

Saugus Board of Selectmen
July 14, 2009

The Saugus Board of Selectmen met on July 14, 2009 at 7:30 PM in the Town Hall Auditorium, 298 Central Street. Present were: Selectmen Stephen Castinetti, Stephen Horlick, Michael Kelleher, Peter Rossetti Jr. and the Chairman Donald Wong. The Town Manager Andrew Bisignani was also present.

The Board held a moment of silence for former Lynn Mayor Pat McManus.

Invited guests: None this evening.

Approval of minutes

Mr. Rossetti moved to approve the June 9 and June 9 executive session minutes. Chair seconds. Vote: 5-0.

Mr. Castinetti moved to approve the June 10 and June 10 executive session minutes. Chair seconds. Vote: 5-0.

Mr. Horlick moved to approve the June 16 minutes. Chair seconds. Vote: 5-0.

Mr. Horlick moved to approve the June 18. Chair seconds. Vote: 5-0.

Mr. Castinetti moved to approve the July 2. Chair seconds. Vote: 5-0.

Continued hearings: Nothing for this evening.

Mr. Rossetti moved to take correspondence out of order. Chair seconds. Vote: 5-0.

Correspondence

Saugus Mobile Home Assoc. to insert Article into next Special Town Meeting Warrant.

Les Martin, 846 Broadway, was present and explained.

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

2. Harbormaster re: recommendation of appointment of Assistant Harbormaster.

Mr. Castinetti read letter of recommendation submitted by the Harbor Master.

Mr. Castinetti moved the Board vote the recommendation of the Harbor Master and appoint Earle Bertrand Assistant Harbor Master. Chair seconds. Vote: 5-0.

3. Americans with Disability Act 19th anniversary Proclamation.

Mr. Rossetti moved the Board vote to adopt the proclamation. Chair seconds. Vote: 5-0.

4. Collector/Treasurer re: MWRA Water Bond.

Mr. Rossetti moved the Board vote the sale of the \$911,000 Water Bond of the Town dated July 27, 2009, to the MWRA ("the Authority") is hereby confirmed and that the Treasurer or other appropriate Town official is authorized to execute a Loan Agreement and a Financial Assistance Agreement with the Authority with respect to the bond. The bond shall be payable without interest on August 15 of the years and in the principal amounts as follows: from year 2010 to 2014 installment amounts to be \$91,100. Chair seconds. Mr. Horlick speaking on the motion said this is a 0% interest loan and is a good program. Vote: 5-0.

5. World Series Park re: request for banner for Special Olympics Day.

Mr. Castinetti said they hold this every year and it's heartwarming to see.

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

6. Cemetery Com. re: request insert Article into next Special Town Meeting Warrant.

Mr. Kelleher said he worked with them regarding the Curley and it was a proposed location for a new high school middle school complex and this will still be available. Mr. Kelleher moved to insert the Articles into the Special Town Meeting Warrant. Chair seconds. Vote: 5-0.

Manager's report

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- Announced Hamilton Street water main replacement will start in next two weeks with funding from the MWRA 0% interest loan.
- The Exxon Station on the corner of Howard and Lynn Fells Parkway is scheduled for demolition in August and gas tanks will also be removed. Mr. Horlick asked if they owe money for maintenance work. The Manager said no. Mr. Kelleher asked the end result. The Manager said clean and level, a presentable vacant lot. Mr. Kelleher asked of future plans. The Manager said he didn't know. Mr. Kelleher thanked him. Mr. Horlick asked who will maintain the site after. The Manager said the owner. Mr. Horlick expressed concern with illegal dumping. The Manager said illegal dumping is down 80% since they put drop off center. Mr. Kelleher said he's working on a By-Law to address such buildings and intend to formulate a By-Law.
- Announced tomorrow morning 4 new police officers will be sworn in along with 2 sergeants and 3 lieutenants.

