

Saugus Board of Selectmen  
March 31, 2009

The Saugus Board of Selectmen met on March 31, 2009 at 7:00 PM in the Town Hall Auditorium, 298 Central Street. Present were: Selectmen Stephen Castinetti, Stephen Horlick, Peter Rossetti and the Chairman Donald Wong. Michael Kelleher was not present.

The Chairman called the meeting to order and said he will step down and passed the Chair to Vice Chairman Stephen Castinetti and excused himself from the table.

Public hearings:

7:00 PM Show Cause Hearing for the purpose of the possible suspension, modification, revocation and / or cancellation of the Beer & Wine Common Victualer's License with Permit to serve cordials & liqueurs of San-Pen Corp. d/b/a Tonino's Cucina Italiana, previously located at 36 Hamilton Street for violation of condition of license. Said action is based on the fact the Licensee has ceased to conduct licensed business since on or around May 2008.

Said hearing will be held pursuant to MGL c. 138, section 77 and the Town of Saugus Liquor Rules & Regulations 1.07(c) & 1.12.

The Vice Chair noted no one present and said he would like to comment that on or around May of last year San-Pen Corp. ceased to do business, and in December the License was renewed, subsequent to that, in November the assets were auctioned off to pay the debts of San-Pen Corp. and also in November San-Pen Corp filed for bankruptcy and as a condition of the bankruptcy the assets are protected which makes this hearing mute and said there is nothing the Board can do at this point in time and said it is an unfortunate situation because they cannot lease the property to a perspective tenant and said the Board does not have the authority to deal with this due to the bankruptcy. Mr. Rossetti agreed and said it is a process of law and the Board does not have the authority to go outside the process and said Town Counsel's opinion is to continue the hearing generally. Mr. Castinetti said Town Counsel will try to work out something with the bankruptcy trustee.

Mr. Rossetti moved to continue the hearing generally. Vice Chair seconds. Vote: 3-0.

Mr. Rossetti moved to adjourn the 7:00PM special meeting. Vice Chair seconds. Vote: 3-0.

The 7:00 PM meeting adjourned at 7:06 PM.

Respectfully submitted,  
Wendy Reed, Clerk

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The Saugus Board of Selectmen met on March 31, 2009 at 7:30 PM in the Town Hall Auditorium, 298 Central Street. Present were: Selectmen Stephen Castinetti, Stephen Horlick, Michael Kelleher, Peter Rossetti and the Chairman Donald Wong. The Town Manager Andrew Bisignani was also present.

The Chairman called the meeting to order.

Invited guests: None this evening.

Approval of minutes:

Mr. Castinetti moved to approve the February 17, 2009 executive session minutes. Chair seconds. Vote: 4-0 with 1 abstention by Mr. Horlick.

Mr. Rossetti moved to approve the March 3, 2009 executive session minutes. Chair seconds. Vote: 5-0.

Mr. Horlick moved to approve the March 10, 2009 minutes. Chair seconds. Vote: 5-0.

Mr. Castinetti moved to approve the March 24, 2009 minutes. Chair seconds. Vote: 5-0.

Continued hearings: La Vita Mia

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

Mr. Rossetti moved to take up correspondence. Chair seconds. Vote: 5-0.

Correspondence

1.) Ms. Taylor re: resignation from Library Board of Trustees.

Mr. Rossetti moved the Board vote to regretfully accept the resignation and said she is a good Saugonian and very involved in the Town. Mr. Horlick added to send a letter thanking her for her service. Chair seconds. Vote: 5-0.

2.) Seasonal License Renewal: Cedar Glen Golf, Inc.

Mr. Castinetti moved to approve the license renewal. Chair seconds. Vote: 5-0.

3.) Holocaust Center re: Holocaust Awareness Week & request for proclamation.

Mr. Kelleher moved the Board vote the proclamation and request the library to use the cart his family donated to display remembrance materials. Chair seconds. Vote: 5-0.

4.) Arbor Day Proclamation – April 24, 2009.

Mr. Kelleher moved the Board vote the proclamation. Chair seconds. Vote: 5-0.

5.) Ms. Iudice re: request for signage on Floyd St. and/or police recommendation.

Lt. Sweezey was present and explained request and recommendation.

Mr. Rossetti moved through Lt. Sweezey, to ask DPW install a sign at each end “Slow” & “Reduce Speed”. Chair seconds. Vote: 5-0.

6.) Lt. Sweezey re: request for hearing for “No Parking” signs on Jackson St. and a hearing on “One Way” designation on a portion of Elmwood Ave.

