

Saugus Board of Selectmen  
May 25, 2010

The Saugus Board of Selectmen met on May 25, 2010 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. Michael Kelleher was not present. The Town Manager Andrew Bisignani was also present.

Invited guests: Saugus Emergency Management

Paul Penachio, Director of Saugus Emergency Management was present and introduced the members of the Emergency Management Team that gave up their Monday morning to pass out water to the citizens of Saugus during the MWRA "Boil Water" mandate. The Board presented a citation to the team and thanked them for their service. Mr. Horlick thanked them for their help with all incidents in Town as they always step up as volunteers and are truly the unsung heroes of our community. Mr. Serino agreed and thanked them for volunteering. Mr. Crabtree thanked them and said their efforts do not go unnoticed. The Chairman agreed also and said we don't see a lot of what they do, but it gets done and the Town thanks them for it.

Approval of minutes: May 4, 2010

Mr. Serino moved to accept the 5/4/10 minutes. Chair seconds. Vote: 4-0.

Continued hearings: Hot Topic for Entertainment License from 1/26 & 3/16

Their Clerk said the applicant has sent request to continue. Mr. Horlick confirmed it was in writing.

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

**To amend the Town's Traffic Rules & Regulations** ARTICLE V "Stopping, Standing, Parking" by designating No Parking on Sweetwater Street as follows: from #73 for 210' to #77; and from #77 for 60' to intersection of St. James Rd.; and from #77 for 82' ending at intersection near fire hydrant; and from #77 for 210' ending at guardrail prior to #89 Sweetwater Street.

Lt. Timothy O'Brien was present and explained site visit held on May 15<sup>th</sup> and read Police recommendation. The Chairman thanked the Board Members for going to the site visit and talking with the residents and thanked Lt. O'Brien for being there also. Mr. Serino thanked Lt. O'Brien and said they should start slow and see how it works out. Mr. Crabtree thanked the Lt. and residents and agreed with police recommendation to try to alleviate the issues and the Board can revisit. Mr. Horlick thanked the Lt. and neighborhood and agreed to try and see if it works out and if it needs changes the Board can revisit it in the fall.

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

Mr. Serino moved to amend the Town's Traffic Rules and Regulations as recommended by the Police Department as follows:

1. *No Parking from telephone pole #**136/23**, southerly direction of 210 feet, ending in front of the property located at 73 Sweetwater Street.*
2. *No Parking from telephone pole #**136/23**, northerly direction of 60 feet, ending at the intersection of St. James Road.*
3. *No Parking from telephone pole #**136/25**, southerly direction of 15 feet.*

Saugus Board of Selectmen  
May 25, 2010

4. *No Parking from telephone pole #136/25, northerly direction of 210 feet, ending after the guardrail.*
5. *I am also requesting a standard Stop Sign be placed at the intersection (southwest portion) of this stretch of Sweetwater Street (at fire hydrant).*

Chair seconds. Vote: 4-0.

7:45 Ansaug, LLC d/b/a Dunkin Donuts, 508 Lincoln Avenue, 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 4:00 AM.

Paul Bunker, District Manager was present and explained request for 4AM opening and said they did start opening at 4AM in response to requests and when they were informed by the Town they applied for this Permit to do so and said he did receive copy of Health Dept comments and they have been addressed but was unable to connect with the Health Director yet. The Chair said if approved it would be with conditions of the Health Dept. Mr. Bunker agreed.

Any in favor or in opposition? None.

Mr. Serino asked if they opened at 4AM before. Mr. Bunker said they did, but stopped when notified they needed a Permit. Mr. Serino asked if abutters were notified. Their clerk said no.

Mr. Serino moved to table the request to next meeting and request an update from the Board of Health that the concerns were addressed. Chair seconds. Vote: 4-0.

Mr. Crabtree said the Board of Health will give a report back of compliance. The Chair said their next meeting is June 8.

7:55 Luke 5 Fitness, LLC d/b/a Cross Fit Route 1, for Special Permit (S-2) for personal fitness establishment, to be located in Unit #17, at 184 Broadway, Godfried Plaza, Assessor's Plan 1043, Lot 250.

Application is also being made for Entertainment License for televisions only.

Jared Monico, 67 Ocean Ave. West explained request. Mr. Horlick asked he clarify which building. Mr. Monico said back building. Mr. Horlick asked hours of operation. Mr. Monico said 6AM to 8PM. Mr. Horlick asked days. Mr. Monico said Monday through Friday 6AM to 9PM and Saturday 7AM to 12. Mr. Horlick asked about entertainment. Mr. Monico said just 1 television. Mr. Horlick asked about trained personnel. Mr. Monico said they are.

