

Saugus Board of Selectmen  
September 9, 2008

The Saugus Board of Selectmen met as Sewer Commissioners on September 9, 2008 at 6:00 PM in the Town Hall 1<sup>st</sup> floor conference room, 298 Central Street. Present were: Selectmen Stephen Castinetti, Stephen Horlick, Peter Rossetti Jr. and the Chairman Donald Wong. Mr. Kelleher was not present.

Also present: Town Manager Andrew Bisignani; Paul Ross of CDM; DPW Director Joe Attubato; Special Counsel George Hailer; Environmental Compliance Officer Stacey DePasquale; and Plumbing Inspector Arthur Rumson.

Newbury Turnpike case

Summery judgment - sent over Christmas Tree agreement to seek common ground for settlement.

CDM report

Next milestone in compliance of MA consent order. (see handouts) (MBE WBE) – out for bid for section 5B. Other work being done Town wide. Chart presented with costs: 4A slightly over budget; 5B under budget based on bid prices. Good competitive bids. Removal – 10 year level of control and 1 year level of control. Removal for 10 year storm; 1 year storm. 4A 1.1 mil. Gal. and 447,000 gals. Meets approval of State ACO. 50% removal is very good. No overflows into Saugus River since January. Pump station at 6-7 million gals. Next step: talk with DEP for sewer bank number should be based on 10 year storm, not 1 year storm. Subsystem 5B – mail sewer system rehab news flyer in Town envelope with Town return address 1<sup>st</sup> class mail. Grease build up. Board of Health program to inspect and require restaurants to show grease trap clean out schedules with receipts. Grease traps have to be maintained on regular basis. Written warning first with 15 days to correct violations. Need to educate residents to not dump grease into drains. Option to see if non profits to take away grease for conversion to oil-fuel.

Mr. Horlick moved the Board vote to go into Executive session – sump pump compliance issues. 90% compliance. Executive session for discussion on legal issues relative to sump pump removal. Those to be present: Mr. Castinetti, Mr. Horlick, Mr. Rossetti, Mr. Wong, George Hailer, Paul Ross, Stacey DePasquale, Arthur Rumson, Joe Attubato and Andrew Bisignani. To reconvene in open session. Chair seconds. Roll call vote: Mr. Castinetti, yes; Mr. Horlick, yes; Mr. Rossetti, yes; Mr. Wong, yes. Vote: 4-0.

The Board entered into executive session

The Board reconvened in open session at 6:57 PM.

Lincoln Ave. pump station maintenance issues \$500k per year for 4 years for electrical systems, security systems, gas detection system; and pig system. The order control system is working well. Laurel St. & Park St. also being refurbished SRF funded. Next year SRF 4-4.5 million. Lynnhurst station is working well. The Plumbing Inspector – sewer fees; 6 new houses and 9 commercial connections. I/I make 2 weeks in advance of setting ratio.

Mr. Rossetti moved to adjourn. Chair seconds. Vote: 4-0.  
Sewer Commissioner's meeting adjourned at 7:06 PM.

Selectman Peter Rossetti, Jr.

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The Saugus Board of Selectmen met on September 9, 2008 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.

1.) call to order.

2.) Invited guests: Fr. McCoy & Fr. Morin.

Mr. Kelleher introduced Fr. McCoy and welcomed him to Saugus and introduced Fr. Morin and thanked him for all he does. Mr. Castinetti said he grew up in St. Margaret's Parish and read their backgrounds from news bulletin regarding Team Ministers for both St. Margaret's and Blessed Sacrament. Mr. McCoy said it's a pleasure to be in Saugus and looks forward to serving the people of Saugus. Fr. Morin said Saugus has a good Clergy Association and invited them to call upon it. Mr. Rossetti thanked Fr. Morin for allowing the Farmer's Market to use their parking lot.

3.) approval of minutes: August 12, 2008.

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

4.) Continued hearings: None for this evening.

Correspondence

1.) Knights of Columbus re: Annual Charity Drive, Columbus Day Weekend.

Mr. Castinetti moved to accept for the file. Chair seconds. Vote: 5-0.

Mr. Kelleher requested the Board take correspondence #3 out of order.

3.) Mr. DiNardo re: request letter to Mass. Highway regarding handicapped ramps.

Al DiNardo, 199 Essex Street, was present and ask they send letter and express plan will be implemented and if can look at meeting the needs in those areas.

