

Saugus Board of Selectmen  
August 18, 2009

The Saugus Board of Selectmen met on August 18, 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. Mr. Rossetti arrived at 8:18 PM.

The Chairman said Mr. Rossetti will be arriving late.

Approval of minutes:

Mr. Castinetti moved to approve the July 13, 2009 minutes. Chair seconds. Vote: 4-0.

Mr. Horlick moved to approve the July 14, 2009 minutes. Chair seconds. Vote: 4-0.

Mr. Horlick moved to approve the July 17, 2009 minutes. Chair seconds. Vote: 4-0.

Mr. Castinetti moved to accept the August 3, 2009 minutes. Chair seconds. Vote: 4-0.

Mr. Castinetti moved the Board vote to take correspondence out of order. Chair seconds. Vote: 4-0.

Correspondence

1.) Dale Street residents re: sewer on Dale Street.

The Manager said he is working with the residents and engineer and have come to a resolution and hope, when completed will be satisfactory to all. Mr. Kelleher asked if additional money or within appropriation. The Manager said within the appropriation. Mr. Kelleher said great job and thanked him.

2.) DEP response re: Board's request to notify of Wheelabrator applications.

Mr. Kelleher explained his request for notification and in the future, Saugus will be allowed to participate in discussion on applications and mitigation.

3.) Aggregate response re: Board's request for meeting on post closure use.

Mr. Horlick said Aggregate will be coming next month on extension of Permit and he would like to see a meeting by the end of November and lay out of plan.

Mr. Horlick moved to refer the correspondence to the file. Chair seconds.

Vote: 4-0.

Al DiNardo, TMM Precinct 4, was present and said he and TMM Leuci requested this a year ago and are a bit eager to see a plan come forward.

Mr. Kelleher moved to take correspondence #5 out of order. Chair seconds.

Vote: 4-0.

5.) TMM Smith & TMM DiNardo re: Town issues: Street sweeping.

Al DiNardo was present and asked as a courtesy the Board insert his Article into the next Special Town Meeting Warrant and said he met with the Manager to discuss street sweeping and the EPA will be requiring street sweeping twice a year and explained price and said it's a good idea to purchase a sweeper. Mr. Horlick said they could pay \$25,000 a year or 3 times that. Mr. Kelleher said cost varies and the conversation should be at Town Meeting. The Manager said he takes issue with the remark they did and ok job and explained the winter was one of the worst and used tons of sand and spent 6 weeks cleaning it and said to consider cost of maintenance and manning and the life span is 5 years and cost of replacement brushes and agreed in 2011 it will be mandated, but felt better spent elsewhere and said they had a similar discussion on trash removal and said they should ask the Superintendent of Public Works opinion. Mr. Kelleher said the conversation is for Town Meeting and said its an age old argument to contract or do in house.

Mr. Kelleher moved to insert Article into next Special Town Meeting Warrant. Chair seconds. Vote: 4-0.

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Mr. Horlick moved to table the 7:45 public hearing. Chair seconds. Vote: 4-0.

Mr. Kelleher moved to take correspondence #6 out of order. Chair seconds.

Vote: 4-0.

6.) Mr. Doherty re: Petition for 4-Way Stop at Adams Ave. & Elmwood Ave.

Ken Doherty, 16 Elmwood Avenue, was present and presented a petition for 4-way stop and explained the residents tried to work with the Board and police for resolution and requested 4-way stop and was told no; and residents asked again to install go slow sign and they don't work and again they met with the Board and were told no and then the Board made a portion of Elmwood one way and try for a while and it doesn't work and asked the Board to try 4 way stop and read petition. Mr. Kelleher said he does not hold with the Board and with all due respect it is a disaster and does not work and we are approaching school in session and the Board set a time frame of 9 months but asked the Board go ahead and schedule a public hearing. Mr. Castinetti said the number of signatures merits a hearing. Mr. Horlick agreed and said any citizen that comes forward should be heard and said he would like a copy of the manual referenced. Al DiNardo, TMM Precinct 4 was present and reminded the Board of Saville & Elm Street and on record in support.

