

Saugus Board of Selectmen  
November 24, 2009

The Saugus Board of Selectmen met on November 24, 2009 at 7:30 PM 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.

The Chair noted the Superintendent of Schools Richard Langlois and School Committee Member Arthur Grabowski were present.

Invited guests: Pamela Averdisian

Attorney George Gregson, 325 Central Street, was present representing Pamela Averdisian, 60 Salem Turnpike and explained the building was being cleaned out and were moving ahead when there was a fire and explained the reconstruction of Rte. 107 and bridge work and there is no sewer, but are working with DEP. The Chair asked of building plans. Atty. Gregson said they are being drawn. The Chair said he wants to see plans. Mr. Horlick said he asked that Ms. Averdisian be present. Atty. Gregson said she couldn't be here tonight. Mr. Horlick said he didn't vote for this late year because the applicant wasn't present and would like her to be here. Atty. Gregson explained he has appeared in the past for applicants. Mr. Horlick said a letter was sent requesting reply by October 14 and still no response. Atty. Gregson said he just gave update. Mr. Horlick said it could be up to 2 years before the license is exercised. Atty. Gregson said it was voted Feb. 09. Mr. Horlick said 1 year it becomes a pocket license and within the Board's right to revoke and asked who the property owner is. Atty. Gregson said Ms. Averdisian owns the property. Mr. Horlick said the newspapers cited someone else, Gary Dicico. Atty. Gregson said Ms. Averdisian is owner. Mr. Horlick asked if anyone else is involved in the business because he is saying he is the property owner and asked what type relationship. Atty. Gregson said a casual relationship and he can't control what people say. Mr. Serino said he wasn't on the Board when it was approved and asked when it was approved if his client submitted a construct date. Atty. Gregson said no. Mr. Serino asked if he had any idea when construction would begin. Atty. Gregson said they've had some setbacks. Mr. Serino said the statute states no pocket license and asked if the attorney could provide the Board a letter within a week on a proposed construction date. Atty. Gregson said he would pass the message on. Mr. Serino said the Board received a letter from a business interested in a liquor license. Atty. Gregson said he would pass the message on.

Approval of minutes

Mr. Kelleher moved to approve October 20, 2009 minutes. Chair seconds. Vote: 3-0 with 2 abstentions by Mr. Crabtree and Mr. Serino.

Mr. Horlick moved to approve October 30, 2009 minutes. Chair seconds. Vote: 3-0 with 2 abstentions by Mr. Crabtree and Mr. Serino.

Mr. Kelleher moved to approve the November 4, 2009 minutes. Chair seconds. Vote: 5-0.

Mr. Serino offered a correction and moved to accept the November 10, 2009 minutes. Chair seconds. Vote: 5-0.

The Chair said he will abstain and excused himself from the table.

Vice Chair Crabtree took the Chair.

7:45 Carmaleno, LLC. d/b/a Carmaleno's Pushcart Restaurant, Joseph Ruocco, manager, for NEW Beer & Wine Common Victualer's License, AND for Entertainment License, to be located at 331 Main Street.

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Atty. Nelson Chang, 47 Jackson Street was present with applicants Joseph & Cheryl Ruocco. Vice Chair asked for description. Atty. Nelson explained an Italian restaurant, at former La Vita Mia site and gave experience and background of applicants and said they submitted menu and are requesting Entertainment for 2 televisions. Mr. Kelleher asked if 68 seats was the same as former restaurant. Atty. said yes. Mr. Kelleher asked about functions. Atty. said they would close to the public. Mr. Kelleher asked hours. Mr. Ruocco said 11AM to 11PM 7 days a week. Mr. Serino asked if he would be on the premises 40 hours a week. Mr. Ruocco said yes.

Any in favor or in opposition? None.

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

Mr. Kelleher moved to grant a new Beer & Wine Common Victualer's License to Carmaleno, LLC. d/b/a Carmaleno's Pushcart Restaurant, Joseph Ruocco, manager, 331 Main Street. Vice Chair seconds. Mr. Serino offered the following restrictions: hours of operation 11am to 11pm; Board of Health and Fire Dept. recommendations must be met; and total capacity 68. Mr. Horlick added capacity not to increase by 75 patrons. Mr. Kelleher amended his motion to include conditions. Vice Chair seconds. Vote: 4-0.

Mr. Serino moved to grant the Entertainment License for two televisions. Vice Chair seconds. Mr. Serino included hours 11am to 11pm; 68 seating capacity and not to exceed 75 capacity. Vote: 4-0.

