

Saugus Board of Selectmen
February 21, 2012

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

AGENDA
Saugus Board of Selectmen
7:30 PM February 21, 2012
Town Hall Auditorium
298 Central Street

- 1.) Call to order.
- 2.) Invited Guests: Collector / Treasurer re: Bond Anticipation Note
- 3.) Approval of minutes: January 25; January 31; & February 4, 2012
- 4.) Enhanced Citizen's Forum
- 5.) 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.**
- 6.) Public Hearings:

8:00PM Blast Fitness Saugus, LLC d/b/a Work Out World located at 1201 Broadway, Square One Mall, 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 between 2:00 AM & 6:00 AM.
Application is also being made for Entertainment License for televisions.

8:10PM Victor Grillo d/b/a Victor's Italian Cuisine, 1539 Broadway, for Common Victualer's License and for Entertainment License.

8:20PM Robert Osborne d/b/a A House of Self Defense, for Special Permit (S-2) to allow self defense instruction and training business to be located at 508 Lincoln Avenue.

Correspondence

- 1.) Evos Group, Inc. d/b/a Sully C's, 168 Broadway – update.
- 2.) Holocaust Center re: proclamation of Holocaust Awareness Week April 15-21, 2012.
- 3.) Atty. Coleman re: Tokyo Steakhouse - update.
- 4.) Buffalo Wild Wings re: request for change of manager.
- 5.) SCTV, Inc. annual report.
- 6.) Residents of Gianna Dr. & Bria Circle re: pig farm.
- 7.) FY11 BOS DRAFT annual report.
- 8.) Environment MA re: support for SB1664 & HB1776 re: solar energy.
- 9.) Town Manager re: appointment to the Board of Health; Historical Commission & Tree Committee.
- 10.) Comcast re: response to letter regarding billing due date policy.
- 11.) Announcement re: when the Selectmen will close the Annual Town Meeting Warrant.
(Tabled 3/22/11 correspondence: Police Dept. re: Angela's liquor inspection)

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

Saugus Board of Selectmen
February 21, 2012

The Saugus Board of Selectmen met on February 21, 2012 at 7:30PM in the Town Hall Auditorium. Present: Selectmen Stephen Castinetti, Stephen Horlick, Debra Panetta, Julie Mitchell and the Vice Chairman Michael Serino. Temporary Town Manager John Vasapolli was also present.

The Vice Chair called the meeting to order and said their first order of business is organizational.

Mr. Horlick moved the Board vote Michael Serino as Chairman. Mr. Serino seconds. Vote: 5-0.

Ms. Panetta moved the Board vote Stephen Castinetti as Vice Chairman. Mr. Serino seconds. Vote: 5-0.

Chairman Serino thanked everyone for their support and noted Town Meeting Members in attendance: Paul Allan, Joan Fowler and Jean Bartolo.

Approval of minutes: January 25; January 31; & February 4, 2012

Mr. Castinetti moved to approve the January 25th minutes. The Chair offered amendment. Chair seconds. Vote: 5-0.

Ms. Panetta moved to accept the January 31st minutes. Chair seconds. Vote: 5-0.

Mr. Horlick moved to approve the February 4th minutes. Chair seconds. Vote: 5-0.

Invited Guests: Collector / Treasurer re: Bond Anticipation Note

Collector / Treasurer Wendy Hatch was present and explained request for BAN for the middle school project. Ms. Panetta asked how long the process takes. Ms. Hatch said about 6 weeks.