Mr. Kelleher moved the Board send letter to Mass. Highway requesting they address areas of concern as well as any other area under Mass. Highway. Chair seconds. Vote: 5-0.

Mr. Kelleher thanked Mr. DiNardo for his time and hard work and asked he continue to be vigilant.

2.) United Nations Association re: UN Day Proclamation.

Mr. Rossetti moved to issue the proclamation. Chair seconds. Vote: 5-0.

7:45 Aggregate Industries a/k/a Bardon Trimount, 1831 Broadway, to extend Special Permit (S-2) to allow the removal of earth & rock and to allow the operation of a quarry at Rear Broadway & Whittier Street for a period of six months.

Attorney Richard Magnan, 320 Central Street was present with Scott Colby and explained request. Mr. Kelleher asked they discuss the taking in of fill. Atty. said they filed application with Board of Health and they held a hearing and was approved. Mr. Kelleher asked intention. Mr. Colby said they do have permit, but not on site yet, earliest would be 3 weeks, but the volume has decreased. Mr. Kelleher asked if they would continue to monitor truck route. Mr. Colby said the fill permit restricts trucks to State Roads only. Mr. Kelleher asked if he would mind coming back or notify the Board update. Mr. Colby agreed. Mr. Kelleher thanked Aggregate for landscaping their property and continuing wheel washing. Mr. Horlick asked total of 650,000 c.y. Mr. Colby said future plans will be worked out with the community. Mr. Horlick asked he keep the Board posted on permit. Mr. Colby agreed. Mr. Horlick asked to have an open dialog on post closure use and asked they have an informal meeting on the subject next June. Mr. Colby agreed.

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Any in favor? None.

Any in opposition? Dennis Gaudet, 323 Walnut Street, was present and explained the Board moved the truck traffic problem to Walnut St. Lt. Sweezey was present and explained Walnut St. is a State road and its hard to prevent truck traffic on State roads and said we cannot limit and we want it on State Highways not Town roads.

Janet Leuci, TMMP4, was present and said she is not in opposition, but wanted to comment on post closure plan and passed out copies of their vision statement and of agreement with Peabody and said they need to work out a plan.

Brenton Spencer, 299 Walnut Street, was present and said 100's of trucks go by and hear the rattling over storm drains and caps and said Walnut St. is no longer a state road and thinks they have the power to alternate routes because of the noise and dust and nuisance.

Mr. Horlick moved to table the 7:55 & 8:05 public hearings. Chair seconds. Vote: 5-0.

Tim Hawkes, 225 Walnut St., was present and said they can limit trucks if they declare it a "scenic route" and said the Alternate Energy Committee is looking at the site.

Al Di Nardo, TMMP4, was present and said he is new to the issue and he did attend the Board of Health meeting and noted it translates to 80 trucks a day for 10 years.

Mr. Gaudet asked they keep trucks on 107, 129 & 114.

Mr. Horlick asked if Aggregate would meet to discuss closure and how difficult to draft closure plan. Atty. said they can have a draft for next permit hearing and explained the trucking was limited by previous Boards, but can discuss alternate routes. Mr. Colby said he is aware of concerns and willing to discuss closure plan and happy to work on investigating alternate energy at the location. Mr. Kelleher said they will work together.

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

Mr. Castinetti moved to grant the extension for S-2 for six months with conditions to include: submission of draft closure plan by next extension hearing; and plan to look at alternate routes. Mr. Horlick added the following conditions: notify the Town prior to fill being brought in; and the 22 existing conditions stay in effect. Chair seconds. Roll call vote: Mr. Castinetti, yes; Mr. Horlick, yes; Mr. Kelleher, yes; Mr. Rossetti, yes; Mr. Wong, yes. Vote: 5-0.

Mr. Horlick moved to take the 7:55 public hearing off the table. Chair seconds. Vote: 5-0.

7:55 The Peterborough Group, LLC d/b/a Supercuts/Saugus, 358H Broadway, for Special Permit (S-2) for hair salon.

Attorney Richard Magnan, 320 Central Street was present and explained application.

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 S-2 for hair salon. Mr. Horlick added the following conditions: hours of operation Monday through Friday 9AM to 9PM, Saturday 9AM to 7PM, and Sunday 9AM to 5PM. Chair seconds. Roll call vote: Mr. Castinetti, yes; Mr. Horlick, yes; Mr. Kelleher, Mr. Rossetti, yes; Mr. Wong, yes. Vote: 5-0.

