

Saugus Board of Selectmen
June 4, 2013

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

AGENDA
Saugus Board of Selectmen
June 4, 2013 at 7:30 PM
Town Hall Auditorium
298 Central Street
POSTED: 5/30/13

- 1.) Call to order.
- 2.) Invited Guests: 0
- 3.) Approval of minutes: May 14, 2013
- 4.) Citizen's Forum.
- 5.) Continued Hearings: 31 Osprey Road, S-2 (From 5/14/13)
- 6.) Public Hearings:

- 7:45 PM public hearing to amend the Town's Traffic Rules & Regulations ARTICLE IX, Section 8: "Obedience to Isolated Stop Signs" by posting a "Stop" sign on Lincoln Avenue, north at Ballard Street and designating a "Right Turn Only".
- 7:50 PM SAHAR Corporation d/b/a Auto Excellence Group, for Special Permit (S-2) to allow storage of vehicles for sale, to be located at 173 Main St, Assessor's Plan 1029, Lot 10. Application is also made for Class II Auto Dealer's License.
- 8:00 PM Boscy's Liquors, Inc., 216 Broadway, Harry B. Lancaster III, manager, for change in description of licensed premises / alteration by expanding sales floor space.
- 8:05 PM Angkor Trading, LLC d/b/a Tutti Frutti Frozen Yogurt, for Common Victualer's License & Entertainment License to be located at 114 Broadway. Application is also being made for a variance to waive the external grease trap requirement.

Correspondence

- 1.) Peter's Pizza, 48 Hamilton St. re: request to extend hours of operation (From 4/23; & 5/14/13)
- 2.) Independent Living Center re: ADA Day and Proclamation July 26, 2013
- 3.) Agganis Special Olympics re: request for banner.
- 4.) Sidewalk Committee re: request to display WPA plaques.
- 5.) VFW re: request for change of manager TO: Lawrence Capuzzo.
- 6.) Mass DOT re: response to request for crosswalk on Walnut St. at Walnut Plaza.
- 7.) BayRing Communications re: request for right-of-way to attach to existing utility poles.
- 8.) 99 Restaurant re: request for change of manager TO: Kenneth Martin.
- 9.) DEP Solid Waste Master Plan.
- 10.) Health Director's response re: external grease traps.
- 11.) External Grease Trap Waiver Policy.
- 12.) Treasurer / Collector re: request to vacate a foreclosure decree: 43 Birch Street.

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

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The Saugus Board of Selectmen met on June 4, 2013 at 7:30pm in the Town Hall Auditorium, 298 Central Street. Present: Selectmen Stephen Castinetti, Stephen Horlick, Debra Panetta and the Chairman Michael Serino. Absent: Selectman Julie Mitchell. The Town Manager Scott Crabtree was also present.

Correspondence

12.) Treasurer / Collector re: request to vacate a foreclosure decree: 43 Birch Street.

Wendy Hatch was present and explained foreclosure and payment has now been made and requested the Board vacate the foreclosure agreement. Ms. Panetta asked about the delinquency and process. Ms. Hatch explained.

Ms. Panetta moved to allow the judgment for foreclosure dated February 22, 2013 to be vacated and title of the property at 43 Birch Street be returned to George Palladino as stated in the foreclosure judgment based on payment received in the amount of \$20,613.90 for outstanding Fiscal 2009-2013 real estate taxes and water/sewer charges, with all applicable interest, penalties, and fees. Chair seconds 4-0.

Approval of minutes: May 14, 2013

The Chair added an amendment.

Mr. Horlick moved to accept the minutes as corrected by the Chair. Chair seconds 4-0.

Citizen's Forum: Jean Poole, 3 Wildwood Terrace read about an incident at Hannaford's and said the employees went above and beyond and requested they be recognized.

Ms. Panetta moved to invite in for citations to recognize their act of courageousness and going above and beyond to assist a citizen. Chair seconds 4-0.

Continued Hearings: 31 Osprey Road, S-2 (From 5/14/13)

Mr. Castinetti moved to take hearing from the table. Chair seconds 4-0.

Little Children's School House, Inc. for Special Permit (S-2) to allow a place of amusement to be located at 27-31 Osprey Road and Application for Common Victualer's License and Entertainment License.