Any in favor or in opposition? None.

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

Mr. Horlick moved to grant the Special Permit for personal fitness establishment, to be located in Unit #17, at 184 Broadway with the following conditions: hours of operation Monday through Friday 6AM to 9PM and Saturday 7AM to 12:00 and closed Sunday; must meet all requirements of Town Departments; and must have trained personnel on site. Chair seconds.

Roll call vote: Mr. Crabtree, yes; Mr. Horlick, yes; Mr. Serino, yes; Mr. Wong, yes.  
Vote: 4-0.

Mr. Horlick moved to grant the Entertainment License for one television with same hours of operation: Monday through Friday 6AM to 9PM and Saturday 7AM to 12:00 and closed Sunday. Mr. Serino added without objection the following condition: capacity limited to 30 people. Chair seconds. Vote: 4-0.

Saugus Board of Selectmen  
May 25, 2010

Correspondence

Mr. Horlick moved to take Mr. Perry's correspondence out of order. Chair seconds. Vote: 4-0.

Marina Whittier, 103 Saville Street, explained the rain and flooding and asked the Board for help. Mr. Horlick said it has to be determined where the water is coming from because if its coming up through the ground there is nothing they can do to prevent it.

Larry Whittier, 103 Saville Street, said the source of the water is run off from the hills with new construction over the last few years and from Elm Street side and 101 & 103 Saville get hit the hardest and said the Town put an extension on the outlet which was a big help but the bridge is the problem and it must be wider or the problem will continue. Mr. Horlick asked the Manager to have DPW look at the culvert. The Manager agreed and said he had a meeting this morning with DPW Director and engineers to see what we can do and explained an issue a couple of years ago was addressed with minor drainage work and said he will look into what the engineers recommend. Mr. Serino said when he was on the Conservation Commission he would see this happen with new development and said the problem is the bridge because its not wide enough to handle the flow and explained a lot of communities drain into the Saugus River and said the bridge is the Town's responsibility. Mr. Horlick said the Manager should also look at the culvert for any debris that would slow down the flow. The Manager said he will have it checked tomorrow.

Elizabeth Dormer, 101 Saville Street, said she can't keep flooding in her basement and said it has damaged her furnace and hot water tank and said the main problem is the bridge.

Mr. Muise said the catch basin at Elm Street has sewer and water and it's a health issue on Innis Street. The Chair asked the Manager to look into that. The Manager agreed.

Dan Doherty, 72 Elm Street, passed out pictures and explained flooding in 1996 and 2006 and said the river has to be opened up and something has to be done because its only getting worse and said sewer water nobody cares about.

Jack Perry, 7 Innis Street said they had sewer in their basement and it's a health problem and asked what they have to do to get something done and asked they close the bridge and have engineers get it done.

Monica Lima, 104 Saville Street, said she bought her house 5 years ago and has a finished basement and lost everything and 4 years later she got 4' to 5' of water and would appreciate if they would consider doing something.

Joe Schrimpf, 74 Saville Street, said he believes it's the bridge and said his house is the first house after the bridge and he doesn't get water and said when the bridge was reconstructed they decreased the size of the opening so it backs up there.

Mr. Serino said we always hear "100 year storms" but it seems to happen every year or 2 and said he believes the bridge is causing the problem and he appreciates the Manager having the engineers look at this and hope they can help these people out. Mr. Crabtree agreed and said they will see the engineer's options and see what can be done. Mr. Horlick said Shute Brook was a problem and the Town got a grant to widen the culvert and that decreased flooding. Mr. Doherty asked if FEMA can get involved. The Manager said he will look at all available means and said for Shute Brook the Town did apply and was successful in receiving a grant and that work has virtually eliminated

Saugus Board of Selectmen  
May 25, 2010

flooding and will look into doing something to resolve the problem. Mr. Horlick said if we apply for grants we need to get our State Delegation involved. Mr. Serino thanked them for coming.

Mr. Crabtree moved to take correspondence #6 out of order. Chair seconds. Vote: 4-0.

6.) SHS Hockey and Saugus Youth Hockey re: Kasabuski Arena issues.