Mr. Castinetti moved it be *voted that we hereby determine, in accordance with G.L. c. 70B, that the amount of the cost of the Belmonte Middle School project authorized by votes of the Town passed on May 2, 2011 (Article 4) and November 8, 2011 (Ballot Question) not being paid by the school facilities grant is \$8,840,089 and we hereby approve of the issuance of notes and bonds in such amount under G.L. c. 70B. Further voted to approve the sale of the \$5,383,000 1.50 percent General Obligation Bond Anticipation Notes (the "Notes") of the Town dated March 2, 2012, and payable November 12, 2012, to Bank of America Merrill Lynch at par and accrued interest, if any, plus a premium of \$38,757.60. Further vote that in connection with the marketing and sale of the Notes, the preparation and distribution of a Notice of Sale and Preliminary Official Statement dated February 6, 2012, and a final Official Statement dated February 15, 2012, each in such form as may be approved by the Town Treasurer, be and hereby are ratified, confirmed, approved and adopted. Further vote that the consent to the financial advisor bidding for the Notes, as executed prior to the bidding for the Notes, is hereby confirmed. Further vote that the Town Treasurer and the Board of Selectmen be, and hereby are, authorized to execute and deliver a significant events disclosure undertaking in compliance with SEC Rule 15c2-12 in such form as may be approved by bond counsel to the Town, which undertaking shall be incorporated by reference in the physical certificate evidencing the Notes for the benefit of the holders of the Notes from time to time. Further vote that each member of the Board of Selectmen, the Town Clerk and Town Treasurer be and hereby are, authorized to take any and all such actions, and execute and deliver such certificates, receipts or other documents as may be determined by them, or any of them, to be necessary or convenient to carry into effect the provisions of the foregoing votes.*

Chair seconds. Vote: 5-0.

The Collector / Treasurer said she has a late request that is time sensitive and asked the Board consider vacating the foreclosure of 11 Thomas Street, Unit G2 and explained and recommended the Board approve the vacation with the stipulation back taxes, plus interest, penalties and fees must be paid no later than 5PM on 2/28/12. Mr. Castinetti asked if there's a reasonable expectation the bank will provide a mortgage. Ms. Hatch said yes. The Chair asked overall how tax collection is going. Ms. Hatch said they are collecting 95-97% on average per year.

Ms. Panetta moved the Board vote to allow the judgment for foreclosure dated April 29, 2011 to be vacated and title of the property at 11 Thomas Street, Unit G-2 be returned to Susan D'Allesandro as stated on the foreclosure judgment if payment in full of \$21,506.96 for fiscal 2007-2012 outstanding real estate taxes with all applicable interest, penalties, and fees is received no later than 5:00 p.m., Tuesday, February 28, 2012 and if payment is not received by this date, the Town of Saugus will move forward with the Execution of Judgment dated February 14, 2012 and take full possession of the property. Chair seconds. Vote: 5-0.

Mr. Horlick moved for recess. Chair seconds. Vote: 5-0. Meeting recessed at 7:47PM.

The Chair called the meeting back to order at 7:53PM.

Saugus Board of Selectmen
February 21, 2012

The Chair apologized he did not introduce the Board's new Member Julie Mitchell and said she was sworn in Friday and welcomed her. Ms. Panetta said all Board Members attended the swearing in and congratulated her. The Chair noted former Chairman Scott Crabtree was in attendance.

Enhanced Citizen's Forum

Charles Swain, 16 Lawndale Avenue, said there are several street lights out all over Town and has tried to report to DPW, on "click it" and called Wilmington Wire but feels there should be more done to fix them. Mr. Horlick said he brought this up last meeting and thinks the Board could have the company come in. Mr. Castinetti agreed and said he noticed several out on his way here this evening. The Chair asked the Manager to look into it.

Correspondence

1.) Evos Group, Inc. d/b/a Sully C's, 168 Broadway – update.

Attorney Richard Magnan, 194 Central Street was present and explained the application for transfer was approved by the Board and sent to ABCC for approval and said ABCC has returned the application and needs new forms completed and will have those complete shortly. The Chair asked how long. Atty. Magnan said 2 weeks. The Chair said the Board's next meeting is March 13th. Atty. Magnan said he will have them for the Board. The Chair said it will be on next agenda.

Public Hearings:

8:00PM Blast Fitness Saugus, LLC d/b/a Work Out World located at 1201 Broadway, Square One Mall, 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 between 2:00 AM & 6:00 AM.
Application is also being made for Entertainment License for televisions.