Mr. Kelleher moved to schedule a public hearing. Chair seconds. Vote: 4-0.

Mr. Horlick moved to table the 7:55 and 8:05 public hearings. Chair seconds.

Vote: 4-0.

4.) Police Dept. response re: Linwood parking complaints.

Mr. Castinetti explained the police did a study of the area and recommendation of no change and read. Mr. Kelleher concurred there is no issue and no action needed.

Mr. Castinetti moved the Board take no action. Chair seconds. Vote: 4-0.

7.) Ms. Bowker re: request to relocate "Caution Deaf Child" sign approved 7/14/09.

Their clerk explained request. Mr. Castinetti explained the concern of notification entering the street. The Board discussed moving the sign or placing an additional sign.

Mr. Castinetti moved to place a second "Caution Deaf Child" sign at the end of Maraia Lane entering Birch Pond Drive. Chair seconds. Vote: 4-0.

Mr. Castinetti moved to take the 7:45 public hearing off the table. Chair seconds.

Vote: 4-0.

7:45 on amending the Town's Traffic Rules & Regulations by posting "No Parking During School Hours" on the south side of Talbot Street from the intersection of Denver Street for a distance of 100'; and "No Parking During School Hours" on both sides of Denver Street from the intersection of Talbot Street: west side for a distance of 60' and on the east side for a distance of 150'.

Mr. Kelleher said it is a mess up there and asked during school hours would it push the problem elsewhere. Mr. Castinetti agreed it's a mess and Lt. Swezey recommended this. Mr. Kelleher said he wants to hear any public comments.

Any in favor or in opposition? None.

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

Mr. Kelleher moved to amend the Town's Traffic Rules & Regulations by posting "No Parking During School Hours" on the south side of Talbot Street from the intersection of Denver Street for a distance of 100'; and "No Parking During School Hours" on both sides of Denver Street from the intersection of Talbot Street: west side for a distance of 60' and on the east side for a distance of 150'. Chair seconds. Vote: 4-0.

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Mr. Castinetti moved to take the 8:05 hearing off the table. Chair seconds.

Vote: 4-0.

8:05 Newbury Comics, Inc., 180 Main Street, for Valuable Used Goods License.

Sean O'Brien, regional manager and Jesse O'Brien local manager were present.

Any in favor or in opposition? None.

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

Mr. Castinetti moved to grant the Valuable Used Goods License. Chair seconds.

Vote: 4-0.

Mr. Wong excused himself from the table and passed the Chair to Vice Chair Castinetti.

Continued hearing: La Vita Mia.

MGA Foods, Inc. d/b/a La Vita Mia, Gaetano Desimone, Manager for change in location of Beer & Wine Common Victualer's License FROM: 331 Main Street TO: 36-38 Hamilton Street.

Atty. Richard Magnan, 320 Central Street was present with petitioner Gaetano DeSimone and explained the petitioner has since received an All Alcoholic Common Victualer's License and have submitted request to withdraw application.

(Mr. Rossetti arrived at 8:18 PM.)

Mr. Kelleher moved to grant petitioner leave to withdraw without prejudice. Vice Chair seconds. Vote: 4-0.

7:55 MGA Foods, Inc. d/b/a La Vita Mia, Gaetano Desimone, Manager for change in location of All Alcoholic Common Victualer's License FROM: 331 Main Street TO: 36-38 Hamilton Street.