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

7:55 RJ Carr Jewelers, LLC d/b/a Nicolo's, for Valuable / Used Goods License to be located at 469 Lincoln Avenue.

Ralph Carr, 12 Springdale Ave. was present. Mr. Serino asked 7 days a week 9-5. Mr. Carr said yes and closed Sunday. Mr. Horlick said the Fire Dept. would like to see monitoring system and Building Dept. requires an Occupancy Permit. Mr. Carr said yes. Mr. Horlick said there's some money owed. Mr. Carr said he spoke to the landlord.

Any in favor or in opposition? None.

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

Mr. Serino moved to grant a Valuable / Used Goods License to RJ Carr Jewelers, LLC d/b/a Nicolo's, 469 Lincoln Avenue with the following restrictions: hours of operation 9AM to 5PM Monday through Saturday. Chair seconds. Mr. Horlick added the recommendations of Building Inspector, Fire Dept. and Finance Officer to be met. Vote: 5-0.

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

Correspondence

1.) Adams Avenue & Elmwood Avenue four-way stop review.

Lt. Tim O'Brien was present and explained traffic study and discovered over 20 days the average speed westbound was 27mph and less than 1% were 41mph or above and at least 80% were complying and said the concern is speeding, but it doesn't seem to be there and the Police Dept. is not in support of a 4-way stop. Mr. Crabtree asked if any actions were taken before this. Lt. said at least a dozen enforcement and explained the one way and said he is keeping the location on enforcement list. Mr. Crabtree asked about one-way. Lt. explained it was voted May 2009. Mr. Crabtree asked if any accidents since. Lt. said there was 1 accident and said in the 10 year study there were 11 accidents. Mr. Kelleher thanked him and said one reason to push hard on this is the middle school, high school and elementary school and no sidewalks, there's a hill and accidents there

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have been scary and said this spot falls outside the guidelines but it will benefit the stretch of road and is still in favor of 4-way stop. Mr. Horlick asked if the total number of vehicles are normal for that street. Lt. said yes and said Mass Highway study says average 29,000 and they are right on that. Mr. Horlick asked if compared to other cut-over streets. Lt. said yes the image is the same. Mr. Horlick said no sidewalks and the number of cars and schools there. Lt. said yes.

Ken Doherty, 16 Elmwood Avenue, said this is an ongoing concern of residents in the area and in September they submitted petition with 70 signatures for 4-way stop and the vote was 2 to 2 and wanted it revisited tonight and said accidents result in property damage and it's difficult to cross the street and said many ignore the one-way and said a school bus stops there every day and said they are requesting a 4-way stop and alternative is to install 1 stop sign heading toward Vine St.

Michael Barker, 122 Adams Ave., said agrees with Mr. Doherty.

Jean Barker, 122 Adams Ave., said she agrees with Mr. Doherty.

Mr. Crabtree asked the Lt. about proposed alternative. Lt. said he would need to think about it. Mr. Crabtree asked how long to form an opinion. Lt. said a couple of weeks. Mr. Serino said his concern with stop signs are if 2 cars are backed up a car comes around the bend will cause an accident. Lt. agreed that is the concern of the police dept. also and it will cause potential back ups and when school gets out there would be gridlock. Mr. Serino said he is concerned with back up. Mr. Horlick said if they post 1 stop sign they could post warning signs before. Lt. said he wouldn't support that. The Chair said he would like the Lt. to look at it and report at next meeting. Lt. asked what kind of report. Mr. Kelleher said it would be a 3-way stop. Lt. said he doesn't think its a good idea and is concerned with traffic back up with a curve and with schools and add in road conditions and said the facts speak for themselves that this doesn't come close to warrant a 4-way stop and could create new traffic problems and said they just changed it in May. Mr. Horlick said there are new Board Members and asked if they needed time to go through this. Mr. Crabtree said it would be beneficial.

Mr. Kelleher moved to continue to December 8. Chair seconds. Mr. Horlick suggested a site visit. Vote: 5-0.

8:05 222 Central Storage, LLC, for used Goods License to be located at 222 Central St.

Joe & Janet Boccelli, owner operator was present. Mr. Boccelli explained he started his business 8 years ago and in the past year / year and a half tough times people are not picking up there things and do hold auctions, but can't sell all and some must be thrown away but would like to try to sell some of the items and said regarding the comment about dumpster there is one out front by the office but he mostly recycles. Mr. Kelleher asked about sales inside. Mr. Boccelli said yes and explained he held a yard sale in the summer and was informed he couldn't do that. Mr. Horlick read Fire Dept, letter. Mr. Boccelli said he didn't receive a letter from the fire it was from a contractor and he can't afford to do it and said he could do it cheaper but the fire says he has to use their contractor. The Chair said he will talk to the Chief. Mr. Horlick asked if he talked with fire dept. Mr. Boccelli said he has and said his system is working.

