

Saugus Board of Selectmen
November 26, 2013

*****MEETING MINUTES*****

AGENDA

Saugus Board of Selectmen
November 26, 2013 at 7:30 PM
Town Hall Auditorium
298 Central Street

- 1.) Call to order.
- 2.) Invited Guests: 0
- 3.) Approval of minutes: Nov. 6; Nov. 12; and Nov. 19, (7 & 7:30PM) 2013.
- 4.) Correspondence:

- 1.) NS Veterans Appreciation Committee re: Veterans Appreciation Day Parade Permit.
- 2.) Cemetery Commission re: request Article inserted in next Special/Annual Town Meeting.
- 3.) Mr. Peatridge re: SCTS Board of Directors & operations.
- 4.) Town Clerk re: Articles referred at the 11/18 Special Town Meeting.

Appointments: -Appointment to: Zoning Board of Appeals
-Board Liaison / representative position appointments.
-Mr. Allan re: resignation from Library Board of Trustees.
-Applications: Affordable Housing Trust Board of Trustees; Cultural Council; & Cemetery Commission
5.) Citizens Comment Period
- Ms. Tirone re: request for “Deer Crossing” sign on Water Street.

6.) Continued Hearings:

-Adalberto Gimenes d/b/a Home Town Pizza, 23 Essex Street for variance to waive the external grease trap requirement under Article IV, section 21 of the Town of Saugus Sewer Rules & Regulations.
(continued from: 10/22/13 & 11/12/13)

7.) Public Hearings:

8:00 PM **The Saugus Board of Selectmen will conduct a “Show Cause” Hearing on: Prince Italian Foods Saugus, Inc. d/b/a Prince Restaurant, 517 Broadway -Property owner: Castriberti Realty LLC, 517 Broadway; and on Personal Chef Co., Inc., 124 Broadway -Property owner: Broadway Realty, Concord MA To deny, revoke or suspend all licenses and permits held for failure of the property owner and / or tenant listed above to pay municipal taxes / fees owed for more than 12 months.**

8:05 PM **The Saugus Board of Selectmen will conduct a “Show Cause” Hearing on: Chapman Auto Body, Inc. d/b/a Chapman Auto, 16 Rear Hamilton Street -Property owner: SOR & S Realty Trust, 16 Hamilton St.; Burger King Corporation, d/b/a Burger King, 720 Broadway -Property owner: S One Realty Trust, Lynnfield MA; Friendly Ice Cream Corp. d/b/a Friendly’s #896, 777 Broadway -Property owner: Nickole Saugus Trust, Wilbraham MA; DP Purveyors, Inc. d/b/a J & M Italian, 340 Central St.-Property owner: J & M Chirichiello, 3026 Founders Way; ZRC Operations Company d/b/a Qdoba Mexican Grill, 366 Broadway;-Property owner: Shops at Saugus, LLC, San Antonio TX; Victor Grillo d/b/a Victor’s Italian Cuisine, 1539 Broadway;-Property owner: Two Amici Realty, LLC, Malden MA To deny, revoke or suspend all licenses and permits held for failure of the property owner and / or tenant listed above to pay municipal taxes / fees owed for more than 12 months.**

8:10 PM **Yashi, Inc. d/b/a Cliftdale Liquors, 7 Essex Street, for transfer of All Alcoholic Package Store License FROM: Sabina Enterprises, Inc. d/b/a Cliftdale Liquors, 7 Essex Street; and for change of manager TO: Rakesh Patel.**

- 8.) Town Manager’s Report
- Eustis Street update (12/10/13?).
- 9.) Member’s Comment Period
- Board of Selectmen 2014 Meeting Schedule and meeting start time.
- 10.) Citizen Comment Period

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The Saugus Board of Selectmen met on November 26, 2013 at 7:30 PM in the Town Hall Auditorium, 298 Central Street. Present: Selectmen Paul Allan, Stephen Castinetti, Maureen Dever, Debra Panetta and the Chairman Ellen Faiella. The Town Manager Scott Crabtree was also present.

The Board held a moment of silence for Janet Leuci.

Invited Guests: None this evening.

Approval of minutes: Nov. 6; Nov. 12; and Nov. 19, (7 & 7:30PM) 2013.

Ms. Panetta moved to approve the November 6 minutes. Chair seconds 5-0.

Mr. Castinetti moved to approve the November 12 minutes. The Chair offered correction. Chair seconds as amended 5-0.

Mr. Castinetti moved to accept the November 19th at 7:00 pm minutes. Chair seconds 5-0.

Ms. Panetta moved to accept the November 19th at 7:30pm minutes. Chair seconds 5-0.

Correspondence:

1.) NS Veterans Appreciation Committee re: Veterans Appreciation Day Parade Permit.