Atty. Richard Magnan, 320 Central Street was present with petitioner Gaetano DeSimone and explained issue starting in January they applied for change of location to Hamilton Street, but San-Pen License was still issued there and cannot have 2 licenses at same location and during that time an all alcoholic license came available and applied for it, a public hearing was held and it was awarded to La Vita Mia at Main St. and in addition the Board scheduled a hearing to revoke San-Pen license for not operating, but before the Board could take action, San-Pen filed for bankruptcy which caused an immediate stay on all action and explained through the court and the ABCC, the end result is the landlord Hamilton Street Bartlett Realty Trust purchased the Beer & Wine License with no objection from the court and passed out documents and said they will be surrendering the license to the Town. Mr. Kelleher asked for clarification. Atty. explained the landlord will surrender the license and La Vita Mia will move to Hamilton Street. Atty. explained application, lay out, seats and hours of operation and accept condition of surrender of license. Mr. Rossetti said it has been a long time and it has impacted at least 3 businesses.

Any in favor or in opposition? None.

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

Mr. Kelleher moved to grant change in location of All Alcoholic Common Victualer's License FROM: 331 Main Street TO: 36-38 Hamilton Street contingent on surrender of Beer & Wine License. Vice Chair seconds. Vote: 4-0.

Mr. Kelleher moved to take continued hearings off the table. Vice Chair seconds. Vote: 4-0.

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Mr. Castinetti excused himself from the table and passed the Chair to Mr. Kelleher.

Continued hearings:

JIN Restaurant Group, LLC d/b/a JIN Asian Cuisine, 20 Frank Bennett Highway, for change in description of licensed premises of All Alcoholic Common Victualer's License and Entertainment License by allowing the reopening of the 3rd Floor; and to modify conditions to include the revised business plan.

Attorney Jon Morello, 316 Central Street was present and said they have submitted request to withdraw application at this time.

Mr. Rossetti moved the Board vote to grant petitioner leave to withdraw without prejudice. Mr. Kelleher seconds. Vote: 3-0.

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.

Attorney Morello, 316 Central Street was present and explained they have caught up and has a new payment agreement and by May 2010 will be up to date. Mr. Rossetti asked if water bills for October and May are estimates. Atty. said yes and explained. Mr. Rossetti said if bill is more they will need to pay upon receipt. Atty. said yes. Mr. Rossetti said additional payments until balance is settled. Atty. said yes. Mr. Horlick said it is similar to last time and ran into problems and last time impressed upon his client we don't want to see it happen again and asked if any way to clear up by February. Atty. said they spent a considerable amount of time with the Collector / Treasurer and said business has been slow. Mr. Horlick said the money to be used to expand and promote the 3<sup>rd</sup> floor should be for this bill. Atty. said they withdrew the petition because they don't have the resources now. Mr. Rossetti emphasized they will be paying interest. Atty. said yes about 14% tax and interest. Mr. Rossetti said this is not being done gratis.

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

Mr. Rossetti moved to accept the payment agreement and read. Mr. Kelleher seconds. Mr. Horlick speaking on the motion said he cannot support the motion because of what happened in the past and would have if they sped up payments. Mr. Kelleher said the alternative may force into a financial situation and would like it done today, but ability doesn't exist and wouldn't support putting it in a worse situation. Vote 2-1 with Mr. Horlick voting in opposition.

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

Manager's report

- Gave progress report on Golden Hills water project and informational hand out.
- said there has been construction activity at Walden Pond Dam and asked for explanation and passed out response from Lynn Water & Sewer.

Mr. Kelleher thanked him and asked about resurfacing. The Manager said in the spring and explained. Mr. Kelleher asked he make sure neighbors are aware. Mr. Horlick said he requested the memo be sent because he received calls regarding damaged guard rail and cartons. He Manager said it has been addressed. Mr. Horlick said he hopes its cleaned up after. The Manager said yes.

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- said he has some appointments and recommended the reappointment of Raymond Lawrence to the Historical Commission.

Mr. Kelleher moved to confirm the appointment. Chair seconds.

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

- Recommended the reappointment of Bob Grande, Earl Bertrand and Albert Trifone Jr. to the Conservation Commission.

Mr. Rossetti moved to confirm the three appointments. Chair seconds

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

- Recommended the reappointment of Kimberly Politano and Michael Downing to the Youth & Recreation Commission.

