

Saugus Board of Selectmen
September 28, 2010

Minutes
Saugus Board of Selectmen
September 28, 2010 at 7:30pm
Town Hall Auditorium, 298 Central Street

1. Call to order.

2. Invited guests: - Firefighter Fowler
- S.A.V.E. re: 350.org

3. Approval of minutes: August 31; & September 7; September 21, 2010.

4. Continued hearings: - Domino's re: grease trap from 8/10 & 8/31/10;
- Aggregate Industries from 8/31/10;
- Neighborhood Deli from 8/31/10.

5. Public Hearings:

7:45 T.A.N., Inc. d/b/a Ristorante Donatello, 44 Broadway, to amend existing Entertainment License.

7:55 Boscy's Liquors, Inc., 216 Broadway, Harry B. Lancaster III, manager, for change in description of licensed premises.

8:05 Venus Convenience Corporation d/b/a 7-Eleven, 304 B Lincoln Avenue, Moujib Hamza, Manager for transfer of Beer & Wine Package Store License FROM: Moujib Hamza d/b/a White Hen Pantry, 304 B Lincoln Avenue.

8:15 on amending the Town's Traffic Rules & Regulations Article V, Section 2. Parking Prohibited on Certain Streets: by designating "No Parking" easterly on Lincoln Avenue for 40' from Dudley Street; AND "No Parking" on the south side of Dudley Street be reduced from 100' to 40' from Lincoln Avenue.

8:25 Edd's Auto Exchange, Inc. for Special Permit (S-2) to allow a used car lot at 961 Broadway, Assessor's Plan 1029, Lot A-1.

8:30 Edd's Auto Exchange, Inc. for Class II Auto Dealer's License to be located at 961 Broadway.

8:35 PJ Enterprises, LLC d/b/a Final Finish, 24 Rear Frank Bennett Highway, for transfer of Class II Auto Dealer's License from Collision Solution Center, Inc., 24 Rear Frank Bennett Highway.

8:45 L & D Beverage Company d/b/a L & D Liquor and Convenience, 124 A Broadway, Lawrence Liu, Manager for transfer of All Alcoholic Package Store License FROM: Ourglass Wine Company, Inc. d/b/a Ourglass Wine & Spirits Marketplace, 124 A Broadway.

8:55 Mangia Fresco, LLC d/b/a Subway, 124 K Broadway, for transfer of Common Victualer's License FROM: Subbuilders, Inc. d/b/a Subway Sandwiches, 124 K Broadway.

9:05 Nicky's Pizza Time, 361 Lincoln Avenue, for transfer of Common Victualer's License FROM: Virginia Kristakinos d/b/a Nicky's Pizza Time, same address.

Correspondence

- 1.) Mr. DellaPorta re: request reappointment as constable. (from 8/31/10)
- 2.) Mr. Stoklas re: land donation on Centre Street. (Alban Avenue withdrawn). (from 8/31/10)
- 3.) Lottery Commission re: request for Keno-To-Go at Gulf Express, 368 Broadway.
- 4.) Residents on Hilltop Avenue re: tree removal request.
- 5.) Theatre Company of Saugus re: request for banner.
- 6.) Mr. Tozza re: request to insert Resolution into next Special Town Meeting Warrant.
- 7.) Knights of Columbus re: Annual Tootsie Roll Charity Drive October 8, 9, 10 & 11.
- 8.) Lions Club re: request for canning on Essex St. & at Village Park intersection.
- 9.) Curley Property Use Committee re: request to insert Article into next Special Town Meeting Warrant.
- 10.) Coalition Against Domestic Violence re: 6th Annual Violence Awareness Walk & request for ribbons.

