

Saugus Board of Selectmen
March 11, 2014

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

AGENDA
Saugus Board of Selectmen
March 11, 2014 at 7:00 PM
Town Hall Auditorium
298 Central Street

Call to order.

Invited Guests: 0

Correspondence:

- 1.) Mr. Minsky re: request for reappointment as Constable.
- 2.) Attorney Alba Doto Baccari re: land donation on Walnut Street.
- 3.) Treasurer Collector re: request to have 10 Columbus Ave. foreclosure judgment vacated.
- 4.) Angela's Coal Fired Pizza, 880 Broadway re: request to change manager to: Harjeet Singh.
- 5.) Clifftondale Liquors, 7 Essex St. re: request for change of hours of operation.
- 6.) Cedar Glen Golf 2014 seasonal license renewal.

Citizen's Comment

Continued Hearings: Work Out World, 1201 Broadway (from 2/25/14)

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

Public Hearings:

7:15 PM Aggregate Industries, Inc., 1831 Broadway, to extend Special Permit (S-2) to allow the removal of earth and rock and to allow the operation of a quarry at Rear Broadway and Whittier Ave, Assessor's Plan 2030, Lot A-61 Assessor's Plan 2031, Lot A-122 for a period of six months.

7:25 PM EKB Corporation d/b/a Sully C's Bar & Grill, 168 Broadway, to amend existing License by allowing two additional coin operated devices.

7:30 PM Public hearing on amending the Town's Traffic Rules & Regulations Article V, Section 13: by designating "Handicapped Parking Only" at the following location:
In front of #14 Summer Drive.

Old Business

- Update re: use of cemetery garage (from 12/10/13)
- Tumble Inn, 488 Lincoln Ave. external grease trap plan.
- FY 15 Budget.

New Business

- Annual Town Meeting May 5, 2014. – Set date to close the Warrant.
- Status of snow & ice deficit

Town Manager's Report

- Surrounding Community Status update (gaming)

Approval of minutes: February 11; February 12; & February 25, 2014

Appointments: applications Cemetery Commission; Library Board of Trustees; Zoning Board of Appeals

- Review of Board / Commission appointments

Member's comments

- Selectmen Subcommittees / Sub-Teams
- SCTS / SCTV conversion update
- Board of Health odor/noise By-Law / regulation update

Citizen's comments

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The Saugus Board of Selectmen met on March 11, 2014 at 7:00 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.

Ms. Panetta arrived at 7:07 PM.

Invited Guests: None this evening.

The Chair announced that the petitioner for the 7:30 Public Hearing has requested to withdraw.

Correspondence:

1.) Mr. Minsky re: request for reappointment as Constable.

Paul Minsky, 15 Orchard Rd., Swampscott was present and said he has been serving as constable for 31 years and requested reappointment. Ms. Dever asked the scope of his work. Mr. Minsky listed the constable services he provides.

Mr. Castinetti moved the Board vote to reappoint Paul Minsky as constable in the Town of Saugus for a three year term to expire March 31, 2017. Chair seconds 4-0.

2.) Attorney Alba Doto Baccari re: land donation on Walnut Street.

Attorney Alba Doto Baccari, 316 Central Street was present and explained the three parcels her client would like to donate to the Town and noted Youth & Recreation is interested in 2 parcels and Conservation is interested in one. Ms. Dever asked about lease on the property. Attorney Baccari said there is no lease and she can supply copy. Ms. Dever asked the Manager about detention basin and maintenance, if the Town would assume liability. The Manager said he will find out. Ms. Dever said she would like the information and suggested this be put on next agenda. The Attorney agreed.

Ms. Dever moved to refer the correspondence to next agenda, March 18th. Chair seconds 4-0.

(Ms. Panetta arrived at 7:07 PM)

3.) Treasurer Collector re: request to have 10 Columbus Ave. foreclosure judgment vacated.

Collector / Treasurer Wendy Hatch was present and explained the foreclosure and that moneys owed have been paid and requested the Board vote to vacate the foreclosure.

Mr. Allan moved the Board vote to allow judgment for foreclosure dated January 2, 2014 to be vacated and title of the property at 10 Columbus Avenue be returned to its former owners as stated in the foreclosure judgment based on payment received in the amount of \$23,189.36 for outstanding FY 2010-2013 real estate taxes with all applicable interest, penalties, and fees. Chair seconds 5-0.

4.) Angela's Coal Fired Pizza, 880 Broadway re: request to change manager to: Harjeet Singh.

