

Saugus Board of Selectmen
January 31, 2012

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

AGENDA
Saugus Board of Selectmen
January 31, 2012, 7:30PM
Town Hall Auditorium
298 Central Street

1. Call to order.
2. Invited guests: Pop Warner "C Team" Cheerleaders
3. Approval of minutes: January 3; and January 10, 2012.
4. Enhanced Citizen's Forum
5. Continued Hearings:
 - McKay Construction S-2 from: 10/25/11; 11/15/11; 11/29/11; 12/13/11; 1/10/12 **TO: 1/31/12**
 - Giovanni's, 194 Broadway from: 1/10/12 TO: 1/31/12.
 - Cyber Palace, 184 Broadway from 1/10/12 TO: 1/31/12.
 - **"Show Cause" Hearing on:** PAM, Inc. d/b/a LAVO Ristorante, 114 Broadway.
FROM: 11/29/11; 12/06/11; 12/13/11 **Held in abeyance / bankruptcy.**

PUBLIC HEARINGS:

8:00 Saugus Checker Cab, Mourad Lemhaours, owner, to operate a taxi cab business in the Town of Saugus and License for one taxi cab.

8:10 Lee Ling Company, Chun Sheng Li, for Special Permit (S-2) to allow bodywork / Shiatsu business at 1201 Broadway, Square One Mall, space #P5.

8:20 Goodfellas Doggy Day Care, for Special Permit (S-2) to allow dog care facility offering overnight kenneling of dogs, located at 0 & 20 Thresher Street & 17 Lark Avenue,

8:30 Precious Moments Bakery & Café, LLC, 124 Broadway, for Common Victualer's License; and for determination of variance voted 1/8/02 to waive the external grease trap requirement

Correspondence

- 1.) Mr. DeFeo re: request for reappointment as constable.
- 2.) Knights of Columbus re: Beano Report.
- 3.) Population estimates for seasonal licenses.
- 4.) Appointments to Board of Health & Tree Committee.
- 5.) Draft Annual Report to ABCC.
- 6.) Valuable / Used Goods Licenses available.
(Tabled 3/22/11 correspondence: Police Dept. re: Angela's liquor inspection)

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

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The Saugus Board of Selectmen met on January 31, 2012 at 7:30PM in the Town Hall Auditorium, 298 Central Street. Present were: Selectmen Stephen Castinetti, Stephen Horlick, Debra Panetta, Michael Serino and the Chairman Scott Crabtree. Acting Town Manager John Vasapolli was also present. Mr. Horlick left the meeting at 8:35PM.

Invited guests: Pop Warner "C Team" Cheerleaders

Head Coach Kerry Dustin and Assistant Coach Taylor Joyal said the team had an undefeated season and went on to win a gold medal at the National Competition in Florida. The Board presented each with citation and congratulated them. Mr. Crabtree thanked them and congratulated them. Mr. Horlick thanked them and said this is the best part of being a Selectmen and thanked them. Ms. Panetta recognized their dedication to their sport and said Saugus is proud of them. Mr. Serino thanked them and said they are an asset to the community. Mr. Castinetti thanked them and said they did a great job.

Approval of minutes: January 3; and January 10, 2012

Mr. Castinetti moved to approve the January 3 minutes. Chair seconds. Vote: 5-0.

Ms. Panetta moved to approve the January 10 minutes. Chair seconds. Ms. Panetta noted a typo. Vote: 5-0.

Enhanced Citizen's Forum: None

Continued Hearings:

- McKay Construction S-2 from: 10/25/11; 11/15/11; 11/29/11; 12/13/11; 1/10/12 **TO: 1/31/12**
McKay Construction Services, Inc., for Special Permit (S-2) to allow a contractor's yard at 0 Rear Pennsylvania Avenue.

