

Saugus Board of Selectmen
August 31, 2010

Minutes

Saugus Board of Selectmen
August 31, 2010 at 7:30pm
Town Hall Auditorium
298 Central Street

- 1.) Call to order.
- 2.) Invited guests: Ron Keohan, Meredith Stone, Tammy Sands & Michele Wendell
- 3.) Approval of minutes: August 10, 2010
- 4.) Continued hearings: Domino's – Grease Trap variance (from 8/10/10)
- 5.) Public Hearings:

7:45 Zeba Beauty, for Special Permit (S-2) to allow a salon offering eyebrow & eyelash services, waxing, henna tattooing and facials, to be located at 1201 Broadway, Store #E218 in Square One Mall.

7:55 Saugus Board of Selectmen will conduct a public hearing on amending the Town's Traffic Rules & Regulations by posting "Handicapped Parking Only" in front of #34 Morton Avenue.

8:05 Millennium Auto Sales, Inc. d/b/a Wheels of Boston, 160 Broadway, for transfer of Class II Auto Dealer's License from Rte. 1 Auto Group, Inc., 160 Broadway.

8:15 Aggregate Industries, Inc. a/k/a Bardon Trimount, Inc., 1831 Broadway, to extend Special Permit (S-2) to allow the removal of earth and rock and to allow the operation of a quarry at Rear Broadway and Whittier Street, for a period of six months.

8:25 F & Z Realty, Inc., for modification of Special Permit (S-2) BY allowing off street storage of car rental vehicles at 24 Rear Frank Bennett Highway

8:35 Patrick Barrett d/b/a Neighborhood Deli, 163 B Lincoln Avenue, for a variance to waiver the external grease trap requirement under Article IV, section 21 of the Town of Saugus Sewer Rules & Regulations. This hearing is being held under Article III, section 12 of the Town of Saugus Sewer Rules & Regulations.

Correspondence

- 1.) United Nations Day October 24, 2010 Proclamation.
- 2.) Mr. DellaPorta re: request for reappointment as constable.
- 3.) Mr. Stoklas re: proposed Alban Avenue land donation.
- 4.) Police Dept. re: request for "Yield" sign Vine & Essex Street.
- 5.) Democratic Town Committee re: appointment to Board of Registrars.
- 6.) Global Montello Exxon Mobil for transfer of Extended Hours of Operation Permit.
- 7.) LAVO Show Cause Hearing 8/10/10: findings and order.

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

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The Saugus Board of Selectmen met on August 31, 2010 at 7:30pm in the Town Hall Auditorium, 298 Central Street. Present were: Selectmen Scott Crabtree, Stephen Horlick, Michael Kelleher, Michael Serino and the Chairman Donald Wong. The Town Manager Andrew Bisignani was also present.

Invited guests: None this evening.

Approval of minutes: August 10, 2010

Mr. Serino offered an addition. Mr. Serino moved to accept the minutes as corrected. Chair seconds. Vote: 5-0.

Continued hearings: Domino's Pizza

No one was present. Mr. Kelleher moved to table the hearing. Mr. Crabtree asked if there has been any correspondence from them. Their clerk said no. Mr. Crabtree asked if they were aware they were on the agenda. Their clerk said yes. Chair seconds. Vote: 5-0.

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

Correspondence

1.) United Nations Day October 24, 2010 Proclamation.

Mr. Kelleher moved to accept the proclamation as written and proclaim October 24, 2010 as United Nations Day in the Town of Saugus. Chair seconds. Vote: 5-0.

2.) Mr. DellaPorta re: request for reappointment as constable.

No one present. Mr. Serino moved to table. Chair seconds. Vote: 5-0.

3.) Mr. Stoklas re: proposed Alban Avenue land donation.

No one present. Mr. Serino said the Playground Commission hasn't responded yet and there was question about taxes. Mr. Serino moved a memo be sent to Town Counsel to see what can be done regarding the taxes; and to request the Manager get a recommendation from the Playground Commission; and to continue to next meeting. Chair seconds. Vote: 5-0.

