

Saugus Board of Selectmen
November 30, 2010

Meeting Minutes

AGENDA

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

- 1.) Call to order.
- 2.) Invited Guests: 0
- 3.) Approval of minutes: December 16, 2010
- 4.) Continued Hearings: 0
- 5.) Public Hearings:

7:45 “Show Cause” Hearing on: PAM, Inc. d/b/a LAVO Ristorante, 114 Broadway; Pamela Avedisian, 60 Salem Turnpike; Personal Chef Co. Inc., 124 Broadway; and Ourglass Wine Company, Inc. d/b/a Ourglass Wine & Spirits Marketplace, 124 A Broadway, 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.

7:55 “Show Cause” Hearing on: Collision Solution Center, Inc., 24 Rear Frank Bennett Highway; Ken’s Tulsa, Inc. d/b/a Ken’s Car Care Center, 20 Salem Turnpike; Nickole Auto Body, Inc., 819 Broadway; Pro Collision Center, 233 Hamilton St.; DePaolis Group, Inc. d/b/a Urban Crust, 43 Jackson St.; Square One Mall Tenants: Galettos Grill, Pretzel Time & Taco Bell, 1201 Broadway; Mangia Fresco, LLC d/b/a Subway, 124 K Broadway; S & R Food Service, Inc. d/b/a Tumble Inn Restaurant, 488 Lincoln Avenue; Massachusetts CVS Pharmacy, LLC d/b/a CVS Pharmacy #2500, 1075 Broadway; Walgreens, 1228 Broadway; Mark Occhipinti d/b/a Mark’s Flowers & Novelty, and Selliah Anapayan d/b/a A & A Taxi & Saugus Taxi, 74 Hamilton Street; to deny, revoke or suspend all licenses and permits held for failure of the property owner and / or tenant to pay municipal taxes / fees owed for more than 12 months.

8:00 “Show Cause” Hearing on: Pamela Avedisian, 60 Salem Turnpike, to revoke, suspend, modify, cancel, or why additional conditions upon the exercise of the licenses ought not to be imposed for failing to conduct a business and/or use its issued license in connection with a business, and/or any and all other statues, Town of Saugus Rules & Regulations, and By-Laws.

Correspondence
0

Manager’s Report
Member’s Motions
Citizen’s Forum

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The Saugus Board of Selectmen met on November 30, 2010 at 7:30pm in the Town Hall Auditorium, 298 Central Street. Present were: Selectmen Scott Crabtree, Stephen Horlick, Michael Kelleher and Michael Serino. The Town Manager Andrew Bisignani was also present. Donald Wong was not present. Vice Chair Scott Crabtree chaired the meeting.

Mr. Kelleher noted the correspondence from the Collector / Treasurer.

Mr. Kelleher moved to take the Manager's Report out of order. Vice Chair seconds. Vote: 4-0.

Mr. Horlick said the Chairman called him to say he had a previous engagement this evening and said he may arrive late.

Manager's Report

The Collector / Treasurer Wendy Hatch was present and explained the request for loan authorization for work in accordance with the Administrative Consent Order with DEP and explained the authorizations from Town Meeting and the vote required.

Mr. Horlick moved the Board vote as follows:

- VOTED:
- (1) *That the Town shall issue a bond or bonds in an aggregate principal amount not to exceed \$2,964,000 (the "Bonds") pursuant to Chapters 29C and 44 of the General Laws and a votes of the Town passed June 6, 2005 (Article 18), which authorized a total borrowing of \$906,000, January 28, 2008 (Article 1), which authorized a total borrowing of \$400,000, May 18, 2009 (Article 19), which authorized a total borrowing of \$2,950,000, and February 22, 2010 (Article 15) which authorized a total borrowing of \$2,082,500 for construction of sewers and other water pollution control facilities (the "Project");*
 - (2) *that in anticipation of the issuance of the Bonds the Treasurer is authorized to issue an interim loan note or notes (the "Notes") from time to time in an aggregate principal amount not to exceed \$793,693;*
 - (3) *that each Bond or Note shall be issued as a single registered security, and sold to the Massachusetts Water Pollution Abatement Trust (the "Trust") at a price determined pursuant to the Loan Agreement;*
 - (4) *that the Treasurer is authorized to determine the date, the form, the maximum interest rate and the principal maturities of each Bond and Note, and to execute a Loan Agreement or Agreements with the Trust with respect to the sale of the Bonds and Notes, such date, form and maturities and the specific interest rate or rates of the Bonds and Notes to be approved by a majority of the Board of Selectmen and the Treasurer and evidenced by their execution of the Bonds or Notes;*
 - (5) *that all action taken to date by the Town and its officers and agents to carry out the Project and its financing, including the execution of any loan commitment or agreement by the Treasurer, are hereby ratified, approved and confirmed; and*
 - (6) *that the Treasurer and the other appropriate Town officials are each hereby authorized to take any and all actions necessary and convenient to carry out the provisions of this vote, including execution and delivery of the Loan Agreements and the Project Regulatory Agreements relating to the Project.*

Vice Chair seconds. Vote: 4-0.