Rodney Sinclair, project developer was present and said there was a site visit and there were things the Board requested and submitted rendition of proposed exterior, parking signage and explained use of natural barriers and improved entry way. The Chair said the Board usually is given a landscape plan and will need to look at it and asked if capacity at 1400. Mr. Sinclair said 200 or what the Town sets. The Chair said the Building Inspector suggested the Board set capacity of 114 seats and total capacity 137. Mr. Sinclair said fine. The Chair asked about entertainment. Mr. Sinclair said they decided on no televisions only CD's. Ms. Panetta thanked him and said he did all that was requested and said the 2nd lot to be used for parking, he will need to combine them. Mr. Sinclair agreed they plan on doing that at closing. Ms. Panetta asked if approved when they would be open. Mr. Sinclair said they need to work with various Boards and would close on the property in about a month and construction 5-7 months. Ms. Panetta said safety is an issue and asked speed limit on Osprey Road. Mr. Sinclair said 20mph and will work with police on signage if needed. Ms. Panetta said he plans to petition to widen from Rte. 1 to Osprey is not guaranteed. Mr. Sinclair said no guarantee it will be approved. The Chair asked Sgt. VanSteensburg to look at the area for suggestions on signage.

Any to speak in favor or opposed?

William Horrigan, owner of BCA on Osprey Rd., expressed concern with safety and occupancy number sited it is a commercial area with trucks.

The Chair notified the applicant only 4 Members are present this evening and 4 votes are needed for approval and asked they consider if they want to continue the hearing or go forward this evening.

Greg Stefano, owner Stefano Landscaping, 17 Osprey Road expressed concerns with large trucks and want them to be aware a landscape business is next door. Mr. Castinetti asked the number of vehicles come in and out of his business. Mr. Stefano said average he owns 12 trucks that leave 7:30-8:00am. Mr. Horlick said the applicant is requesting 9am to 8pm and 9am to 6pm on Sunday.

Chris Richardson, 5 Osprey Road, expressed concern with traffic and parking and safety. Ms. Panetta noted capacity proposed of 137, worst case scenario one adult with one child equals 68 cars tops.

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Josh Cooper, owner 12 Osprey Rd., expressed concern with safety and said he has 10-12 trucks and he uses Rte. 99 because Rte. 1 is not safe.

Ginny Howard, 18 Osprey Rd., expressed concern with wetlands that surround the property and wildlife and said Conservation Officer said they need to go to Conservation Commission and said it's a dangerous street. The Chair said as former Chairman of Conservation Commission they do need to go for a determination.

Wendy Joy Brenner said her father owns the property and is speaking in favor and said she has been driving on the street her whole adult life and Brenner's clients include children.

Mr. Sinclair said he appreciates the neighbors showing concern and will do their best to address those concerns and said today the street is unsafe and has a lot of potholes and said they are trying to redo the site, not just interior but exterior also. Ms. Panetta said there are two entrances now and the proposal has closing one to make it safer and have barriers. Mr. Sinclair said the lot will be contained with natural borders and designed to bring people toward the entrance. Mr. Horlick said he has been on the Board 10 years and approved the landscape company and paving company and heard concerns with safety then and the Board said give them a chance and they run great companies. The Chair asked if the applicant wanted to wait or go forward this evening. Mr. Sinclair said go forward.

Ms. Panetta moved to close the hearing. Chair seconds 4-0.

Ms. Panetta moved to vote in favor of Little Children's School House, Inc. for Special Permit (S-2) to allow a place of amusement to be located at 27-31 Osprey Road and Application for Common Victualer's License and Entertainment License with hours of operation Monday through Saturday 9:00 am to 8:00 pm, Sunday 9:00 am to 6:00 pm; capacity set at 120 with 28 seats; must go to the Planning Board to consolidate lots into one lot; landscape plan to be completed by June 1st and to be reviewed and signed off by the Selectmen before occupancy; police to review and approve signage; and entertainment restricted to CD player. The Chair added façade as submitted. Chair seconds.

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

Mr. Castinetti moved to take up the 7:50 public hearing. Chair seconds 4-0.

7:50 PM SAHAR Corporation d/b/a Auto Excellence Group, for Special Permit (S-2) to allow storage of vehicles for sale, to be located at 173 Main St, Assessor's Plan 1029, Lot 10. Application is also made for Class II Auto Dealer's License.

Attorney Richard Magnan, 194 Central Street was present. The Chair said the hearing was advertised incorrectly and needed to re advertise. Attorney Magnan said there was a procedural deficit in the public hearing notice and it has been re advertised for next meeting.