Harjeet Singh, 49 Sterling Street, Malden was present. The Chair asked he give background and experience. Mr. Singh said he has been a restaurant manager and gave experience as assistant manager at this location. Ms. Dever asked if he has had training in liquor service and is certified. Mr. Singh said yes. Ms. Panetta asked how long he has worked at this location. Mr. Singh said 5 years.

Ms. Panetta moved the Board vote to approve the change of manager of Angela's Coal Fired Pizza, LLC, 880 Broadway to Harjeet Singh. Chair seconds 5-0.

5.) Clifftondale Liquors, 7 Essex St. re: request for change of hours of operation.

Attorney Neil Berman, 109 College Street, Somerville was present and explained his client was not present yet but is expected to attend and explained the request for same hours of operation as previous licensee was allowed. The Chair noted the Board received a letter in opposition from resident Fae Saulenas, 26 Beachview Avenue. Ms. Panetta said she was on the Board when the Main St. License was granted and there was discussion on hours and allowed a 10PM closing on Sunday and doesn't feel comfortable with 11PM in a residential area on Sunday and said her initial feeling is there is no public need. Attorney Berman said his client expected the same hours as the previous owner and he doesn't expect Sunday nights to be busy. Ms. Dever said it's a good point that this is in a residential area and noted problems in Clifftondale Square. Attorney Berman said he is not aware of the issues in the square, but said a liquor store operation is a quiet business. Mr. Allan suggested Monday through Saturday at 11PM and Sunday at 10PM. Ms. Panetta noted the package store at Village Park closes at 6PM in a residential area and is not opposed to 8PM. Attorney Berman said the prior owner had those hours without issues. Ms. Panetta suggested to continue so the owner could be present. Ms. Dever said the Board wants the business to be successful but would be more comfortable with earlier than 11PM on

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Sunday. All were in agreement of closing hours at 11PM and 9PM on Sundays. Rakesh Patel, owner arrived and also agreed.

Mr. Allan moved the Board vote to amend the hours of operation on the All Alcoholic Package Store License of Yashi, Inc. d/b/a Cliftdale Liquors, 7 Essex Street as follows: Monday through Saturday 8AM to 11PM; Sunday 12 noon to 9:00 PM. Chair seconds 5-0.

6.) Cedar Glen Golf 2014 seasonal license renewal.

Assistant manager Nancy Minichiello, Fairchild Dr., Reading was present. Ms. Panetta asked season they are open. Ms. Minichiello said from April to November. Ms. Dever asked hours. Ms. Minichiello said it mostly tapers off after dark with a few members at night. Their clerk said seasonal license renewal was submitted on time and complete.

Mr. Castinetti moved to renew the Beer & Wine Common Victualer's License of Cedar Glen Golf, Inc., with same conditions & restrictions. Chair seconds 5-0.

The Chair announced again that the petitioner for the 7:30PM public hearing has requested to withdraw.

Citizen's Comments: None

Continued Hearings: Work Out World, 1201 Broadway (from 2/25/14)

Blast Fitness, 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 at 5:00 AM; and application for Entertainment License for television.

No one was present. The Chair asked if notification was given. Their clerk said copies of correspondence was sent to both the corporate and local business location by mail and after the last meeting she did call them on three occasions without response.

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

Mr. Castinetti moved to deny the requests based on the fact the applicant did not appear at the 2/25/14 public hearing and did not appear for the continued hearing this evening and has not contacted the office. Chair seconds 5-0.

Public Hearings:

7:15 PM Aggregate Industries, Inc., 1831 Broadway, to extend Special Permit (S-2) to allow the removal of earth and rock and to allow the operation of a quarry at Rear Broadway and Whittier Ave, Assessor's Plan 2030, Lot A-61 Assessor's Plan 2031, Lot A-122 for a period of six months.

Attorney Richard Magnan, 194 Central Street was present with Aggregate Environmental Manager Scott Colby and explained renewal of quarry permit and noted fees will be paid by the end of the week. Ms. Dever asked if they have any short or long term plans for the site. Mr. Colby said a committee was put together and they are discussing. Ms. Dever asked who is on the Committee. Mr. Colby said Bill Leuci is the Chairman and the Town Manager is a member. Ms. Dever asked about a recent transfer of land. Mr. Colby explained the straight land swap to accommodate parking. Ms. Panetta asked time frame on quarry operation. Mr. Colby said that's up in the air.

Any in favor or in opposition? None.