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Mr. Castinetti moved to take the 8:05 public hearing off the table. Chair seconds. Vote: 5-0. Mr. Wong stated he talked with legal advisor and he may sit on next hearing.

8:05 Chair 5 Restaurants, LLC d/b/a Qdoba Mexican Grill, 366A Broadway, for Entertainment License for televisions.

Earl Howard, manager, was present and explained the request for 1 television. Mr. Rossetti asked just 1. Mr. Howard said yes and explained.

Any in favor or in opposition? None.

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

Mr. Kelleher moved to approve the Entertainment License for no more than four televisions. Chair seconds. Vote: 5-0.

8:10 Tran's Recycle Trading, LLC d/b/a Patty's Auto Parts, 140 Salem Turnpike, aka Lot 2A Salem Turnpike, for transfer of Class III Auto Dealer's License from Patty's Auto Parts, Inc., Lot 2A Salem Turnpike.

Attorney Michael Spillane representing applicant Toan Tran was present and Attorney Christine Faro representing the seller Christine Pike and Gary Wyrosdiz, manager were also present. Atty. Spillane explained transfer request to exercise License as currently operating. The Chairman asked if any increase in traffic. Mr. Wyrosdiz said nothing would change from what is today. The Chair asked if most traffic would use Rte. 107. Mr. Wyrosdiz said yes. Lt. Swezey explained the bridge is scheduled for repairs and said this business doesn't generate much traffic. Mr. Rossetti asked if operating a junk yard. Mr. Wyrosdiz said yes. Mr. Rossetti asked if recycling metals. Mr. Wyrosdiz said yes. Mr. Rossetti asked if vehicles parked on site. Mr. Wyrosdiz said minimal, same as today. Mr. Rossetti asked if not a transfer station. Mr. Wyrosdiz said no. Mr. Rossetti asked about electronics. Mr. Wyrosdiz said no. Mr. Rossetti asked if they had plan to handle oils. Mr. Wyrosdiz said Jim O'Brian is present and is handling the environmental issues. Mr. Rossetti asked if there's a 21E. Mr. Wyrosdiz said no, there's a 21C. Atty. Faro explained action and compliance. Mr. Rossetti said to clarify it is not being used as a transfer station / recycling station. Mr. Wyrosdiz said no.

Any in favor or in opposition? None.

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

Mr. Rossetti moved to grant the transfer of Class III Auto Dealer's License with condition it not be used as a transfer station or recycling facility including salvage of electronics. Chair seconds. Mr. Horlick speaking on the motion said the business has been there for generations and is well kept and well maintained and they are working with DEP and in compliance and added the following condition: hours of operation Monday through Friday 8AM to 6PM, Saturday 7AM to 7PM and closed on Sunday. Mr. Kelleher speaking on the motion said for a number of years it has existed cleanly and will continue to operate and feels it is not in close proximity to neighborhoods. Vote: 5-0.

Correspondence, continued

4.) Mr. Kingsley re: request for appointment as constable.

Scott Kingsley, 114 Malvern St., Melrose was present. Mr. Rossetti said he lives in Melrose and asked what he does in Saugus. Mr. Kingsley said he needs appointment where work is done. Mr. Rossetti said Saugus has a number of constables. Mr. Kingsley said he has been a constable in Saugus for 3 years. Mr. Rossetti said the Board is developing procedures and asked who his primary employer is. Mr. Kingsley said attorneys.

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Mr. Kelleher moved to appoint Mr. Kingsley constable. Chair seconds.

Mr. Kelleher speaking on the motion said they are working on procedures and agreed they would not look to remove constables, but eliminate through attrition. Mr. Horlick clarified reappointment. Their clerk said his appointment expired so he had to reapply. Vote: 5-0.

5.) Historical Commission re: request to insert Article into Special Town Meeting Warrant. Tim Hawkes, member was present and explained Article was referred to next Special Town Meeting. Mr. Kelleher asked if he had signatures. Mr. Hawkes said its submitted by Historical Commission.

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

6.) Tree Committee re: removal of public trees.