4.) Police Dept. re: request for "Yield" sign Vine & Essex Street.

Mr. Serino moved to grant the request. Chair seconds. Vote: 5-0.

5.) Democratic Town Committee re: appointment to Board of Registrars.

Mr. Serino moved the Board vote to appoint Marcia Pollack to the Democratic vacancy on the Board of Registrars. Chair seconds. Vote: 5-0.

6.) Global Montello Exxon Mobil for transfer of Extended Hours of Operation Permit.

Mr. Kelleher moved to grant the transfer. Chair seconds. Vote: 5-0.

The Chair excused himself from the table and Vice Chair Crabtree took the Chair.

7.) LAVO Show Cause Hearing 8/10/10: findings and order.

Vice Chair Crabtree read the Findings and Order as follows:

PROCEDURAL BACKGROUND:

This matter came on for hearing before the Board of Selectmen (the "Board") as a result of a notice of hearing issued on June 28, 2010 directed to PAM, Inc., d/b/a LAVO Ristorante ("Lavo"). The notice of hearing directed Lavo to show cause, pursuant to G.L.c. 138, Section 12 as to why its alcoholic beverages license should not be revoked, suspended, modified, cancelled, or why additional conditions upon the exercise of the license ought not to be imposed. Lavo was specifically directed to demonstrate that it did not close its premises without prior notice to the Board of Selectmen as to the reason for and length of the closing in violation of Section 1.08(c) of the Alcoholic License Rules and Regulations of the Town of Saugus, and it did not perform renovations to the licensed premises without first submitting a plan for the renovations to the Board of Selectmen for approval, in violation of Section 1.07(c) of the Alcoholic License Rules and Regulations of the Town of Saugus.

The Board called the hearing to order on July 20, 2010 and continued the matter until August 10, 2010, at the request of Lavo. The Board conducted an evidentiary hearing on August 10, 2010. Prior to

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the evidentiary hearing, the Board served a request for production of documents upon Lavo on or about July 8, 2010. Documents were submitted to the Board just prior to the evidentiary hearing. At the hearing, Attorney Christopher Fallon appeared on behalf of Lavo, and, in an opening statement, admitted that Lavo had closed briefly for renovations without first notifying the Board of Selectmen. He further admitted that Lavo had performed minor renovations at its premises in order to make the establishment more attractive for sale to a third party. The Board received testimony from Lt. Giorgetti as to his inspections of the Lavo premises. The Board received documents into evidence, including the notice of hearing, the documents, including police reports, that were attached to the hearing notice, and the documents produced by Lavo in response to the Board's request for production of documents. The Board took Administrative Notice of the prior proceedings involving Lavo, that culminated in the decision of the Board to impose a verbal warning of Lavo's license for operating after the designated closing hour. Furthermore, Lavo agreed to hire police details on Friday and Saturday nights as a condition to its license. Based upon the testimony received, and the evidence adduced at the hearing, the Board finds the following facts:

FINDINGS OF FACT:

- 1. The Board credits the testimony of Lt. Giorgetti and finds that the facts set forth in the police reports were credible concerning the inspections conducted by Lt. Giorgetti. Lavo presented no witnesses, and no countervailing evidence to the police testimony or reports.*
- 2. On June 17, 2010, Lt. Giorgetti inspected the premises, found them closed to the public, and work being performed. The work included painting, electrical wiring, and moving the DJ booth, and installation of a new service bar.*
- 3. On June 23, 2010, Lt. Giorgetti returned to the premises to reinspect Lavo. On this date, Lt. Giorgetti found that Lavo was open to the public for business. The new DJ booth was being utilized, along with new televisions that had been installed. He also observed the rear counter bar being used, along with a hot and cold buffet.*
- 4. The layout of the licensed premises was different, following the renovations, than the floor plan on file with the Board of Selectmen.*
- 5. Counsel for Lavo admitted that Lavo had closed for renovations without first notifying the Board of Selectmen. Counsel for Lavo also admitted that renovations had been performed without prior notice to, and approval of, the Board of Selectmen.*