Attorney Richard Magnan, 194 Central Street, was present and explained items in packet delivered to the Board yesterday and said the issues with Lynnfield are being addressed and read a section of letter submitted by Atty. Rossi and said taxes to the Town have been paid and have addressed environmental issues to satisfy DEP and read revised letter from Saugus River Watershed Council that they are satisfied and explained the plan is not for a long term contractors yard but short term rent to generate funds to develop the property. Ms. Panetta asked the correct spelling McKay or MacKay. Atty. Magnan said he would check. Ms. Panetta said she is co-President of Saugus River Watershed Council and to get a better understanding she asked will they maintain the 100' buffer zone and noted no storm water plan and asked what McKay Construction will do on site because there are utility issues. Atty. Magnan said this is just for storage of vehicles. Ms. Panetta asked square footage. Atty. Magnan said 12,000 s.f. but will agree to 20,000 required. Mr. Horlick said this is different than the granite company because they are an open retail business and need sanitary facilities and this is storage of vehicles only with no office and said he doesn't want any repairing of vehicles. Atty. Magnan agreed and said they are looking for 15 vehicles. Rick Salvo, Engineering Alliance said the contractors yard was previously developed outside the buffer zone associated with the Saugus River and they filed an application with conservation several months ago to address access and storm water and it was approved but currently under appeal. Mr. Serino said under the restoration plan they are to plant 44 trees and it's under appeal. Mr. Salvo said it is an abutter that appealed not the property owner. Ms. Panetta said last hearing date a concern was raised with the property having only one way in and one way out and heard they were meeting with DCR to possibly use Camp Nihan. Mr. Salvo said there are several "right-of-ways" and are exploring all options. Attorney Jill Elmstrom Mann, 191 S. Main St., Middleton was present and explained the outline prepared for the Board that consolidated and addressed concerns raised. Mr. Horlick said vehicles stored should be registered in Saugus. Atty. Magnan confirmed the spelling as MacKay. Mr. Serino said he doesn't have a problem granting it but would like to see a business plan for the entire property. Mr. Castinetti asked about stipulating the permit for 3 years. Mr. Serino said S-2 goes

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with the land and runs forever. Ms. Panetta said she is more in line with Mr. Serino and would like to see a business plan for the entire lot. Mr. Horlick said if they put a maximum number of trucks at 15 they would need to come back for any changes and said the property is better than it was 2 years ago but is concerned businesses will start up without notifying the Board. The Chair asked if the Board could put a time limit on an S-2 Permit and if not can an S-2 Permit be revoked. Mr. Vasapolli said the Board may put reasonable conditions and do have the right to revoke after hearing and can limit the use but would need to research a time limit. Atty. Magnan said he understands the concerns. The Chair asked why he bought the property and where he's going with it. Atty. Magnan said his client would like to plan to develop the property but needs short term cash flow to defray the costs. Mr. Serino said he is sympathetic to his client but keep in mind he was operating for months without coming to the Board. Atty. Mann said she can develop a business plan. Mr. Serino said he would like to see 6 months and an update a year later. Ms. Panetta asked if they are still investigating access roads and said she appreciates what they have done to clean up the property.

Any to speak in favor or in opposition? None.

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

Mr. Serino moved to grant a Special Permit (S-2) to allow a contractor's yard at 0 Rear Pennsylvania Avenue with the following conditions: limit of fifteen trucks; hours of operation Monday through Friday 6am to 6pm; lot size to be 20,000 s.f.; no storage of materials on the property; no repairing of vehicles on the property; the Special Permit issued March 6 that was never exercised is null and void; a business plan be submitted in six months and updated yearly; 44 trees to be planted per restoration plan approved by Conservation Commission within six months of granting this S-2 Permit. Mr. Horlick added without opposition: no maintenance work on vehicles on site; vehicles to be registered in the Town of Saugus; and no other business to operate without Board approval. Chair seconds.

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

Continued Hearings: - Giovanni's, 194 Broadway from: 1/10/12 TO: 1/31/12.

Giovanni's, 194 Broadway, for a 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.

Attorney Nelson Chang, 47 Jackson Street was present with applicant and submitted letter from Danvers Board of Health regarding the grease recovery system. Ms. Panetta said the health inspector wants an external grease trap and said this device would not do what it describes to. Mr. Serino read Board of Health letter.

Mr. Horlick moved recess. Chair seconds.

Mr. Horlick left the meeting at 8:35PM.

The Chair called the meeting back to order at 8:35PM and said Mr. Horlick had to leave due to a family emergency.