Mr. Castinetti moved to take up the 7:45 public hearing. Chair seconds. Vote: 5-0.
7:45 on amending the Town's Traffic Rules & Regulations by posting "No Parking" on Jackson Street 20' from intersection of Essex Street; designating the next 70' (1) Hour Parking; then from the curve "No Parking" for next 92'.

The Chair read. Mr. Rossetti said they do have recommendation and read.
Any in favor or in opposition? None.

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

Mr. Rossetti moved the Board vote to amend the Town's Traffic Rules & Regulations by posting "No Parking" on Jackson Street 20' from intersection of Essex Street; designating the next 70' (1) Hour Parking; then from the curve "No Parking" for next 92'. Chair seconds. Vote: 5-0.

Member's motions

Mr. Castinetti: Congratulated Lt. Annese, Lt. Swezey, Lt. Wheeler and Sgt. Coburn on their retirements and wished them the best of luck and congratulated Tim O'Brien, Anthony LoPresti and Ronald Giorgetti on promotion to lieutenant and congratulated Mike Ricciardelli and Paul Vansteensburg on promotion to Sergeant and welcomed new police officers Bryan Misci, Emir Saric and Sean Delehanty. Mr. Rossetti said they come highly recommended. The Chair said the swearing in is at 10AM at Town Hall tomorrow.
- Said in their packets was a request to adopt Chapter 182 of the Acts of 2008 regarding exemption of active military on excise tax.

Mr. Castinetti moved to insert Article into August 24 Special Town Meeting Warrant. Chair seconds. Vote: 5-0.

- Said letter have gone out to License holders with inactive licenses and said he would like to see some progress where they are to be used.

7:55 Shuman & DeAngelis Wine Merchants, LLC d/b/a Ourglass Wine Company, 124 A Broadway, Joseph Shuman, Manager for transfer of All Alcoholic Package Store License FROM: Ourglass Wine Company, Inc. d/b/a Ourglass Wine and Spirits Marketplace, 120 Broadway.

Joseph Shuman and Stephen DeAngelis were present. Mr. Kelleher asked other than transfer if any changes. Mr. Shuman said a broader food selection and fine wine. Mr. Castinetti said it will be pretty much the same and asked if any construction. Mr. Shuman said no.

Any in favor or in opposition? None.

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Mr. Horlick asked about question 11 on application. Mr. DeAngelis said no construction.

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

Mr. Kelleher moved to grant the transfer of All Alcoholic Package Store License FROM: Ourglass Wine Company, Inc. d/b/a Ourglass Wine and Spirits Marketplace, 120 Broadway TO: Shuman & DeAngelis Wine Merchants, LLC d/b/a Ourglass Wine Company, 124 A Broadway, Joseph Shuman, Manager. Chair seconds. Mr. Horlick added comments of Zoning Officer and Health Agent. Vote: 5-0.

Mr. Kelleher complimented the past owner.

Member's motions, continued

Mr. Castinetti: Said they received recommendation regarding Baker and Lincoln.

Mr. Castinetti moved to extend the no parking 20' from the corner of Lincoln on Baker. Chair seconds. Mr. Rossetti said a public hearing is not needed and this recommendation is to paint the curb yellow to remind people there is no parking allowed 20' from a corner. Vote: 5-0.

- Said they received recommendation regarding traffic light on Essex Street and read.

Mr. Castinetti moved the Board vote to adopt recommendation of police dept. Chair seconds. Vote: 5-0.

- Said the Board received recommendation regarding parking on Denver and Talbot St.

Mr. Castinetti moved to schedule a public hearing. Chair seconds. Vote: 5-0.

8:05 Verizon for placement of (1) jointly owned pole no. 186/4A on southerly side between existing poles numbered 186/4 and 186/5 with wires, cables and fixtures on Altamont Avenue, as shown in plan no. P2009-002 dated 04/20/2009.