The Chair asked if anyone was present for this hearing and said the hearing will be continued.

Mr. Castinetti moved to continue the hearing. Chair seconds 4-0.

Ms. Panetta moved to take the 7:45 public hearing from the table. Chair seconds 4-0.

7:45 PM public hearing to amend the Town's Traffic Rules & Regulations ARTICLE IX, Section 8: "Obedience to Isolated Stop Signs" by posting a "Stop" sign on Lincoln Avenue, north at Ballard Street and designating a "Right Turn Only".

Sgt. Paul VanSteensburg was present and explained area and request.

Any in favor or in opposition?

Marc Chapdelaine representing Raj Patel owner of 539 Lincoln Avenue said his client is in favor of the no left turn and also in favor of the stop sign but the issue regarding yellow curb will take another parking space from his business and requested that remain the same. Sgt. said he believes there's parking in the rear of the business and said he is not asking that be addressed and noted it's already in the regulations no parking 20' from an intersection.

Peter Manoogian and members of the Sidewalk Committee were present and thanked the Sgt. and said the Sidewalk Committee voted to support the recommendation and suggested the Board allow the Sgt. to apply discretion in measuring it out.

Ms. Panetta moved to close the hearing. Chair seconds 4-0.

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Ms. Panetta moved the Board amend the Town's Traffic Rules & Regulations ARTICLE IX, Section 8: "Obedience to Isolated Stop Signs" by posting a "Stop" sign on Lincoln Avenue, north at Ballard Street and designating a "Right Turn Only".

The Chair requested a roll call vote.

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

Mr. Horlick moved to take correspondence #4 at this time. Chair seconds 4-0.

Correspondence, continued

4.) Sidewalk Committee re: request to display WPA plaques.

Peter Manoogian explained the bronze plaques were saved when sidewalks were done and had three mounted for display and requested the Board accept them and allow them to be displayed at Town Hall, Library and DPW and recognized Carmine Moschella for mounting them. Board Members thanked Mr. Moschella for work he has done.

Mr. Horlick moved the Board accept three plaques and allow them to be displayed at Town Hall, Library and DPW. Chair seconds 4-0.

The Chair called recess at 8:52 PM.

The Chair called the meeting back to order at 9:01 PM.

Ms. Panetta moved to take the 8:00 hearing from the table. Chair seconds 4-0.

8:00 PM Boscy's Liquors, Inc., 216 Broadway, Harry B. Lancaster III, manager, for change in description of licensed premises / alteration by expanding sales floor space.

Attorney Nelson Chang, 47 Jackson Street was present with owner Harry Lancaster III and explained proposed expansion. Mr. Horlick asked how long construction would be. Mr. Lancaster said a couple of months. Ms. Panetta read comments from Building Inspector and noted Board of Health comment to cover food during construction. Attorney Chang said no problem.

Any in favor or in opposition? None.

Ms. Panetta moved to close the hearing. Chair seconds 4-0.

Ms. Panetta moved to grant the request of Boscy's Liquors, Inc., 216 Broadway, Harry B. Lancaster III, manager, for change in description of licensed premises / alteration by expanding sales floor space as reflected in documents submitted. Chair seconds 4-0.

Ms. Panetta moved to take the 8:05 hearing from the table. Chair seconds 4-0.

8:05 PM Angkor Trading, LLC d/b/a Tutti Frutti Frozen Yogurt, for Common Victualer's License & Entertainment License to be located at 114 Broadway. Application is also being made for a variance to waive the external grease trap requirement.

No one was present.

Ms. Panetta moved to table the hearing. Chair seconds 4-0.

Correspondence, continued

1.) Peter's Pizza, 48 Hamilton St. re: request to extend hours of operation (From 4/23; & 5/14/13)

Sotirios Georgiopoulos, owner was present. The Chair explained the Board updates seating on all Common Victualer's and said the Board received response from Building Inspector and said hours now are 9am to 11pm and the applicant is requesting 6am to 2am 7 days a week. Ms. Panetta said she is uncomfortable with 2am closing. The Chair said a list of hours of establishments in the plaza was submitted and asked if the applicant would be OK with 1:00am. Mr. Georgiopoulos said yes.