Mr. Horlick moved for recess to sign the documents. Vice Chair seconds. Vote: 4-0.

Meeting recess at 7:50pm.

The Vice Chair called the meeting back to order at 7:55pm.

Approval of minutes: December 16, 2010

Mr. Serino moved to accept the minutes of meeting that began at 6:30pm. Vice Chair seconds. Vote: 4-0.

Mr. Serino moved to accept the minutes of meeting that began at 7:30pm. Vice Chair seconds. Vote: 4-0.

7:45 "Show Cause" Hearing on: PAM, Inc. d/b/a LAVO Ristorante, 114 Broadway; Pamela Avedisian, 60 Salem Turnpike; Personal Chef Co. Inc., 124 Broadway; and Ourglass Wine Company, Inc. d/b/a Ourglass Wine & Spirits Marketplace, 124 A Broadway, to deny, revoke or suspend all licenses

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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 Vice Chair noted all have paid and one has a payment plan.

Mr. Serino moved the Board vote to accept the payment agreement of Personal Chef. Vice Chair seconds. Vote: 4-0.

Mr. Kelleher moved the Board vote to take no action at this time. Vice Chair seconds. Vote: 4-0.
7:55 “Show Cause” Hearing on: Collision Solution Center, Inc., 24 Rear Frank Bennett Highway; Ken’s Tulsa, Inc. d/b/a Ken’s Car Care Center, 20 Salem Turnpike; Nickole Auto Body, Inc., 819 Broadway; Pro Collision Center, 233 Hamilton St.; DePaolis Group, Inc. d/b/a Urban Crust, 43 Jackson St.; Square One Mall Tenants: Galetto’s Grill, Pretzel Time & Taco Bell, 1201 Broadway; Mangia Fresco, LLC d/b/a Subway, 124 K Broadway; S & R Food Service, Inc. d/b/a Tumble Inn Restaurant, 488 Lincoln Avenue; Massachusetts CVS Pharmacy, LLC d/b/a CVS Pharmacy #2500, 1075 Broadway; Walgreens, 1228 Broadway; Mark Occhipinti d/b/a Mark’s Flowers & Novelty, and Selliah Anapayan d/b/a A & A Taxi & Saugus Taxi, 74 Hamilton Street; to deny, revoke or suspend all licenses and permits held for failure of the property owner and / or tenant to pay municipal taxes / fees owed for more than 12 months.

Mr. Kelleher asked if all have paid. Their clerk gave update.

Mr. Horlick moved the Board vote to accept the payment plan of Urban Crust. Vice Chair seconds. Vote: 4-0.

Mr. Kelleher moved to continue the hearing on A & A Taxi, Saugus Taxi. The Vice Chair added with no objection: to allow additional time to enter into a payment plan. Vice Chair seconds. Vote: 4-0.

Mr. Horlick moved to continue the hearing on CVS and Subway. Vote: 4-0.

Mr. Kelleher moved the Board vote to take no action on the business that paid. Vice Chair seconds. Vote: 4-0.

8:00 “Show Cause” Hearing on: Pamela Avedisian, 60 Salem Turnpike, to revoke, suspend, modify, cancel, or why additional conditions upon the exercise of the licenses ought not to be imposed for failing to conduct a business and/or use its issued license in connection with a business, and/or any and all other statutes, Town of Saugus Rules & Regulations, and By-Laws.

Dustin DeNunzio, property manager was present and apologized Ms. Avedisian was not able to attend. Vice Chair asked if he is her counsel. Mr. DeNunzio said no, he is her representative and advisor. Vice Chair said notice was given and it was cited that her attendance was required. Mr. DeNunzio said he can act on her behalf. Vice Chair asked if he had power of attorney. Mr. DeNunzio said he has. Vice Chair asked if it is on file. Their clerk said no. Vice Chair said she was represented by a local counsel. Mr. DeNunzio said they brought another attorney on but was not able to attend tonight. Vice Chair asked if the attorney was aware of the hearing. Mr. DeNunzio said everything was sent to the attorney that no longer represents and they just got notice. Vice Chair said notice was sent to the business and the licensee’s home address and said a police officer taped it to her door. Vice Chair asked if the office received any communication from the new attorney. Their clerk said no. Vice Chair said generally an attorney representing would notify the Board in writing. Mr. DeNunzio said he has represented Avedisian since 2004. Mr. Serino suggested they continue the hearing. Mr. DiNunzio said he is prepared to give update tonight. Vice Chair said this is a serious issue and would feel more comfortable if the licensee was present and had legal counsel. Mr. Horlick said he would rather wait for update and said he would like the licensee here.

