

Saugus Board of Selectmen
March 22, 2011

*******Meeting Minutes*******

AGENDA
Saugus Board of Selectmen
March 22, 2011 at 7:30 PM
Town Hall Auditorium
298 Central Street

- 1.) Call to order.
- 2.) Invited Guests: Mr. Tozza: Bike to the Sea
- 3.) Approval of minutes: March 1; and March 2, 2011
- 4.) Continued hearings: - (Avedisian from 11/30/10; 12/7/10; 3/1/11; TO: 6/7/11)
5. Public Hearings:

7:45pm Aggregate Industries, Inc. a/k/a Bardon Trimount, 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 Street, for a period of six months.

7:55pm Bosey's Liquors, Inc., 216 Broadway, for Entertainment License for three televisions.

8:05pm Northside Donuts, LLC d/b/a Dunkin Donuts, 35 Lincoln Avenue, for Common Victualer's License; and for determination of 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.

Correspondence

- 1.) Seasonal Beer & Wine Common Victualer's License Renewal – Cedar Glen.
- 2.) Applebee's re: request for change of manager TO: Jennifer Gouveia.
- 3.) YMCA re: request for banner announcing annual campaign.
- 4.) YMCA re: request for banner announcing summer camp enrollment.
- 5.) DHCD re: Grant close out agreement.
- 6.) Ms. Burns re: request for Block Party Permit on Willis Street.
- 7.) Comcast re: Annual License Fee payment.
- 8.) Lottery Commission re: request for *KENO to Go* at Sheer Convenience, 183 Essex St.
- 9.) Police Chief re: report of liquor inspection at Angela's Coal Fired Pizza.

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

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The Saugus Board of Selectmen met on March 22, 2011 at 7:30pm in the Town Hall Auditorium, 298 Central Street. Present were: Selectmen Scott Crabtree, Stephen Horlick, Michael Serino and the Chairman Donald Wong. Absent was: Michael Kelleher.

Invited guests: Bike to the Sea

James Tozza, President of Bike to the Sea was present with Robert Lavita and Clay Larson, project manager and explained plans for 2 ½ mile rail trail through Saugus and are requesting the Board approve the lease. Mr. Horlick asked estimated time frame. Mr. Lavita, MBTA Real Estate Representative explained the process. Mr. Larson explained they are a non-profit and are pursuing State funding. Mr. Horlick thanked them for all their work on the project. Mr. Tozza publicly thanked the DPW Director for DPW assistance with clean up. Mr. Crabtree asked what other communities are participating and at what stage they are. Mr. Lavita said Everett, Malden, Revere, Saugus & Lynn and explained. Mr. Serino asked when the rails are removed who is responsible for putting a gravel bed. Mr. Tozza said the removal company. Mr. Serino said he has been a long time supporter of this project back 10-15 years when he was on the Conservation Commission and as MBTA Rep. for Saugus and thanked them for their work. Mr. Tozza said they will also be working with the Tree Committee to identify trees that should not be removed. Mr. Serino said the Board would like to join the site visit also. Mr. Crabtree thanked them and said this is a positive project that benefits the community.

Approval of minutes: March 1; and March 2, 2011

Mr. Serino moved to accept the 3/1/11 minutes. Chair seconds. Vote: 4-0.

Mr. Serino moved to accept the 3/2/11 minutes. Chair seconds. Vote: 4-0.

7:45pm Aggregate Industries, Inc. a/k/a Bardon Trimount, 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 Street, for a period of six months.

Attorney Richard Magnan, 194 Central Street was present with Scott Colby, manager and Steven Simas and Zach Drach. Atty. Magnan said there has been no activity at the site for past 6 months. Mr. Simas said they do intend to mine this season and are working on a closure plan and are making progress and will be providing the Town with a letter by May 15th for land service agreement to address how the quarry will be reclaimed and filled back to original height.

Any to speak? Janet Leuci, TMMP4 and Chairman of the Aggregate Post Closure Use Committee said she is not opposed to the extension but was present to let the Board know she has concern with the edge of the quarry and passed around photos and explained the power company easement and the cell tower gate issues and urged the Board to condition the quarry be fenced in.