Mr. Horlick moved to confirm the reappointment of Kimberly Politano to the Youth & Recreation Commission. Chair seconds.

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

Mr. Kelleher moved to confirm the reappointment of Michael Downing to the Youth & Recreation Commission. Chair seconds.

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

- Gave update on Hamilton Street water project and it has commenced and will be completed 1<sup>st</sup> week in November.

- Gave update on the handicapped ramp project beginning this week and listed locations.

Member's motions

Mr. Castinetti: said he received an e-mail from Artie Atkinson regarding status of POW/MIA and read and said he has a petition to return the POW/MIA status and signed it and asked anyone that wants to sign it may contact him.

Mr. Rossetti: said the Board asked for update on inactive liquor licenses and have received update.

- said MAPC has asked for clarification on appointment to MAPC and asked it be placed on next agenda.

- said they received communication from Mr. Cox who petitioned for traffic light and said as an update that engineering is involved and will take some time.

- said they have not met with State Delegates and asked the Chair to coordinate a meeting.

- said there has been discussion on MBTA proposals and the Ride services people in Saugus and would direct MBTA Rep. Serino to keep on top of that.

- announced Friday at 6PM the Navy Band will perform at Breakheart.

- announced Special Town Meeting next Monday at 7:30 PM.

- announced the Finance Committee will meet tomorrow at 7PM.

- Charter update: it has gone to printer to be distributed in September.

- said the Town Hall e-mail had an issue with Comcast and has been corrected.

- said Saturday was Saugus Day at Suffolk Downs and was unable to attend.

- said an issue has come up at FinCom regarding requests for MGL changes / adoption and suggested a copy of the law be included with any proposed change.

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- said a Special Town Meeting has been scheduled for September 21 and the Board must vote to close the Warrant, but leave it open for the Manager until Sept. 3. The Manager said he doesn't have anything for September, but maybe October. Mr. Kelleher said he has an Article for September.

Mr. Rossetti moved to close the 9/21/09 Special Town Meeting Warrant and leave it open for the Manager until Sept. 3. Chair seconds. Vote: 5-0.

- said the Board received copy of letter from little league commending Charlie Stack and DPW for work on the fields.

Mr. Rossetti moved to refer the correspondence to his personnel file. Chair seconds. Vote: 5-0.

- said the Gov. issued a proclamation making the week of August 16-22 farmer's market week.

Mr. Rossetti moved the Board vote to proclaim the week of August 16-22 as Farmer's Market Week in Saugus. Chair seconds. Vote: 5-0.

Mr. Kelleher: asked Manager for update on where we stand in the budget. The Manager said the budget was finalized at the Annual Town Meeting and got final revenue numbers from the State, an additional \$125,000 cut and dealt with that and said we are stable at this point. Mr. Kelleher asked of the allocations if the meals and hotel tax pass if any reserved for schools. The Manager said the state gave numbers but those were based on past years and not requesting that much. Mr. Kelleher asked how much. The Manager said \$505,000. Mr. Kelleher said he appreciates being conservative and he sees money designated to police and fire but not schools. The Manager said not as yet and said he still has the vocational to settle plus money was cut from the budget to balance and want to restore those cuts and is hoping for some free cash this year. Mr. Kelleher said to keep the schools in mind. The Manager said there's an additional \$40,000 in building maintenance. Mr. Kelleher said it has been a rough 4 years and he did a great job pulling out of it and asked he reconvene the committee on new schools and talk.

- said the process is long and now the bridge is stuck and asked for update on Bly Bridge. The Manager said it is his understanding the present bridge repairs are complete and have started the construction process on the temporary bridge. Mr. Kelleher asked he stay on top of the issue.