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

Ms. Panetta moved to grant the extension of Special Permit (S-2) to allow the removal of earth and rock and to allow the operation of a quarry at Rear Broadway and Whittier Ave, Assessor's Plan 2030, Lot A-61 Assessor's Plan 2031, Lot A-122 for a period of six months with same conditions. Chair seconds.

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

7:25 PM EKB Corporation d/b/a Sully C's Bar & Grill, 168 Broadway, to amend existing License by allowing two additional coin operated devices.

Attorney George Gregson, 325 Central Street was present with owner applicant Elaine Byrne and explained they are looking for 2 additional pool tables and noted there were no objections from departments other than the standard to not block any doors and described location. Ms. Dever asked clarification on number. Attorney Gregson said they have license for 7 coin operated devices and 3 are

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pool tables and they would like 2 more tables. Ms. Panetta asked if it changes the number of seats. Attorney Gregson said they have 200 seats and that will not change, just move as shown on plan.

Any in favor or in opposition? None.

Mr. Allan moved to close the hearing. Chair seconds 5-0.

Mr. Allan moved to grant the request to amend existing License by allowing two additional coin operated devices. Chair seconds 5-0.

7:30 PM Public hearing on amending the Town's Traffic Rules & Regulations Article V, Section 13: by designating "Handicapped Parking Only" at the following location: In front of #14 Summer Drive.

The Chair explained the petitioner has requested to withdraw at this time.

Ms. Dever moved to grant the petition leave to withdraw per the petitioner's request. Chair seconds 5-0.

Old Business

-Update re: use of cemetery garage (from 12/10/13)

The Chair said Dennis Gould Chairman on the Cemetery Commission has sent update and read and asked the Manager if he had anything to add. The Manager said he had nothing to add. Ms. Dever thanked the Cemetery Commission and thanked the Manager on finding a workable solution. Mr. Castinetti asked what will happen to the equipment. The Manager said they are looking into option to house the equipment that needs to be garaged and said they could potentially use DPW. Mr. Castinetti asked about supplies. The Manager said they will find room. Ms. Dever asked if he was looking at a permanent plan for Emergency Management. The Manager said he is looking into options.

-Tumble Inn, 488 Lincoln Ave. external grease trap plan.

Laurie Cunha, 134 Falcon St., East Boston was present. The Chair apologized they have been hanging so long and said she consulted someone who suggested the Board hold compliance in abeyance until the issue is resolved rather than extending deadlines.

Ms. Dever moved the Board vote to hold compliance in abeyance until the Board comes to resolution on the matter of external grease traps. Chair seconds 5-0.

- FY 15 Budget.

The Chair said the Board did vote to forward their budget recommendations to the Finance Committee as outlined in the Charter, and passed out information from the Collector / Treasurer on adjustment to budget and the Board would need to vote to amend their recommendation to include where they felt the additional approximately \$40,000 would be designated for a balanced budget. Mr. Allan suggested to utilize it toward the snow & ice deficit. The Manager said we are north of \$750,000 and the goal is to pay that out of free cash. Mr. Castinetti said since that is covered:

Mr. Castinetti moved to designate an additional \$40,000+ to the School Department operational budget to be used to off-set user fees for sports. Chair seconds.

Ms. Panetta speaking on the motion said as follow up to last meeting she did receive written opinion from Town Counsel regarding legal / consultant fees and only on that lone item based on Town Counsel's opinion cannot support the budget recommendation. The Chair said they are all keenly aware of the Charter and feels they need a team approach to work together and said no one is trying to circumvent the Charter. Ms. Dever thanked her for sharing the legal opinion, but said she believes there needs to be a conversation with the Finance Committee and Town Meeting. Vote 5-0.

Ms. Dever moved for recess. Chair seconds 5-0.

Meeting recessed at 8:01 PM.

The Chair called the meeting back to order at 8:09 PM.

The Chair said the Manager has provided the budget bottom line figure.

Ms. Dever moved to approve the budget as amended to be submitted to the Finance Committee with adjustment with a bottom line figure of \$81,030,534 and also reflecting the adjusted amount to off-set user fees. Chair seconds vote 4-1 with Ms. Panetta voting in opposition.

New Business

-Annual Town Meeting May 5, 2014. – Set date to close the Warrant.

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The Chair announced the Annual Town Meeting will begin on May 5th and it has been recommended to close the Warrant on 4/8/14 at their meeting and asked their clerk to put an announcement out.

-Status of snow & ice deficit

The Chair said the Manager has given update.