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

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The Saugus Board of Selectmen met on September 28, 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: Firefighter Fowler

Firefighter Paramedic Matthew Fowler was present. Fire Chief James Blanchard was present and introduced Lynnfield Fire Chief Thomas Bogart and recognized Firefighter Fowler's family that were present. Lynnfield Fire Chief Bogart said Lynnfield is indebted to Firefighter Fowler and said he wrote a letter of commendation and is present to say thank you. Firefighter Fowler thanked the Board and Chief Bogart. Chief Blanchard said the Principal of the Veterans School called today to thank Firefighter Fowler on his response to an unconscious 5 year old student and said Firefighter Fowler demonstrates professionalism. The Chair said the Town is proud to call him one of our own and read citation. The Board presented citation. Mr. Horlick commented on the public service of our police and fire in going above and beyond and thanked them all for their dedication. Mr. Serino thanked him for his heroic efforts and offered the Town's best to the stricken Lynnfield Firefighter. Mr. Kelleher said he is one of many public safety personnel that makes us proud and thanked him. Mr. Crabtree congratulated him and his family and said the Town is please and proud to have him here. The Chair thanked him on behalf of the whole Town.

Invited Guests: S.A.V.E. re: 350.org

Ann Devlin was present and explained 350.org and the climate crises and working on solutions and are organizing a global work party and said S.A.V.E. has partnered with the Tree Committee and Saugus will be organizing a tree planting and volunteers are needed on Saturday October 9 to prepare trees and said they need Town locations to plant the trees and asked the Board to proclaim 10-10-10 as Global Work Party in the Town of Saugus. Mr. Horlick thanked S.A.V.E. and the Tree Committee and said trees clean the air, make shade and adds aesthetics to the Town and thanked them for their hard work. Mr. Serino thanked them and asked the Manager if DPW could help. The Manager said the forestry department has only 2 people and said if he had locations perhaps could get holes dug in advance. Mr. Kelleher congratulated them on their efforts.

Mr. Kelleher moved to proclaim October 10, 2010 as Saugus Tree Planting Day. Chair seconds. Vote: 5-0.

Mr. Horlick asked the Manager to check with the landscaping companies that adopt sites if they would offer assistance. The Manager said he would. Ms. Devlin thanked the Board.

Approval of minutes: August 31; & September 7; September 21, 2010.

Mr. Horlick moved to approve the August 31 minutes. Chair seconds. Vote: 5-0.

Mr. Serino offered a correction and moved to accept the September 7 minutes as corrected. Chair seconds. Vote: 5-0.

Mr. Serino moved to accept the September 21 minutes. Chair seconds. Vote: 5-0.

Continued hearings: Domino's

C & Y Good Pie, LLC d/b/a Domino's Pizza, for Common Victualer's License to be located at 1268 Broadway. Application is also made 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.

Youssef Abourjaili, owner was present and explained. Mr. Kelleher asked if the Plumbing Inspector submitted update. The Clerk said no. Mr. Abourjaili explained cost to tie in. Mr. Serino asked if he still needs the waiver. Mr. Abourjaili said yes. Mr. Kelleher said the Plumbing Inspector said he needs an external grease trap and the Board cannot waive the requirement. Mr. Serino said the Board should have dispose of this at last meeting and feels the type business does not need an external trap and

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noted the Board granted one last meeting for similar pizza place and said as long as he has been on the Board, the Board has not required it for pizza places. Mr. Kelleher asked for menu. Mr. Abourjaili read and explained no food prep all comes prepared. Mr. Crabtree asked about fryolator. Mr. Abourjaili said no. Mr. Kelleher said the point is to catch as much grease from the system. Mr. Abourjaili said he owns 5 locations and none required outside trap. Mr. Crabtree said he has concern because the Plumbing Inspector is the expert and he doesn't recommend. Mr. Serino said the Board has always granted waivers for pizza places. Mr. Crabtree said there should be direction from the Plumbing Inspector and they should be on the same page. Mr. Kelleher said as long as he can remember he can only recall one time the Plumbing Inspector didn't oppose. The Chair said he would like to know why the Plumbing Inspector is opposed. Mr. Horlick said the Jackson Street waiver was conditioned on removing cooking equipment. Mr. Serino said the Plumbing Inspector has been consistent in not recommending waivers but feels the average home produces more grease than this type business. Mr. Crabtree agreed with Mr. Horlick and would support the waiver but feels the Board needs dialog with the Plumbing Inspector. Mr. Horlick said the Plumbing Inspector makes recommendation and the Board is the Sewer Commission and have the final say.

