 Central Street

Call to order.

Invited Guests: 0

Correspondence:

1. YMCA re: request for banners announcing “Camp Sachem Summer Camp”.
2. Knights of Columbus re: Annual Beano Report.
3. Fire Dept. re: request to accept gift of defibrillators from Wheelabrator.

Other Business:

- Police recommendation re: Fox Hill Yacht Club request for yellow curb.
- Collector / Treasurer re: request for approval of MWRA Pollution Abatement Loan.
- Draft Annual Report to the ABCC.
- Selectmen draft FY15 budget (tabled 1/7/14)

Appointments:

Affordable Housing Trust Board of Trustees; Cemetery Commission; and Cultural Council.

Citizen’s Comment Period

Continued Hearings:

- Home Town Pizza (continued from: 10/22/13; 11/12/13; 11/26/13 & to the call of the Chair.)
- “Show Cause” Hearing on:** Chapman Auto Body, Inc. d/b/a Chapman Auto, 16 Rear Hamilton Street - Property owner: SOR & S Realty Trust, 16 Hamilton St (from: 11/26/13; 12/3; 12/10; 1/7)

Public Hearings:

- 7:45 Espresso Chocolate Café, LLC, to be located at 135 Broadway, for Common Victualer’s License; and for Permit to extend hours of operation in accordance with Section 810.00 of the Town of Saugus By-Laws by allowing business to be open for operation at 5:00 AM.
- 7:55 Stephen Longmuir, 141 Broadway, for modification of Special Permit (S-2) voted 9/3/1996 to operate a car rental business BY allowing a car rental business and to allow an auto damage estimating business; and for modification of hours of operation.
- 8:05 National Grid for installation of approximately 10’ conduit from pole#67 to feed #173 Main Street as shown in plan no. #15903993 dated 11/05/2013.

Old Business:

- Elm Street Bridge.
- SCTS – SCTV

New Business:

- “Safer Grant”
- Survey Monkey and National Citizen Survey discussion.

Manager’s Report

Approval of minutes: January 7, 2014

Member’s Comment Period: Mr. Allan re: Subcommittees

Citizen’s Comment Period

Executive Session re: Town Manager’s Contract.

Saugus Board of Selectmen  
January 28, 2014

The Saugus Board of Selectmen met on January 28, 2014 at 7:30 PM in the Town Hall Auditorium, 298 Central Street. Present: Selectmen Paul Allan, Stephen Castinetti, Maureen Dever, Debra Panetta and the Chairman Ellen Faiella. The Town Manager Scott Crabtree was also present.

Approval of minutes: January 7, 2014

Ms. Panetta moved to table the minutes. Chair seconds 5-0.

Correspondence:

1. YMCA re: request for banners announcing "Camp Sachem Summer Camp".

Ms. Panetta noted this request was approved last year.

Ms. Panetta moved to grant the request of the YMCA for banners announcing summer camp for the month of April at Main Street and the month of May on Essex Street. Chair seconds 5-0.

2. Knights of Columbus re: Annual Beano Report.

Mr. Castinetti moved to accept the report for the file. Chair seconds 5-0.

3. Fire Dept. re: request to accept gift of defibrillators from Wheelabrator.

The Chair read the letter from Wheelabrator donating 4 defibrillators for fire dept. and 2 for Town Hall valued at \$10,200.

Mr. Castinetti moved to accept the gift of 6 automated defibrillators, from Wheelabrator. Chair seconds 5-0.

Other Business:

4. Police recommendation re: Fox Hill Yacht Club request for yellow curb.

Sgt. Paul VanSteenburg was present and explained the request and the police dept. recommends it be painted in the spring.

Ms. Panetta moved to allow the curb to be painted yellow at the Fox Hill Yacht Club, 114 Ballard Street, 20' on either side of the entrance / exit as recommended by the police department. Chair seconds 5-0.

5. Collector / Treasurer re: request for approval of MWRA Pollution Abatement Loan.

Collector / Treasurer Wendy Hatch was present and explained the loans authorized for work being done under the administrative consent order. Ms. Panetta asked about the interest rate. Ms. Hatch said the rate is what MWPA authorizes and approves. Ms. Panetta asked how many phases the ACO work are left to complete. Ms. Hatch said this authorization is for phase 7. The Manager said he thinks there are 10 and explained each year they do a section of Town.