CONCLUSIONS

Based upon the foregoing findings, the Board concludes as follows:

1. Section 1.07(c) of the Liquor Rules and Regulations of the Town of Saugus provide as follows:
(c) *No physical renovations shall be made to the licensed premises unless and until a plan is submitted and approved by the Board.*

2. Section 1.08(c) of the Liquor Rules and Regulations of the Town of Saugus provide as follows:
(c) *Any licensee intending to close the place of business must first notify the Board in writing before such closing and shall state the reason and length of such closing.*

3. Section 1.12 of the Liquor Rules and Regulations of the Town of Saugus provides as follows:
The licensee is subject to suspension, revocation and/or modification, or additional conditions may be imposed, for the following reasons:

- (1) Any violation of any rules, regulations or By-Laws of the Town of Saugus;*
- (2) Any violation of any rules, regulations or General Laws of the Commonwealth of Massachusetts;*
- (3) Any violation of the rules and regulations of the Alcoholic Beverages Control Commission; and*
- (5) Failure to protect employees, patrons and/or members of the public inside and outside the premises from serious threats to the public health, safety and welfare.*

3. Based upon the police inspections and the admissions of Lavo, the Board concludes that the premises were closed for renovation without any prior notification to the Board, and the premises were renovated and the floor plan changed without the prior approval of the Board of Selectmen, all in violation of Sections 1.07(c) and 1.08(c) of the Liquor Rules and Regulations for the Town of Saugus.

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ORDER

Based upon the foregoing findings and conclusions, the Board orders the following:

1. That the all alcoholic beverages license of PAM, Inc. d/b/a LAVO Ristorante be, and hereby is, suspended for two days, September 9 and September 10, 2010. The procedures outlined in 1.13 of the Liquor Rules and Regulations of the Town of Saugus shall apply to this suspension.

Mr. Horlick moved the Board vote to adopt the findings and order as read. Vice Chair seconds. Vote: 4-0.

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

7:45 Zeba Beauty, for Special Permit (S-2) to allow a salon offering eyebrow & eyelash services, waxing, henna tattooing and facials, to be located at 1201 Broadway, Store #E218 in Square One Mall.

Sheraz Jafar, 1165 Stratford Rd., Stratford CT, was present. The Chair read fire recommendation and asked if it has been tested yet. Mr. Jafar said not yet. The Chair said if the Board votes this it would be a condition. Mr. Jafar said if he gets approval he will then do the work. Mr. Horlick asked what henna tattooing was. Mr. Jafar explained dye not in the skin but it's like writing on the skin and isn't permanent.

Any in favor or in opposition? None.

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

Mr. Kelleher moved to grant the Special Permit (S-2) to allow a salon offering eyebrow & eyelash services, waxing, henna tattooing and facials, to be located at 1201 Broadway, Store #E218 in Square One Mall. Mr. Serino asked hours be included. Mr. Kelleher amended his motion to include standard mall hours. Chair seconds.

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

Mr. Horlick moved to take up the Manager's appointments at this time. Chair seconds. Vote: 5-0.

Manager's Report

- recommended the reappointment of Julie Mitchell and Glen Davis to the Youth & Recreation Commission.

Mr. Horlick moved to confirm the reappointment of Julie Mitchell. Chair seconds.

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

- recommended the appointment of Paul Petkewich to the Youth & Recreation Commission.

Mr. Serino moved to confirm the appointment of Paul Petkewich. Chair seconds.

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

Mr. Kelleher moved to confirm the reappointment of Glen Davis. Chair seconds.

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

7:55 Saugus Board of Selectmen will conduct a public hearing on amending the Town's Traffic Rules & Regulations by posting "Handicapped Parking Only" in front of #34 Morton Avenue.