Town Manager's Report

-Surrounding Community Status update (gaming)

The Manager said they have been meeting with Mohegan Sun as we were designated surrounding community status and they continue to negotiate and are working on identifying the impact to the community and said the Town has petitioned for surrounding community status for Everett proposal and said deadlines have been extended on making that decision. The Manager said Mohegan Sun has a representative reaching out to the Chamber of Commerce also. Ms. Dever thanked the Manager and Board Members that have spent countless hours on this. The Manager said some agreements with communities have been finalized and others are tentative, but Boston, Saugus & Winthrop are still pending. Ms. Dever as how long. The Manager said time-lines and deadlines will motivate negotiations. Ms. Dever asked if by June. The Manager said he expects before that. Ms. Panetta mentioned that Saugus River Watershed Council has commented on the Mohegan Sun proposal.

Approval of minutes: February 11; February 12; & February 25, 2014

Mr. Castinetti moved to accept the February 11 minutes. Chair seconds 5-0.

Ms. Dever moved to table the February 12th minutes to next meeting Chair seconds 5-0.

Ms. Panetta moved to accept the February 25th minutes. Chair seconds 5-0.

Appointments: applications Cemetery Commission; Library Board of Trustees; Zoning Board of Appeals.

The Chair said they can take this up at their meeting on the 18th.

Mr. Castinetti moved to refer correspondence to March 18th agenda. Chair seconds 5-0.

-Review of Board / Commission appointments

The Chair said she spoke with the Manager and he is going to review his appointments as well.

Member's comments

Mr. Allan: -Selectmen Subcommittees / Sub-Teams

Mr. Allan said he made motion to create subcommittees on capital improvement plan and economic development and to be able to be flexible of some Members are unable to attend he would like to change to Sub-Teams for the purpose of Members attending meetings, gathering information and update the Board on these and other projects.

Mr. Allan moved to change Selectmen Subcommittees to Sub-Teams. Chair seconds 5-0.

Mr. Allan passed out list of information and documents on the library website that is very interesting and read flyer with upcoming activities scheduled at the library.

Ms. Dever:

Ms. Dever moved the Board invite Wheelabrator in to thank them for the donation of 6 AEDs. Chair seconds 5-0.

Ms. Dever said she and other Board Members attended a couple of legislative breakfasts and brought information regarding YMCA programs and libraries that have bills pending and requested their clerk make copies for Board Members and place on next agenda to discuss supporting legislation.

Ms. Dever asked for update on bucket truck and if there is a back-up plan noting the Board approved banners that cannot be put up. The Manager said it was being worked on and he will follow up.

-Board of Health odor/noise By-Law / regulation update

Ms. Dever asked if it would be ready for the Annual Town Meeting. The Manager said the Board of Health is meeting April 7th and it can be finalized in time.

Ms. Panetta: said she was curious of what is going on with the sand removal on 107 and she found the start date for the project is April 1st and that will impact the neighborhood and said she would like to invite DCR in to a meeting to to update the Board as they are suppose to do under the care & control agreement.

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Ms. Panetta said there will be an interesting speaker at the library that will talk about Howard Johnson's.

Mr. Castinetti: congratulated the new fire and police recruits and read their names and welcomed them aboard.

-SCTS / SCTV conversion update

The Chair announced that the Board will be holding a public forum to discuss the rules & regulations to govern the operation of Saugus cable television studio on Tuesday, March 18th at 7:00 PM in the auditorium and said the Selectmen said we would have an open process with public participation and encouraged the public to attend.

The Chair announced Thursday the Board will meet and hear presentation from the Economic Development Coordinator and noted on the agenda the Board has a scheduled executive session regarding negotiation strategy with non-union personnel and explained this was worded per advice of counsel and it will deal with SCTV and explained when the Board reached out to them that the Selectmen rescinded the vote and SCTS rescinded their vote that they should meet and discuss the next steps in the process and said she has not spoken with the Chairman, but was sent notice that they have retained counsel and said she hopes they do join the Board on the 18th to work collaboratively.

The Chair announced the Annual Report is available and will be posted on-line as well.

The Chair said as everyone is aware, the Selectmen & School Committee have been meeting regarding the high school SOI and said a core group have been working hard and announced every Monday in March the Selectmen, School Committee, Town Manager, Superintendent, school personnel, Town Meeting Members and others will be meeting and those meetings are recorded if people are unable to attend. Ms. Panetta asked about the open house that was discussed. The Chair said March 29th at 8:30AM.

Citizen's comments None.

Mr. Castinetti moved to adjourn. Chair seconds 5-0.

Meeting adjourned at 8:38PM.

Respectfully submitted

Wendy Reed, Clerk