Paul Phu, 37 Judson St., Malden was present and explained request and said he would like to open at least at 5AM. Ms. Panetta read Board of Health comments regarding issue with tanning booths and asked if has been rectified. Mr. Phu said they were from the previous tenant and they have been removed. Ms. Panetta said they want to be open 24 / 7 and asked if many people work out at 3AM. Mr. Phu said 10-20. Ms. Panetta said she checked neighboring facilities and is trying to understand the need. Mr. Phu said all their locations are 24 hour and want to keep it uniform. Mr. Horlick asked if they are requesting a total of 32 TV's. Mr. Phu said yes. Mr. Horlick said he has concern with other establishments wanting 24 hour and some are in residential areas. Mr. Castinetti asked if all are open 24 hour. Mr. Phu said yes. Ms. Panetta said she has concern and read hours of other gyms. Mr. Castinetti said he doesn't see it that way and said the gym is in the middle of the mall and not in a residential area and said he handles each application individually and said if no patrons go, they won't stay open. The Chair said he has concern with past gang problems at the mall and trouble with car break-ins.

Any to speak on the issue? Janet Leuci, TMMP4 and neighbor is strongly opposed to 24 hours and said it will establish a precedence and there isn't a public necessity and could hurt the community and strain on the police and could become a hang-out and she also looked at other gyms and none are open before 5AM and asked they please not approve.

Jean Bartolo, TMMP6, expressed concern with it being dark and safety issues.

Susan Yee, GM Square One Mall, said she understands the concerns and said there hasn't been gang activity for at least 5 years and part of the lease specifies there be additional lighting and the mall has 24 hour security and fund a police officer and the number of break-ins has reduced and said Work Out World in Peabody is open 24 hours and she has not heard from a Town Meeting Member in over 4 years.

Patricia McLaughlin, TMMP4, said Stop & Shop is open 24 hours and she was jumped and is concerned with safety.

Candy Scurio, has been with the company for 5 years and explained each location and approvals pending and explained security including surveillance cameras and said those working out early morning are very dedicated.

Mr. Horlick said he's not in favor of 24/7 and said maybe 5AM to 11PM. Mr. Castinetti asked hours now. Ms. Yee said 6AM to midnight. Mr. Castinetti suggested a trial period. Mr. Horlick said he

Saugus Board of Selectmen
February 21, 2012

not objectionable with 5AM. The Chair said he was on the Board when the By-Law was approved and he hasn't approved any requests unless there's a public need and said the applicant said he wanted to open at least at 5AM and asked if he is willing to agree to 5AM. Ms. Yee asked they consider 4:30AM to midnight. Mr. Castinetti and Ms. Mitchell said they aren't opposed to 4:30AM.

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

Mr. Horlick moved to approve Extended Hours of Operation Permit for 5:00AM to 12 midnight and approve Entertainment License for 32 televisions. The Chair said 10 televisions wall mounted and others imbedded in equipment. Chair seconds. Vote: 5-0.

8:10PM Victor Grillo d/b/a Victor's Italian Cuisine, 1539 Broadway, for Common Victualer's License and for Entertainment License.

Victor Grillo, Revere, was present. The Chair asked hours of operation. Mr. Grillo said 11AM to 10PM. The Chair asked number of seats. Mr. Grillo said 42. The Chair noted the Building Inspector said there was enough parking. Mr. Horlick asked if he reads fire dept. recommendations. Mr. Grillo said yes. Ms. Panetta said Ronnie's Deli had 19 seats and asked if he was moving his location. Mr. Grillo said no. The Chair asked number of televisions. Mr. Grillo said 3.

Any to speak on the hearing? Dominic Gentile, Everett is in favor.

Debbie Krudop, 8 Pemberley Dr., in favor.

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

Mr. Horlick moved to grant Victor Grillo d/b/a Victor's Italian Cuisine, 1539 Broadway, for Common Victualer's License and for Entertainment License for three televisions and hours of operation 11AM to 10PM, 7 days a week and all Building Inspector, fire dept. & Board of Health requirements and maximum seating 42 seats. Chair seconds.

