

Saugus Board of Selectmen
February 10, 2009

The Saugus Board of Selectmen met on February 10, 2009 at 6:00 PM in the Town Hall 1st Floor Conference Room, 298 Central Street. Present were: Selectmen Stephen Castinetti, Stephen Horlick, Peter Rossetti Jr. and the Chairman Donald Wong. The Town Manager Andrew Bisignani was also present. Mr. Rossetti arrived at 6:45 PM.
FY10 Budget

The Manager presented the FY10 Budget to the Board. The Board asked questions and discussions were held. The Manager said the budget may change as information is received, but the budget before them is a balanced budget. The Board will meet on February 24 to vote their recommendations and forward to the Finance Committee.

The Chair called for recess to move to the Auditorium for the Board's 7:30 PM Meeting. The Board recessed at 7:15 PM.

**Saugus Board of Selectmen
February 10, 2009**

The Saugus Board of Selectmen met on February 10, 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. The Town Manager Andrew Bisignani was also present.

The Chairman excused himself from the table and Vice Chairman Castinetti took the Chair.

Invited guests: Hooters Restaurant

Attorney George Gregson was present with owners Paul & Marc Phaneuf. The Vice Chair recognized Mr. Kelleher. Mr. Kelleher asked they explain what occurred and in fairness the Board asked them in to discuss what did or did not happen. Mr. Phaneuf said it is their belief the person stated alcohol was served to a person under age and it is their belief the person showed a false ID. Mr. Kelleher asked about ID readers. Mr. Phaneuf said they have a software problem right now, but do use it, but presently are not, but do own one. Mr. Kelleher asked if it was operating on the day in question. Mr. Phaneuf said no. Mr. Kelleher asked if it is policy to ID everyone. Mr. Phaneuf said anyone that looks under 30-35 and explained training. Mr. Kelleher said he visited a number of establishments to observe and did see ID checks at Hooters. Mr. Phaneuf thanked the community for the warm welcome and looks forward to being involved. Mr. Horlick asked as a result, has he redone training. Mr. Phaneuf said they did step up training and are committed to responsible alcohol service. Mr. Horlick asked the number of times a year they conduct training. Mr. Phaneuf said at least twice, but it is done on a daily basis through staff meetings. Mr. Castinetti said he was made aware of an issue in their parking lot and the neighbor wants to speak with them to address it and would like to see some cooperation with his neighbors.

Mr. Wong returned to the table and resumed the Chair.

Approval of minutes: January 27, 2009

Mr. Rossetti offered a correction and moved to approve the minutes as corrected. Chair seconds. Vote: 5-0.

Continued hearings:

Saugus Board of Selectmen
February 10, 2009

The Chairman excused himself from the table and Vice Chairman Castinetti took the Chair.

Mr. Kelleher asked if the Board wanted to dispose Oasis continued hearing. Mr. Castinetti said the Board should wait until the appeal period has elapsed.

Pamela Avedisian, for transfer of All Alcoholic Common Victualer's License and Entertainment License from Vogue Concessions, Inc. d/b/a Spin, 1466 Broadway to NEW location 60 Salem Turnpike and for NEW manager, Pamela Avedisian.