Tom Stretton, Main Street was present. Mr. Crabtree explained at last Selectmen's meeting the Board voted to have a letter sent and said the Board is familiar with the issues and are trying to deal with each and find solutions. Mr. Stretton read a statement outlining the issues. Mr. Crabtree asked if time period he references is 2008. Mr. Stretton said yes and said he served on the Board of Governors and there was no seconds RFP. Mr. Crabtree said he was told the late hours were chosen by the coaches. Dwayne Oxley, was present and said 6 to 7PM not that late. Mr. Stretton read from prepared statement and said he is passionate about the rink and listed his involvement and other present involvement in the community and the rink. Mr. Horlick said he had this looked into October last year regarding lighting and parking lot. Mr. Horlick asked if hour rental is an hour. Mr. Oxley said it is one hour.

Dwayne Oxley, 40 Lawndale Ave., passed out list of concerns and read concerns regarding safety.

Mike Kowalsky SHS Varsity Captain was present with three other captains and said most of them have played there since they were 5 years old and read a statement.

Scott Brazis, 6 Cave Rock Road, said he will present the questions and thanked everyone for coming. Mr. Brazis said he believes there are breeches in the lease and as a taxpayer and resident would like to know the actual number to be paid upfront. The Manager said \$150,000 upfront and \$40,000 per year until the deficit is satisfied and said it was an open process and there was a second RFP and there was only 1 bidder and they had a public signing of the lease and some here were present and supported it and explained an opinion from counsel since the school department didn't have an appropriation for ice time it was decided to off set otherwise they would need an appropriation and at the close of the fiscal year an accounting would be done of actual time and the difference will be paid by the rink operator and only did that for relief for the school department and said any actions taken were for the users of the rink and said there was a very determined group that wanted the Town out of the rink business but he tried to save the rink for Saugus and said he cannot control a person's demeanor or behavior and had several meetings to reach a compromise and is at the point of total frustration and outside counsel is involved to address violations and force compliance and said the Selectmen are involved and is doing all they possibly can including taking legal action. Mr. Brazis asked if \$150,000 was to be paid upfront asked why they only paid \$129,000. The Manager explained adjustment made for construction. Mr. Brazis asked where \$21,000 is and said 2 attorneys say it can't be off set and read section of the lease. The Manager said he gave him copy of opinion and they were within their right to off set. Mr. Brazis said people deserve to know that they haven't paid a dime since 2008 and he did ask for copy of RFP and only received one and said he wasn't involved in a second RFP and asked if the difference was paid. The Manager rejected his statement there was no second RFP and explained there was only 1 bidder and the information is readily available. Mr. Brazis asked if the difference has been paid and if he knows what the

Saugus Board of Selectmen  
May 25, 2010

amount is. The Manager said the number of hours agreed to by the Principal and believed it was 132 hours and the difference would be charged to the rink. Mr. Brazis asked if the Town is providing water, sewer, trash and insurance. The Manager said yes for the first three years and said he is offended by the line of questioning and said he thought this was a partnership. Mr. Brazis asked the value of the services. The Manager said he doesn't have figures, but said the insurance is a blanket policy that covers all buildings and rubbish is a flat fee to the Town. Mr. Brazis asked if he would get the figures and said it's a shame this is happening and said he can't see why they can't be called in for answers.

The Chairman thanked them for coming and said they had a meeting with Youth Hockey and had a meeting with Mr. Maniff and SHS Hockey and the second meeting included Youth Hockey and Mr. Crabtree and said the rink did get fined and said he knows it is taking longer than they want, but they are working under legal advisement. Mr. Horlick asked about concession stand and pro shop. Mr. Brazis said they have vending machines also. Mr. Horlick said the issues are public safety issues, first aide and lighting. Mr. Brazis said they state they are not responsible for outside the arena and said the Manager did have lighting addressed and it is now well lit and said the fire doors were also addressed. The Chair said when he heard about it he immediately sent the Building Inspector and Fire Department and they were sited for fire extinguishers, locking doors and for propane tank. Mr. Crabtree recognized Representative Falzone was present.

Steve Worthly, 43 Fairchild Ave., said the process has been ongoing for the last 7 months and asked everyone not to loose site of the fact that this is for the children and to not loose focus that we are all here for the kids. Mr. Crabtree said he appreciates it and it has been a lot of work to try to deal with it and thanked all and said we may have different opinions but we do need to find common ground and resolve it. The Chairman said he hears the compassion for the kids and some have strong personalities but we have to remember we are working for the kids. Mr. Worthly said as clarification regarding the May 14 meeting that counsel was drafting a letter discussing violations to the rink manager. Mr. Crabtree said since that meeting another meeting was set for Friday for proposal, then set for Monday which was cancelled and said the Selectmen and Town Manager are working toward the benefit of Saugus High Hockey and Saugus Youth Hockey and are committed to doing that. The Manager said he had several conversations with counsel and did receive a draft for comments and he did send the draft back with comments and explained the process has taken a different turn and now we are in litigation and the letter will be going out the beginning of next week. Mr. Worthly asked about being on Town insurance. Mr. Crabtree said himself and the Manager and wants to make it clear the Board's position to renegotiate the lease. The Manager said he does not want to discuss strategy in a public forum. Mr. Worthly said he would like the information. Mr. Crabtree said part of the process of litigation and some information is not open during the process. Mr. Worthly said its good news and said in order to be a cohesive unit we need to have communication and would like to believe what was said will be carried out but 7 months later we are here and its not good business and thanked the Board.