William McEnaney, Right of Way Agent was present and explained the request to address low lines. Mr. Castinetti asked where on the hill. Mr. McEnaney explained. Mr. Kelleher said his concern is number of poles and obstruction and asked why they can't be pulled tighter. Mr. McEnaney explained and said there are no driveways at the location and trees and not in front of windows. Mr. Horlick asked about double pole issue. Mr. McEnaney said pretty good in Saugus.

Any in favor or in opposition? None.

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

Mr. Castinetti moved to grant the request. Chair seconds. Mr. Kelleher speaking on the motion said he can't support the motion. Vote: 4-1 with Mr. Kelleher voting in opposition.

Manager's report, continued

- Recommended the reappointment of Charles Gill, William Snowden and Joan Fowler to Conservation Commission.

Mr. Kelleher moved the Board to confirm the reappointments. Chair seconds.

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

Member's motions, continued

Mr. Castinetti: Said the Board received request for "Caution Deaf Child" sign on Birch Pond Dr. and did receive recommendation and read.

Mr. Castinetti moved to have "Caution Deaf Child" sign post at 25 Birch Pond Drive as soon as possible. Chair seconds. Vote: 5-0.

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- Said Randy Briand is retiring from DPW and said he is the guy that gets the flags and organizes the flagging of veterans' graves and wished him the best of luck.

Manager's report, continued

- Said the Board requested information regarding Dale St. sewer and the project engineer is present. Rick Salvo, Engineering Alliance and project engineer for Dale Street sewer project was present and gave copies to Board Members bid sheet and sewer plan and profile and explained funding for design and construction and alternatives and explained location, other utility lines and ledge and explained depth and explained that a few homes with basement plumbing would need an ejector pump and is the owner's responsibility and said he was not aware of issue with gas main, but was aware of street condition and spoke with DPW Director who indicated they patch and allow to settle before repaving. Mr. Kelleher asked where we stand now. Mr. Salvo said the owner needs to decide to have ejector pump for basement plumbing or to re-plumb. Mr. Kelleher asked if possible to lower pipe. Mr. Salvo said it would cost and he didn't think Town Meeting would approve additional appropriation. Mr. Kelleher said it was on the list years ago and never got done and at this point all has been done for neighborhood and don't know of any other action the Board can take.

Mike Russo, 14 Dale Street was present and asked how they can ask them to take septic out and put a pump with maintenance and cleaning and connection fee and said pumps are not the answer, they need a gravity line down the street. Mr. Kelleher said 3 homes can't connect and 2 can. Mr. Russo said yes. Mr. Kelleher said Town Meeting appropriated \$100,000 and would need to go back to the Manager to look into a solution within our means.

Bob Firth, 15 Dale Street was present and said the engineer is not telling the truth and the design was not reviewed and it was not considered where the sewer pipes come out of the homes. Mr. Horlick said the Manager is allowed to investigate if the Town got our moneys worth and should look into this and said the road is horrendous.

Mr. Salvo explained it's not impossible for them to tie in and the design is fine, it is the fact of the basement plumbing and said the rest of the home is gravity. Mr. Kelleher said this is similar to Saugus Ave. issues and said he doesn't know what else they can do. Mr. Salvo said the design alternative wasn't chosen because only \$100,000 was appropriated and it made more sense to get the main in than a full gravity system well over \$300,000. Mr. Horlick asked if that design was presented. Mr. Salvo said he talked with DPW and no way that would fly and said they used taxpayer money and said it's not the responsibility of the municipality to accommodate basement plumbing. Mr. Kelleher said he was surprised it passed at Town Meeting and it barely passed FinCom and agree it is the responsibility of the Town to run the main and responsibility of home owner to tie in. Mr. Firth asked they look into the design because it's a bad design. Mr. Kelleher suggested they ask the Manager to take a look and make sure it was done right.

Peter Manoogian, TMMP10, said he attend FinCom and Town Meeting and it was brought up that the Town Meeting Member that put the Article forward had the Planning Board engineer survey and he asked where the number came from and the Manager said CDM and said he was under the impression this would be a gravity system and said the Sewer Commissioners need to be more active in these things.