J. Dennis Gould was present and explained the proposed parade route. Sgt. Paul VanSteensburg was present and said the Police Dept. supports this and doesn't anticipate problems with plenty of pre-planning. Ms. Dever thanked him. Mr. Castinetti also thanked him. Ms. Panetta asked what type of fundraising they will do. Mr. Gould said a golf tournament and various others. Ms. Panetta thanked him. Mr. Allan asked the length of the parade. Mr. Gould said 1.7 miles. The Town Manager will be cooperating with the planning of the event.

Ms. Dever moved to grant the request. Chair seconds 5-0.

2.) Cemetery Commission re: request Article inserted in next Special/Annual Town Meeting.

Mr. Gould was present and gave background on the issue and said the residents have spoken and requested as a courtesy to the Cemetery Commission, the Board insert the Article into the next Special or Annual Town Meeting Warrant. Ms. Dever said she feels anytime someone wants to go to Town Meeting it should and she will support it.

Ms. Dever moved to insert the Article from the Cemetery Commission into the next Special or Annual Town Meeting Warrant. Chair seconds 5-0.

3.) Mr. Peatridge re: SCTS Board of Directors & operations.

The Chair read the letter and said she would like to see Attorney Ira Zaleznik and asked the Manager to schedule a meeting so he may guide the Board on how to best honor the wish of the voters and said she would like that meeting scheduled within 2-4 weeks. Ms. Dever asked if Atty. Zaleznik is advising SCTS. The Manager said he thinks they have outside counsel. Ms. Dever asked if they had authorization to do that. The Manager said he is not familiar with their By-Laws.

4.) Town Clerk re: Articles referred at the 11/18 Special Town Meeting.

Ms. Panetta moved to insert the Historic Mills Article into the next Special or Annual Town Meeting Warrant and copy to be sent to the Planning Board. Chair seconds 5-0.

Appointments: -Appointment to: Zoning Board of Appeals

Ms. Panetta commented that the two applicants are both qualified and was impressed with both.

Mr. Castinetti moved the Board appoint Eric Rubin as a regular member on the Zoning Board of Appeals based on his 10 years experience as an alternate. Chair seconds. Ms. Dever speaking on the motion said they both are qualified and both serve as alternates and will support the motion. The Chair agreed and said she will support the motion. Motion passed 5-0.

-Mr. Allan re: resignation from Library Board of Trustees.

-Applications: Affordable Housing Trust Board of Trustees; Cultural Council; & Cemetery Commission

Ms. Dever asked the Board consider extending the deadline and re advertise. Ms. Panetta asked if she wanted wait or interview those received. Ms. Dever said wait.

Mr. Allan moved to extend the deadline for application to January 15, 2014. Chair seconds 5-0.

-Board Liaison / representative position appointments.

The Chair said the list has representatives to state agencies and before considering liaison position to town boards she would like to hear from the chairmen. Ms. Panetta said she was thinking of communication. The Chair asked their clerk to reach out to chairman on the matter.

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5.) Citizens Comment Period

- Ms. Tirone re: request for "Deer Crossing" sign on Water Street.

Ms. Dever moved to grant the request as recommended by the Animal Control Officer. Chair seconds 5-0.

Continued Hearings:

-Adalberto Gimenes d/b/a Home Town Pizza, 23 Essex Street for variance to waive the external grease trap requirement under Article IV, section 21 of the Town of Saugus Sewer Rules & Regulations.

(continued from: 10/22/13 & 11/12/13)

Attorney Nelson Chang was present with applicant Adalberto Gimenes and explained the request and described the property, ledge and said there are 3 ways to handle this and read the Sewer Use Regulations **ARTICLE IV USE OF PUBLIC SEWERS Section 21. Grease, Oil and Sand Interceptors.** Last two paragraphs: *Grease traps shall be installed for all restaurants and food service establishments, excluding retail food stores and markets, of the outdoor type of a size equal to twenty-four hours normal flow design. Baffles in said grease trap are to be designed in order to ensure adequate retention in said grease trap of all grease, and shall be approved by the Board of Health. Grease traps shall be pumped and maintained on a regular schedule to ensure proper operation of said grease trap.*

Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight, and equipped with easily removable covers which when bolted in place shall be gastight and watertight.