Any in favor or in opposition? None.

Mr. Horlick moved to continue the hearing for 2 weeks and to have the Fire Chief contact the applicant and get something to the Board. Chair seconds. Vote: 5-0.

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8:15 Karen Bentlage and Pamela Zerber, for Special Permit (S-2) to allow: a 3,000 s.f. massage spa offering massage and facials; a 1,200 s.f. waxing facility; and a 1,500 s.f. 8-10 room tanning salon, to be located at 214-224 Broadway, located in Walnut Plaza, Assessor's Plan 1046, Lots 30 & 31.

Pam Zerber was present and explained request and said they are withdrawing application for tanning salon. Mr. Horlick said the Building Inspector wants numbers for location. Ms. Zerber said she received them today and said massage would be 224 Broadway and waxing will be 222 Broadway. Mr. Horlick asked hours of operation. Ms. Zerber said massage 8am to 10pm, 7 days a week and waxing 9am to 9pm 7 days a week. Mr. Horlick asked if she was aware of Board of Health comments. Ms. Zerber said yes. Mr. Serino said the fire dept. couldn't make recommendation because they didn't know the location and need to send it back to fire dept. for recommendation.

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 3,000 s.f. massage spa now known as 224 Broadway: Hours of operation 8AM to 10PM, 7 days a week; and 1,200 s.f. waxing facility now known as 222 Broadway: Hours of operation 9AM to 9PM, 7 days a week. Must meet conditions of Board of Health and Fire Dept. Application for tanning salon withdrawn.

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

Mr. Serino moved to take correspondence #7 out of order. Chair seconds.  
Vote: 5-0.

Correspondence, continued

7.) Special Counsel Hailer re: response to Dale St. I&I request

Mr. Kelleher gave background on the issue and request to waive I&I fee and Special Counsel Hailer has submitted opinion that it's at the Board's discretion. Mr. Serino said he will support the waiver and said it is only fair under the circumstances. Mr. Crabtree said he is also in favor of waiver. Mr. Horlick said the neighbors have been through a lot and will support.

Mr. Kelleher moved the Board vote to grant I&I fee waiver to Dale Street residents. Chair seconds. Vote: 5-0.

Mike Russo, 14 Dale Street, was present and said on behalf of the residents he thanks the Board and Town Manager for all they have done.

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

2.) Police Dept. re: request for "Left Lane Must Turn Left" sign on Main St. at Lynn Fells

Lt. O'Brien explained request. Mr. Kelleher moved to approve the installation of "Left Lane Must Turn Left" sign. Chair seconds. Vote: 5-0.

3.) Police Dept. re: request for "No U-Turn" sign at Main St. at Main St. Terrace.

Lt. O'Brien explained request. Mr. Serino moved to approve the installation of "No U-Turn" sign at Main Street and Main Street Terrace. Chair seconds. Vote: 5-0.

4.) Police Dept. re: request to adjust locations of "No Heavy Trucking" signs on Bow St. & Bow St. Extension.

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Lt. O'Brien explained request. Mr. Kelleher moved to approve the additional signs and relocation as requested by the Police Dept. and requested the police assist DPW for locations. Chair seconds. Vote: 5-0.

5.) Harbor Master re: request for appointment of Assistant Harbor Master.

Mr. Serino moved to appoint Jeff Cicolini Assistant Harbor Master for a term of 3 years. Chair seconds. Mr. Horlick asked if expire 2012. Mr. Serino said yes. Mr. Kelleher speaking on the motion said he will support the appointment and said he is the son of Vincent Cicolini and thanked Tom Falasca for making the request. Vote: 5-0.

6.) Saugus High School Sports Hall of Fame Proclamation

Mr. Kelleher moved the Board proclaim Saugus High Sports Hall of Fame Day and congratulate inductees. Chair seconds. Vote: 5-0.

8.) Authorization to submit SBA Statement of Interest

Mr. Horlick moved the Board vote the following priorities for the Statement of interest for application for School Building assistance: Mr. Horlick read:

**Priority 1: Replacement or renovation of a building which is structurally unsound or otherwise in a condition seriously jeopardizing the health and safety of school children, where no alternative exists.**

Mr. Kelleher read priority #4.