Mr. Kelleher moved the Manager to look at this and communicate back to the neighbors. Mr. Horlick said he would like to see report. Chair seconds. Vote: 5-0.

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Mr. Rossetti moved to take up the 8:15 public hearing. Chair seconds. Vote: 5-0.

Mr. Castinetti and Mr. Wong excused themselves from the table and Mr. Kelleher took the Chair.

8:15 "Show Cause" Hearing on: JIN Restaurant Group, LLC d/b/a JIN Asian Cuisine, 20 Rear Frank Bennett Highway; to revoke or suspend the All Alcoholic Common Victualer's License and Entertainment License and all other licenses and permits held for violation of condition of license renewal for failure to pay municipal taxes, fees and/or charges owed for more than twelve months and for breach of payment agreement. This hearing is being held under MGL c. 40, section 57 adopted by the Town of Saugus By-Laws, section 807.

Atty. John Morello, 316 Central Street, was present representing JIN and explained his client paid \$54,515.89 today. Mr. Kelleher confirmed. Mr. Rossetti asked the balance due. Atty. Morello said he hoped it to be paid through payment arrangement. Mr. Rossetti asked if any objection to continue the hearing and said license renewal is coming up and if not paid and no payment plan in place the Board may not renew and hope that's a strong incentive to pay, get on a payment plan and stay on the plan. Mr. Horlick said his client is coming to expand the business and if the Board sees fit it can condition all paid and expressed concern they entered into payment plan and the tax collector called and nothing and the past owner had same issue and don't want to see a pattern. Mr. Kelleher asked he take back to his client to not play the calendar and to please not use the Town as a bank.

Mr. Rossetti moved to continue the hearing. Mr. Kelleher seconds. Vote: 3-0.

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

Member's motions, continued

Mr. Rossetti: Commended the Town Clerk and her office on work on the census.

- Said they received letter from Mr. Morrison regarding motorcycles on the Fellsway and he did bring it up at the Board's meeting and the police are aware and are looking into it.

Mr. Castinetti said the police are out and continue effort.

- Said last week MEG Foundation received donation from GE of \$50,000.

- Police have retired and new officers are being sworn in and said when Sgt. Coburn started he was his First aid instructor 31 years ago.

- Announced free concert at Breakheart Friday at 6PM.

- Said the Board met with representatives of Charter Commission in advisory capacity and the Board has selected a company to publish the Charter document and distribute the 2nd week in September to every residence in Saugus.

- Said the Board received complaint regarding Friend Street in Saugus and there is no Friend Street in Saugus.

- Said they received letter regarding accidents at Forest Street.

Mr. Rossetti moved to have the Town Manager refer the issue to DPW forestry dept. to look into. The Chair added traffic safety also. Chair seconds. Vote: 5-0.

Mr. Kelleher: wished officers well on their retirement and congratulated those promoted and wished the best of luck to the new officers.

- said these are tenuous times and asked for overview of what the end of FY09 looks like. The Manager said its not closed yet, but the State cut an additional \$105,000 and knows there's a small revenue deficit to be accommodated in FY10 budget and have several

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issues to put forward on August 24th Special Town Meeting. Mr. Kelleher asked about snow & ice carry over. The Manager said yes. Mr. Kelleher said \$100,000 doesn't go far these days and said the budget situation is a huge concern and a couple of initiatives were passed by the Governor and want to put them before Town Meeting, the local meals tax and hotel tax and another issue is the Voc. School and we may need a special on 8/3.

Mr. Kelleher moved the Board call a Special Town Meeting on August 3, 2009. Mr. Rossetti asked the purpose. Mr. Kelleher said he believes the Town of Saugus rejected the budget and notified the superintendent and at least 5 other communities and are now operating on a 1/12 budget until resolved and the 2nd reason is they have until August 30 to adopt local option taxes and want to leave enough time to be cautious. The Manager said he is preparing Articles for 8/24 meeting and are in process. Mr. Kelleher said his concern is 6 days and said at a minimum they should hold on August 10. The Manager said if they don't have it in place by 8/30 they wont get 2nd quarter payment. Mr. Kelleher expressed concern with that.

