

Saugus Board of Selectmen
December 6, 2011

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

AGENDA
Saugus Board of Selectmen
December 6, 2011, 7:30PM
Town Hall Auditorium
298 Central Street

1. Call to order.
2. Invited guests: Capt. Nolan, Officer Niglieri & Ms. Myers
3. Approval of minutes:
4. Enhanced Citizen's Forum
5. Continued Hearings:

- Twitters show cause from 4/5/11; 7/12/11; 10/25/11; 11/29/11 **TO: 12/06/11**

- Joseph Jolly for S-2, 314 Central St. From 11/29 **TO: 12/06/11.**

- **“Show Cause” Hearing on:** PAM, Inc. d/b/a LAVO Ristorante, 114

Broadway; and Pamela Avedisian, 60 Salem Turnpike. FROM: 11/29/11. From 11/29/11 **TO: 12/06/11.**

- **“Show Cause” Hearing on:** Massachusetts CVS Pharmacy, LLC d/b/a CVS Pharmacy #2500, 1075 Broadway; Ronnie's Deli, 1539 B Broadway; Mayflower Square One Mall, 1201 Broadway; Mangia Fresco, LLC d/b/a Subway, 124 K Broadway; and DePaolis Group, Inc. d/b/a Urban Crust, 43 Jackson Street. From 11/29/11 **TO: 12/06/11.**

- McKay Construction S-2 from: 10/25/11; 11/15/11; 11/29/11 **TO: 12/13/11**

- Sully C's, 168 Broadway from: 11/15/11; 11/29/11 **TO: 12/13/11**

PUBLIC HEARINGS:0

Correspondence

- 1.) Mr. Kochakian re: request for reappointment as constable. (From 11/29/11)
- 2.) Buffalo Wild Wings re: request to extend hours of operation. (From 11/29/11)
- 3.) Buffalo Wild Wings re: request for change of manager to: Art Thomas.
- 4.) Ms. Cerbone re: request for banner for “Gold Star Run for Honor Road Race.
- 5.) Youth Director re: request to accept gift of \$1,500 for after school programs & \$1,000 gift for rink project.
- 6.) “No Heavy Trucking” on Eustis Street.
- 7.) 2012 License Renewals.
(Tabled 3/22/11 correspondence: Police Dept. re: Angela's liquor inspection)

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

Saugus Board of Selectmen
December 6, 2011

The Saugus Board of Selectmen met on December 6, 2011 at 7:30PM in the Town Hall Auditorium, 298 Central Street. Present: Selectmen Stephen Castinetti, Stephen Horlick, Debra Panetta, Michael Serino and the Chairman Scott Crabtree. The Town Manager Andrew Bisignani was also present.

The Chair recognized Town Meeting Members in attendance: Wayne Brooks, Joan Fowler, Peter Manoogian and Paul Allen.

Invited guests: Capt. Nolan, Officer Niglieri & Ms. Myers.

Fire Chief Jim Blanchard & Police Chief Dom DiMella were present and introduced Fire Capt. Tom Nolan. Police Officer John Naglieri and Lynda Myers. Chief Blanchard described the rescue of a man that fell in the river and commended them for their actions. Chief DiMella commended them also. The Chair read and the Board presented each with a citation in recognition of their efforts.

Enhanced Citizen's Forum None.

Continued Hearings: - Twitters show cause from 4/5/11; 7/12/11; 10/25/11; 11/29/11 **TO: 12/06/11**

Notice is hereby given that the Saugus Board of Selectmen will conduct a "Show Cause" Hearing for the purpose of the possible suspension, revocation and / or cancellation of the All Alcoholic Common Victualer's License and Entertainment License of Twitters Bar & Grille, LLC, 1201 Broadway, Square One Mall, for violation of laws, rules, and regulations and condition of license for failure to exercise the license and failure to notify the licensing Board.

The Chair said the transfer of license was approved by the ABCC and outstanding money owed the Town has been paid.

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

Continued Hearings:- Joseph Jolly for S-2, 314 Central St. From 11/29 **TO: 12/06/11.**

Joseph Jolly, for Special Permit (S-2) to allow tattooing at 314 Central Street.

Joseph Jolly, 2 Rice Street was present. The Chair explained the hearing was continued because last meeting there was only 4 members present. Mr. Jolly described his proposed business that will include all kinds of art: murals, paintings, drawings, clothing and tattoo.

Any in favor or in opposition? Mr. Castinetti said the Board received a letter in opposition from Christine McKenna, 38 Pearson Street and read.

Charles McKenna, 38 Pearson Street said it wouldn't be a normal business for Saugus Center and said it is an adult business (18+) and a bad fit and asked they please say no.

Jack Jolly, 76 Lincoln Avenue, brother of applicant said the business name will be "Artist Wonderland of Art" and said it's not just tattoo and tattoo would be conducted in the back and wouldn't be seen.

Mr. Castinetti asked percentage of the business tattoos would be. Mr. Jolly said about 40%.