Attorney George Gregson was present with Dustin DiNunzio. Attorney Gregson explained the request for transfer and the long process ahead and the petitioner needs to know so they may move forward on their plans and said the background check was fine and she has owned the land for 4 or 5 years and explained bridge work and the concept of a function facility and restaurant. Mr. DiNunzio introduced himself and explained he handles most of Ms. Avedisian's properties. Mr. Castinetti asked time frame. Mr. DiNunzio said this is the 1st step in a long process including planning, if variances are needed, DEP, Mass. Highway and MWRA and the earliest would be 18 months. Mr. Rossetti asked he explain concept because there are some misconceptions out there. Mr. DiNunzio said they are looking at a restaurant with function facilities. Mr. Rossetti asked number of seats. Mr. DiNunzio said 190 seats. Mr. Rossetti asked if it would cost \$400,000-\$600,000 to renovate. Mr. DiNunzio said the process is elaborate. Mr. Castinetti asked about entertainment. Mr. DiNunzio said they would not offer adult entertainment. Mr. Castinetti said the Board has concern with other type entertainment issues that draw large crowds. Mr. DiNunzio said the concept is a restaurant with function facilities. Mr. Kelleher regarding the timing asked why they are asking for transfer now. Mr. DiNunzio explained once the license is in place they will move down that road, but if they don't have a license, they may move down another road for industrial zoned property. Mr. Kelleher said the Board has concern with "pocket" licenses. Atty. Gregson explained the agreement and said no one would build a restaurant without a license and explained they must apply to DEP and curb cuts and fire recommendations and described the location and parking. Mr. Kelleher asked how they would assure the Board on the use. Atty. Gregson said the applicant filed and signed a sworn statement on the application for license as required by the Board. Mr. Kelleher asked at any time will nude or semi nude dancing be offered. Atty. Gregson said that has been a condition on all licenses. Mr. Kelleher asked if they were willing to sign off to never use the property for that use as a condition of license. Atty. Gregson said the Board always has jurisdiction of condition of license and any changes must go before the Board for approval as it states in the Liquor Rules & Regulations. Mr. Horlick asked the size of function facilities. Mr. DiNunzio said a couple of large rooms, but not sure of size yet. Mr. Horlick said he has concern because the license has been out for 3 years already and they will need 18 months to 2 years. Mr. DiNunzio said if approved, they will start the process and move along, but it will take time. Mr. Horlick said as time goes on the concept may change. Atty. Gregson said all changes must get Board approval. Mr. Horlick asked of police recommendation. Lt. Swezey was present and said they had concerns with parking and congestion on the road under construction and on hours of operation. Mr. Horlick asked if an incident occurs there, how would police response be. Lt. said that is a concern.

Saugus Board of Selectmen
February 10, 2009

Mr. Rossetti moved to table the 7:45PM public hearing Vice Chair seconds. Vote: 4-0.

Mr. Rossetti moved to table the 7:55 & 8:05PM public hearings. Vice Chair seconds. Vote: 4-0.

Atty. Gregson explained parking and plan.

Any in favor or in opposition? None.

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

Mr. Rossetti moved to grant the transfer of All Alcoholic Common Victualer's License with new Entertainment License, new manager and new location with the following conditions: no nude or seminude dancing. Vice Chair seconds. Mr. Kelleher added with no objection the following condition: no nightclub operation. Mr. Kelleher speaking on the motion said the Board takes it seriously and if there are concerns they will have to come back before the Board. Vote: 3-1 with Mr. Horlick voting in opposition.

Mr. Wong returned to the table a resumed the Chair.

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. Atty. Magnan explained the plans submitted and the Building Inspector did approve them today and asked the Board to approve change of location subject to certificate of occupancy and money owed paid and said proposed hours of operation will be Monday-Saturday 9AM-5PM, no signs, no pennants, no flags, no lights of any kind.

Any in favor or in opposition? None.

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

Mr. Horlick moved to approve the change of location with hours of operation Monday through Saturday 9AM to 5PM, no Sunday hours, no signs and limit of 4 vehicles. Chair seconds. Vote: 5-0.

Mr. Rossetti moved to take the 7:45 PM public hearing off the table. Chair seconds. Vote: 5-0.

7:45 PM on amending the Town's Traffic Rules & Regulations ARTICLE V, SECTION 2. "Parking Prohibited on Certain Streets" by removing designated "No Parking" in front of #120, 124, & 117-121 Adams Avenue.

Mr. Kelleher said the Board met for site visit to look to addressing concerns and felt they came to a good conclusion and a good resolve to this.

Any in favor or in opposition? Sandra Lyons, 120 Adams Avenue thanked the Board for coming and said she would like to see the signs down.

Glenn Brownell, 121 Adams Avenue, said he thought it was decided to take the signs down and then heard a letter was sent requesting the signs stay up in front of his house and is not in favor of signs in front of his home.