Mr. Horlick said he remembers a couple of years ago the original RFP the funding fell through and said he got many calls telling him the Town should dump the rink but many people here were here in favor of this lease and he thought it would be in the best

Saugus Board of Selectmen  
May 25, 2010

interest so he did sign the lease and wants to make sure it is adhered to because his name is on it. Mr. Serino said he was not on the Board when the lease was signed but it was clear that SHS Hockey and Youth Hockey should get the times they want and explained when this process started the Board decided on only 2 Board Members be involved, Mr. Wong and Mr. Crabtree, because of open meeting law and they have kept the Board informed and support their efforts and feels it would be best to work it out and avoid litigation, but unfortunately that didn't happen.

George Moriello, 6 Cliftondale Avenue, TMMP6, said as a hockey player, coach, avid citizen he said we are talking about Saugus home rink and said the rink never charged the high school and we built them their own locker room it was their home out of an abandoned MDC rink but it became home to 3 State Championships and to even discuss settlement for ice hours is not a home rink.

Rep. Mark Falzone said he agrees with Selectmen Horlick's comments and said the lease was signed, not ideal, but he knows and cares about this issue and has had conversation with DCR and said Saugus has a proud tradition of hockey and we have a good partnership and will do anything he can at the State level and said in his opinion the Board is in the best position to resolve it, but it is important we all work together to resolve it and is here to help.

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

The Chair called recessed at 10:00 PM.

The Chair called meeting back to order at 10:10 PM.

Mr. Worthly said regarding communication wanted to clarify for the record that the Board has been nothing short of professional and courteous and not to take offence to anything said regarding prior to the Board getting involved and appreciates what they have done. The Chair said it is frustrating it is taking longer than it should.

Superintendent of Schools Richard Langlois said he wants to recognize the people that spoke and said he appreciates their advocacy but what he wants them to understand is 12 year old would be just finishing practice and the high school would have been done an hour ago which is not conducive to education because it creates fatigue and said with no efforts to renegotiate the lease it puts him back to square one and must consider the student athlete so he directed the High School Principal to look elsewhere and with one phone call was offered ice free of charge and the window is closing to make that decision and he knows how everyone feels about the locker room, the home ice and the championships but doesn't think you can bring the home rink feel back and in the interest of the kids he must do what's best and does understand some wont play and wants the community to understand the position they are in and hopes in a week it can be resolved.

Mr. Crabtree said he had an opportunity to watch the meeting when the lease was approved and not as a criticism and maybe no one could predict these issues but it was stated it was a win/win situation then and now its said to be a loose/loose situation and said he is committed to resolve it but its likely a long road.

Mr. Horlick moved to request the Manager provide financial information requested regarding what was paid and what is owed; estimated costs for water & sewer, trash, and insurance. Chair seconds. Mr. Crabtree said he will support the motion but reminded them this is in litigation and information should be kept confidential. The Manager agreed and said he would not want to jeopardize the Town's position in litigation. Mr. Serino asked he run the request by Special Counsel first. Vote: 4-0.

Saugus Board of Selectmen  
May 25, 2010

1.) MPO Elections.

Mr. Serino moved to authorize the Chair to vote for Ginger Esty, Chair, Framingham Selectmen for Town Representative on the MPO. Chair seconds. Vote: 4-0.

Mr. Serino moved the Board vote to authorize the Chair to vote for William Scanlon, Mayor of Beverly for City Representative on the MPO. Chair seconds. Vote: 4-0.

2.) Imperio Mariense of Saugus re: request for Special 3 day Beer & Wine License.

Walter Sousa was present. Chair asked hours. Mr. Sousa said July 2 & 3 from 6 to 11:30 and on July 4 from 11 to 8. The Chair asked about police details. Mr. Sousa said they always have 2 Saugus Police Officers and 2 State Police Officers.

