

Saugus Board of Selectmen
October 28, 2008

The Saugus Board of Selectmen met on October 28, 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.

Invited guests: None this evening.

Approval of minutes:

Mr. Castinetti moved to approve the minutes of September 23, 2008. Chair seconds. Vote: 5-0.

Mr. Rossetti moved to approve the October 1, 2008 minutes. Chair seconds. Mr. Horlick requested to amend the motion by including: back up of minutes with video. Mr. Kelleher clarified the cable recording of the meeting. Mr. Horlick said yes and explained past practice with show cause hearings to have a video back up. Mr. Rossetti asked if it is policy. Mr. Horlick said no, but past practice. Mr. Rossetti said it should be a policy of the Board. Vote: 5-0.

Mr. Horlick moved to table the October 21, 2008 minutes. Chair seconds. Vote: 5-0.

Continued hearings: None for this evening.

Mr. Kelleher moved to take citizens present out of order. Chair seconds. Mr. Kelleher speaking on the motion explained construction next to the mobile home park has caused stone dust issue and will be addressed at the Board of Health meeting on November 3. Vote: 5-0.

Dave Miller, 846 Broadway, described the location and said they are now watering down the dust, but are creating puddles and he believes there is a broken sewer pipe and complained that construction has been starting before 7AM and have called the police. Mr. Kelleher acknowledged the Manager for doing a great job handling this and ask he follow up on the complaints. The Manager said he has instructed the Health Director and Building Inspector to investigate the complaints and said he was not aware of the hours of operation issue and he will make sure they are adhered to. Mr. Horlick said these have come before the Board before for permit to remove earth and rock and the Board can place restrictions on the permit to protect neighbors.

Mr. Horlick moved to request the Building Inspector respond to the need of the Board issuing a permit to remove earth and rock. Chair seconds. Mr. Kelleher speaking on the motion said he believes they have a permit and the Town is working on it. Mr. Horlick said it's a lot of stone being taken out of there. Mr. Kelleher asked he withdraw his motion and send the question to Town Counsel instead.

Mr. Horlick withdrew his motion with no objection.

Mr. Horlick moved to request Town Counsel respond to the need of a permit to remove earth and rock issued by the Board of Selectmen. Chair seconds. Vote: 5-0.

The Chair asked Board Members to look at dates for site visit to 0 Rear Pennsylvania Avenue. The Board will conduct a site visit at 0 Rear Pennsylvania Avenue on November 1 at 8AM.

Mr. Kelleher moved to take up correspondence #1 at this time. Chair seconds. Vote: 5-0.

Correspondence

1.) Town Clerk re: approval of Election Day Emergency Evacuation Procedures.

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Mr. Rossetti said the procedures are in place and the Clerk needs a formal vote of the Board to accept the plan.

Mr. Rossetti moved the Board vote to accept the Election Day Emergency Evacuation Procedures as presented by the Town Clerk. Chair seconds. Mr. Kelleher speaking on the motion said the Town Clerk does a fabulous job and will support the motion. Vote: 5-0.

Mr. Castinetti moved to take up the 7:45PM public hearing at this time. Chair seconds. Vote: 5-0.

7:45 Crystal Kimball Lane Real Estate Trust, 0 Rear Pennsylvania Avenue, for Special Permit (S-2) for contractor's yard.

Attorney Richard Magnan, 320 Central Street, was present and explained this is not the same application continued on the Board's agenda and described the 3 acre lot and background of the property and use of parking empty trailers on the parcel which the Building Inspector constitutes as a contractor's yard and to apply for S-2 and did and also submitted a legal opinion to the Building Inspector stating he believes this is an accessory use not a primary use and will have no objection if the Board requests an opinion from Town Counsel and explained there were comments received by departments and he believes there is some confusion and suggested a site visit and request the hearing be continued based on the facts and for clarification.

Mr. Castinetti moved to support the request to continue the hearing. Chair seconds, Vote: 5-0.

Atty. Magnan asked about site visit.

Mr. Kelleher moved the Board take correspondence #2 out of order. Chair seconds. Vote: 5-0.

2.) Town Clerk re: Special Town Meeting date.