Mr. Serino said Danvers granted the waiver because there was no place for an external trap and said the menu has fryolators and he doesn't approve fryolators.

Any to speak in favor or in opposition? None.

Mr. Serino moved to deny the request based Board of Health and Plumbing Inspector recommendations. Chair seconds. Vote: 4-0.

Continued Hearings: - Cyber Palace, 184 Broadway from 1/10/12 TO: 1/31/12.

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

Attorney Robert Noonan requested the applications be withdrawn.

Mr. Castinetti moved to accept applications be withdrawn without prejudice. Chair seconds. Vote: 4-0.

Continued Hearings: - "Show Cause" Hearing on: PAM, Inc. d/b/a LAVO Ristorante, 114 Broadway.
FROM: 11/29/11; 12/06/11; 12/13/11 **Held in abeyance / bankruptcy.**

No new information has been received.

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

8:00 Saugus Checker Cab, Mourad Lemhaours, owner, to operate a taxi cab business in the Town of Saugus and License for one taxi cab.

Mourad Lemhaours, 161 Cottage St. Boston was present said he wants a transportation business and there are not a lot in Saugus and he has a lot of experience. Ms. Panetta asked where dispatch would be located. Mr. Lemhaours said in Boston he has parking and a mechanic and if he expands he would look to move to Saugus. Mr. Serino asked where the cabs would be parked or stationed in Saugus. Mr. Lemhaours said hotels or business location. Ms. Panetta asked if a cab would be parked in Town or responding from Boston. Mr. Lemhaours that he will find a place in Town.

Any to speak in favor or in opposition?

Susan Yee, GM Square One Mall said cabs are not allowed at the mall they can only respond to or drop off.

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

Ms. Panetta asked how many cabs he wants and where they will be. Mr. Lemhaours said he will try to work out something with a hotel or business. The Chair asked how many cabs he wants. Mr. Lemhaours said 4.

Mr. Castinetti moved to grant a taxi license for four taxi cabs. Chair seconds. Vote: 4-0.

8:10 Lee Ling Company, Chun Sheng Li, for Special Permit (S-2) to allow bodywork / Shiatsu business at 1201 Broadway, Square One Mall, space #P5.

Chun Sheng Li was present with an interpreter and explained acupressure. Ms. Panetta asked if this is a kiosk location or in a store. Susan Yee, GM Square One Mall explained area.

Any to speak in favor or in opposition? None.

Ms. Panetta moved to close the hearing. Chair seconds. Vote: 4-0.

Ms. Panetta moved to allow Special Permit (S-2) to allow bodywork / Shiatsu business at 1201 Broadway, Square One Mall, space #P5. Chair seconds.

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

8:20 Goodfellas Doggy Day Care, for Special Permit (S-2) to allow dog care facility offering overnight kenneling of dogs, located at 0 & 20 Thresher Street & 17 Lark Avenue.

Attorney Richard Magnan, 194 Central Street was present with applicant Anna Strasnick. The Chair noted only 4 Members present and the requirement of 4 votes to approve. Atty. Magnan said they will go forward tonight and passed out a response to comments from departments and photos. Mr. Castinetti asked if Eagle Rd is a paper street. Atty. Magnan said yes. Ms. Panetta asked if it includes 2 buildings and a pool. Atty. Magnan said yes. Ms. Panetta said she understands the staff will be CPR trained and asked if they have done this before. Ms. Strasnick said not professionally. Ms. Panetta asked about dog grooming. Ms. Strasnick said they will not start out with a groomer. Mr. Serino asked why the Building Inspector wanted it paved around the house. Atty. Magnan said potential dust issue.

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Any to speak in favor or in opposition?

Tony Spinazzola, 199 Eastwood Dr Melrose and property owner explained the property and search for right tenant and passed out pictures. Mr. Castinetti said the property never looked so good.

Ms. Panetta moved to close the hearing. Chair seconds. Vote: 4-0.

Ms. Panetta moved to accept the Special Permit (S-2) to allow dog care facility offering overnight kenneling of dogs, located at 0 & 20 Thresher Street & 17 Lark Avenue. Mr. Serino added with no objection the following conditions: no more than fifteen dogs boarded overnight on 7 days a week; hours of operation for day care Monday through Friday 7:00AM to 7:00PM, Saturday 9:00AM to 5:00PM; Board of Health recommendations; area to be fenced in. The Chair added with no objection: limit of seventy-five dogs. Chair seconds.