Tim Hawkes, Tree Committee Chairman was present and said he is before the Board because they are the overseers of all Boards and Commissions in Town and said it was done with good intentions, but didn't follow procedures and said they were 8 healthy trees and feels the fence should be removed and consult the Tree Committee to meet on it. Ann Devlin, Tree Committee was present and said they worked hard to pass the Shade Tree By-Law and wants to make sure it doesn't happen again. Mr. Kelleher asked the Manager to meet with the committees and include the Tree Warden and DPW Director. The Manager said after it occurred he did meet with representative of the neighborhood and the fence is temporary to provide a buffer and also discussed planting new trees. Julie Mills, 12 Columbus Ave. was present and said the fence is temporary and we lost about \$87,000 in trees and what spent on the fence going up and when they take it down and the cost of planting new trees and asked if we can do something permanent and do it right and feels should be some accountability and the neighborhood was not notified. The Manager said when he heard he did something right away and discussed with Ms. Mills and feel we should move forward. The Chair said he would like the Historical Commission, Tree Committee, Cemetery Commission and neighbors to agree on a good permanent agreement and would like the Town Manager to be involved.

Mr. Kelleher moved to have the Cemetery Commission, Historical Commission, Tree Committee, SAVE meet with the neighbors and Town Manager with the goal of finding a solution. Chair seconds. Mr. Horlick suggested they meet soon because planting should be done in September/October. Ms. Mills asked for certified arborist as well. Mr. Horlick said Mr. Hawkes is qualified. Vote: 5-0.

7.) Mr. & Mrs. Barker re: "No Parking" signs on Adams Avenue.

The Chair said the correspondence was withdrawn and the signs are up. The Chairman announced the following:

- reminder that recycling out before 7AM each week.
- congratulated volunteers on 29<sup>th</sup> Founder's Day.
- asked Board for courtesy motion to adopt a new policy and read the following: *as a resident, businessman, and elected official of Saugus. This Town has a good partnership with some of the businesses already who want to be good neighbors too. Lately I have been very concerned with some of the other businesses in our Town. I have found that the process for reprimanding a bad business takes too long. When there's a business in question, we usually ask the Police Chief for his recommendation. I think we should also include the Fire Chief, Building Inspector and Health Inspector. In saying this, I would like someone to make a motion as follows:*
  - 1.) For new and renewing of all licenses.
  - 2.) To consist of written recommendations from the

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*following: A) Building Inspector; B) Health Inspector; C) Fire Chief; D) Police Chief; 3.) They would give the Board of Selectmen recommendations on all applications for new and renewal of all licenses. A) Also recommendations on fines and penalties. 4.) After the recommendations, the Selectmen Board will discuss and vote on all licenses and determine fines and penalties as needed. Mr. Castinetti moved to adopt the policy. Chair seconds. Vote: 5-0.*

- meet & greet new Superintendent tomorrow 2-5 PM at Roby.
- Saturday 13<sup>th</sup> Special Olympics Day 9-4 at World Series Park.
- 16<sup>th</sup> meeting on Hitching Hill Road wall.

Manager's report

- Public Meeting on Thursday, September 18 at 7PM in Town Hall Auditorium regarding Bly Bridge.
- Thanked Hubermann's for plantings at the Rotary donation.
- No Parking signs were installed on Adams Avenue.
- Poles the Board approved for banners will be installed next week.
- was asked to look into alternative for NOBLE and received response that it would be more costly and will copy to the Board.

Member's motions

Mr. Castinetti: asked Lt. to look at Jaffrey Street as possible one way traffic. Lt. Swezey was present and described the area and will look into and report back.

- asked Lt. to look at parking at Stackpole on Sunday to possibly restrict to 1 side. Lt. said it has always been a challenge and was studied many years ago with recommendations and implementation of some changes and is concerned with moving the problem to other areas. Mr. Castinetti asked about fire truck. Lt. said he believes they can handle it.

- asked Lt. about Jackson St. No Parking on the bend. Lt. said he did receive correspondence on it and he and the parking clerk have spoken to neighbors and are developing a plan to present to the Board.

- Special Olympics Day Saturday and SCTV open House 10-2PM.
- Tuesday thanked all those that came to installation of officers at Legion.
- have received requests regarding when the public safety building will be dedicated. Mr. Kelleher said he and Sue Dunn & Kevin Nigro have been meeting and should be around November or January the latest.

Mr. Rossetti: last week Founder's Day and Vitale Road Race at Breakheart.