Mr. Horlick noted the gate is not on their property and maybe should contact the owner. Mr. Colby agreed the gates are an issue and they make every effort to inspect their fencing but it's a common problem that the gate locks are cut and are left open. Mr. Serino asked if the cell tower was on their property. Mr. Colby said no. Mr. Serino said the fence is not on their property. Mr. Colby said no. Mr. Serino asked for their own safety why not fence their property. Mr. Simas explained they are fenced in. Mr. Horlick asked how often its checked. Mr. Simas said once a month. Mr. Horlick asked if they could check it every Friday.

William Leuci, 35 Wilbur Avenue, said he has been there many times and the gate is open and said they should fence their property in.

Atty. Magnan said his client has an interest in protecting against liability and will examine it and said the issue was raised at a Board of Appeals hearing on the tower. Mr. Horlick

Applications with supporting documentation, correspondence and documents presented and discussed at the meeting are on file in the Board of Selectmen's Office and are available upon request. Page 2

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said the Board should condition the quarry be fenced. Mr. Crabtree said he will support that. The Chair asked location and the locus was shown on plans.

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

Mr. Horlick moved the Board vote 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 Street, for a period of six months with all current stipulations and added condition that the quarry must be fenced with approval of the Board and input from the neighbors; the fence is to be kept secured and inspected on a monthly basis with inspection reports submitted to the Board and to check the locks on a weekly basis. Mr. Serino asked clarification on time frame. Mr. Horlick said 6 months. Chair seconds.

Roll call vote: Mr. Crabtree, yes; Mr. Horlick, yes; Mr. Serino, yes; Mr. Wong, yes.

Motion passes.

Mr. Serino moved for recess. Chair seconds. Vote: 4-0.

Meeting recessed at 8:41pm.

The Chair called the meeting back to order at 8:48pm.

7:55pm Boscys's Liquors, Inc., 216 Broadway, for Entertainment License for three televisions.

Attorney Nelson Chang, 47 Jackson Street was present with owner / manager Harry Lancaster and explained the installation of televisions and was made aware a license was needed and applied and explained the purpose for customers to keep track of sports scores while out running errands and for customer entertainment while waiting in line.

Any to speak for or against? None.

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

Mr. Serino moved to grant the Entertainment License for three televisions with hours of operation: Sunday 12 noon to 8pm, Monday – Thursday 9am to 10pm, Friday 9am to 11pm, and Saturday 8:30am to 11pm. Chair seconds. Vote: 4-0.

8:05pm Northside Donuts, LLC d/b/a Dunkin Donuts, 35 Lincoln Avenue, for Common Victualer's License; and for determination of 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.

Jennifer Lewis, 35 Lincoln Avenue, was present. Mr. Serino asked clarification of hours of operation. Ms. Lewis said they will open at 6am and will be applying for Extended Hours Permit. The Chair read comment of Health Dept. Ms. Lewis said the menu hasn't changed.

Any to speak for or against? None.

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

Mr. Serino moved to approve the Common Victualer's License with hours of operation: 7 days a week 6am to 9pm and to grant the external grease trap waiver as long as the menu doesn't change. Chair seconds. Vote: 4-0.

Correspondence

1.) Seasonal Beer & Wine Common Victualer's License Renewal – Cedar Glen.

Mr. Horlick moved to renew the seasonal Beer & Wine and Common Victualer's License. Chair seconds. Vote: 4-0.

2.) Applebee's re: request for change of manager TO: Jennifer Gouveia.

Ms. Gouveia was present. Mr. Serino said the application shows she has worked for the company about 10 years and is experienced and asked if she had copy of the Liquor Rules &

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Regulations. Ms. Gouveia said she does. Mr. Horlick asked if she will continue monthly trainings and monitor employees. Ms. Gouveia said yes and explained new hire training and certifications are done on an annual basis.

Mr. Serino moved the Board vote to approve the change in manager. Chair seconds. Vote: 4-0.

3.) YMCA re: request for banner announcing annual campaign.

Mr. Horlick moved to grant the request with standard conditions. Chair seconds. Vote: 4-0.

4.) YMCA re: request for banner announcing summer camp enrollment.