Lt. Sweezey was present. Mr. Kelleher requested a site visit before the public hearing. Lt. Sweezey explained the Board put signs on Jackson Street to review in the spring and explained the neighbors asked to take up the issue regarding Elmwood Avenue and he has already had a meeting with Housing and made a good faith effort contacting those effected.

Mr. Kelleher moved to schedule a site visit at Elmwood Avenue on Saturday April 11 at 8:30AM and to schedule the public hearings on April 14. Chair seconds. Vote: 5-0.

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Mr. Kelleher moved to take up the 7:45 PM public hearing. Chair seconds. Vote: 5-0.

7:45 5 Broadway Realty Trust d/b/a Salon 5 Broadway, for Special Permit (S-2) to allow: 1,400 s.f. hair salon offering manicure, pedicure, and skin care, to be located on the 1st floor Center Unit at 5 Broadway.

Attorney Richard Magnan, 320 Central Street was present and explained the application and amendment to address as requested by the Building Inspector and stated hours of operation as Tuesday, Friday & Saturday 8AM to 5PM, and Wednesday & Thursday 8AM to 9PM and gave applicant's experience and explained parking. The Chair asked how many spaces. Attorney Magnan said he didn't know, but described the suite as first floor center unit. Their clerk said that has been included on the S-2. Mr. Horlick asked about making hours 8AM to 9PM. Attorney Magnan said he appreciates making them consistent.

Any in favor or in opposition? None.

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

Mr. Castinetti moved to grant 5 Broadway Realty Trust d/b/a Salon 5 Broadway a Special Permit (S-2) to allow: 1,400 s.f. hair salon offering manicure, pedicure, and skin care, to be located on the 1st floor Center Unit at 5 Broadway with hours of operation Tuesday through Saturday 8AM to 9PM. Chair seconds.

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

Mr. Castinetti moved to table the 7:55 PM public hearing and take up correspondence #7. Chair seconds. Vote: 5-0.

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

Correspondence, continued

7.) JIN Restaurant Group, LLC re: request for change of manager to Wei Lan.

Attorney John Morello, 316 Central Street was present and explained. Mr. Horlick said regarding the operation that he is aware of the show cause hearing that was held because he was present and is aware of the security measures and asked since that time if there has been any changes. Attorney Morello said renovations are always ongoing and the Building Inspector is kept informed and all permits required are obtained. Mr. Horlick asked as a courtesy if he would notify the Board of changes from the business plan. Attorney Morello said they are reviewing the plan with the Building Inspector. Mr. Horlick asked if they are going to open another nightclub. Attorney Morello said no.

Any in favor or in opposition? None.

Mr. Rossetti moved to approve the change in manager. Vice Chair seconds. Vote: 4-0.

The Chairman returned to the table and resumed the Chair.

Mr. Castinetti moved to take up the 7:55 public hearing. Chair seconds. Vote: 5-0.

7:55 Jackie Nguyen d/b/a Allure Nails and Spa, for modification of Special Permit (S-2) to allow a spa offering manicure, pedicure, waxing and facials voted 8/15/06 BY allowing massage therapy at 508 Lincoln Avenue, Suite B.

Attorney Richard Magnan, 320 Central Street was present with applicant Jackie Nguyen and explained the request with no other changes. The Chair noted money owed.

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Atty. Magnan said he will speak with the landlord. Mr. Rossetti said they run an excellent operation and is not aware of any problems at the location and will support.

Any in favor or in opposition? None.

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

Mr. Kelleher moved to grant Jackie Nguyen d/b/a Allure Nails and Spa the request of modification of Special Permit to allow a spa offering manicure, pedicure, waxing and facials voted 8/15/06 BY allowing massage therapy at 508 Lincoln Avenue, Suite B. Chair seconds. Mr. Kelleher speaking on the motion said he went to see the business and they are doing well, parking is well accommodated and traffic flow is fine and this will be a welcome addition to services offered.

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

Mr. Castinetti moved to table the 8:05 public hearing and take up correspondence. Chair seconds. Vote: 5-0.

Correspondence, continued

8.) Police Chief re: request to insert Article into Annual Town Meeting Warrant.

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

9.) Mr. Hawkes re: request to insert two Articles into Annual Town Meeting Warrant.

Mr. Rossetti moved to insert the 2 Articles into the Annual Town Meeting Warrant. Chair seconds. Vote: 5-0.

Mr. Castinetti moved to take the 8:05 public hearing off the table. Chair seconds. Vote: 5-0.

8:05 Celebrated Nails and Spa, for Special Permit (S-2) to allow a spa offering manicure and pedicure at 471 Essex Street, Suite B.