- Concert at Breakheart this coming Sunday.
- SCTV Grand Opening at SHS on 13<sup>th</sup>.
- World Series Park Special Olympics Day 13<sup>th</sup>.
- DPW touched up all the crosswalks and great job.
- Request to approve citation for TheIma Haley on her 100<sup>th</sup> birthday.
- DCR meeting yesterday regarding Lynn Fells Parkway with some neighbors and suggest DPW and Melrose DPW meet with them and the plan includes sidewalks, curbing, trees and grass strip.
- Kasabuski Rink the Manager is working on diligently and in process and hope to resolve soon.
- 16<sup>th</sup> a meeting regarding Hitching Hill Road wall.
- Sunday Breakheart concert.
- Public recycling every week.
- swore in new sergeants and a lieutenant and congratulated the m.

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- individual metering, waiting for Town Counsel opinion. And on fee structures.
- Saugus Coalition on Violence walk October 4<sup>th</sup>.
- MMA Bulletin regarding repeal of income tax will effect all communities.
- today SBEC met and voted to give \$3,500 to each school.

Mr. Rossetti moved to accept the gift from SBEC of \$3,500 to each school. Chair seconds. Vote: 5-0.

- Saugus Public Library will be holding wine tasting fund raiser.
- "Caution Blind Person" sign request.

Mr. Rossetti moved to approve "Caution Blind Person" sign on Auburn Street. Chair seconds. Vote: 5-0.

- Bly Bridge meeting at Yacht Club tomorrow at 7PM and on 18<sup>th</sup> in Auditorium.
- American Legion installation of officers was a nice event and wish them luck.
- Superintendent meet & greet tomorrow.

Mr. Kelleher: September 27 dedication of the Christie Ciampa Jr. Youth & Rec. Center.

- Thanked for meetings on the Bly Bridge.
- Said Bristow Park needs some attention and asked the Manager to look at it.
- Asked for update on rink. The Manager said he hoped to have the sublease posted next week and process completed by end of month.
- Noted community spirit on Founder's Day.

Mr. Horlick: catch basin on Harmon Road & Main Street needs to be cleaned out.

- thanked everyone for Founder's Day and congratulated Fred Brooks and Janice Jarosz for man and woman of the year.
- request letter be sent to Sec. of congress regarding red tide.

Mr. Horlick moved the Board send letters to their State Delegation, Congressman Tierney's Office, supporting their efforts with Governor Patrick to get the Secretary of Commerce to declare relief for shell fishermen that lost income this summer due to the closing of shellfish beds because of the red tide. Chair seconds. Vote: 5-0.

- said at Pearson & Central the storm drain is collapsing.
- 9/11 is coming up and asked all to say a prayer. Mr. Kelleher reminded everyone that candlelight vigil at 6PM at Town Hall.

Late correspondence

Atty. Magnan re: request insert Article into next Special Town Meeting Warrant.

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

Mr. Horlick moved to insert Article for youth & rec. program funding. The Manager said we are limited to raise additional funds and said he has an Article he will be submitting for youth & rec. programs and noted other issues including the senior center and said he does support the efforts, but resources are limited and must prioritize. Chair seconds. Vote: 5-0.

Mr. Horlick moved to insert Article re: By-Law for deliveries. Mr. Castinetti said a process is in place and this doesn't warrant a By-Law change. Mr. Kelleher said he supports the right to insert an Article. Chair seconds. Vote: 4-1 with Mr. Rossetti voting in opposition.

Citizen's forum

Al DiNardo, 199 Essex Street, was present and said as a member of the Tree Committee said the gas station on Main St. is closed and looks awful. The Chair said

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there are two owners. The Manager said it is private property and the Building Inspector said it is properly secured and did have summer help cut weeds, but we are limited to what we can do. Chris, Denver Street was present and explained the ownership and should contact oil company.

Mr. Kelleher moved the manager send letter with pictures. Chair seconds. Vote: 5-0.

Mr. DiNardo said the Essex St. Dunkin Donuts are working on back ups and said in 2002 the public voted a bond issue for Westside fire station and it needs to be debated again soon and said he thinks that working together with the cemetery they can resolve issues and suggested maybe we have a get together for all boards and committees to meet because we need to work together.

Michael Russo, 14 Dale Street, said Article was approved and wondering where it stands. Mr. Horlick said to refer to DPW. The Manager said its in design stage and hope to be done before winter.

Mr. Castinetti moved to adjourn. Chair seconds. Vote: 5-0.  
Meeting adjourned at 10:18 PM.

Respectfully submitted,  
Wendy Reed, Clerk