Roll call vote: Mr. Castinetti, yes; Ms. Panetta, yes; Mr. Serino, yes; Mr. Crabtree, yes.
8:30 Precious Moments Bakery & Café, LLC, 124 Broadway, for Common Victualer's License; and for determination of variance voted 1/8/02 to waive the external grease trap requirement

Margarida Raposo, explained she just bought Truly Jorge and would like to offer seating and said no other changes. Mr. Serino said the application is for 8 tables and 16 seats. Ms. Raposo said correct.

Any to speak in favor or in opposition? None.

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

Mr. Serino moved to grant the Common Victualer's License with hours of operation 6am to 7pm 7 days a week; 8 tables and 16 seats and voted to approve the request for a variance to waive the external grease trap requirement based on the determination that there are no substantial changes. Chair seconds. Vote: 4-0.

Correspondence

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

Pasquale DeFeo was present. Mr. Serino said he has been a constable for 9 years.

Mr. Serino moved to reappoint Pasquale DeFeo as constable in the Town of Saugus.

Chair seconds. Vote: 4-0.

2.) Knights of Columbus re: Beano Report.

Mr. Castinetti moved to accept the report. Chair seconds. Vote: 4-0.

3.) Population estimates for seasonal licenses.

Mr. Serino moved to accept the estimated population for seasonal licenses. Chair seconds. Vote: 4-0.

4.) Appointments to Board of Health & Tree Committee.

Mr. Vasapolli recommended the appointment of Joe Vinard to the Board of Health.

Mr. Castinetti moved to confirm the appointment of Joe Vinard to the Board of Health.

Chair seconds.

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

Mr. Vasapolli recommended to appointment of Andy DeSantis to the Tree Committ.

Ms. Panetta moved to confirm the appointment of Any DeSantis to the Tree Committee.

Chair seconds.

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

5.) Draft Annual Report to ABCC.

Mr. Serino moved to submit report. Chair seconds. Vote: 4-0.

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6.) Valuable / Used Goods Licenses available.

Mr. Serino explained the Board limited the number of Licenses to 10 and would like some input from the police dept. and asked how many are interested in a license. Their clerk said she has 10 letters of interest on file. The Chair asked their clerk to request recommendation from police dept.

Manager's Report

- said he has been engaged in holding budget hearings with the transitional team and is also in the process of engaging an accounting firm as the Selectmen requested to conduct an audit and said he has been overseeing the day to day operations of the Town.

Ms. Panetta asked about the joint labor commission decision and asked what legal requirements and if they must call a special town meeting. The Chair said the statute provides he be heard at the next special or annual town meeting and we don't have a special scheduled at this time.

Member's Motions

Mr. Serino: requested a meeting be scheduled to discuss RESCO settlement and work out issues with Iron Horse for the rail trail.

Mr. Serino moved to schedule a meeting for next week. Chair seconds. Vote: 4-0.

Mr. Castinetti: said he is still working on getting electronic devices for the Board and has one quote and is awaiting another and is looking at possible donation.

- said in his packet he received a notice regarding the Veterans Agent position that could possibly have a negative impact on funding and will keep the Board updated. Mr. Serino said he sat in on the Veterans Agent budget presentation and he said Saugus will be fine. Mr. Castinetti read section of the letter and said the veterans may not be negatively impacted but the Town might be.

Ms. Panetta: reminded the public that Saturday morning at 9AM the Board will hold another forum to hear from the public what attributes and qualities they would like to see in a Town Manager.

- announced winter clothing drive sponsored by Boy Scout Troop 62.

The Chair said regarding the transition team that they have concluded the budget hearings and are preparing a budget and they are engaging a firm for the audit to do an overall assessment of the Town's financial status and said regarding the police settlement that they need to address planning and thanked the Board Members, Manager and transitional team.

Citizen's Forum: None.

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

Meeting adjourned at 9:29PM.

Respectfully submitted,
Wendy Reed, Clerk