Mr. Castinetti moved it be voted: *(1) That the Town shall issue a bond or bonds in an aggregate principal amount not to exceed \$1,852,675 (the "Bonds") pursuant to Chapters 29C and 44 of the General Laws and votes of the Town passed May 16, 2011 (Article 5) and June 25, 2012 (Article 6), 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 \$1,852,675; (3) that each Bond or Note shall be issued as a single registered security, and sold to the Massachusetts Water Pollution Abatement 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 projects 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.

6. Draft Annual Report to the ABCC.

Ms. Panetta moved the Board vote to authorize their clerk to submit ABCC annual report on behalf of the Board. Chair seconds 5-0.

7. Selectmen draft FY15 budget (tabled 1/7/14)

Saugus Board of Selectmen  
January 28, 2014

Ms. Panetta asked what legal services would be used for. The Chair said it should be \$50,000 not \$5,000 and explained the Board does not have legal services per se and after reading through minutes this was raised in the past and feels it is a good idea and read minutes from January 25, 2011 minutes on the matter and asked the Manager the background on that request and what happened because it was never reflected in a budget. The Manager said the then Town Manager and Town Counsel said it was not appropriate to have it there and the Charter did not allow it.

Appointments:

Affordable Housing Trust Board of Trustees; Cemetery Commission; and Cultural Council.

The Chair said the Board has scheduled interviews for Affordable Housing. Ms. Panetta asked if the Board wanted to schedule interviews for the others. The Chair said there was only one applicant for each and is comfortable voting tonight.

Ms. Panetta moved the Board vote to reappoint William Howell to the Cemetery Commission for three year term. Chair seconds 5-0.

Ms. Panetta moved to appoint Judy Worthley to the Cultural Council for three year term. Chair seconds 5-0.

Citizen's Comments: No citizen comments.

Continued Hearings:

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

Mr. Castinetti moved to continue Home Town Pizza. Chair seconds 5-0.

Continued Hearings:

**The Saugus Board of Selectmen will conduct a "Show Cause" Hearing on: Chapman Auto Body, Inc. d/b/a Chapman Auto, 16 Rear Hamilton Street -Property owner: SOR & S Realty Trust, 16 Hamilton St to deny, revoke or suspend all licenses and permits held for failure of the property owner and / or tenant listed above to pay municipal taxes / fees owed for more than 12 months.**

(from: 11/26/13; 12/3; 12/10; 1/7)

The Collector / Treasurer Wendy Hatch was present and explained her office has not had great success with payment plans and if the property owner does not meet the deadlines she will be before the Board requesting they take action. The Manager said the business owner, Brian Chapman wants it stated it is not him that is in arrears, but the property owner.

Mr. Allan moved to accept the payment plan as presented. Chair seconds 5-0.

Mr. Allan moved to renew the Class II Auto Dealer's License of Chapman Auto for 2014 with condition the property owner adhere to the payment plan. Chair seconds 5-0.

Public Hearings:

7:45 Espresso Chocolate Café, LLC, to be located at 135 Broadway, for Common Victualer's License; and for Permit to extend hours of operation in accordance with Section 810.00 of the Town of Saugus By-Laws by allowing business to be open for operation at 5:00 AM.

The Chair said the Board received comments and recommendations. Arthur Mico, 266 Central Street was present and explained his proposed coffee shop and showed plans and submitted business plan. Ms. Panetta said she is uncomfortable with some of the recommendations and said she would feel more comfortable if the Board of Health & Building Inspector reviewed and the issues raised addressed and suggested to continue the hearing. Mr. Mico said the sinks are on the plan now and the Health Director saw the plans. The Chair explained the Board doesn't have the information from the departments. Ms. Dever asked if he was aware of what he needs. Mr. Mico said yes. Ms. Dever read list: floor plan, parking plan, ADA restrooms, equipment layout, fire dept. requirements and asked if he would be willing to continue. Mr. Mico said he wants to start fixing the store. Ms. Dever said Inspectional Services will work with him.

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

7:55 Stephen Longmuir, 141 Broadway, for modification of Special Permit (S-2) voted 9/3/1996 to operate a car rental business BY allowing a car rental business and to allow an auto damage estimating business; and for modification of hours of operation.