The Manager requested the Special Town Meeting be held on November 17 and said he doesn't have any other Articles to submit and read Article submitted by Mr. Kelleher.

Mr. Horlick moved the Board schedule the Special within the Special Town Meeting on November 17, 2008. Chair seconds. Vote: 5-0.

Mr. Kelleher moved to insert Article by Mr. Moschella (correspondence #10) into the Special within the Special Town Meeting Warrant. Chair seconds. Vote: 5-0.

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

Mr. Rossetti moved to take up the 7:55PM public hearing at this time. Chair seconds. Vote: 5-0.

7:55 Subbuilders, Inc. d/b/a Subway Sandwiches, 124K Broadway, for transfer of Common Victualer's License from Vinayak Corporation d/b/a Subway, 124 Broadway.

Rick LeBlanc, NH, was present. Mr. Kelleher asked about location. Mr. Rossetti noted money owed. Mr. LeBlanc said that is the property owner. Mr. Rossetti said it must be paid before license can be issued. Mr. LeBlanc said he will contact the property owner.

Any in favor or in opposition? None.

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

Mr. Kelleher moved to approve the transfer subject to outstanding money owed the Town be paid. Chair seconds. Vote: 5-0.

Correspondence, continued

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3.) Saugus High School Sports Hall of Fame Proclamation.

Mr. Rossetti said it's a great event and supports it and asked Board Members to attend. Mr. Horlick said he will attend.

Mr. Rossetti moved the Board vote to proclaim November 28, 2008 as Hall of Fame Day and the encompassing week as Hall of Fame Week in the Town of Saugus. Chair seconds. Vote: 5-0.

4.) Mr. Prestone re: request for reappointment as constable.

Dana Prestone, 292 Salem Street, Revere, was present. Paperwork was in order. Mr. Kelleher moved to reappoint Mr. Prestone as constable. Chair seconds. Vote: 5-0.

5.) School Committee Chairman Malone re: request Board rep. on SOI subcommittee.

Mr. Rossetti said he called Mr. Malone and informed him of his interest in serving on the subcommittee.

Mr. Kelleher moved the Board fulfill the request of the School Committee and appoint Mr. Rossetti as Selectman Rep. on the SOI Subcommittee. Chair seconds. Vote: 5-0.

6.) Mass. General Court re: response to letter on Red Tide.

Mr. Horlick thanked the Board sending a letter to delegates to try to help.

Mr. Horlick moved the Board go on record in support. Chair seconds. Vote: 5-0.

7.) Auto Exchange Group re: response to letter requesting update.

Mr. Horlick said the S-2 expired 2 years after issued. The Manager explained the individual is asking what he needs to do to extend the permit and explained due to economic climate is asking for more time. Mr. Horlick said if its expired doesn't see how they can reverse that.

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

8.) Saugus River Watershed re: request for letter in support of Lower North Shore No Discharge Area application.

Kathryn Glenn, North Shore Regional Coordinator, MA Office of Coastal Zone Management and Joan LeBlanc, Saugus River Watershed Council were present. Ms. Glenn explained and requested letter in support. Mr. Horlick thanked the volunteers. Mr. Kelleher said both groups do a phenomenal job and thanked them. Ms. LeBlanc said anything they do is because of volunteers and said this is at no cost to the Town.

Mr. Castinetti moved the Board issue a letter in support of the Lower North Shore No Discharge Area application. Chair seconds. Mr. Rossetti speaking on the motion said he will support the motion and said they are a great committee that does great work. Vote: 5-0.

9.) Mass. Highway re: response to letter requesting handicapped upgrades.

Mr. Horlick said to refer the correspondence to the file.

Late Correspondence

Saugus Community TV, Rich Garabedian, Executive Director was present and requested release of funds. Mr. Rossetti said they are asking for \$100,000 and of that half is going to equipment and expanding programming and expanding access and said this is what the Board was striving for when SCTV was set up and emphasized to the public that this is not taxpayer money, but money from Comcast.

Mr. Rossetti moved to transfer \$100,000 to SCTV account. Chair seconds. Mr. Kelleher speaking on the motion said as Mr. Rossetti stated that not 1 penny is from taxpayer money and it is Comcast money and will support the motion and commended them and Mr. Kennedy who was the catalyst. Mr. Horlick speaking on the motion agreed

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and said he hopes something can be done to recognize those that started the process and he will support the transfer of funds. Vote: 5-0.