Mr. Kelleher said the police are recommending it and should be approved. Mr. Horlick said it needs to be reviewed on a yearly basis.

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Any in favor or in opposition? None.

Mr. Kelleher moved to amend the Town's Traffic Rules & Regulations by posting "Handicapped Parking Only" in front of #34 Morton Avenue. Mr. Horlick added: with the stipulation it is checked annually and is available for anyone with a handicapped placard. Chair seconds. Vote: 5-0.

Manager's Report, continued

- said he received notice from resident Sean Fitzpatrick, master sculptor that he has been chosen 1 of 2 Americans to compete in a national sand sculpting competition and read and congratulated him on his efforts and wish him well. Mr. Kelleher said Mr. Fitzpatrick and his family give so much back to the Town and congratulated him.

Mr. Kelleher moved the Board send letter wishing him well and thanking him for his contributions to the Town. Chair seconds. Vote: 5-0.

- said there were two serious incidents that occurred in Town and said both fire and police did a wonderful job. The Manager read a letter received by the Lynnfield Fire Chief recognizing our Firefighters and thanking Firefighter Matthew Fowler for his assistance with a stricken Lynnfield Firefighter.

Mr. Serino moved the Board invite Firefighter Fowler in for citation. Chair seconds. Vote: 5-0.

- The Manager also recognized Officer Steve McCarthy in apprehending an armed robbery suspect and read.

Mr. Crabtree moved to invite Officer McCarthy in for citation. Chair seconds. Vote: 5-0.

The Chair announced Founder's Day on September 11 and wished an early happy birthday to Cathy Duffy who will be 100 years old.

Mr. Kelleher moved the Board send letter of congratulations and best wishes. Chair seconds. Vote: 5-0.

8:05 Millennium Auto Sales, Inc. d/b/a Wheels of Boston, 160 Broadway, for transfer of Class II Auto Dealer's License from Rte. 1 Auto Group, Inc., 160 Broadway.

Applicant Ronaldo Maia, 189 Eastern Ave., Malden was present. The Chair read police recommendation and asked if he agreed. Mr. Maia said yes.

Any in favor or in opposition? None.

Mr. Serino asked if he knew the limit on vehicles. Mr. Maia said 15. Mr. Serino said he went by and counted 16. Mr. Maia said he will address it. Mr. Horlick asked if he was aware the cars he is selling he must have clear title to. Mr. Maia said yes.

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

Mr. Serino moved to grant the transfer of Class II Auto Dealer's License with hours of operation Monday through Saturday 9AM to 9PM and Sunday 12 noon to 6pm; same restrictions of 15 vehicle limit; no junk cars; and must comply with State fire regulations and conditions of the Fire Dept. Chair seconds. Vote: 5-0.

Mr. Kelleher moved for recess. Chair seconds. Vote: 5-0.

Meeting recessed at 8:10pm.

The Chair called the meeting back to order at 8:19pm.

8:15 Aggregate Industries, Inc. a/k/a Bardon Trimount, Inc., 1831 Broadway, to extend Special Permit (S-2) to allow the removal of earth and rock and to allow the operation of a quarry at Rear Broadway and Whittier Street, for a period of six months.

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Attorney Richard Magnan, 194 Central Street was present with Scott Colby and the site manager and explained the request. Mr. Kelleher asked he clarify lots referenced. Atty. Magnan read. Mr. Kelleher asked about fencing issue and if it was taken care of. The site manager said it was and is inspected every 3 weeks. Mr. Horlick asked if there has been any progress with Post Closure Use Committee. Mr. Crabtree said they've had preliminary meetings and it's slow but progressing. Mr. Kelleher noted the Chairman of the Post Closure Use Committee was present and asked for update.

Any in favor or in opposition?