Saugus Board of Selectmen  
January 28, 2014

Attorney Richard Magnan, 194 Central Street was present with owner Stephen Longmuir, 121 Hill St., Topsfield, and explained application and noted he is requesting up to three vehicles overnight for the purpose of repair and there may be a tow truck on occasion and addressed the Building Inspector's comments and will not advertise another business and passed out a letter of recommendation from the Mayor of Melrose. Mr. Allan asked about condition on original permit noting the parking spots closest to Spring Street are not to be used. Atty. Magnan was not aware as to why that was stipulated. Ms. Dever noted Spring Street is a residential neighborhood and asked why he needs a tow truck. Mr. Longmuir said to tow vehicles to be repaired and said they would not drive the vehicles due to liability reasons. Ms. Panetta asked number of cars. Atty. Magnan said there would not be more than 15 combined total.  
Any to speak in favor or in opposition? None.

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

Ms. Dever moved to grant the request of Stephen Longmuir, 141 Broadway, for modification of Special Permit (S-2) voted 9/3/1996 to operate a car rental business BY allowing a car rental business and to allow an auto damage estimating business; and for modification of hours of operation. Ms. Panetta added without objection: no auto repair on site; and must comply with recommendations of fire dept. Mr. Castinetti added without objection: hours of operation to be Monday through Friday 7 AM to 7 PM, Saturday 9 AM to 6 PM, and Sunday 11 AM to 5 PM. Mr. Allan added: strike restricted parking near Spring Street. Ms. Dever said to avoid problems down the road it should remain. Mr. Castinetti confirmed there is enough parking and won't need to use those spots. Mr. Allan withdrew.

Roll call vote: Mr. Allan, yes; Mr. Castinetti, yes; Ms. Dever, yes; Ms. Panetta, yes; Ms. Faiella, yes.  
8:05 National Grid for installation of approximately 10' conduit from pole#67 to feed #173 Main Street as shown in plan no. #15903993 dated 11/05/2013.

The Chair said the applicant has requested to withdraw the application.

Mr. Castinetti moved to grant the petitioner leave to withdraw without prejudice. Chair seconds 5-0.

Old Business:

-Elm Street Bridge.

The Manager said he has no further update. The Chair expressed concern that this issue needs to be addressed sooner rather than later. Ms. Dever said heeding the request regarding Elm Street /FEMA Grant she is unable to support/accept this grant funding for the following reasons: Current plan as proposed lacks the following information: Hydrologic study to identify any potential impacts to properties downstream from the Elm Street Bridge including the Hamilton and Boston Street bridges; Massachusetts DOT Highway Division National Bridge Inspection Report received by the Town on 12/27/2013 regarding the Hamilton St and Boston Street Saugus River Bridges. This report alerts the community to hairline cracks along with noted erosion beyond the bridges and reports that any repair, rehabilitation or reconstruction of any bridge to address deficiencies reported is the owner/custodian responsibility. Removal of the Elm St Bridge may exacerbate this situation; Traffic study to identify the impact to surrounding neighborhoods, including but not limited to road reconfiguration, pedestrian, and public transit rerouting; Drainage study and plan for drainage system upgrade; Plan for relocation of public utilities that may including water, sewer, gas and electric lines; Historical Status of the Elm Street Bridge, this information was discussed at the Saugus Planning Board meeting of Jan. 16, 2014 by Mr. Stephen Carlson, Chairman of the Saugus Historical Commission and a lack of documentation as to the role of the State would play in any removal of this historic bridge; and Finally this is a mitigation project that may lessen the impact of flooding in the Elm St region but there is no guarantee that elimination of flooding will occur with the plan presented to the Board and based on the plan presented may simply relocate flood dangers to another section of the community and said she is not comfortable accepting the grant with the information they have. The Manager said he needs a motion to withdraw the application from consideration.

Ms. Dever moved to withdraw the MEMA / FEMA grant application. Chair seconds.

Mr. Castinetti speaking on the motion said it is a tough decision and feels badly, but is unhappy with the presentation and his main concern is he asked if this plan would eliminate flooding and was told

Saugus Board of Selectmen  
January 28, 2014

it would mitigate it but not eliminate it and the removal of the bridge may relocate the problem and said he doesn't like to say no to money, but will support the motion. Ms. Panetta said she empathizes with the issue and it was clear in the presentation that this plan may move the problem. Mr. Allan said he will support the motion after reading the bridge reports it may cause more erosion down river. The Chair agreed with all and said so many questions were raised and it's sad there is no guarantee. Mr. Castinetti said he spoke with some contractors that feel there are other options. The Chair said if the Board votes to withdraw the application it does not mean that the issue is no longer before them and they will continue to look into options. Vote 5-0.