Atty. Chang said if it meets the definition of an exterior type, they can install and outside trap inside; 2nd he noted the internal trap satisfies grease trap requirement; and 3rd option is to consider new interceptors that are more efficient. Mr. Castinetti asked when the regulations were written. Atty. Chang said he was not sure. The Chair said the hearing was continued with 3 new Board Members that are not familiar and did request the Plumbing Inspector to be present and noted Jim Kennedy was present and the Chairman of the Board of Health Joe Vinard and Health Inspector Frank Giacalone were also present. The Manager said the Board requested more information and personnel is here to answer questions. The Chair asked if they have any familiarity with alternatives. The Plumbing Inspector said the internal is fine, but the regulations require an external trap. Ms. Panetta asked how the grease interceptors work. Jeff Horn was present and introduced himself and said he brought some informational hand-outs. Mr. Allan asked if the system has been approved. Mr. Horn said they are approved by the MA Plumbing Board since 1987. Mr. Allan asked if DEP has approved. Mr. Horn said they don't grant approvals. The Manager said as clarification that the Town is under an Administrative Consent Order and they must remove FOG (fats, oils & grease) from our sewer system and they would have to have approval. The Chair said the intent, before the Board makes a decision, they wanted the opportunity to be educated on options. Mr. Castinetti agreed and said they need to know their options. The Health Agent said he supports outside traps noting internal traps aren't adequate. Mr. Castinetti said he thinks technology is available that would satisfy an addition trap and asked what's the difference if in the ground or in a basement. The Health agent said it's the way the regulation is written. Mr. Castinetti said there's experts here and would like to hear from them. The Chair said it was not her intent to have this discussion while an applicant is before them. The Manager said the Board requested they be here. The Chair suggested they continue so the Board can have informational session at a separate meeting. Attorney Chang said his client doesn't object.

Ms. Panetta moved to continue the hearing to the call of the Chair. Chair seconds 5-0.

Mr. Castinetti requested a recess.

Chair called recess at 8:31 PM.

Chair called the meeting back to order at 8:37 PM.

8:00 PM **The Saugus Board of Selectmen will conduct a "Show Cause" Hearing on: Prince Italian Foods Saugus, Inc. d/b/a Prince Restaurant, 517 Broadway -Property owner: Castriberti Realty LLC, 517 Broadway; and on Personal Chef Co., Inc., 124 Broadway -Property owner: Broadway Realty, Concord MA To deny, revoke or suspend all licenses and permits held for failure of the property owner and / or tenant listed above to pay municipal taxes / fees owed for more than 12 months.**

The Chair noted all have paid except Personal Chef.

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Ms. Panetta moved to take no action on Prince Restaurant and others that paid to the satisfaction of the Collector / Treasurer. Chair seconds 5-0.

Ms. Panetta moved to continue the show cause hearing on Personal Chef. Chair seconds 5-0.

8:05 PM **The Saugus Board of Selectmen will conduct a “Show Cause” Hearing on:** Chapman Auto Body, Inc. d/b/a Chapman Auto, 16 Rear Hamilton Street -Property owner: SOR & S Realty Trust, 16 Hamilton St.; Burger King Corporation, d/b/a Burger King, 720 Broadway -Property owner: S One Realty Trust, Lynnfield MA; Friendly Ice Cream Corp. d/b/a Friendly’s #896, 777 Broadway -Property owner: Nickole Saugus Trust, Wilbraham MA; DP Purveyors, Inc. d/b/a J & M Italian, 340 Central St. -Property owner: J & M Chirichiello, 3026 Founders Way; ZRC Operations Company d/b/a Qdoba Mexican Grill, 366 Broadway; -Property owner: Shops at Saugus, LLC, San Antonio TX; Victor Grillo d/b/a Victor’s Italian Cuisine, 1539 Broadway; -Property owner: Two Amici Realty, LLC, Malden MA To deny, revoke or suspend all licenses and permits held for failure of the property owner and / or tenant listed above to pay municipal taxes / fees owed for more than 12 months.

Ms. Panetta moved to take no action on Friendly’s Restaurant and others that paid to the satisfaction of the Collector / Treasurer. Chair seconds 5-0.

Ms. Panetta moved to continue the show cause hearing. Chair seconds 5-0.

8:10 PM Yashi, Inc. d/b/a Cliftdale Liquors, 7 Essex Street, for transfer of All Alcoholic Package Store License FROM: Sabina Enterprises, Inc. d/b/a Cliftdale Liquors, 7 Essex Street; and for change of manager TO: Rakesh Patel.

Attorney Neil Berman, 109 College Ave., Somerville was present with applicant Rakesh Patel, 9 Harrison Ave., Peabody and explained the purchase and everything will remain the same. Ms. Panetta asked if hours will be the same. Atty. Berman said yes. Ms. Dever said Mr. Patel currently manages another location and noted the Town’s regulations require him to work 40 hours a week. Atty. Berman said he owns 2 other establishments and his wife will manage the other and he will manage Cliftdale. The Chair asked if he will be able to comply with the 40 hour requirement. Atty. Berman said yes.

Any to speak in favor or opposed? None.

Ms. Panetta moved to close the hearing. Chair seconds 5-0.