The Chairman thanked Town Meeting Members for last night at Town Meeting for working together and approving the rink, the police clerk, the parking officer and issue with trailer park. The Chairman announced on November 1 will be flu clinic; on November 4 is election day; on the weeks of November 2, 16 and 30 is curbside leaf collection weeks; and Veteran's Day November 11.

Manager's report

- recommended the reappointment of Stephen Carlson, Robert Sacco and Darren Brown to the Historical Commission.

Mr. Kelleher moved to confirm the reappointment of Stephen Carlson to the Historical Commission. Chair seconds.

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

Mr. Rossetti moved to confirm the reappointment of Darren Brown to the Historical Commission. Chair seconds.

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

Mr. Horlick moved to confirm the reappointment of Robert Sacco to the Historical Commission. Chair seconds.

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

- recommended the reappointment of Donna Gould and Stephen Gannon to the Youth & Recreation Commission.

Mr. Castinetti moved to confirm the reappointment of Stephen Gannon to the Youth & Recreation Commission. Chair seconds.

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

Mr. Rossetti moved to confirm the reappointment of Donna Gould to the Youth & Recreation Commission. Chair seconds. Mr. Kelleher speaking on the motion said she does a fabulous job.

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

- recommended the appointment of Tom Raiche to the Youth & Recreation Commission.

Mr. Horlick moved to confirm the appointment of Tom Raiche to the Youth & Recreation Commission. Chair seconds.

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

- reported the drain issue the Board requested addressed has been completed.

Member's motions

Mr. Castinetti: said the Town has lost our long serving Harbor Master which leaves a void tough to fill and the Board is accepting applications until November 10.

Mr. Castinetti moved to appoint Tom Falasca as temporary Harbor Master until the vacancy is filled. Chair seconds. Vote: 5-0.

Mr. Rossetti moved to appoint Bill Robinson as temporary assistant Harbor Master. Chair seconds. Vote: 5-0.

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- said the Board received response from Lt. Sweezy regarding Jaffrey Street.

Mr. Castinetti moved to schedule public hearing on making Jaffrey Street One Way from Howard Street to Lynn Fells Parkway as recommended by Lt. Sweezy. Chair seconds. Vote: 5-0.

- said Jackson Street had asked some time ago to have no parking signs posted and its not done yet.

Mr. Castinetti moved to request the signs be posted as soon as possible. Chair seconds. Vote: 5-0.

- said the 1 hour parking limit signs on Jackson Street should be 2 hours because of businesses in area.

Mr. Castinetti moved to schedule a public hearing on changing one hour parking to two hour parking on Jackson Street. Chair seconds. Vote: 5-0.

- gave update on stolen flag holders and asked those sending donations need to send them to 164 Winter Street and please mark on check for flag holders and said the 3 individuals arrested are being charged and thanked Sean Maltais for researching and finding reasonably priced replacements and are shooting for full replacement by Memorial Day.

- said the Board requested opinion from Town Counsel regarding trucks on Ballard Street and would like to see the opinion and re-emphasized request.

- said the Board received request for roadwork on Essex Street and brush to be cut.

- asked Manager for Hitching Hill wall update. The Manager gave handout to the Board Members and said he met with attorney and walked the site and explained the summery of action, they are designing a crash fence for the bottom. Mr. Castinetti asked time table. The Manager said first they must design, then receive permission from property owners and put out to bid. Mr. Castinetti said the neighbors gave a verbal OK. The Manager said he keeps the neighborhood representative updated. Mr. Horlick thanked him for staying with this.

- asked when Pastor Leahy will be coming. Their clerk said November 18.

Mr. Rossetti: announced last weekend at Breakheart was the annual Halloween festivities and thanked Emergency Management for lighting and power.

- SEMA had a meeting regarding housing people with heating issues.

- received memo from the Building Inspector regarding new trench regulations and it is important.

- the MEG Foundation met with Sen. McGee and are looking at expansion and they are doing a good job and said they will be closed for the winter.

- the DA's Office and HAWC held a meeting regarding domestic violence.