Dennis Jolly, 76 Lincoln Avenue, said they are very talented and feels the business location is perfect and will benefit the Town.

Lauren Maltais, 18 Adams Avenue, is opposed.

Janet Jolly, 2 Rice Street, said tattoos will be behind closed doors.

Bill Kramich, 12 Emory Street, not opposed to tattoo but is opposed to location.

Wayne Brooks, 846 Broadway TMMP1 said he doesn't see anything wrong.

Resident of 5 Warren Street, said there's a liquor store across the street and kids walk by it every day and doesn't feel kids would be exposed to tattoos.

Mr. Jolly said he wants to offer all kinds of art and is not attacking children. Mr. Castinetti asked his experience and client base. Mr. Jolly said he graduated and worked at "Fat Cat Tattoo" in Lynn and is not working tattoo now and said his brother is a cool artist and showed a sample of his work and said there will be only 1 licensed tattoo artist. Mr. Castinetti asked his client base. Mr. Jolly said none yet. Mr. Castinetti said it sounds like a great concept. Ms. Panetta asked about body piercing. Mr. Jolly said no. Ms. Panetta read from Zoning By-Laws regarding Board granting S-2 to improve status of neighborhood etc.

Saugus Board of Selectmen
December 6, 2011

Rita said she grew up in Saugus and has a business in Peabody and said on Main Street you will see tattoo, piercing, etc. and said there's nothing wrong with that and feels we need to add diversity to the center.

The Chair asked if he was withdrawing piercing. Mr. Jolly said yes. Mr. Horlick said if he withdraws tattoo also he could open without Board approval. Mr. Jolly would like a minute to discuss with his family.

Mr. Horlick moved recess. Chair seconds. Vote: 5-0. Meeting recessed at 8:18pm.

The Chair called the meeting back to order at 8:27pm.

The Chair said for clarification if he withdraws tattoo he will not need an S-2 and he does have a right to appeal if denied otherwise he must wait 2 years before he could reapply unless there is substantial changes to original application. Mr. Horlick said if the Board votes it down he can still open and offer other art work. Mr. Jolly said he would like to hear a vote.

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

Mr. Castinetti said he has nothing against tattoos and he does have one but has a problem with the location and it's not an image for Saugus Center. Mr. Serino said he also has a tattoo and said the Board has approved tattoo on Rte 1 and agree this is not a good location. Ms. Panetta said she supports small business but will not support location it is a residential area. Mr. Horlick said Rte. 1 is a better location and can't support tattoo in a neighborhood area and would support other art work it would be a plus for the community but should consider a different location for tattoo.

Mr. Serino moved to deny the S-2 to allow tattooing at 314 Central Street for the following reasons: 1.) the location is surrounded by residential neighborhood; 2.) neighborhood opposition; and 3.) 40% of the business would be tattooing. Chair seconds.

Roll call vote: Mr. Castinetti, yes; Mr. Horlick, yes; Ms. Panetta, yes; Mr. Serino, yes; Mr. Crabtree, yes. Motion to deny: 5-0.

Continued hearings:

- **"Show Cause" Hearing on:** PAM, Inc. d/b/a LAVO Ristorante, 114 Broadway; and Pamela Avedisian, 60 Salem Turnpike 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.

FROM: 11/29/11. From 11/29/11 **TO: 12/06/11.**

Clerk gave update.

Mr. Serino moved to continue the hearing to December 13th. Chair seconds. Vote: 5-0.

Continued hearings:

- **"Show Cause" Hearing on:** Massachusetts CVS Pharmacy, LLC d/b/a CVS Pharmacy #2500, 1075 Broadway; Ronnie's Deli, 1539 B Broadway; Mayflower Square One Mall, 1201 Broadway; Mangia Fresco, LLC d/b/a Subway, 124 K Broadway; and DePaolis Group, Inc. d/b/a Urban Crust, 43 Jackson Street 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. From 11/29/11 **TO:**

12/06/11.

Clerk gave update.

Mr. Castinetti moved to continue to December 13th. Chair seconds. Vote: 5-0.

Correspondence

1.) Mr. Kochakian re: request for reappointment as constable. (From 11/29/11)

Daniel Kochakian, 8 Limewoods Dr. was present. Mr. Serino asked if fees have been paid to the Town. Mr. Kochakian said yes. Ms. Panetta asked how long he has been a constable. Mr. Kochakian said since 1999.

Mr. Serino moved to reappoint Daniel Kochakian as constable. Chair seconds. Vote: 5-0.