Mr. Kelleher moved the Article be put in the August 10 Special Town Meeting Warrant. The Manager said he's not sure he will have information in time for 8/10. Mr. Rossetti asked if he was eliminating 8/3. Mr. Kelleher withdrew his motion with no objection.

Mr. Kelleher moved to insert Article into the 8/3 Special Town Meeting Warrant and leave the Warrant open until 7/17/09 for the Manager and if no Article is ready, 8/3 Special Town Meeting will be cancelled. Chair seconds. Vote: 5-0.

Mr. Kelleher moved to insert Article regarding local option meals tax and hotel/motel tax (if drafted) into the 8/10 Special Town Meeting Warrant. Chair seconds. Vote: 5-0.

Mr. Kelleher moved to insert Article regarding Vocational School Budget into 8/10 Special Town Meeting Warrant and if Articles are not ready to insert in 8/24 Special Town Meeting Warrant. Chair seconds. Mr. Rossetti speaking on the motion said he spoke with Town Counsel and the Board can call a Special once a month and if no Articles it would be cancelled. Mr. Kelleher said he would support that. Vote: 5-0.

Mr. Rossetti moved the Board call a Special Town Meeting on the 3rd Monday of each month for purpose of addressing the Vocational School Budget if needed. Chair seconds. Vote: 5-0.

- Said they received letter from East Saugus Methodist Church regarding rebuilding their steeple. Mr. Rossetti said he believes it's a Board of Appeals issue.

- Asked the Chair to contact the water & sewer committee members to set a meeting.

- Congratulated Little League teams and Babe Ruth Teams, coaches and parents.

Mr. Horlick: Thanked the police officers retiring and thanked John Coburn.

- Asked for update on Boston St. Bridge lights. The Manager said he sent request and will follow up.

- Said the Board sent letter to Aggregate for meeting back in June.

Mr. Horlick moved to send a letter to Aggregate to schedule a meeting in August or September. Chair seconds. Vote: 5-0.

- Said they received a letter regarding National Grid raising fees 18%.

Mr. Horlick moved the Manager send a letter in opposition. Chair seconds. Vote: 5-0.

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- Thanked the MEG Foundation and congratulated them on the work done. Mr. Kelleher said he admits he scoffed at the proposal to rehab the building and admits he was wrong.
- Asked if the Graves Building would qualify for vocational school work. Mr. Rossetti said it depends on asbestos.
- Said on Howard Street the street was repaved and water isn't running into the drain and asked the Manager to look into it.
- Said they received a letter from Pat Martin regarding why she was not reappointed to the Commission on Disabilities. The Manager said this is not the forum for that discussion and said he always reappoints those willing to serve, but sometimes issues arise and in the best interest of the community it's best to make changes and said he informed the Board in December. Mr. Horlick said she has helped and has training and is dedicated.

Mr. Horlick moved to expand the Commission on Disabilities from 5 to 7 Members and for the Manager to take applications. Mr. Castinetti asked if a motion is needed. The Manager said with all due respect the appointment is his, not the Board's.

Mr. Horlick moved the Board vote to instruct the Manager to increase the Commission from 5 to 7 Members. The Chair asked if the Board had that authority. Mr. Horlick said yes, they can direct the Manager to increase to 7 members. Mr. Rossetti said he doesn't think a motion is necessary. Mr. Kelleher said it's clear he's upset and if wants to expand he will support but it's the Manager's appointment. Vote: 2-3 with Mr. Castinetti, Mr. Rossetti and Mr. Wong voting in opposition.