Any in favor or in opposition? None.

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

Mr. Serino moved to grant variance to waiver the external grease trap requirement with standard conditions. The Chair said with no changes. Mr. Crabtree added no renovations. Mr. Serino explained standard restrictions. Chair seconds. Vote: 4-1 with Mr. Kelleher voting in opposition.

Continued hearings: Aggregate Industries

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.

Attorney Richard Magnan was present with Scott Colby. Atty. Magnan explained the hearing was continued to review if they were performing to the agreement and site visit was held and submitted blasting reports. Mr. Colby submitted report and check list to Board. Mr. Horlick thanked him for site visit. Mr. Crabtree asked about check list requested. Mr. Colby explained and read list. Mr. Serino asked he put a new one together. Mr. Colby agreed.

Any in favor or in opposition?

Elizabeth McCarthy, 7 Fay Court, said trucks run at night at 2-4am and it's disturbing. Mr. Colby said that must be the asphalt batching plant and asked if he could speak with her after the meeting to address her concerns. Mr. Horlick said 2-4am is early morning. Mr. Colby said the asphalt business is a night business.

Janet Leuci, TMMP4, said since previous meeting they have attempted to conform to agreement and said she has not heard any noise and wondered if they needed a permit to be open / operating between 2-6am.

Atty. Magnan said Mr. Colby will speak with the neighbor.

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

Mr. Serino moved to grant extension of 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 with condition of updated check list provided in 30 days. Mr. Crabtree added: all existing conditions and restrictions apply. Chair seconds.

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

Mr. Kelleher asked a meeting take place with the neighbor. Atty. Magnan agreed.

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Mr. Kelleher moved to request opinion from Town Counsel if an Extended Hours of Operation Permit would be required for the asphalt plant operation. Chair seconds. Vote: 5-0.

Continued hearings: Neighborhood Deli

Patrick Barrett d/b/a Neighborhood Deli, 163 B Lincoln Avenue, for a variance to waive 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.

Attorney Nelson Chang was present with owners and gave background of the request and said the Plumbing Inspector is not recommending certain equipment and they will not have cooking equipment at the location. Mr. Serino asked if they will just be slicing cold cuts. Atty. Chang said yes and explained. Mr. Serino asked if no cooking. Atty. Chang said none. Mr. Kelleher asked if any cooking. Atty. Chang said no just warming. Mr. Crabtree said he has the same issue as before with the Plumbing Inspector's recommendation. Atty. Chang said they will not be using any of the equipment the Plumbing Inspector listed. Mr. Crabtree said he has a problem with the recommendation not the facility.

Any in favor or in opposition? None.

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

Mr. Horlick moved to approve the variance to waive the external grease trap requirement with standard conditions. Chair seconds. Vote: 5-0.

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

Meeting recessed at 8:17pm.

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

7:45 T.A.N., Inc. d/b/a Ristorante Donatello, 44 Broadway, to amend existing Entertainment License.

Owner Nino DiCenso was present. Mr. Serino asked if hours would stay the same. Mr. DiCenso said yes.

Any in favor or in opposition? None.

Mr. Serino said they already have Entertainment License and are asking to allow a band. Mr. DiCenso said yes.

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

Mr. Horlick moved to grant modification of Entertainment License by allowing three piece band. Mr. Horlick speaking on the motion said he always tries to help out businesses and they have operated a number of years here with no issues. Chair seconds. Vote: 5-0.

7:55 Boscy's Liquors, Inc., 216 Broadway, Harry B. Lancaster III, manager, for change in description of licensed premises.