Mr. Kelleher said when they met he left with a clear direction that only 1 sign would remain and that agreement stands.

Richard Lyons, 124 Adams Avenue, thanked them for coming and said he would like to see the signs down.

Ken Doherty, 16 Elmwood Avenue, thanked them for coming and said they have discussed other changes for the intersection and said accidents are a problem and they need to do something.

Saugus Board of Selectmen
February 10, 2009

Mr. Kelleher said the police are working on recommendation.

Michael & Jean Barker, 122 Adams Avenue, said they want the signs for safety reasons and feel they must do something to make the street safer.

Mr. Castinetti said the issue of the no parking signs he will support, but other things will have to be discussed at another time and said the Board Members went there on a Saturday morning and was disappointed a letter was sent stating they changed their minds and said everyone had a chance to voice their opinions. Mr. Kelleher said the Board is committed to making the street safe and will continue to work with the police on the issues.

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

Mr. Kelleher moved to amend the Traffic Rules & Regulations by removing the designated "No Parking" in front of numbers 120, 124, 117, 119, 121 & 125 Adams Avenue, leaving the No Parking sign in front of number 122 Adams Avenue. Chair seconds. Vote: 5-0.

Mr. Horlick moved to take the 7:55 PM public hearing off the table. Chair seconds. Vote: 5-0.

7:55 PM Almoda Inc., for Special Permit (S-2) to allow: body piercing at 1201 Broadway, Square One Mall, Assessor's Plan 1025, Lot 500, 31.

George Helo, applicant was present. Mr. Rossetti asked if he has seen fire recommendations. Mr. Helo said yes. Mr. Rossetti asked if he had a problem with any of it. Mr. Helo said no, all are fine. Mr. Horlick asked if he saw the Health Agent's comments. Mr. Helo said yes and he talked with them. Mr. Kelleher asked about proper training. Mr. Helo said yes and said he has operated in Watertown for 15 years and explained training. The Chair asked if all training was recognized in MA. Mr. Helo said yes. Mr. Kelleher asked age restriction. Mr. Helo said 18 and explained parental permission. Mr. Rossetti asked if he read Inspectional Services recommendations regarding handicapped bathroom. Mr. Helo said yes and said he is in the mall and has handicapped bathrooms.

Any in favor or in opposition? None.

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

Mr. Castinetti moved to grant the S-2 to allow body piercing in store space # N 115, 1201 Broadway, Square One Mall. Chair seconds. Mr. Rossetti added without objection the following conditions: must comply with recommendations of Board of Health and Inspectional Services and any outstanding money owed to be paid.

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

8:05 PM Mayflower Square One, LLC d/b/a Square One Mall, 1201 Broadway, for Entertainment License.

Susan Yee, manager was present with Marlene and explained events they do throughout the year. Mr. Rossetti asked about the movies. Ms. Yee said yes, the same as last year and would like to make it an annual event. Mr. Rossetti asked if she read the fire recommendations. Ms. Yee said yes, same as last year and did speak with the Fire Chief and Police Chief. Mr. Rossetti asked the number that attended last year. Marlene said around 800 total for the day long event.

Any in favor or in opposition? None.

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

Saugus Board of Selectmen
February 10, 2009

Mr. Castinetti moved to grant the Entertainment License. Chair seconds. Mr. Horlick added without objection the following condition: recommendations of police, fire and Inspectional Services department. Vote: 5-0.

Correspondence

1.) HAWC re: request for \$3,000 appropriation at Annual Town Meeting.

Mr. Rossetti moved the Board insert Article into Annual Town Meeting Warrant. Chair seconds. Vote: 5-0.

2.) Saugus Police re: request to insert Article into Annual or next Special Town Meeting Warrant.

Mr. Kelleher moved to insert the Article into Annual Town Meeting Warrant. Chair seconds. Vote: 5-0.

3.) SCTV re: request for release of funds; and request for application for 3rd channel.