Citizen's forum

Pat Martin was present and said the State Law allows 5 to 9 members on Disability Commission and said she doesn't understand why she should be embarrassed and passed copy of her training and qualifications and asked why she was not reappointed. The Chair said no one said she wasn't qualified. Mr. Castinetti asked if she tried to discuss this with the Manager. Ms. Martin said she was intimidated. Mr. Castinetti said he is not sure this is the forum and recommended she meet with the person that made the decision and bring someone with her. Mr. Horlick offered to go.

Al DiNardo, TMMP4, was present and gave 2 letters in support of Pat Martin being reappointed. Mr. Rossetti said this Board is not the appointing authority. Mr. DiNardo said this Board oversees the Manager and made presentation regarding the Sidewalk Committee and said we need to respect and honor those that volunteer and asked the Manager to please reconsider because we need to all work together.

Peter Manoogian, TMMP10, was present and said Pat Martin is a very persistent advocate and knowledgeable and said there is nothing to prevent the Board from having a liaison and that she would like to know publicly why she was not reappointed and suggested the Board have a representative and take applications.

Mr. Kelleher said she should meet with the Manager. The Manager said he will restate his position that a decision was made for valid reasons and felt the issue was closed.

Mr. Horlick moved the Board vote to instruct the Manager to have a meeting with Pat Martin in the next 7 to 10 business days.

Mr. DiNardo said none of the members are certified and said technically there are 3 vacancies and said she has a right to ask why. Mr. Kelleher said he thought the Manager said he would be meeting with her and the meeting will take place.

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Peter Manoogian, Chairman, Charter Commission submitted an Article and requested it be inserted in the Special Town Meeting Warrant.

Mr. Rossetti moved to insert the Article into the August 10 Special Town Meeting Warrant and if cancelled into the August 24 Special Town Meeting Warrant. Chair seconds. Vote: 5-0.

Mr. Manoogian thanked the Board and said the Board held 3 meetings regarding the Charter distribution. The Chair thanked the Charter Commission for all their work. Mr. Manoogian said the public needs to know its being done in a timely and professional way.

Bobbi Jo Day, 5 Hawkes Street, was present and read statement regarding the trailer park and issues with erosion. The Chair asked if she spoke with the Building Inspector and Health Agent. Ms. Day said yes. Mr. Castinetti said he was out on Friday and walked through and spoke with the Health Agent and Building Inspector and have documents. Mr. Kelleher said this dates back to more than 3 years ago after the rain storm and said the responsibility is on the owner and don't know if they have come to the right place and asked the Manager to contact the owner for resolution. Ms. Day said she highlighted the law book. Mr. Rossetti asked if she retained an attorney. Ms. Day said yes. Mr. Rossetti said this isn't the right forum and said her legal counsel should advise. Ms. Day said they are at risk and safety issues. Mr. Kelleher said he has seen this a bunch of times and the issue is if it is the land owner's responsibility and leave it with the Manager to call and see and agrees with Selectman Rossetti. Mr. Castinetti said he will continue to gather information.

Paul Nazzaro, 5 Hawkes Street, was present and said there's a lot of issues and explained. Mr. Castinetti said the Board will do what they can to remedy it but there are no answers tonight but the Board will do what they can.

Tom Copeland, 5 Hawkes Street, was present said something should be done about it and asked for help. The Chair said this is the first he has heard of it and the Board will do what they can and the owners and inspectors should work together to make it right. Mr. Horlick said the Board always agrees on quality of life issues and try to help.

Mr. Rossetti said the Board needs to close or set a date to close the 8/10 Special.

Mr. Kelleher moved to close the August 10 Special Town Meeting Warrant, but leave it open for the Manager and to close the August 3 Special Town Meeting Warrant but leave it open to the Manager until July 17 and to close the August 24 Special Town Meeting Warrant but leave it open for the Manager until August 3. Chair seconds. Vote: 5-0.

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

Meeting adjourned at 11:07 PM.

Respectfully submitted,

Wendy Reed, Clerk