Jennifer Mai Nguyen and Vuong Cong Le, 471 Essex Street, were present. Mr. Horlick asked hours and days. Ms. Nguyen said Monday – Saturday 9:30 AM to 7PM and maybe Sunday in the summer. The Chair told them to check with the landlord regarding money owed. Mr. Rossetti asked hours 9AM to 7PM, 7 days a week. Mr. Le said Sunday 11AM to 5PM.

Any in favor or in opposition? None.

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

Mr. Castinetti moved to grant Celebrated Nails and Spa a Special Permit to allow a spa offering manicure and pedicure at 471 Essex Street, Suite B with hours of operation 9AM to 7PM Sunday through Saturday. Chair seconds.

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

Correspondence, continued

10.) Atty. Magnan re: request to insert Article into Annual Town Meeting Warrant.

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

Late correspondence

- Mr. Moschella re: request to insert Article into Annual Town Meeting Warrant.

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

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- Affordable Housing Committee re: request to insert Article into the Annual Town Meeting Warrant.

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

- Attorney Gregson re: request to insert Article into the Annual Town Meeting Warrant.

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

- Attorney Magnan re: request to insert Article into the Annual Town Meeting Warrant.

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

- Attorney Magnan re: request to insert Article into the Annual Town Meeting Warrant.

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

The Chairman asked the Manager to look into the water rate issue at the mobile home park. The Manager said he believes there has been a settlement. Mr. Kelleher thanked him for all his work and appreciates it.

The Chairman thanked the Manager and the Police Chief for getting the police substation at the mall with a police officer to be at the mall at no additional cost to the taxpayers.

Manager's report

- Announced street sweeping will begin 1<sup>st</sup> week of April and said some areas are done and the rest will be organized by precinct and will be announced and asked vehicles please be removed and asked residents to sweep their sidewalks before the sweeping.

- Catch basin cleaning is scheduled after street sweeping.

- Handicapped ramps construction will begin 2<sup>nd</sup> week of April from Saugus Center up Main Street.

- The recycling drop off site will open April 18<sup>th</sup>.

- Curbside leaf pick up is scheduled for the week of May 11 on regular collection day.

- The compost site will open April 18<sup>th</sup>.

Member's Motions

Mr. Castinetti: said it is nice to talk about spring things.

- April 19<sup>th</sup> the National Little League will hold their Opening Day parade and ceremony and the American Little League will hold theirs on April 25<sup>th</sup>.

- Anna Parker has been swept.

- Asked the Manager how long before recycling bins are available. The Manager explained how to use barrels.

- Thanked the Assessors, Police, Fire and everyone that helped at Town Hall regarding the Gianna Drive issue.

- Would like to set date for interviews for Zoning Board of Appeals and Library Board of Trustees. The Board scheduled interviews on April 14 starting at 6PM.

- Site visit on Elmwood Avenue was scheduled and said that is Holy Week and would like to reschedule. The Board scheduled the site visit on April 18<sup>th</sup> at 8:30AM.

Mr. Rossetti: reiterated what the Manager said about recycling and it can be put out in a paper bag without a bin also.

- At last meeting the Board made appointment to the Zoning Board of Appeals and said Mr. Cox was a long serving Member.

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Mr. Rossetti moved to send a letter thanking him for his service. Chair seconds.  
Vote: 5-0.

- Saturday the Garden Club put on an exhibition at the Senior Center.
  - May 16<sup>th</sup> is the 75<sup>th</sup> anniversary celebration of Breakheart.
  - April 8<sup>th</sup> is “Shadow Day” for Saugus High School students.
  - Asked the Town Manager regarding recently received suggestions on refinancing debt. The Manager said we have refunded all outstanding debt at the present time and most fall within MWRA 0% interest loan and low interest loans and they review regularly. Mr. Rossetti said bringing ideas forward is good, but this has already been taken into consideration and said ideas are always welcome.
  - Noticed DPW has been taking care of pot holes around Town and residence can call to report pot holes to DPW.
  - The Manager is renegotiating with RESCO and asked for update. The Manager said they are negotiating the tipping fee and the contract expires December 31 and it’s not finalized yet but is confident it will be lower and will let Board know.
  - Property tax bills are out. The Manager explained a typo on all bills that all bills stated there was a lien and residents can call to verify status and apologized.
  - Street sweeping was being done last week and have noticed more litter and asked residents to take pride and put trash in a barrel not on the ground.
  - Meeting is scheduled with State Delegates to discuss education formula and need to put more pressure on if they want change.
  - Patti in the Town Clerk’s Office is recovering and can send well wishes through the Town Clerk.
  - Asked the Manager about the pension issue. The Manager said he has discussions with MMA and State and it is being addressed at the State level.
- Mr. Kelleher: Asked for follow up regarding the vocational school budget that there has been talk of rejecting the budget. The Manager said there is a concerted effort this year based on lack of communication and is recommending level funding it and reject the budget and the school will have to reconsider their budget. Mr. Kelleher said he wrote letters to change the formula and since that time has spoken with many other cities and towns and delegates are not in a position to help us and would like to schedule a meeting at the State House and get others behind us and asked the Chair to arrange that. Mr. Rossetti said it’s curious to protest a budget when they don’t have a budget yet. Mr. Kelleher said its semantics and there are amounts assessed to communities and he will fight that budget and it will not pass in Saugus and asked he not take it personal. The Chair said everyone doesn’t agree with the ratio they pay and will need legislation to change it.
- The Board will close the Warrant tonight and wanted to include an Article on abandoned property and asked the Manager if he would draft it for him and will forward the draft he has.
  - Regarding the parks asked Lt. Sweezey to work with the Chief to get neighbors to keep an eye on the parks.
  - Great news Kathy Tozza fought a great battle and send her best wishes.
- Mr. Horlick: When the Board met they discussed to get the majority of communities not to pass the vocational school budget.