Mr. Horlick moved to grant the request with standard conditions. Chair seconds. Vote: 4-0.

5.) DHCD re: Grant close out agreement.

Correspondence was laid on the table.

6.) Ms. Burns re: request for Block Party Permit on Willis Street.

Tammy Burns, 45 Winter Street was present and explained she is planning a graduation party for her son and explained location. The Chair asked if she had copy of police & fire recommendations. Ms. Burns said she did.

Mr. Serino moved to grant the request with conditions of police and fire. Chair seconds. Vote: 4-0.

5.) DHCD re: Grant close out agreement.

The Town Manager explained the grant and the Town has not been successful in continuing due to low interest in the program and must close out and said the audit was completed and documents have been sent to the State. Mr. Serino said this was a successful program for low interest loans for home improvements but with the economy not many have applied for it.

Mr. Serino moved to approve the close out of the DHCD Community Block Grant and to authorize the Chair to sign the paperwork. Chair seconds. Vote: 4-0.

7.) Comcast re: Annual License Fee payment.

Mr. Serino moved to refer to the file. Chair seconds. Vote: 4-0.

8.) Lottery Commission re: request for *KENO to Go* at Sheer Convenience, 183 Essex St.

Mr. Serino moved to refer to the file. Chair seconds. Vote: 4-0.

The Chair excused himself from the table and Vice Chair Crabtree took the Chair.

9.) Police Chief re: report of liquor inspection at Angela's Coal Fired Pizza.

Vice Chair said the Board received report from Police Chief regarding liquor inspection at Angela's. Al Guevara, manager was present if the Board had any questions. Asst. Police Chief Lt. Leonard Campanello was present. Vice Chair said the Board received information from a reporter that initiated an investigation and the report is a result of investigation. Lt. Campanello said the report is just on a liquor inspection and is present to answer any questions regarding a couple of small violations that have been addressed by the establishment but warranted Board notification. Vice Chair asked if there are any pending criminal charges. Lt. Campanello said there have been allegations he won't speak to because it is an open investigation not pertaining to our agency. Vice Chair suggested the Board keep the report open in the file pending investigation and may revisit at a later meeting. Mr. Serino agreed.

Mr. Serino moved to table. Vice Chair seconds. Vote: 3-0.

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

Manager's Report

- announced compost site open 3/26/11.

- announced recycling drop off site open 3/26/11.

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- asked if there is any damage to curbing due to plowing please notify DPW.
- said street sweeping will begin 4/4/11 and start in Precinct 1 and will publish schedule on the web site, cable and local papers.
- announced the trash truck has been delivered and the Recycling Dept. has put a contest out to BMS students to design a logo for the side of the truck.

Member's Motions

The Chair congratulated the 8th grade basketball travel team on winning the Eastern Hoops Championship and would like to invite them in.

Mr. Serino moved to invite them in. Chair seconds. Vote: 4-0.

Mr. Crabtree: congratulated Saugus Youth Hockey with successful wins and State Championship.

Mr. Crabtree moved to invite in. Chair seconds. Vote: 4-0.

- congratulated Police Chief for being recognized by Protect MA Children.

Mr. Crabtree moved to invite in. Chair seconds. Vote: 4-0.

Mr. Crabtree moved to forward the Bike to the Sea lease document to Town Counsel to review and comment. Chair seconds. Vote: 4-0.

- said he spoke with Special Counsel and would like to meet for update on the I & I litigation and on Kasabuski and will talk with counsel to schedule.