Attorney Nelson Chang was present with owner Harry Lancaster III and explained store expansion and all else the same hours of operation. The Chair noted a building permit is needed. Atty. Chang was aware and they will apply if approved. The Chair read recommendation of Health Dept. Atty. Chang said they are aware.

Any in favor or in opposition? None.

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

Mr. Serino moved to grant the request for change in description of licensed premises to include increased floor plan and condition same hours of operation and must meet all Inspectional Services requirements. Mr. Horlick added approximately 2,500 square feet and for updated floor plan to be submitted. Chair seconds. Vote: 5-0.

8:05 Venus Convenience Corporation d/b/a 7-Eleven, 304 B Lincoln Avenue, Moujib Hamza, Manager for transfer of Beer & Wine Package Store License FROM: Moujib Hamza d/b/a White Hen Pantry, 304 B Lincoln Avenue.

Attorney Nelson Chang was present with owner Moujib Hamza and explained change of franchise, but business the same and said the liquor license and sales would be Mr. Hamza's alone and

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no shares in the proceeds. Mr. Serino said Mr. Hamza owns the license under his name and not White Hen and asked if ABCC required he be incorporated. Atty. Chang said 7-Eleven required corporation.
Any in favor or in opposition? None.

Mr. Serino noted the controversy on this license after it was originally granted and since then the Board amended the Liquor Rules & Regulations to include the clause that 80% of gross sales shall be the sale of alcohol and he checked with Town Counsel and said this license is grandfathered because it was issued before the regulation and the license remains under Mr. Hamza's name.

Mr. Serino moved to grant the transfer to Venus Convenience Corporation d/b/a 7-Eleven, 304 B Lincoln Avenue, Moujib Hamza, Manager with same conditions. Chair seconds. Vote: 5-0.

8:15 on amending the Town's Traffic Rules & Regulations Article V, Section 2. Parking Prohibited on Certain Streets: by designating "No Parking" easterly on Lincoln Avenue for 40' from Dudley Street; AND "No Parking" on the south side of Dudley Street be reduced from 100' to 40' from Lincoln Avenue.

Attorney Richard Magnan was present with owner of Kane's Donuts Paul Delios and said the Delios Family is requesting the hearing be tabled to allow the residents to meet with police. Mr. Kelleher said anytime something that comes before the Board can be resolved with a meeting to discuss is worth continuing. Mr. Serino said he visited the site this morning and said the Rules & Regulations require no parking and there's no signs and the yellow curb is painted over and no parking 110' on Dudley Street those restrictions are in place now and the police are recommending 40' on Lincoln and said the conditions there are dangerous.

Paul Delios was present and thanked the Board Members that visited the site and said he has a parking plan in place but the lot is not ready yet and will put the signage up and will try to get the curb painted yellow 30' for now and asked the Board table the hearing.

Mr. Crabtree agreed it's a good idea for the neighbors to meet with police and said there is a new crosswalk painted and the old one is faded and agreed the Board should continue the hearing until its worked out and asked the Manager about the crosswalk. The Manager said he will look into it and said they are only painting crosswalks where there are handicapped ramps, but will look into it. Mr. Serino said the police will look into the other issues they talked about and will continue to end of October. Mr. Horlick asked number of parking spaces. Mr. Delios said 19 total. Mr. Horlick asked for plan. Mr. Delios said he will get one from the engineer.

Any in favor or in opposition?

Michael Lee, 4 Dudley Street, said traffic enforcement is needed.

Nancy Pizzi, 5 Dudley Street, said crosswalk needs painting and asked to leave it as it is.

Alex Moise, 114 Lincoln Avenue, said he lives across the street and asked it stay the same and needs enforcement.

Mr. Kelleher said it's the Board's intention to continue the hearing and there will be dialog with the neighbors to address concerns.

Mr. Kelleher moved to continue the hearing to October 26. Chair seconds. Vote: 5-0.

8:25 Edd's Auto Exchange, Inc. for Special Permit (S-2) to allow a used car lot at 961 Broadway, Assessor's Plan 1029, Lot A-1.