- SCTS – SCTV

The Chair said this community voted to convert SCTS back to SCTV and she reached out to the attorney that represented the Board of Directors, Ira Zaleznik and read his opinion:

*"1) The Board of Selectmen must vote to rescind the policy and "by-law" previously voted. This policy was not a by-law in the true sense of the word, and can therefore be changed, or eliminated in its entirety, by a further vote of the current Board. If there are portions of the policy that the current Board wishes to retain, it may do so in its vote. Such portions, if you do wish to retain them, however, must not be inconsistent with the By-Laws of the non-profit. If there are specific questions that the Board has with regard to whether there are such inconsistencies, please let me know and I will be happy to address them.*

*2) The current Board of Directors of the non-profit must vote to rescind the prior vote of the Board to dissolve the non-profit. While the non-profit Board did vote to dissolve, the process of dissolution was not completed.*

*Accordingly, the non-profit may resume its activities by voting, formally, to rescind the decision to dissolve. The Board, under its current by-laws, may continue in office until successors are named. The Board of the non-profit will have to ensure that regular functions, such as completion of the audit, filing of returns and annual reports, and the like, are accomplished. Some deadlines for these acts may have passed. However, none of the tardiness should impact upon the ultimate viability of the non-profit.*

*3) The Board of Selectmen and the Board of the non-profit will need to negotiate a new agreement for the operation of the station. The prior agreement expired, and the prior Board of Selectmen decided not to renew it.*

*In terms of timing, it does not matter, in my opinion, whether the Board of Selectmen act before the Board of the non-profit, or vice versa. Whichever Board acts first, its vote should be contingent upon the other Board acting in conformity with the vote. In other words, if the BOS votes first, it should vote to rescind the prior policy subject to the Board of Directors of the non-profit voting to rescind its prior vote to dissolve. If the Board of Directors votes to rescind the prior vote to dissolve first, that vote, likewise, should be contingent upon the BOS voting to rescind the prior policy vote."*

The Chair said this Board would need to rescind the 7/18/12 vote of the previous Board. Ms. Panetta suggested the Board hold public hearings to allow input and said she doesn't want to vote before she sees what it would look like. Ms. Dever said when the change was made she doesn't recall public hearings and said she believes they can look at current By-Laws and original and said she will support recommendation of counsel. Ms. Panetta said the prior Board had many people come before them and there was a lot of public comment and appreciates public input on new policy. Ms. Dever said she appreciates her comments said this is a first step. Mr. Castinetti said 87% of the voters wanted change and will support the motion without a public hearing. Ms. Dever said they can take the best of both and it could be better. Mr. Allan said he believes to move forward they need to vote to rescind the 2012 vote and agrees with Ms. Panetta they should have a public hearing and input from the public. The Chair said they are all in agreement and if the vote is taken to rescind the 2012 vote and SCTS follows they can look to draft something to show to the public.

Ms. Dever moved per recommendation of counsel to rescind the July 18, 2012 vote of the Board of Selectmen in the creation of SCTS contingent on the same vote of the Board of Directors. Chair seconds.

Mr. Castinetti speaking on the motion asked if the non-profit was dissolved. The Chair explained they voted to dissolve but never followed through. Mr. Allan asked if they follow suit the Board can schedule public hearing. Ms. Dever suggested 2 separate votes. Vote 4-0 with Ms. Panetta voting present.

Saugus Board of Selectmen  
January 28, 2014

Mr. Allan moved to schedule public hearing regarding input on the By-Laws of the station providing SCTS follows through. Chair seconds. Vote: 4-1 with Mr. Castinetti voting in opposition.