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

8:20PM Robert Osborne d/b/a A House of Self Defense, for Special Permit (S-2) to allow self defense instruction and training business to be located at 508 Lincoln Avenue.

Robert Osborne was present and explained business and hours 9AM to 9PM and Saturday 9AM to 12PM. Mr. Horlick asked his previous experience. Mr. Osborne said he is a State Champ and has been studying for over 40 years. Mr. Horlick asked if he saw Building Inspector comments. Mr. Osborne wasn't sure about tables and chairs and said he would have chairs for parents, etc. and said a class will hold 25-30 students. Ms. Panetta said the tables could be for sign up registration. Mr. Osborne said yes. Ms. Panetta asked if he had a studio before. Mr. Osborne said yes, in Bedford, MA. Ms. Panetta asked about clientele. Mr. Osborne said he has students coming. Ms. Panetta asked how many instructors. Mr. Osborne said himself and that he has students training to be instructors. Mr. Horlick asked about closing time. Mr. Osborne said they should be quiet.

Any to speak in opposition or in favor? Michael Accamando, Pelham, NH and property owner, said there was a like business at the location and feels it will be great for kids and for the square.

Ms. Panetta moved to close the hearing. Chair seconds. Vote: 5-0.

Ms. Panetta moved the Board vote to grant the Special Permit (S-2) to Robert Osborne d/b/a A House of Self Defense to allow self defense instruction and training business to be located at 508 Lincoln Avenue with the following conditions: hours of operation Monday through Friday 9AM to 9:00PM, Saturday 9AM to 12 noon. Chair seconds.

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

Correspondence, continued

2.) Holocaust Center re: proclamation of Holocaust Awareness Week April 15-21, 2012.

Mr. Horlick moved the Board proclaim April 15-21 as Holocaust Awareness Week in the Town of Saugus. Chair seconds. Vote: 5-0.

3.) Atty. Coleman re: Tokyo Steakhouse - update.

Mr. Castinetti moved to table. Chair seconds. Vote: 5-0.

4.) Buffalo Wild Wings re: request for change of manager.

Saugus Board of Selectmen
February 21, 2012

Brad Hodgson, Basswood Circle, North Andover was present. The Chair asked his experience. Mr. Hodgson gave his background. The Chair said he indicated he would work 50 hours a week and he must work at least 40 and said his CORI was fine. Mr. Horlick asked if he had meetings with the staff. Mr. Hodgson said yes, about once a month. Mr. Horlick asked if TIPS certified. Mr. Hodgson said yes. Mr. Horlick said he needs to provide a written statement that he read the liquor rules & regulations.

Mr. Castinetti moved to approve the change of manager. Chair seconds. Vote: 5-0.

The Chair noted former Chairman Peter Rossetti was in attendance.

Mr. Castinetti moved recess. Chair seconds. Vote: 5-0. Meeting recessed at 8:54PM.

The Chair called the meeting back to order at 9:00PM.

5.) SCTV, Inc. annual report.

Peter Rossetti was present and asked if there were any questions. There were none. Mr. Rossetti said the Board of Directors are meeting on March 1st and hopefully they will have new Board Members shortly. The Chair thanked him and accepted the report.

6.) Residents of Gianna Dr. & Bria Circle re: pig farm.

The Chair said the residents requested this be placed on next agenda.

7.) FY11 BOS DRAFT annual report.

The Chair asked Board Members to review and submit comments to their clerk.

8.) Environment MA re: support for SB1664 & HB1776 re: solar energy.

The Chair would like input from the Alternative Energy Committee.

Mr. Horlick moved to refer to Alternative Energy Committee for comment. Ms. Panetta suggested sending it to S.A.V.E. as well for comment. Chair seconds. Vote: 5-0.

9.) Town Manager re: appointment to the Board of Health; Historical Commission & Tree Committee.

Manager recommended the appointment of Joia Cicolini to the Board of Health.

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

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

The Manager recommended the appointment of Natalie Dixon-Agreste to the Historical Commission.