8:30 Edd's Auto Exchange, Inc. for Class II Auto Dealer's License to be located at 961 Broadway.

The Chair said the Board will take up both hearings at the same time. Attorney Richard Magnan was present with applicant Edwin Brown III and explained two applications, 1 for S-2 and 1 for Class II and explained location and hours Monday – Saturday 10am to 5pm and closed on Sunday and said its primarily an on-line business with no more than 7 vehicles and no auto repairs on site and said he received comments from departments and can condition money owed will address. The Chair asked where cars will be stored. Atty. Magnan a better plan will be submitted if approved. Mr. Serino said the

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lot has about 50 spaces and they are looking for 7 vehicles and said the previous S-2 was granted to 10 limos without parking plan.

Any in favor or opposition? None.

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

Mr. Serino moved to grant Special Permit (S-2) to allow a used car lot at 961 Broadway, with following conditions: seven vehicle limit; hours of operation Monday through Saturday 10:00 am to 5:00 pm and closed on Sunday; no repair of vehicles on the property. Mr. Kelleher added without opposition: requests of Building Inspector. Chair seconds. Mr. Horlick speaking on the motion said its on Rte. 1 and have no objection and said its great to see a father help out his son getting in business and wished him luck.

Roll call vote: Mr. Crabtree, yes; Mr. Horlickl, yes; Mr. Kelleher, yes; Mr. Serino, yes; Mr. Wong, yes.

Motion passes 5-0.

Mr. Serino moved to grant the Class II Auto Dealer's License with the following conditions: hours of operation Monday through Saturday 10:00 am to 5:00pm; closed Sunday; seven car limit; and no repairing of vehicles on the property. Chair seconds. Vote: 5-0.

8:35 PJ Enterprises, LLC d/b/a Final Finish, 24 Rear Frank Bennett Highway, for transfer of Class II Auto Dealer's License from Collision Solution Center, Inc., 24 Rear Frank Bennett Highway.

Attorney Richard Magnan was present and explained request and that all conditions would remain the same and said he did submit updated parking plan and will address taxes owed.

Any in favor or in opposition? None.

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

Mr. Kelleher moved to grant for transfer of Class II Auto Dealer's License from Collision Solution Center, Inc., 24 Rear Frank Bennett Highway. Mr. Serino added the following conditions without opposition: all conditions on existing license Hours of operation Monday through Friday 7:00 am to 6:00 pm, Saturday 8:00 am to 12 noon all vehicles for sale shall be a minimum of 25' from the building and no more than ten vehicles for sale at one time. Chair seconds. Vote: 5-0.

8:45 L & D Beverage Company d/b/a L & D Liquor and Convenience, 124 A Broadway, Lawrence Liu, Manager for transfer of All Alcoholic Package Store License FROM: Ourglass Wine Company, Inc. d/b/a Ourglass Wine & Spirits Marketplace, 124 A Broadway.

Attorney Brian McGrail was present with applicants Paul Doyle and Lawrence Liu and submitted letter requesting hours of operation 8am to 11pm and Sunday 12 noon to 11pm and explained application and noted no complaints or actions against this license and explained experience of applicants and training and certifications and presented copies for the Board. Mr. Horlick said the previous owner was required to have ID certification machine and asked if they will have one. Mr. Doyle said yes. Mr. Kelleher asked portion of business for convenience products. Atty. McGrail listed examples and said less than 80%.

Any in favor or in opposition? None.

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

Mr. Horlick moved to grant transfer of All Alcoholic Package Store License, Lawrence Liu, manager with hours of operation Monday through Saturday 8:00 am to 11:00 pm, Sunday 12 noon to 11 pm; and any comments of departments to be met. Mr. Kelleher added without objection: items sold are those found in package store business. Vote: 5-0.

8:55 Mangia Fresco, LLC d/b/a Subway, 124 K Broadway, for transfer of Common Victualer's License FROM: Subbuilders, Inc. d/b/a Subway Sandwiches, 124 K Broadway.