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Mr. Horlick moved to reappoint Randy Briand as Veterans Graves Officer in the Town of Saugus. Chair seconds. Vote: 5-0.

Mr. Horlick said the Republican Town Committee submitted recommendation for appointment to Board of Registrars.

Mr. Rossetti moved to appoint Rita VanSteensburg to Board of Registrars. Chair seconds. Vote: 5-0.

- Thanked the Manager for report on street sweeping he requested and asked about crosswalks. The Manager said bids are in. Mr. Horlick asked if contracting is cheaper. The Manager said DPW is so short handed.
- Mass Highway will be cleaning Rte. 1 and usually they take care of sidewalks.
- Last year GE volunteers helped with brook cleaning and asked the Manager to send a letter of request for this year.
- Asked for follow up on list of street lights out.
- Precinct 9 still has green street signs and asked the Manager to check with DPW.
- Asked for list of street paving.
- Congratulated DPW and Tree Committee Saugus has been designated "Tree City USA" for 10<sup>th</sup> year in a row and asked if DPW will assist in tree planting.
- Meeting on Liquor Rules & Regulations to be set. Mr. Kelleher said they were to meet with establishments. The Board set meeting on April 15 at 7PM and to invite Licensees in
- Asked for update on shovel ready projects. The Manager said he has not heard anything.
- Asked the Manager to have the Building Inspector check trailers on Rte. 107.

Mr. Horlick moved to have the Manager ask the Building Inspector check on status of trailers on Rte. 107 and if they are still there to collect the appropriate fee. Chair seconds. Vote: 5-0.

- Thanked Congressman Tierney.

Mr. Horlick moved the Board send a letter thanking him for opposing the servicemen's insurance bill. Chair seconds. Vote: 5-0.

- Thanked Delegates and Governor for defeating the bill to eliminate insurance appeals board. Mr. Rossetti said the Bill was withdrawn.
- Asked Manager for update on Lynn Fells drainage. The Manager said he will look into it.

Mr. Horlick moved to request all incident reports at Tabu from the last date of request to present. Chair seconds. Vote: 5-0.

Citizen's forum

Rick Smith, TMMP9, thanked for street sweeping, asked if public areas will be addressed regarding trash and asked about posting signs and fines for littering post more public barrels and said lights are still out and get recommendation from Conservation Commission to post "Low Salt" area and agree with abandoned buildings by-law and ask Mass Highway to address graffiti.

Ann Devlin, 36 Pleasant Street, said Saugus has been honored with "Tree City USA" 10<sup>th</sup> year and they work hard and have a tree farm and tree planting program and the tree farm maintenance day is April 25<sup>th</sup> and said there is a By-Law regarding dog poop and it is not being enforced.

Mr. Horlick asked about additional barrels. The Manager said it has been a long winter and there is a lot of trash around and do have clean up and do have barrels. The

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Manager said regarding the Exxon Station that the Building Inspector sent a letter and they did respond and there is nothing more they can do.

Mr. Rossetti moved to close the Annual Town Meeting Warrant, but keep it open for the Manager until April 14. Chair seconds. Vote: 5-0.

Mr. Rossetti asked status of Fox Hill Bridge. The Manager said on schedule and progress reports are posted on the web site.

Lt. Sweezey noted the site visit on Elmwood was rescheduled after the public hearing.

Mr. Kelleher moved to schedule the public hearing on May 5. Chair seconds. Vote: 5-0.

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

Meeting adjourned at 9:30PM.

Respectfully submitted,  
Wendy Reed, Clerk