Ms. Panetta moved to change hours of operation to 6:00am to 1:00am; and 24 seats with 6 tables. Chair seconds 4-0.

2.) Independent Living Center re: ADA Day and Proclamation July 26, 2013.

Mr. Castinetti moved to proclaim July 26, 2013 as ADA Day in the Town of Saugus. Chair seconds 4-0.

3.) Agganis Special Olympics re: request for banner.

The Chair noted the two locations requested and usually the road race has one location during those dates and suggested they check if they will be requesting a banner.

Mr. Castinetti moved to approve the Essex at Vine Street banner request. Chair seconds 4-0.

5.) VFW re: request for change of manager TO: Lawrence Capuzzo.

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Lawrence Capuzzo was present. The Chair asked if he will be there at least 25 hours a week. Mr. Capuzzo said yes.

Ms. Panetta moved to grant the change of manager of the VFW to Lawrence Capuzzo. Chair seconds 4-0.

6.) Mass DOT re: response to request for crosswalk on Walnut St. at Walnut Plaza.

The Chair said they have agreed to a crosswalk. Ms. Panetta said they did not address the shelter. The Board agreed Ms. Panetta will draft a letter regarding request for bus shelter.

7.) BayRing Communications re: request for right-of-way to attach to existing utility poles.

Charles Curtis, BayRing Communications was present and explained fiber optic cable and routes through Town and said he met with departments and will be removing the fire boxes as they attached their cable and will be doing tree trimming also. The Chair asked if he talked with Town Manager. Mr. Curtis said he is speaking with IT Director. Mr. Horlick asked who hired them. Mr. Curtis said it is their cable. Mr. Horlick asked how long it would take. Mr. Curtis said 4-6 weeks after they receive license from the power company and Verizon, they may install. Mr. Castinetti asked if they offer data and phone service to business do they offer to residents. Mr. Curtis said not now but will expand and said they will connect town buildings.

Mr. Horlick moved the request be granted for right of way to attach cable to utility poles in Saugus with condition they remove the fire box attachments and connect to Town buildings; and to inform police, fire and DPW re: tree trimming. Chair seconds 4-0.

8.) 99 Restaurant re: request for change of manager TO: Kenneth Martin.

Kenneth Martin was present and gave his background and experience.

Ms. Panetta moved to grant the change of manager of the 99 Restaurant to Kenneth Martin. Chair seconds 4-0.

9.) DEP Solid Waste Master Plan.

The Chair said the Board talked about writing a letter and explained concern with allowing other methods used at the site. Ms. Panetta said she will draft a letter and / or resolution for the Board.

10.) Health Director's response re: external grease traps.

The Chair said he would like to send a letter to the owner stating they must install an exterior grease trap or come before the Board for waiver.

Kevin McMaster, Lincoln Ave Pizza was present and said the plumbing inspector came and measured the internal trap that was installed around 10 years ago and feels it's adequate. The Chair said he or the owner may apply and will put on next agenda.

11.) External Grease Trap Waiver Policy.

The Chair suggested the Board consider adding to the outside grease trap policy "All food service establishments connected to the Saugus Sewer System must install an outside grease trap when the property is sold, a business is transferred, an establishment is upgraded or change of menu occurs." "An application may be made for a grease trap waiver, however, a waiver must be approved by the Board of Selectmen before a property is sold, a business is transferred, an establishment is upgraded or a change of menu occurs."

Ms. Panetta moved the Board adopt the policy as updated. Chair seconds 4-0.

Mr. Horlick moved to take the 8:05 hearing from the table. Chair seconds 4-0.

8:05 PM Angkor Trading, LLC d/b/a Tutti Frutti Frozen Yogurt, for Common Victualer's License & Entertainment License to be located at 114 Broadway. Application is also being made for a variance to waive the external grease trap requirement.

No one was present.

Mr. Castinetti moved to continue to June 18th. Chair seconds 4-0.

Manager's Report

-reverse 911 system is up and running and used it to notify about roadwork.

-annual audit has begun.

-hired an economic development coordinator.

-sent documents and requested the Board discuss regionalization of tech services at next meeting.

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Member's Motions

The Chair asked Board Members look at dates for meeting schedule.

The Chair said he spoke with Town Counsel and he sent opinion to SCTS Board regarding scholarships and explained it is rate payer money and cannot be used for scholarships.

The Chair asked the appointment of Veterans' Graves Officer be put on next agenda.