Anna Avtges applicant was present. The Chair said Health Dept. requires they apply for Food Permit. Ms. Avtges said yes.

Any in favor or in opposition? None.

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

Mr. Kelleher moved to grant transfer of Common Victualer's License with same conditions. Chair seconds. Vote: 5-0.

Mr. Crabtree said he has a professional relationship with the applicants and will abstain from the hearing and excused himself from the table and left the room.

9:05 Nicky's Pizza Time, 361 Lincoln Avenue, for transfer of Common Victualer's License FROM:
Virginia Kristakinos d/b/a Nicky's Pizza Time, same address.

Areti Thomadis, owner was present and explained they are the original owners and are taking it back over and said the only change will be they will be closed on Mondays.

Any in favor or opposition? None.

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

Mr. Serino moved to grant the request for transfer of Common Victualer's License with the following conditions: hours of operation Tuesday through Thursday 11am to 9pm, Friday & Saturday 11am to 10pm, and Sunday 12 noon to 9pm. Chair seconds. Vote: 4-0.

Mr. Crabtree returned to the table.

Correspondence

1.) Mr. DellaPorta re: request reappointment as constable. (from 8/31/10)

No one was present. Mr. Serino said this is the second time the issue is before the Board and no one was present.

Mr. Serino moved the Board vote to t5ake no action. Chair seconds. Vote: 5-0.

2.) Mr. Stoklas re: land donation on Centre Street. (Alban Avenue withdrawn). (from 8/31/10)

Mr. Kelleher moved to refer the correspondence to the file. Chair seconds. Vote: 5-0.

3.) Lottery Commission re: request for Keno-To-Go at Gulf Express, 368 Broadway.

Mr. Kelleher moved the Board approve request. Chair seconds. Vote: 5-0.

4.) Residents on Hilltop Avenue re: tree removal request.

Manny Haggis, 9 Hilltop Avenue was present and explained the tree issue has been going on for four years and would like it addressed. Mr. Kelleher asked if the trees were looked at. The Manager said there is a process for tree removal and explained. Mr. Kelleher asked if the process started yet. Mr. Haggis said the Tree cWarden was out. The Manager asked for the exact location and said he would follow up on it. Mr. Haggis explained.

Jorbin Espinol, 10 Hilltop Avenue was present and said the tree is a problem and explained.

Greg Deterding, 8 Hilltop Avenue, said he planted 2 trees on his own property and is willing to share in the expense to replace the trees and described the problems.

Mr. Kelleher moved that the Manager get the process started. Chair seconds.

Mr. Serino said he did look at the tree and asked what the process was if its not recommended to take it down. The Manager said the Tree Warden makes determination and it goes before the Tree Committee and if recommended, they take it down and requested time to look into it and will report next meeting what the options are. Mr. Serino said one tree is pretty bad and agreed if taken down, they should plant new one.

5.) Theatre Company of Saugus re: request for banner.

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

6.) Mr. Tozza re: request to insert Resolution into next Special Town Meeting Warrant.

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

7.) Knights of Columbus re: Annual Tootsie Roll Charity Drive October 8, 9, 10 & 11.

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

8.) Lions Club re: request for canning on Essex St. & at Village Park intersection.

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

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9.) Curley Property Use Committee re: request to insert Article into next Special Town Meeting Warrant.

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

10.) Coalition Against Domestic Violence re: 6th Annual Violence Awareness Walk & request for ribbons.

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

Town Manager's Report

- Requested the Board call a Special Town Meeting on October 25 and submitted Articles for the Warrant and asked the Board leave it open for the Manager for 1 week.

Mr. Kelleher moved the Board call a Special Town Meeting on October 25. Chair seconds. Vote: 5-0.

Mr. Serino asked if the Articles submitted were to balance the budget. The Manager said yes, housekeeping items. Mr. Serino asked if he wanted the Warrant left open for a week and asked if he anticipate other Articles. The Manager said no, but just in case anything came up. Mr. Kelleher asked if any of the 4 Articles submitted effect services. The Manager said no. Mr. Kelleher asked if any negative effect. The Manager said no and explained.