New Business:

-“Safer Grant”

The Manager explained the grant received and the hiring of 8 firefighters. The Chair asked if it is a 3 year grant. The Manager said 2 year with 3<sup>rd</sup> year option. Mr. Castinetti asked what happens at the end and how it will be funded. The Manager said budgeting. Mr. Castinetti said he was thrilled to get the grant. Ms. Panetta said it’s wonderful and even more wonderful that they are able to reapply. Ms. Dever asked if there are any planned retirements. The Manager said 1 planned and he will be replaced. Ms. Dever asked if he had any thoughts on hiring a grant writer. The Manager said he hired an Economic Development Coordinator with strong background in grant writing and has hired outside consultants for some things as needed. Ms. Dever said it’s important to keep Saugus residents involved.

-Survey Monkey and National Citizen Survey discussion.

Mr. Allan said he wanted to suggest the Board consider putting out surveys to get a pulse on the community. The Chair asked if it would be topic specific. Mr. Allan gave examples. Ms. Panetta said when she served on the Charter Commission she was on the survey subcommittee and cautioned they would need to be careful of what questions they would be asking. Ms. Dever commended them both and said it would be a great opportunity on collaborating and said for a long time people felt uncomfortable coming forward and this would be opportunity to get people engaged in the community. The Chair said they could reach out on various topics. Mr. Castinetti agreed with Ms. Panetta and said the crafting of questions is critical so they might get responses from a variety of people. The Chair said food for thought and they could discuss further at a future meeting.

Manager’s Report

The Manager gave update on casino issues. Ms. Dever thanked him for pursuing an agreement.

Member’s Comment Period: Mr. Allan re: Subcommittees

Ms. Dever: -asked the Manager for update on flood mitigation plan for next meeting.

-asked if he was able to set up a meeting with the State Delegates and if he put a list of projects together. The Manager said he is meeting with Dept. Heads and said the Board should set up the meeting.

Ms. Panetta: -asked if there was any feedback on the bridge reports. The Manager said the Director is putting plan / project together.

-asked if they would be scheduling budget meetings. The Chair said possible one the week after and one on the 25<sup>th</sup>.

Mr. Castinetti: -said the Board received e-mail regarding meeting on the CIP. The Manager said they will be meeting with them individually first then later with the full Board.

The Chair said the Board received copy of the restrictive covenant on Weylu’s property and said there have been some recent complaints of activity and significant traffic on the Revere end of the property and reminded the Manager people want to be kept informed. Ms. Dever agreed and said the neighbors have been patient and a meeting needs to take place. The Manager said the Economic Development Coordinator will be meeting with Revere to get information. The Chair asked he keep the neighbors informed even if there’s no update so they do not feel forgotten. The Manager said he will relay the message to the Economic Development Coordinator.

Mr. Allan: said he wanted to propose subcommittees and gave example of two issues where there will be a lot of meetings and info gathering the CIP and Economic Development. Ms. Panetta asked how they would be different from committees in place. Mr. Allan they would attend the meetings, gather information and inform the whole Board. Ms. Panetta said like a “sub-team” and asked how he would see CIP as there’s not much activity now. Mr. Allan said all 5 Members will be involved in adopting a CIP but the sub-team could gather information to bring to the Board. Ms. Dever commended him on the idea noting all the Board Members will not need to be at all meetings.

Saugus Board of Selectmen  
January 28, 2014

Mr. Allan moved the Board vote to create 2 subcommittees: Ms. Dever and Ms. Panetta on Capital Improvement Plan Subcommittee and Mr. Castinetti and Mr. Allan on Economic Development Subcommittee. Chair seconds 5-0.

Citizen's Comment Period

Jeff Moses, 3 South Street, TMMP9, was present and commented on the grant received to hire additional firefighters is great news and said he serves on the Town Meeting Ambulance Study Committee and the biggest stumbling block to running our own ambulance service is start up funding and this will help a lot to get it going. Ms. Dever said she served on the Study Committee and agreed.

Executive Session re: Town Manager's Contract.

Mr. Castinetti moved the Board vote to go into executive session to discuss the Town Manager's contract, not to return to open session. Those to be present: Selectmen Allan, Castinetti, Dever, Panetta and Faiella and the Town Manager Scott Crabtree and to hold the executive session in the Town Hall First Floor Conference Room. Chair seconds.

Roll call Vote: Mr. Allan, yes; Mr. Castinetti, yes; Ms. Dever, yes; Ms. Panetta, yes; Ms. Faiella, yes.

The Board entered into executive session at 10:01 PM.

Respectfully submitted,  
Wendy Reed, Clerk