Mr. Serino moved to grant the request. Chair seconds. Mr. Serino speaking on the motion said this is a tradition held there his whole life and they don't have problems and do have police details and conditioned the hours as requested. Vote: 4-0.

3.) Newbury Comics, Inc. re: request for change of location of Valuable Goods License from 180 Main St. to 1201 Broadway, Square One Mall.

Jessie O'Brien, manager was present. Mr. Horlick asked if any other changes. Mr. O'Brien said no other than hours are set at mall hours. Susan Yee, General Manager Square One Mall was present and gave mall hours.

Mr. Serino moved to grant the change in location with condition mall hours 10AM to 10 PM, Sunday noon to 6PM and include mall holiday hours. Vote: 4-0.

4.) PAM, Inc. 114 Broadway re: request for change of d/b/a to: LAVO RISTORANTE.

Michael Reppucci, manager was present. Mr. Horlick asked about any other changes. Mr. Reppucci said all the same.

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

5.) Youth & Rec. Dept. re: request to accept gift of \$1,068 from Wheelabrator to go toward the "Eye on Crime" campaign.

The Chair said Mr. Nickolas called and was unable to attend.

Mr. Crabtree moved the Board accept the gift from Wheelabrator of \$1,068 to go toward the "Eye on Crime" campaign.

Manager's Report

- recommended the reappointments of Jeffrey Loeser and Ronald Sanders to the Boats and Waterways Commission.

Mr. Horlick moved the Board vote to confirm the reappointment of Jeffrey Loeser to the Boats and Waterways Commission. Chair seconds.

Roll call vote: Mr. Crabtree, yes; Mr. Horlick, yes; Mr. Serino, yes; Mr. Wong, yes. Vote: 4-0.

Mr. Horlick moved the Board vote to confirm the reappointment of Ronald Sanders to the Boats and Waterways Commission. Chair seconds.

Roll call vote: Mr. Crabtree, yes; Mr. Horlick, yes; Mr. Serino, yes; Mr. Wong, yes. Vote: 4-0.

- received a directive from the Board regarding flooding conditions on Saville Street and did engage an engineer, CDM, to survey and do an analysis with recommendation for possible solution and said it is a priority.

- received a directive from the Board to look into the reverse 911 system and did investigate and found the Town does not qualify for grants at this time and the

Saugus Board of Selectmen  
May 25, 2010

approximate cost is \$25,000 plus annual fee and will discuss further in a future Town budget process.

Member's Motions

The Chairman said the Belmonte Building Committee was advertised and the Board has appointments to make.

Mr. Crabtree moved to appoint Cynthia Joyce to fill position of Educational Mission / Facility function. Chair seconds. Vote: 4-0.

Mr. Crabtree moved to appoint Richard Salvo and Stephen Rich to fill position of Citizen Engineer and Architect. Chair seconds. Vote: 4-0.

Mr. Crabtree moved to appoint Corinne Riley and James Russo to fill positions of Parent Representatives. Chair seconds. Vote: 4-0.

Mr. Crabtree moved to appoint Myra Monto, BMS Vice Principal and Ben Lynn BMS Teacher. Chair seconds. Vote: 4-0.

Mr. Serino said these are all qualified individuals and are pleased to support.

Mr. Crabtree moved to appoint Bakir Becirovic, Billy Diotte and Roger Sacilotto as Citizen at large. Chair seconds. Vote: 4-0.

Mr. Crabtree: - said they should set a date to continue roll back hearing.

The Chairman excused himself from the table.

Mr. Serino said he wanted to meet before to discuss tweaking them first and then have Town Counsel review. Mr. Crabtree said he spoke with Town Counsel and the notice was based on the roll back only and in his opinion any other changes would need to be noticed so people are aware of proposed changes. Mr. Serino agreed.

Mr. Horlick moved to schedule roll back hearing be continued to June 15 at 7:30PM. Mr. Crabtree seconds. Vote: 4-0.

The Chair returned to the table.

- said Youth & Rec. invited the Board to schedule a presentation and asked their clerk to contact and schedule.

- said the Board is to schedule a meeting with the Manager regarding CIP. Mr. Horlick suggested after the budget process.

Mr. Serino: Mr. Serino moved the Board cancel the Special Town Meeting on June 21, 2010. Chair seconds. Vote: 4-0.

Mr. Horlick: Wished all graduates best of luck.

Citizen's Forum: None.

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

Meeting adjourned at 10:57PM.

Respectfully submitted,

Wendy Reed, Clerk