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

- Announced Household Hazardous Waste Day October 23.

- Publically thanked Carmine Moschella for constructing a display case for Town Hall postings. Mr. Serino said it is beautiful. Mr. Kelleher noted the Selectmen's desk was made by Mr. Moschella.

Mr. Kelleher moved the Board send letter thanking Mr. Moschella for sharing his talents with Saugus. Chair seconds. Vote: 5-0.

- Said there has been an issue with catch basin grates being taken and said we lost 7 so far and it's a real public safety issue and asked the public to be alert.

- Thanked the parents and 2 DPW workers that cleaned up the Oaklandvale area. Mr. Serino said to bring them in for citation.

- Said there is a very important vote coming up and said Question 3 on the ballot involves a roll back of sales tax and wants to make the public aware if it passes we will lose close to \$1million in State Aid and said all the gains we have made will be lost and said the State is faced with a \$2billion deficit. Mr. Kelleher said he was surprised to see the poll that showed if the question was asked at last election it would have passed and people need to be informed. The Manager said he would like to keep the discussion ongoing.

Member's Motions

Mr. Crabtree: Said he had Article for Special Town Meeting and explained need for bullet proof vests.

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

- Thanked the Members for the meeting on water rate and capital planning. Mr. Serino asked for copy of RESCO water agreement. The Manager said there's no written agreement, but has been done this way for 20 years. Mr. Serino asked he run it by Town Counsel if there's no written agreement if it can be changed.

- Said the Manager was looking into Tabu legal fees reimbursement. The Manager said the Board instructed him to look into it and asked representing counsel to follow up and has not heard. Mr. Crabtree asked he follow up on it.

- Said they are trying to get a written opinion if Kasabuski coverage is adequate. The Manager said he did ask for copy of the policies and insurance advisor said its basically same coverage and said he has not cancelled the coverage.

- Said he received calls from Hockey parents regarding lights at the rink and they agreed to put sensors but said one light is not working. The Manager said the company will look at it.

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Mr. Wong excused himself from the table and Vice Chair Crabtree took the Chair.

The Vice Chair read the Findings and Order regarding LAVO show cause hearing:

FINDINGS AND ORDER

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 August 24, 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 serve alcoholic beverages after its designated hours, and did not provide entertainment after its designated hours, in violation of Section 1.05 and 1.08 of the Alcoholic License and Entertainment License Rules and Regulations.

The Board called the hearing to order on September 7, 2010 and conducted an evidentiary hearing. At the hearing, Attorney Patrick MacDonald appeared on behalf of Lavo, and, in lieu of an opening statement, admitted that Lavo had served alcoholic beverages after the designated closing hour, and provided entertainment after the designated closing hour, but did so as a result of a misunderstanding. The Board received testimony from Officer Kevin Nichols and Officer Anthony Gaieski as to their inspections of the Lavo premises. The Board received documents into evidence, including the notice of hearing and the documents, including police reports, that were attached to the hearing notice. The Board took Administrative Notice of the prior proceedings involving Lavo, including the decision to impose discipline against Lavo for operating after the designated closing hour. 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 Officers Nichols and Gaieski and finds that the facts set forth in the police reports were credible concerning the inspections conducted by them. Lavo presented no witnesses, and no countervailing evidence to the police testimony or reports.

2. On July 4, 2010, at approximately 12:11 a.m., Officer Nichols inspected the premises and found that Lavo was serving, and customers were consuming, alcoholic beverages on the outside patio area of the premises. On the face of Lavo's license to serve alcoholic beverages, the hours of operation were limited to 12:00 noon to 11:00 p.m. for service on the outdoor portion of the licensed premises.

3. On July 3, 2010, at approximately 1:18 a.m., Officer Gaieski inspected Lavo's premises and found that the music and television were still playing at that hour. The entertainment license for the premises restricted the hours for entertainment to 7 p.m. to 1 A.M. for music and televisions.