The Chair said there's some confusion between the Saugus Cable Television Station Board of Directors and Cable Commission and requested a proposal to change the name to Saugus Cable Advisory Board be placed on next agenda.

The Chair said 2 positions are up on SCTS and requested they be advertised.

The Chair announced SCTS will hold training sessions and read schedule.

The Chair thanked everyone that came out for the Memorial Day Parade.

Mr. Horlick: thanked everyone that came out for Memorial Day.

-announced dedication ceremony for women veterans was held.

-said the USS Constitution was turned around today and watched it on TV.

-said this is the 74th anniversary of Midway.

-said Town Meeting will vote the budget next week and said the last two years we have had no structural deficits and 6 contracts settled and \$200,000 put away and all on the website for transparency and said the Finance Committee applauded the manager and said they were ready to vote the budget by June 1st.

Mr. Castinetti: Thanked everyone that came out on Memorial Day and thanked all that donated.

- Thanked the Vocational School for making the new Veterans' Council podium and developed the new logo and thanked the Lynn English ROTC and the Revere ROTC for their participation.

-Said he attended SCTS meeting last week and was disgusted and said the SCTS Board of Directors terminated the director. The Chair cautioned the Board should not discuss a personnel matter. Mr. Castinetti said he would still like to discuss the Board and their actions and said it appeared they hired independent counsel to represent them and hired a police detail to work the meeting held in the police station and said during the meeting the Board refused to allow the public to speak and after the meeting the Chairman confiscated the recording of the meeting and he just found out they hired another police detail to sit at the studio at the high school until noon the next day and said they have violated public trust and he has a loss of confidence in the Board and is calling for immediate resignation of the entire Board and to return it to the former format and to reinstate the employee terminated.

Cynthia Alba, 438 Essex Street, said their behavior was a disgrace and was rude and abusive and didn't allow the public to speak.

Rick Fail, 32 Bayview Rd., said he was flabbergasted at the treatment and the public was not allowed to speak and were shut down repeatedly.

Chet Stentiford, 47 Newhall Ave., said he had a program on SCTV and they have no right challenging programming and there are a number of issues the Selectmen need to straighten out and said we are the only community that doesn't have a nonprofit running the studio and asked why.

Jean Poole, 3 Wildwood Terrace, said the Director worked hard. The Chair cautioned not to speak about the personnel matter. Ms. Poole said in August the Selectmen chose this Board of Directors and in her opinion they were not the correct people and said its said they are not moving forward. The Chair said they are moving forward.

Jimmy Carabineris, said he was the first member to sign up and has a show called "Ablevision" and said what happened was a witch hunt and said the Board of Directors need to resign.

Stephanie Fail, 32 Bayview Rd., said it's not an insult to the Selectmen that they picked the wrong guy and said he should be removed and encouraged they make the right decision.

Gene Decareau, 388 Central Street, said in his own opinion the way they picked the Town Manager was sneaky and underhanded and this Board chose to put a felon on the SCTS Board and they should be ashamed and asked why they don't resign.

Kathy Blasingame, 40 Walden Ave., said the behavior of the SCTS Board is abominable.

Donna Gould, 10 Summer St., said she attended the meeting and is very disappointed.

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Maureen Dever, TMMP3, said she was not present at the meeting and has concern with censorship if the tape was taken and asked they have the tape returned. The Chair said he was told it played today. Ms. Dever asked if it was edited. Mr. Serino said he didn't know. Ms. Dever said a previous speaker spoke of bullying and that needs to stop and noted payments from Comcast is approximately \$500,000 a year and said it needs oversight.

Stephanie Fail said we elect you to vote our interests and the Board has to listen to them.

Rick Fail asked why they can no longer give scholarships. The Chair said it's the ratepayers' money.

Donna Gould said there were some good applicants for the SCTS Board.

The Chair said the Selectmen voted not to renew the agreement with the nonprofit because of failure to have audit reports; because concerns with the director offering him and the manager money; and it wasn't being run properly financially and didn't want another library situation and any blame is on the previous Board not this Board of Directors and said they have been straightening it out.

Brenton Spencer, 299 Walnut St., TMMP5, pointed out they were told not to speak about personnel matter.

Mr. Castinetti moved to adjourn. Chair seconds 4-0.

Meeting adjourned at 10:32pm.

Respectfully submitted,

Wendy Reed, Clerk