Rich Garabedian, SCTV Director was present and explained account differences and would like the funding directly to SCTV and request the Board to start the application for 3rd channel. Mr. Kelleher said the Board fought for the 3rd channel and said the requirements were set and asked if they meet the requirements. Mr. Garabedian said they are arbitrary and would like to start the process. Mr. Kelleher said he voted no on the Cable Contract. Mr. Rossetti said the Board held a great many meetings on the contract and should ask for it and said the money requested is not Town money it is money from Comcast for this purpose, to operate the cable studio. Mr. Horlick said with digital conversion it will get more band width. Mr. Garabedian said they are looking to improve programming and getting students involved and Youth & Rec. and said there are many opportunities here.

Mr. Kelleher moved to transfer the remaining balance to SCTV account along with future payments and to move forward in applying for 3rd channel. Chair seconds. Vote: 5-0.

4.) Blessed Sacrament Church re: request for Special 1 Day Beer & Wine License.

Mr. Kelleher moved to grant the request with standard restrictions. Chair seconds. Vote: 5-0.

5.) Mr. & Mrs. Grant re: No Parking signs on Glen Park Ave.

Tom & Kim Grant, 241 Lincoln Avenue, were present and explained the notice they received was for 220' on left side and now the signs go all the way up where they aren't needed and said a sign is right in their driveway and don't want signs past the 220'. Mr. Rossetti said he saw the pictures and think they should have a site visit.

Mr. Kelleher agreed and moved the Board hold site visit at 8:30AM on 2/21. Chair seconds. Vote: 5-0.

Elizabeth Pauley, 7 Glen Park Ave., said the signs are overkill.

Ed Paulie, 7 Glen Park Ave., said they posted 3 signs now there are 7.

Lt. Swezey was present and said he was made aware of concern and recommended 220'.

Mr. Castinetti moved the Fire Chief and DPW Director be invited to attend also. Chair seconds. Vote: 5-0.

Manager's report

- The FY10 Budget was submitted to the Board and the Board will meet on 2/24 to vote their recommendation and asked Members to call or e-mail any questions.

- Tomorrow the Finance Committee will meet to continue the 6 month review.

Saugus Board of Selectmen
February 10, 2009

Mr. Kelleher said the Board has a meeting at that time and will not be able to attend and thanked the Manager for walking him through the budget Sunday because he wasn't able to meet here at 6PM and asked the Manager for full funding of the Senior Center and Youth & Rec. and said regarding the Vocational assessment that the Town is stuck in a bad deal and requested the Manager meet with other municipal leaders to discuss how willing they would be to offer relief to Saugus. The Manager said he will. Mr. Rossetti said enrollment increased by 16 students at approximately \$240,000 and explained the formula and said the budget hearing will be held in the spring. Mr. Kelleher said the cost is too high and wants to petition the Governor and wants it funded fairly.

- The Town received donation from Doug Cameron, Exchange Insurance Agency for policy to cover World Series Park facility.

Mr. Rossetti moved to accept the gift. Chair seconds. Vote: 5-0.

Mr. Horlick asked the Manager to send a letter thanking them.

- The landfill audit is complete and will have it next week to give to the Finance Committee and said the Town audit exit conference will be held at a time to be determined.

Member's motions

Mr. Castinetti: said the raising of the VFW Hall is scheduled tomorrow and will miss it.

- Working on the traffic issue at Jaffrey Street with police.
- The Board voted a liquor license transfer this evening and has no problem supporting an actively used license, fact being, it is going to be used and is concerned of non active licenses and explained La Vita Mia is moving to Hamilton Street and a technicality of another license, the former Tonino's, is at the address, they won't be able to put another license there.

Mr. Castinetti moved to start proceedings to revoke San-Pen Corp. d/b/a Tonino's liquor license, 36-38 Hamilton Street, closed on or about May of last year, because you can't have a pocket license. Mr. Kelleher said to revoke, would require a show cause hearing and some licenses may be out longer and asked their clerk to get update on all by February 17th Board Meeting. Mr. Castinetti amended his motion according to Mr. Kelleher's request. Chair seconds. Vote: 5-0.