**Priority 4: Prevention of severe overcrowding expected to result from increased enrollments**

Mr. Crabtree read priority #5.

**Priority 5: Replacement, renovation or modernization of the heating system in a schoolhouse to increase energy conservation and decrease energy related costs in the schoolhouse.**

Mr. Serino read priority #7.

**Priority 7: Replacement or addition to obsolete buildings in order to provide for a full range of programs consistent with state and approved local requirements.**

Chair seconds. Vote: 5-0.

9.) Wheelabrator Saugus re: request for reappointment of Sworn Weighers

Mr. Horlick moved to reappoint Osvaldo Avila, Steve Braga and James Catizone as Sworn Weighers at Wheelabrator pending a favorable CORI. Chair seconds. Vote: 5-0.

10.) MEG Foundation re: request for Special 1 day Beer & Wine License.

Mr. Kelleher moved to approve Special License. Mr. Serino asked about waiving the fee. The Chair said he would donate the fee. Chair seconds. Vote: 5-0.

Manager's Report

- Announced tree lighting ceremony on December 4 at Town Hall.
- Announced the compost site is closing December 12 and will reopen in April.
- Said he sent communication to the Board regarding work requests and said if they had any questions to contact him.
- Said regarding the boilers for the middle school, they have selected a vender and quotes were less than expected and look to get started as soon as possible.

Mr. Serino asked if and when a new gas main was going in on Hamilton Street. The Manager said they are doing design engineering now. Mr. Serino asked if that will effect when the street gets repaired. The Manager said yes. Mr. Serino said he received a

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few calls from the area about noise vibration and can't pinpoint but told them to notify the Manager and said the biggest problem is speeding and asked he get some enforcement. The Manager said he will ask the Chief. Mr. Horlick said he has a few questions.

The Chair asked Mr. Serino if he would like to continue as MBTA Rep. Mr. Serino said yes and said the position used to have a lot of power, but they combined with the Dept. of Transportation and now have no authority to disapprove budget and is not happy about this, but will be glad to serve. Mr. Kelleher asked about bus stops. Mr. Serino said yes they will.

The Chair said he needs to appoint someone to serve on the Curley Property subcommittee and asked Mr. Crabtree. Mr. Crabtree agreed to serve.

The Chair said he needs to appoint another Selectman to the Aggregate subcommittee and Mr. Kelleher is on it and asked Mr. Crabtree and he agreed to serve.

The Chair said he will serve on the Charter reform committee and asked Mr. Serino to serve with him and Mr. Serino agreed.

The Chair thanked the Board for working together and wished them and the residents a happy Thanksgiving.

Member's motions

Mr. Crabtree: Thanked the Board and said he is getting up to date on issues and thanked the Manager for meeting with him.

Mr. Crabtree moved to schedule a meeting of the Board with the Town Manager in late January, date to be announced. Chair seconds. Mr. Crabtree speaking on the motion said he met with the Manager and thinks it's a good idea for open communication on different things going on and would like to discuss a capital plan with the schools. Mr. Serino speaking on the motion thanked the Manager for updates on the past 2 years and thinks meeting would be productive. Mr. Horlick speaking on the motion said he would like to see regular meetings and not just a one time meeting and to discuss financial updates and manager evaluation. Vote: 5-0.

- Said to update the public on liquor licensing that based on his background as former Saugus Police Officer, Clerk to Superior Court Judge and being a private attorney, he plans on reviewing the Rules & Regulations for a more comprehensive document and also is looking at how we investigate and is working with the Chief and looking at how hearings are conducted and his goal is to look over 3 elements to be more efficient and effective. Mr. Kelleher thanked him and said his background will be beneficial.

- Thanked those involved in the Veterans Day Parade.

- Said he attended the reopening of the middle school library and they have done a fantastic job and are moving in the right direction.

- Wished all a happy Thanksgiving.

Mr. Serino: Thanked the Superintendent and Middle School Principal and said he attended the opening of the library and asked the Manager to include in his budget \$10,000 segregated funds for new books.

- Congratulated the Manager on free cash certification and said he understands he doesn't want to touch it until the spring, but would like to see some go into the stabilization account to help our bond rating. The Manager agreed and said they share the same goal and said they still have to address the Voc. School, health insurance, police overtime, unemployment and don't know what the State will hit us with next.

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- Asked the Manager look into 610 Lincoln Avenue, a tree uprooting sidewalk.
- Said he requested list of legal fees. The Manager said he's working on it.
- Said received memo regarding Special Town Meeting for December.