- said the Town is looking for sources of revenue and said a ballot question has been proposed and said a lot of people ask where's the money from Rte. 1 and asked the Manager to explain. The Manager said all tax dollars are figured in the total amount to run the Town and explained the tax levy is capped at \$49million and we get about \$8.2million from State, and approximately 21% are from local receipts and explained classification and we don't get more money, it just keeps the residential tax rate low and explained they cannot increase over 2 ½ % of the previous year. Mr. Crabtree said whatever the value last year we can only increase by 2 ½% and said Saugus property is 80% residential. The Manager said 66% residential and 33% commercial. Mr. Crabtree said Saugus tax rate is \$10.62 per thousand evaluation and other communities are higher that have passed overrides. The Manager said it's confusing but we can only increase 2 ½% plus any new growth and said we estimate new growth but the State cut backs and values down and local receipts are down and the Town has mandated increases we have no control over that we have to fund. Mr. Crabtree asked about the meals tax. The Manager explained the DOR allows us to estimate 11 months to figure into local receipts. Mr. Horlick said some communities have higher tax rates and passed overrides and said we are lucky to have businesses help keep our tax rate low and said some people say businesses should pay more but we already shift the burden to the maximum allowed. The Manager gave example of homes on Gianna Drive, one side is Saugus and the other side is Lynnfield and the Lynnfield house tax is about 30% more. Mr. Crabtree thanked the Manager and said he hopes people watching have a better understanding and said there's talk about asking for Special legislation for \$1million onetime assessment and if approved 30-40% would be picked up by the businesses and said the Town is pursuing other options as well but the assessment makes the most sense and is deductible on your taxes. The Manager said the Assessors have told him it would cost on average \$84 or \$22 quarterly payments and said if anyone wants more information to please call his office.

- said he is organizing a Saugus forum on 4/27 and asked if the Board Members would be interested in sponsoring it and explained they will highlight Saugus including property values, planning, building, investing and invite people in the real estate industries to show improvements the Town has made and the programs and services offered here for the purpose of improving

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Saugus' reputation. Mr. Serino said he will support it. Mr. Horlick said it's a good start and a good place to raise a family. Mr. Crabtree said there's a lot of positive going on and we are committed to higher standards.

Mr. Crabtree moved the Board adopt and schedule. Chair seconds. Vote: 4-0.

Mr. Serino: the Board needs to announce when we will close the Annual Town Meeting Warrant and he spoke to the Town Clerk and the Board will close the warrant at April 5th meeting.

Mr. Serino moved to cancel the 4/18 Special Town Meeting. Chair seconds. Vote: 4-0.

Mr. Serino moved the Board vote to instruct the Manager to charge Wheelabrator on annual basis like other taxpayers pay. Mr. Crabtree asked if the Manager has analyzed the billing. The Manager said he sent communication to the Board it would be about \$12,000 additional. Chair seconds. Vote: 4-0.

- said they need to schedule annual sewer update meeting on ACO and asked the Manager to schedule.

- asked the Manager to provide for next meeting: total amount I & I removed; available balance in the sewer bank; map showing sections and phases; phases / sections completed; cost per phase per section; and list of borrowing / bonding authorized by the Board or Town Meeting.

Mr. Horlick: asked the Manager to schedule a meeting with CDM regarding the Hamilton Street project.

- reported a berm damaged on Wildwood Terrace.

- asked the Manager get information regarding the snow & ice costs he requested. The Manager said he's working on it. Mr. Horlick asked for update on reimbursement. The Manager said there were 3 storms, December, January and February and have submitted paperwork for the January storm but don't qualify for reimbursement for the December & February storms.

- asked the Manager look into Bryant Street lighting and explained there was a light and when the pole was replaced it was not installed.

Citizen's Forum Terry Lehane, 24 Burril Street, was present regarding asphalt sidewalks on Hamilton Street and feels it should be concrete and asked an addendum to the contract be made to install concrete sidewalks. The Manager said the original contract specifies asphalt and said after several meetings it was determined the best course and said concrete would cost 4 times more and suggested she attend the meeting being scheduled with CDM regarding the project.

Ms. Lehane said she is very disappointed. Mr. Serino said the Board chose the best option and spent well over what was approved to address other issues. Mr. Horlick said if there is any money left over from the project he would like to see the side street done. Mr. Crabtree said the Board wants to do what's best, but after discussions at meetings, this is what was chosen. Ms. Lehane had question on the Annual Report regarding money. Mr. Crabtree said the Board will be scheduling a meeting and to leave her contact information with the clerk to notify her when it is scheduled. Ms. Lehane asked about grants. The Manager said they have applied for and received grants and do have a grant consultant.

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

Meeting adjourned at 10:23pm.

Respectfully submitted,
Wendy Reed, Clerk