Janet Leuci, 35 Wilbur Avenue, TMMP4 and Chairman of Post Closure Use Committee said she wasn't going to speak on this but after reviewing blast reports and the lack of compliance with the court order and feels the court agreement needs to be upheld and read list of violations as follows:

(4e.) "An independent seismologist or professional engineer, qualified by training and experience and approved in advance by the Town of Saugus, Board of Selectmen (Town), and the signatories of this agreement shall be retained by Trimount to conduct independent monitoring of ground vibrations and airblast overpressures for all blasts, observe Trimount's monitoring procedures, and maintain blast records. He shall also maintain records provided by Trimount for all blasts...The independent seismologist or professional engineer shall issue a monthly report to the designee of the signatories of this agreement and to the Town of Saugus Board of Selectmen specifying the details of each blast round...at each monitoring location.

1. No report was issued to the Board of Selectmen. A report was issued to the designee of the signatories only after request on August 9th. (Blasts occurred in April and early May.)
2. The report was not issued by an independent seismologist or professional engineer, but by the blaster (blast reports)

(4e.) The monthly report shall state that each blast was performed in compliance with the requirements of this agreement, or list any exceptions to the requirements. In the event that the requirements were not adhered to at any time, the independent seismologist or engineer shall include within his monthly report an evaluation of why the requirements were not met and what corrective measures were taken to remedy non-compliance.

1. *No report was issued by an independent seismologist or professional engineer and therefore, there was no certification that each blast was performed in compliance with the requirements of this agreement.*
2. *No report is provided for a blast on April 28th at approximately 1 pm*

(4e.) A copy of the printed strip chart from each seismograph for each blast shall be included indicating the information required in paragraph d. above.

1. *No strip charts are provided for shots 4 and 5, April 12, 2010.*
2. *No strip charts are provided for shots 8 and 9 at the Cheever Ave. monitoring station, April 23, 2010.*
3. *No strip charts are provided for shots 10 and 11, April 27, 2010*

(4a.) The maximum total charge weight for any blast round in the Northwest and Northeast faces shall be 4,500 lbs. And the maximum total charge weight in the East face (area near Broadway) shall be 3,500 lbs, with an allowance for up to a 10% increase on an occasional basis if an extra hole or two are required for safety or efficiency.

1. April 12, 2010, Shot # 4 -- 3,951.66 lbs.
2. April 12, 2010, Shot # 5 -- 3,569.33 lbs.
3. April 20, 2010, Shot # 6 -- 3,808.33 lbs.
4. April 20, 2010, Shot # 7-- 3,510.66 lbs.

and said she thinks its time to force them to live up to the agreement and asked they please continue the hearing until an independent seismologist is retained. Mr. Horlick asked for copy of violation she read. Ms. Leuci said she would provide them a copy. Mr. Crabtree asked clarification on limitation per month. Ms. Leuci said the limitation is on blasting and explained.

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Mr. Crabtree asked Trimount if they wanted to respond. Atty. Magnan said he would like to see the list of violations and would look into them and respond. Mr. Crabtree asked about blast reports. Mr. Colby said they haven't blasted in those zones yet. Mr. Kelleher asked he supply the Board with the blast reports as well. Mr. Colby said he would and noted the blasts were approved by the Fire Dept. Mr. Crabtree said he wants to work together and should get the list and answer and said there should be a check list for clarification. Mr. Kelleher said what they submitted to the Board in the past satisfied the Board and should do that. Mr. Serino said they should continue the hearing until they have information and schedule a site visit with members of the Post Closure Use Committee. Mr. Horlick said if they are blasting in the "grandfathered" area asked why they need a permit. Mr. Colby said there are 2 parcels under S-2 and the other lots are grandfathered use not under S-2. Atty. Magnan explained condition on height and said this is the first he heard the concerns and would like to get a copy of the list and come back with response. Ms. Leuci said the agreement states any blast and explained and said this is a court agreement and if they don't comply they are in contempt. Mr. Kelleher asked if they are clear on what they need to provide. Mr. Colby said yes.