Mr. Serino moved the Board vote to cancel the December 21 Special Town Meeting. Chair seconds. Vote: 5-0.

- Said tax classification hearing is scheduled for 12/15 and asked if ready. The Manager said yes.

- Thanked the Veterans Council for Veterans Day Parade.
- Wished everyone a happy Thanksgiving.

Mr. Crabtree said there was a stabbing at Tabu and a noise complaint and the Chief recommends a show cause hearing.

Mr. Crabtree moved the Board schedule a show cause hearing on Tabu for violation of condition of licenses by permitting disorder, disturbance, or illegality to in or on the licensed premises; and unreasonable increase in the level of noise in the area of the licensed premises on December 17. Chair seconds. Mr. Horlick said there was another incident. Mr. Crabtree recommended following the Chief's recommendation. Vote: 5-0.

Mr. Horlick: Said Lobsterman's Landing ribbon cutting on December 9 at 2PM.

-Said he requested update on Kasabuski and asked if they are on track. The Manager said yes, as far as he knows. Mr. Horlick said he received calls from parents regarding lights shut off and are concerned about free ice time and asked he look into it. The Manager said he would, but the Town has no jurisdiction inside. Mr. Horlick said there is concern with being in the dark and the high school rates, parents are concerned and said that's not what the Board wanted. The Manager said rates are approved by the DCR and have no control over them.

- Announced the Rotary auction December 3 from 6-10PM at Kowloon.
- Thanked all for Veterans Day Parade and thanked those serving, did serve or will serve.
- Thanked the Middle School Principal and librarian and did attend the opening and they did an excellent job.
- Wished happy Thanksgiving.
- Said he sent a memo regarding Cataldo having an ambulance at the football game and they said they would.

- Said regarding Hamilton Street that a literature drop said they will be turning off water and people are preparing for Thanksgiving and asked the Manager if they could start earlier so they end earlier. The Manager said yes. Mr. Horlick said the patch work is coming up and asked something be done for winter. The Manager said materials are to specifications and it is a work in process and asked all to be patient because it will be dug up again for the gas main. Mr. Horlick said it should be swept. The Manager said it's swept every day. Mr. Horlick said he would like to do a site visit.

Mr. Horlick moved to conduct a site visit at 8AM on Saturday. Mr. Serino said he doesn't mind a site visit and said its asphalt binder not cold patch. Chair seconds. Vote: 5-0.

Mr. Kelleher: Asked the Manager to look into the side streets of Hamilton also. The Manager said yes. Mr. Kelleher asked when it will be paved. The Manager said not until late spring.

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- Said regarding talk on free cash said in his opinion the budget needs to be prepared from the top down with Public Education, Public Safety and Town wide services and should focus on those three things.
- Said regarding the surplus in the water account to see for the future. The Manager said the last several years surplus was used to offset increases and used for such things as debt service under ACO etc. and suggested to do the same so we can avoid a rate increase and said they have several major projects and they are only in year 3 of the ACO. Mr. Kelleher asked about expenses. The Manager said the new meter program and accurate readings and collection is holding down the cost. Mr. Kelleher said his concern is overbilling. The Manager said the water / sewer rates are set by a consultant. Mr. Kelleher said there's mixed communication between the Board and Town Meeting and the Water / Sewer Committee should meet for several reasons.
- Happy Thanksgiving to everyone.

Mr. Kelleher moved to schedule a meeting of the Water / Sewer Committee. Chair seconds. Mr. Serino asked if anything has been done in last 2 years. Mr. Kelleher said yes. Vote: 5-0.

- Said the Fellsway gas station looks better but the Global Station on Rte. 1 is boarded up and asked if there's anything that can be done and asked the Manager to meet with him to draft a By-Law to address abandoned buildings.

Mr. Horlick said there are several openings on the Cable Access Board and wants it advertised for 21 days.

Mr. Serino moved to advertise for 2 members. Chair seconds. Vote: 5-0.

Mr. Horlick said he has received calls and letters and said some think the Town doesn't want Verizon but the Board has requested they come in.

Mr. Horlick moved to send a letter to Verizon and invite them in and to send a letter to RCN for update. Chair seconds. Vote: 5-0.

Mr. Crabtree said the ITAM is sponsoring a fundraiser for Booster Club tomorrow evening.

The Chair thanked the Superintendent and Mr. Grabowski for coming.

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

Meeting adjourned at 10:04PM.

Respectfully submitted,  
Wendy Reed, Clerk