- the Board received memo regarding dams. The Manager said he has been in contact with DCR and are addressing the issue.

- the library held a successful event and people enjoyed it.

- requested listing of fees the Board sets in June and there's no sense changing them now.

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

Mr. Kelleher: asked the Manager to have the gas station at Main & Lynn Fells addressed.

- said his program to help families in need and asked people to look out for their neighbors especially on cold nights. The Manager said there was a meeting on that and a plan has been adopted and do have options and will be ready asnd available if the time comes.

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- thanked Town Meeting for their hard work and said they voted to fund the senior center and will hopefully approve his Article for an additional \$100,000 and thanked them for passing a temporary solution to the water rate and asked a meeting be called in January to review rates and said he believes in "pay as you use" and said the issue raised about having a separate water and sewer commission, he feels, is best served by elected boards not appointed.

- congratulated Pop Warner cheerleaders.

Mr. Kelleher moved to invite Nicole Daily with Pop Warner Cheerleaders in to congratulate them. Chair seconds. Vote: 5-0.

- wants to make a motion to extend the Town Manager's contract and explained his contract expires in 2 years and sometimes politics get in the way and we have a long way to go and things were discussed, like receivership and this manager has stabilized spending and led the effort getting into the GIC and the Kasabuski problem by getting the lease extended, put out to bid, obtained bidder and now we are out of the rink business and said the Manager has instituted a weekly recycling program and a parking enforcement plan in place and handling the ACO with DEP and saved money with street lights and the water meter program and a long term ambulance contract and the Belmonte track and just the day to day things he does.

Mr. Kelleher moved to extend the Town Manager's contract for 18 months, to expire on July 21, 2012 at the same rate of pay. Chair seconds. Mr. Rossetti speaking on the motion said the priority is stability and past town managers didn't last long and thinks we need a manager that sticks around and there are issues and criticisms, but he has worked with him closely on the GIC and Kasabuski and believes he put his personal preferences aside to accomplish them and feels he is a great communicator and will support the motion. Mr. Castinetti speaking on the motion said he will go on record in support and said last year we were in tough shape and we have made a tremendous turn around and have found the manager cooperative and he gets things done. Mr. Horlick speaking on the motion said the last time they extended his contract they had a meeting to discuss it and he should request the extension and state why and said the Board used to have monthly meetings with the Manager and since it was extended there have been no meetings and he cannot support the motion and said there are still a number of issues outstanding and he had no knowledge this was coming up tonight. Mr. Kelleher explained the Manager didn't know he was bringing it up and suggested he meet with the manager and said 4 Selectman say he communicates and 1 says he doesn't and asked to move the question and requested a roll call vote.

Roll call vote: Mr. Castinetti, yes; Mr. Horlick, no; Mr. Kelleher, yes; Mr. Rossetti, yes; Mr. Wong, yes. Vote: 4-1.

Mr. Kelleher congratulated the manager.

Mr. Horlick: thanked the manager saying the roadwork on Victoria and area are done.

- asked to get a date for the show cause in November.

Mr. Horlick moved to request the representing attorneys to submit a November date to continue Tabu Show Cause Hearing. Chair seconds. Vote: 5-0.

- said when Oasis was before the Board he supported the motion to continue if they came in before license renewal.

Mr. Horlick moved to send correspondence to the owner of Oasis to appear November 25 meeting. Chair seconds. Mr. Castinetti asked for clarification. Mr. Horlick

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explained he wants them in under correspondence before the licenses are renewed. Mr. Rossetti said his understanding is they cannot exercise the license until they come back before the Board and asked why they should come in before. Mr. Horlick said the reason he supported the motion to continue was they were to come before renewal. Mr. Kelleher said he would like something from Counsel.

Mr. Horlick withdrew his motion with no objection.

Mr. Horlick moved to request opinion from Town Counsel regarding requesting Oasis come in under correspondence. Chair seconds. Vote: 5-0.

Mr. Horlick moved to request any other outstanding opinions to get back to the Board too. Chair seconds. Vote: 5-0.

- reminded all to go out and vote.

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

Meeting adjourned at 9:18 PM.

Respectfully submitted,

Wendy Reed, Clerk