Mr. Rossetti: announced Breakheart movie nights and 100th anniversary coming up.

- Charter Commission will meet Thursday.
- On 2/11/09 at 7PM Jin show cause hearing and the Board is meeting after that to review Harbormaster applications.
- The audit meeting came out positive and the Town is on the right track.
- Tabu hearing was held at ABCC today and they will be handing down their decision in the near future.
- Shadow Day will be held late this year, in April.

Mr. Kelleher: congratulated Jane Osgood who worked hard on the Mr. Saugus High event.

- Be aware the VFW is being taken down and the DeFranzo Memorial will continued to be maintained.
- March 12th the Charter Commission will hold a public hearing.
- Saugus High School and Youth Hockey were to be given preferential rates this year and heard they are going to be raising the rates substantially.

Saugus Board of Selectmen
February 10, 2009

Mr. Horlick: asked the Manager about inconsistent free ice time and complaints regarding lighting at Kasabuski during practice.

- the Board is accepting applications for appointment to PEG Board of Directors, Library Board of Trustees and Zoning Board of Appeals and deadline is 2/23.

- Snow plowing issues and asked the Manager for sand barrel at the end of Deighton Street and said the Board compiled a list a streets to be priority for plowing including Oakhill and Briggs Court.

- The Building Inspector sent response / update regarding 60 Salem Turnpike and 720 - 770 Broadway.

The Manager said to make the public aware that the Town no longer is operating the rink and DCR will meet with the operators to change rates and said the Town is the landlord and has nothing to do with operations. Mr. Kelleher said a number was quoted and it is a 40% increase and that is unacceptable because they were to have preferential rates.

Citizen's forum

Richard Baker, 9 Summer Court read letter submitted to the Board offering to donate his Heritage Tree to the Town. Mr. Horlick asked it is 44". Mr. Baker said yes. Mr. Horlick said that's about 1860's. Mr. Baker said yes. Mr. Horlick said the Town would have no liability, no maintenance and Town held harmless. Mr. Baker said yes, he just wants to protect the tree. Mr. Horlick asked if Town Counsel has seen this. Mr. Baker said yes. Mr. Horlick asked if he had any problem. Mr. Baker said no. Mr. Rossetti said his letter references "Rule of Self Help" and general law. Mr. Baker said yes MGL c. 87. Mr. Rossetti said it may be stated wrong, it conflicts with the "Rule". Tim Hawkes, Chairman Saugus Tree Committee was present and said he is here in support and the Tree Committee and read and said other communities have done similar acts to protect trees and said this is a worthy cause. Mr. Kelleher asked if they had a letter from Town Counsel. Mr. Hawkes said only verbal. Mr. Kelleher said he believes everything is in order, but they must have Town Counsel review and respond. Mr. Baker asked for temporary protection until then. Mr. Rossetti asked liability issue. Mr. Baker said he has insurance. Mr. Kelleher said they need Town Counsel to review.

Mr. Kelleher moved to grant temporary protection, if determined by Town Counsel the Board has authority to do so; to request emergency response from Town Counsel no later than 6PM on 2/11/09 on the following questions: can the neighbor cut the tree?; and is it within the Board's authority to designate a tree on private property a "Heritage Tree" and are the documents in order to do that. Chair seconds. Vote: 5-0.

Steve Worthley, 43 Fairchild Ave., expressed his concern over Kasabuski as it relates to Saugus Youth Hockey and wants to go on record that he opposes a 33% rate increase. Mr. Kelleher asked if it has been quoted yet. Mr. Worthley said at the end of the week and just wants to express concern and for the record he understands there is new management but it was suppose to be a slow increase. Mr. Kelleher said to wait for the actual numbers.

Mr. Horlick moved to adjourn. Chair seconds. Vote: 5-0.

Meeting adjourned at 10:09 PM.

Respectfully submitted,

Wendy Reed, Clerk

Saugus Board of Selectmen
February 10, 2009