Mr. Kelleher moved to continue the hearing. Mr. Serino said to schedule site visit also. Mr. Horlick said Aggregate Industries has had the permit for a number of years and shouldn't be going through this because they should know the rules that need to be followed. Mr. Colby said they do and that they have been doing what was done in the past. Mr. Horlick said they should be working in harmony and there should be no reason for violations. Mr. Colby agreed. Mr. Crabtree said if they have a check list to forward it to the Board and feels it would be helpful if they are all on the same page.

Al DiNardo, TMMP4, said he is also disappointed and said he feels he has been duped and is glad there will be a site visit and explained Aggregate was going for a fill permit and that's what prompted this important committee, for planning future use. Chair seconds the motion to continue. Vote: 5-0.

Mr. Kelleher moved to schedule a site visit (The Board discussed dates and times) On September 8 at 5pm and asked Ms. Leuci to invite the Post Closure Use Committee to attend also and will meet at the entrance. Chair seconds. Vote: 5-0.

8:25 F & Z Realty, Inc., for modification of Special Permit (S-2) BY allowing off street storage of car rental vehicles at 24 Rear Frank Bennett Highway

Attorney Richard Magnan was present with proposed tenant Peter Fowly. The Chair read comments from the Building Inspector. Atty. Magnan explained request and described location and past S-2's and gave background of Mr. Fowly and said they are requesting 15 rental cars of a nation car rental company and said it's a logical accessory use and said hours of operation would be 7 days a week 7am to 6pm and would designate parking area in the rear in fenced in area and will have approval for signage and a new occupancy permit and said past uses on the property are similar, bus company, Class I auto Dealership, and had car rentals and showed photo and explained no residential abutters and feels its in harmony with the intent of the By-Law. Mr. Kelleher asked the set back from Rte. 1. Atty. Magnan said its far and said the building in front (former Oasis) they intend to take down. Mr. Kelleher asked timing on demolition. Atty. Magnan said the property owner is exploring potential retail use. Mr. Serino asked if he intends to use all S-2's currently on the lot. Atty. Magnan said yes and said if approved they will come back for transfer of Class II License and said the main business will be auto body

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repair. Mr. Serino asked where the cars would be located. Atty. Magnan said in the fenced in area in the rear and said he will revise the plan. Mr. Serino asked if it will have same hours of operation as other uses. Mr. Fowly said he wasn't sure but intention is to keep everything the same and said he would be requesting 7am to 7pm 6 days and closed on Sunday. Mr. Kelleher asked if he wanted to restrict himself to 7pm because that sounds early for car rental. Atty. Magnan said they haven't finalized plans yet and said they will go with those hours now and if they want to change they will when they come back for transfer of Class II. Mr. Fowly said 7am to 9pm 7 days a week.

Any in favor or in opposition? None.

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

Mr. Kelleher moved to grant the modification of Special Permit (S-2) BY allowing off street storage of car rental vehicles at 24 Rear Frank Bennett Highway The Chair added without any objection condition money owed be paid; and hours of operation 7am to 7pm 7 days a week. Mr. Serino added without any objection condition all other conditions be the same. Mr. Kelleher added condition all signs to be approved by the Building Inspector. Mr. Serino added condition an updated copy of parking plan be submitted. Chair seconds.

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

8:35 Patrick Barrett d/b/a Neighborhood Deli, 163 B Lincoln Avenue, for a variance to waiver the external grease trap requirement under Article IV, section 21 of the Town of Saugus Sewer Rules & Regulations. This hearing is being held under Article III, section 12 of the Town of Saugus Sewer Rules & Regulations.

The Chair said they sent letter requesting to continue the hearing.

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

Member's Motions

Mr. Crabtree: said he received calls regarding speeding on Oaklandvale Avenue and asked the Manager to have the police look at it.

- asked the Manager to follow up on the legal fees regarding Tabu. The Manager said he did speak with the attorney and will follow up.