Ms. Panetta moved to grant Yashi, Inc. d/b/a Cliftdale Liquors, 7 Essex Street, a transfer of All Alcoholic Package Store License FROM: Sabina Enterprises, Inc. d/b/a Cliftdale Liquors, 7 Essex Street; and to approve change of manager TO: Rakesh Patel: with hours of operation Monday through Thursday 9:00 AM to 10:30 PM, Friday & Saturday 9:00 AM to 11:00 PM, Sunday 12 noon to 6 PM; and manager must be on site at least 40 hours a week. Chair seconds 5-0.

8.) Town Manager’s Report

-Eustis Street update (12/10/13?).

The Manager said in response to the Board’s request he provided report from DPW and read and said further reports would be costly and said he provided letter from CDM regarding access and read and the Board requested the contractor’s yard be looked into and did provide memo from the Building Commissioner. Ms. Dever said she did not see a date on DPW report. The Chair said the Board received information on Eustis Street being declared a dead end street and said they need more communication and need to reach out to Revere and asked if the Town has looked at alternative routes. The Manager said the Town has been in contact with Revere through the economic development coordinator and said we also share a consultant and said most alternate routes are not paved or wide enough and said the developer has indicated he is interested in access to Route 1. The Chair said there’s no activity now. The Manager said it’s intermittent.

10.) Citizen Comment Period

The Chair said she will recognize anyone that wishes to speak can do so for 5 minutes even if the topic is not on the agenda, but the Board will listen but may not have a discussion.

Robert Camuso, 27 Eustis Street passed out copy of documents that the street is a dead end and said his biggest concern is once you allow access it will allow them to use it and they will sell the property and said the street is failing and asked about the restricted covenant. The Manager said he’s not familiar. Ms. Dever asked he be sure it was recorded. The Chair said it was recorded. The Manager said

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the Town is doing all we can and we will stay on top of it. Mr. Camuso said the biggest issue is illegal dumping.

Edward Harrison, 34 Eustis Street, said the State came down & took pictures and asked who they were and asked about road survey done. Ms. Dever said a former Selectmen said one was done. The Chair said she has copy.

Steve Smith, 25 Eustis Street, said the street was dead ended in 1998.

Lisa Lavasco, 23 Eustis Street, said the street is falling apart and had 2 water breaks and a gas leak and is sinking.

Helen Chwaliszewski, 21 Eustis Street, said they should see if the gas line is deep enough to sustain heavy trucking and asked how to get access to reports. The Manager said she can contact the Selectmen's Office. Mr. Castinetti asked when he would have cost estimate on engineering study. The Manager said next few weeks.

Jim Schultz, 32 Eustis Street, said dumping is an issue and suggested a gate.

Thomas Curcio, 22 Eustis Street, said he noticed the Lincoln Ave. project re-routed traffic.

Betty Glazabrook, 18 Eustis Street said there's a hole in front of her house. Mr. Castinetti asked the Manager have DPW look at it. Mr. Schultz said they should look at the quality of patch work.

Linda Savis, 24 Eustis Street said there was a gas line leak and its sinking 3"-4".

-The Manager said they are partnering with the Dukakis Center and read open invitation to participate Wednesday December 11th.

The Chair asked the Manager to have list of subtitles under Manager's Report on items he will be discussing.

Mr. Castinetti asked status of ambulance contract. The Manager said it's just being finalized. Mr. Castinetti said there's working being done in the building and asked who's paying for it. The Manager said no expense to the Town.

Ms. Dever said there was a request for copy of leases and asked the manager to follow up on that and to provide update on the opiate grant.

Ms. Dever asked what the long term plan for emergency management is. The Manager said all public safety will be in same building. Ms. Dever asked about vehicles. The Manager said they are in the cemetery garage and some at public safety. Ms. Dever asked long term plan. The Manager said a capital purchase for building.

Ms. Dever asked we have 2 men in the highway dept and 3 in the budget. The Manager said the new director started this week and will plan to fill the positions. Ms. Dever asked if the employees laid-off will be called back. The Manager said it hasn't been determined at this time.

Ms. Panetta asked about Elm Street. The Manager said he has confirmed Dec. 10th meeting.

Ms. Panetta said the tree lighting ceremony is Friday. The Manager said yes on Dec. 6th.

9.) Member's Comment Period

- Board of Selectmen 2014 Meeting Schedule and meeting start time.

Ms. Dever suggested the 2 week schedule and asked the Board consider changing the start time to 7PM. Ms. Panetta said 7PM is difficult.

Ms. Dever moved to accept the 2 week meeting schedule. Chair seconds 5-0.

Mr. Allan wished all a happy Thanksgiving. The Chair added a happy Hanukkah.

The Chair said there is a bill pending changing the harassment policy and will forward copy to the Manager.

The Chair said she was referred to website that had access to information for the public.

Mr. Castinetti moved to adjourn. Chair seconds 5-0.

Meeting adjourned at 10:01 PM.

Respectfully submitted,

Wendy Reed, Clerk