CONCLUSIONS

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

1. Section 1.05(a) of the Liquor Rules and Regulations of the Town of Saugus provide as follows:

(a) Hours of operation of licensed premises between the hours of 11:00 pm to 2:00 am shall be set by the Board during the application process.

2. Section 1.08(g) of the Liquor Rules and Regulations of the Town of Saugus provide as follows:

(g) The licensee, including his agents, principals, partners, servants, and employees, shall be responsible for compliance with all the terms and conditions of the license, as well as all applicable laws, rules and regulations pertaining to the license.

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

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4. Based upon the police inspections and the admissions of Lavo, the Board concludes that the alcoholic beverages were served to patrons after the designated closing hour for the outside portion of the licensed premises, all in violation of Sections 1.05(a) and 1.08(g) of the Liquor Rules and Regulations for the Town of Saugus.

5. Section 1.05(a) of the Entertainment License Rules and Regulations of the Town of Saugus provide as follows:

(a) Hours of operation of the licensed premises. . . shall be set by the Board during the application process. . .

6. Section 1.08(f) of the Entertainment License Rules and Regulations of the Town of Saugus provide as follows:

(f) The licensee, its agents, principals, and partners shall be responsible for strict compliance with all of the terms and conditions of the license.

7. Based upon the undisputed facts, Lavo served alcoholic beverages on the patio portion of the licensed premises after the designated hours of operation, and provided entertainment in the form of music and television after the designated hours of operation.

8. The licensee represented that these violations were minor. The Board concluded that strict compliance with the terms and conditions of a license is an important and essential responsibility of a holder of a license.

ORDER

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

1. That the all alcoholic beverages license, common victualler's license and entertainment license of PAM, Inc. d/b/a LAVO Ristorante be, and hereby is, suspended for three days, October 14, 15, and 16, 2010. The procedures outlined in 1.13 of the Liquor Rules and Regulations of the Town of Saugus shall apply to this suspension.

2. The portion of the alcoholic beverages license that permits the service of alcoholic beverages in the outdoor area of the premises be, and hereby is, revoked.

3. The hours of operation for all activities at the premises, including the service of liquor, the service of food, and providing entertainment, is hereby rolled back to 1:00 a.m. for all activities.

Mr. Serino moved to adopt the findings and order. Vice Chair seconds. Vote: 4-0.

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

- Congratulated all on Founder's Day.

Mr. Serino: Said the Board received letter regarding vacancy on Affordable Housing Trust Board of Trustees and asked it be advertised.

- Referenced the Planning Board's report regarding 129 Ballard Street and said it was suppose to be landscaping and asked look into it.

- Requested a pedestrian crossing sign be placed at the crosswalk at St. Margaret's Church.

- Thanked Donna Gould and Greg Nickolas and said it was a great Founder's Day.

Mr. Horlick: Thanked all involved in Founder's Day.

- Asked for update on Bly Bridge. The Manager said he believes the work started this week on the temporary bridge. Mr. Horlick asked if he could give regular updates.

Mr. Kelleher: Said the Board held a meeting on Water & sewer and received community feedback and asked a time be set to get information together and then call another meeting.

The Chair said the Town held the 1st night SHS football game and it was nice and said he hoped the sales tax won't be lowered and said it should be at 5% sales tax.

Citizen's Forum

Jack Perry, 7 Innis Street, passed out information to Board Members and explained it has been 5 months and was informed by the Manager they are not going to widen the bridge area and expressed concern with the drain and flooding. Mr. Kelleher asked the Manager for update. The Manager said they contracted CDM to study the area and are going to prepare report with options and did engage a grant consultant and are working on it and it is moving forward. Mr. Kelleher asked he keep the Board and Mr.

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Perry apprized. Mr. Serino asked if they are looking at drains as Mr. Perry suggested. The Manager said yes.

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

Meeting adjourned at 11:25pm.

Respectfully submitted,

Wendy L. 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.