- said as an update on Kasabuski they filed for eviction and the rink owner has filed to sue us and agreed the judge would handle the proceedings and said they have been going back and forth on the insurance and did speak with Ira (Special Counsel Zaleznik) to get a written opinion and our insurance advisory to see if they have adequate coverage. The Manager said he has not cancelled the policy yet until the Board is satisfied. Mr. Crabtree said if the Board had written opinion then the Board would feel comfortable to cancel insurance.

Mr. Serino: said regarding meeting on capital planning suggested the week of the 20th and said Selectman Kelleher had mentioned scheduled a Water/Sewer Committee meeting also. The Board will meet on September 21 at 7pm & 7:30pm. Mr. Horlick asked if equipment would be included. Mr. Serino said yes, any issues. Mr. Crabtree agreed and said this meeting will start a dialogue.

- said the Manager didn't want a September Town Meeting and is looking at October.

Mr. Serino moved to cancel the September 20 Special Town Meeting. Chair seconds. Vote: 5-0.

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- asked the Manager if Elm Street Bridge will be included in October Special Town Meeting. The Manager said no and said they have already engaged an engineer.
- said there was a light request and a crosswalk light request and the Manager suggested putting funding in next year's budget. The Manager explained traffic study needed.
- asked the Manager for sewer update. The Manager said they just awarded bids for fall relining and are continuing work and are progressing according to schedule and said it has been costing them less than anticipated and offered to set a meeting.
- asked about Town Squares. The Manager said they have been giving the Squares extra attention.
- asked the Manager our financial situation and said he hears more cuts are coming. The Manager said FY12 will be difficult but we are ok FY11 so far and said the Town has about a half million dollar deficit and will try to bring it in balance before we set the tax rate and said FY12 will be challenging and noted to question on the ballot to reduce sales tax. Mr. Serino asked if the legislation passed on pension schedule effects us. The Manager explained it extends the funding schedule which allows us to minimize increased appropriation.
- said according to Chapter 41 and read on the 15th of each month constables are to deposit 25% of the fees collected and suggested a policy that as part of documentation of reappointment constables submit fees deposited. Mr. Kelleher said he will support it because it is the law.

Mr. Serino moved the Board adopt policy that as part of reappointment application process all constables submit fees deposited with the Town. Chair seconds. Vote: 5-0.

Mr. Horlick: asked the Manager for update on Hitchings Road wall. The Manager said the judge rejected claim from developer which will allow the sale to go forward and said the Town has taken the lead to protect the neighbors. Mr. Horlick asked he keep the Board updated.

- asked the Manager for update on Hamilton Street. The Manager said it should start in next 2 weeks with construction at end of September and explained. Mr. Horlick asked he make sure residents are notified.

- said the Board used to get update on the parks every year and said they may be able to get grant money and asked the Manager if he could get a list of what's needed at the parks. The Manager said he has already engaged a grant consultant. Mr. Crabtree said there are matching competitive grant and has discuss it with the Manager and the consultant. Mr. Serino said they could include it in capital plan. Mr. Horlick said they will need to be more aggressive seeking grants and get our delegation to assist.

Mr. Kelleher: said members covered the financial questions he had but he is concerned if the sales tax passes at 3% it will be devastating and hopefully it would come when times are better.

- said he would like to talk about some kind of master plan for the Town.

- asked the Manager if we are all set if the hurricane hits. The Manager said yes the Town has a plan in place but last he heard it was turning out to sea.

- asked the Manager if we are all set for back to school next week. The Manager said yes.

- wished everyone a great Labor Day weekend.

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The Chair said a citizen wrote to the Board about carriages at CVS and Joanne's Fabric in the parking lot and the Building Inspector reported they will put wheel locks. Mr. Kelleher asked the Building Inspector follow up on it.

Citizen's forum None.

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

Meeting adjourned at 9:44pm.

Respectfully submitted,

Wendy Reed, Clerk

Applications with supporting documentation, correspondence and documents presented and discussed at the meeting are on file in the Board of Selectmen's Office and are available upon request.