- said he received calls regarding confusion on the vocational school budget and its not on the Warrant and said because the Town did not fully fund the budget it was a no vote and don't need further action and asked to insert an Article to object and reject the vocational school budget. The Manager said he made it clear to the vocational school superintendent that Saugus rejected the budget and haven't changed our appropriation and have been in contact with other cities and towns and noted we have 16 additional students we will need to pay for. Mr. Rossetti said the vocational school committee voted Thursday 10-2 and budget passed level funded plus \$30,000 transportation and the question is if the State will enforce the 1/12 budget or quarterly and explained. Mr. Rossetti said he spoke with Rep. Falzone to file legislation to ask to go back to equal funding. Mr. Kelleher said the issue is moving.

- said there was confusion on Tabu and comments made that the Board doesn't do anything and reminded the community it is not a short process and in the end we will prevail and spend a lot of money and said the court system last won on freedom of speech

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and said this Board has done work and if the Board meets its not to cut deals but for settlement to avoid long drawn out process.

Mr. Horlick: thanked Charlie Stack and announced farewell coffee on 21<sup>st</sup> at DPW.

- asked the Manager about crosswalks on upper Main Street not done and have done before school starts and the one in front of public safety also. The Manager said this was the first time done by bid and are working out the issues.

- asked the Manager to look at a number of areas with overgrown brush.

- thanked all that attended Saugus Day at Suffolk Downs and thanked Mr. Castinetti.

- said residents of Glen Park Ave. say there may be an issue with no parking signs. Their clerk said it has already been addressed.

- asked the Manager about the end of Wilbur Rd. that wasn't paved and to put on list for the fall or spring.

Mr. Horlick moved the Board meet with the Police Chief regarding different licensed establishments and on what action the Board should take. Chair seconds.

Vote: 5-0.

Mr. Horlick moved to request report from Health Agent regarding complaint of trash at JIN. Chair seconds. Vote: 5-0.

- asked the Manager to look into request for street light be replaced on Pemberly Drive.

Citizen's forum

Ramon Quiles, 1 Griswold Road, said he lives behind JIN and the music is so loud until 2AM and cars exiting the lot is a lot of noise. The Chair said maybe the Board of Health can look into the noise. Mr. Kelleher said they are meeting with the Police Chief and will discuss it. Mr. Quiles said when they went in they promised not to become a nightclub and asked how this happened and how they use another name Orchid. Mr. Kelleher explained its not a violation because it is the same owner. Mr. Horlick said they are meeting with the Chief. Mr. Kelleher asked if he called the restaurant. Mr. Quiles said he called last summer but doesn't want to go out in the middle of the night.

Bobbie Jo Day, 5 Hawkes Street, President of the Hawke Street Coalition said there are issues not addressed by the Town and on July 14 the Manager was to look into the situation and have a report for tonight. The Manager said it was referred to the Board of Health and Building Inspector who spoke with the residents of Hawke Street on issues that don't involve the Town and said if there are additional issues he is not aware of them. Ms. Day said she understands that position but her attorney has had numerous correspondence with the Health Agent and Building Inspector and if they say there's no issue its not true and read sanitary standards and said she would like to ask the Board of Selectmen why her rights are not protected. Mr. Castinetti said it's his understanding the Plumbing Inspector and Health Agent went and will issue report. Ms. Day said he's working on it not finished report. Mr. Castinetti said the Plumbing Inspector will stay on it and asked the Manager to see if there is any documents. The Manager said he will and said this is a Board of Health issue. Mr. Castinetti said no it's a Plumbing Inspector issue. Mr. Kelleher asked the Manager to go to the owner and ask land owner to do the right thing. The Chair said the best way is the Health Agent and Plumbing Inspector go together. Ms. Day said they did on August 4. Mr. Horlick said they ran into a similar situation and in the end found what they can do.

Paul Nazzaro, 5 Hawkes Street, was present and said nothing has been done since last time he was here and his trailer is sinking and he got an attorney.

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Mr. Rossetti moved to adjourn. Chair seconds. Vote: 5-0.  
Meeting adjourned at 9:58 PM.  
Respectfully submitted,  
Wendy Reed, Clerk  
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