Mr. Horlick moved to confirm the appointment. The Chair said to the unexpired term and will expire 2012. Chair seconds.

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

10.) Comcast re: response to letter regarding billing due date policy.

The Chair said the Board received response and read. John Truesdale, 3 Apple Lane was present and passed out and said he anticipated this type letter and said his personal opinion Comcast is being arrogant and thinks the Board should have rules to protect the citizens and doesn't think customers should pay for services before they get anything. Mr. Castinetti said he's not a lawyer but thinks MA law overrules Town and if they are in compliance with MA law he's not sure what the Board can do. The Manager said he will look into it. The Chair suggested sending a letter to MA Dept. of Telecommunications & Cable. Mr. Horlick suggested sending letters to their State Rep.

Mr. Horlick moved to send a letter to MA Dept. of Telecommunications & Cable to request the exact language on billing cycles. The Chair added to copy to State Delegation. Mr. Truesdale said they could copy Markey too. Mr. Horlick said he has received calls about Comcast freeze and wondered if they have clear signals. Mr. Truesdale explained his experience and said wires are old and need to be updated.

11.) Announcement re: when the Selectmen will close the Annual Town Meeting Warrant.

The Chair said it's early and this should be on the back burner for now.

The Chair said they need to transfer funds in their budget for Manager advertising costs.

Mr. Castinetti moved to transfer \$300 FROM Office Supplies #0100-0000-122-000000-5421 TO Legal Advertisement #0100-0000-122-000000-5301. Chair seconds. Vote: 5-0.

Manager's Report

- Said on Friday he & the Police Chief interviewed a police officer candidate.

Saugus Board of Selectmen
February 21, 2012

- Said he has been in touch with auditing firm and has the engagement letter and they should have an interim audit report by the end of March and he has also sent letter to Melanson-Heath notifying them their services are no longer required and said he will be meeting with Inspector General later in the week.

Member's Motions

The Chair said the MBTA proposed cuts and / or fare hikes and read letter he would like to send. Mr. Castinetti moved the Chair send the letter. Chair seconds. Vote: 5-0.

The Chair said the Board needs to sign rail lease and said the Board needs to pick a date to proclaim Student Government Day.

Ms. Panetta moved the Board proclaim April 9, 2012 as Student Government Day. Chair seconds. Vote: 5-0.

The Chair said they advertised for appointment to Library Board of Trustees and Zoning Board of Appeals and would like to continue accepting application and schedule interviews before the meeting on March 13th; and said the Board needs to meet on the budget and said the Manager will have a budget to the Board by the end of the week. The Board will meet on Monday, February 27 at 7PM. The Chair said the Board needs to meet to review and update the Manager's job description and puts goals & objectives together. The Board will meet on March 8th at 7PM.

Ms. Panetta: Nothing this evening.

Mr. Castinetti: said Friday the Town welcomed home three servicemen and said the auditorium was full. - announced for Memorial Day the Veterans' Council voted a different route to include East Saugus: Cliftondale to Ballard St. to Winter St to the cemetery on May 26th.

Mr. Horlick: Said the Board received letter from a resident of Staaf Rd and asked the Manager for update at next meeting on when it will be paved.

- said the Board received request to look into a house on Bow St that had a fire and insulation is blowing all over the street and asked the Manager to get update by next meeting.

- thanked the Manager and public works for the memos regarding water breaks and said DPW is now responding first.

- said the clerk needs to know if the previous Chairman pay should be adjusted.

Mr. Horlick moved to pro-rate February payment. Chair seconds. Vote: 5-0.

- thanked service people and said the ceremony was nice.

- said he received an e-mail regarding funding for transportation costs and said this is an unfunded mandate.

Mr. Horlick moved to send a letter to 4 state delegates. Chair seconds. Vote: 5-0.

Ms. Mitchell: Nothing this evening.

Enhanced Citizen's Forum None.

Mr. Castinetti moved to adjourn. Chair seconds. Vote: 5-0. Meeting adjourned at 9:38PM.

Respectfully submitted,

Wendy Reed, Clerk