Mr. Horlick moved to continue the hearing to next week (December 7). Vice Chair seconds. Vice Chair stressed to be clear that an attorney and or the license holder must be present and said the Board may take action without them present and asked he please leave the contact information for the attorney.
Vote: 4-0.

Manager’s Report, continued

- recommended the reappointment of Fred Wagner to the Board of Assessors.

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Mr. Kelleher moved to confirm the reappointment of Dr. Wagner. Vice Chair seconds. Mr. Kelleher speaking on the motion said Doc has served a long time and does a wonderful job. Mr. Horlick agreed. Mr. Serino agreed also and said you can't get better, more experienced and will support.
Roll call vote: Mr. Horlick, yes, Mr. Kelleher, yes; Mr. Serino, yes; Mr. Crabtree, yes. Vote: 4-0.
- recommended the reappointment of Stephen Rappa and Frank Woods to the Board of Health.

Mr. Serino moved to confirm the reappointment of Mr. Rappa. Vice Chair seconds.
Roll call vote: Mr. Horlick, yes, Mr. Kelleher, yes; Mr. Serino, yes; Mr. Crabtree, yes. Vote: 4-0.

Mr. Horlick moved to confirm the reappointment of Mr. Woods. Vice Chair seconds.
Roll call vote: Mr. Horlick, yes, Mr. Kelleher, yes; Mr. Serino, yes; Mr. Crabtree, yes. Vote: 4-0.
- recommended the reappointed of Marion Dawicki to the Commission on Disability.

Mr. Serino moved to confirm the reappointment of Ms. Dawicki. Vice Chair seconds.
Roll call vote: Mr. Horlick, yes, Mr. Kelleher, yes; Mr. Serino, yes; Mr. Crabtree, yes. Vote: 4-0.
- recommended the appointment of Peter Rossetti Jr. as a Regular Member on the Planning Board to fill a vacant position.

Mr. Kelleher moved to confirm the appointment of Mr. Rossetti. Vice Chair seconds. Mr. Kelleher speaking on the motion said he has served on many boards and commissions and has always done a great job. Mr. Serino agreed and said his experience on the Zoning Board of Appeals will be an asset. Mr. Horlick agreed his service on Town Meeting and the Board of Appeals will work in harmony with appointment to the Planning Board.

Roll call vote: Mr. Horlick, yes, Mr. Kelleher, yes; Mr. Serino, yes; Mr. Crabtree, yes. Vote: 4-0.
- said Mr. Hughs served for two terms on the Planning Board and thanked him publically for his service.

Mr. Serino moved the Board send a letter thanking him for his service. Vice Chair seconds. Vote: 4-0.

Member's Motions

Mr. Serino: said Town Meeting passed Charter changes and asked for update.

Mr. Serino moved the Board send request for update to the State Delegates asking where the bill is in the process. Vice Chair seconds. Mr. Kelleher said the Town Clerk sent an e-mail update. Vice Chair read the e-mail. Vote: 4-0.

- Publically thanked Mr. McKinnon and said the Board received a letter from DCR noting he went far beyond to assist in updating the flood maps.

- Announced the tree lighting ceremony Friday at 7pm and thanked Emergency Management and announced scheduled holiday stroll events on Saturday.

Mr. Horlick: Asked for update on Hamilton Street. The Manager said it's moving at a good pace and would like to complete the curbing on both sides then will be shutting down for the winter and the street will be open to two way traffic. Mr. Horlick asked if he could get a temporary yellow line down the middle. The Manager said he will speak to the engineers and look into it.

- invited all to the tree lighting.

Mr. Kelleher: commented how hard Emergency Management works to get ready for the holiday season and thanked them. The Manager said DPW and Building Maintenance also contributed.

The Vice Chair said he hoped all had a great Thanksgiving and hopes everyone comes to the tree lighting.

- Gave update that the ABCC approved the license transfer to Jalapenos and the Town received \$5,000 check for legal fees reimbursement.

- received calls complaining about parking on Jackson Street at Urban Crust and said the Board sent request to DPW to look at if curbing is needed and asked the Manager to follow up. The Manager said the Parking Control Officer has been checking for violations of cars blocking the sidewalk. Mr. Horlick said the Board did request the cost of curbing. Vice Chair said the substance of the calls were about parking blocking the sidewalk.

Mr. Kelleher said the Board has received requests for appointments. Mr. Serino asked they be taken up at next meeting.

Mr. Horlick read announcement for Toys for Tots collection.

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Citizen's Forum

John Trusedale, 3 Apple Lane, said a street light is out and is having a problem getting it fixed. The Manager explained he should call DPW and not National Grid and said the Town has a service provider. Mr. Trusedale said he complained 3 months ago about shopping carts at CVS and it's still a problem and is dangerous. Vice Chair said they were going to put magnetic barriers. The Manager said he will look into it.

Mr. Serino moved to adjourn. Vice Chair seconds. Vote: 4-0.

Meeting adjourned at 8:46pm.

Respectfully submitted,

Wendy 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.