2.) Buffalo Wild Wings re: request to extend hours of operation. (From 11/29/11)

Art Thomas, 1 Hickoryhill Rd., Wakefield was present with area director Joel Dover and explained in March they requested later hours with transfer of license and the Board requested they wait 6

Saugus Board of Selectmen
December 6, 2011

months and has been open for 8 months now and noted 78% of their business is food. The Chair suggested they meet with police. Mr. Thomas said he spoke to the Police Chief. Lt. Anthony LoPresti was present and said the Chief recommends they have police details on Friday & Saturday nights and for special events and said there have been no major incidents at the establishment but want to be proactive. Mr. Dover said he will take 2AM off the table and said they operate 5 locations in MA and doesn't feel a detail is necessary and would like to be judged on their own merit and said police details would not be financial sense to do that and would stay as they are. Mr. Serino said he doesn't mind extending to 1AM and is willing to 2AM with 6 month probation with police details. The Chair clarified they are now open 11AM to 1AM and are requesting 2AM but with no police details. The Board discussed capacity. Mr. Dover said it would not make financial sense. The Chair said he would support with probation period. Lt. LoPresti said the Chief strongly recommends details for special events or large crowds. The Chair asked capacity on special events nights. Mr. Dover said without the patio it is 244. Mr. Castinetti asked how they would know prior to an event if a detail would be needed. Mr. Serino said he doesn't see a need for details unless it becomes trouble. Ms. Panetta asked how long probation period was. Chair said 6 months. Ms. Panetta said they have been open for 8 months and the Chief wants details and doesn't want to go against his recommendation. The Chair said he has concern with allowing an unfair advantage with other establishments open until 2AM and this establishment is a restaurant / sports bar and he supported a 2AM license when they 1st came and there hasn't been any serious issues relating to liquor. Lt. LoPresti said it's for public safety.

Any in favor or opposition?

Mr. Castinetti asked the Chair's recommendation. The Chair said he has concern they don't require other establishments to have details and supports Mr. Serino's suggestion to allow for 6 month trial and condition if they reach 75% capacity to hire a detail. Mr. Serino said only 2 establishments use the 2AM license now and they are not required to have details. Ms. Panetta asked how they would count people. Mr. Dover said they don't allow anyone in until seats are available. Ms. Panetta said if 2 other restaurants are open until 2AM she is trying to understand fairness. The Chair said other restaurants on Rte. 1 are open until 2AM and are not required to have a police detail. Ms. Panetta said she has been to this restaurant and had to wait a long time for a table and asked if it would need a detail. The Chair agreed and said some places with late hours are not a restaurant operation. Mr. Serino suggested to require on Friday & Saturday only. Lt. LoPresti said the other 2 establishments do hire police details on Friday & Saturday. Mr. Serino said it's not a condition of license. Mr. Dover said he will keep the hours they have. Mr. Horlick said he will support 1AM, 7 days a week. The Chair said for the record the Police Chief was not in favor of a roll-back to 1AM for liquor licenses but now wants to restrict and feels it's unfair. Mr. Serino agreed with Mr. Horlick and is willing to support 1AM with Friday & Saturday 2AM for probationary period.

Mr. Serino moved to amend hours of operation on the All Alcoholic License to allow Buffalo Wild Wings to be open until 1AM Sunday through Thursday and Friday & Saturday 2AM with probation period of 6 months; and for special events, Friday & Saturday require a police detail for 6 month trial period. Chair seconds. Vote: 5-0.

Mr. Serino moved to extend the hours of operation of the Common Victualer's License & Entertainment License to 1AM and Friday & Saturday 2AM, excluding patio. Chair seconds. Vote: 5-0.

Ms. Panetta moved to place on agenda in 6 months for determination and recommendation from Police Chief. Chair seconds. Vote: 5-0.

3.) Buffalo Wild Wings re: request for change of manager to: Art Thomas.

Art Thomas, 1 Hickory Hill Road, Wakefield was present and gave his experience.

Ms. Panetta moved to approve change of manager. Chair seconds. Vote: 5-0.

4.) Ms. Cerbone re: request for banner for "Gold Star Run for Honor Road Race.

Mr. Horlick moved to approve with standard conditions. Chair seconds. Vote: 5-0.

5.) Youth Director re: request to accept gift of \$1,500 for after school programs & \$1,000 gift for rink project.

Saugus Board of Selectmen
December 6, 2011

Mr. Horlick moved to accept the gifts of \$1,500 for after school programs.
Chair seconds. Vote: 5-0.

Mr. Serino moved to accept the \$1,000 gift from RESCO for rink project.
Chair seconds. Vote: 5-0.

6.) "No Heavy Trucking" on Eustis Street.

Lt. LoPresti was present and said under the guidelines it appears this doesn't fit and hi-lighted points from the manual and read and said a traffic study would be needed and said he needs interpretation regarding who (Revere or Saugus) would need to provide an alternate route and said they have stepped up enforcement. The Chair asked if they posted signs without approval if they could be enforced. Lt. LoPresti said they would be thrown out. The Chair asked cost of a study. The Manager said the cost varies and said the last traffic study cost \$11,000. The Chair said Mr. Horlick has been following the issue in Revere and asked him for an update. Mr. Horlick said he attended Revere Zoning Subcommittee and did relay concerns that only access is Eustis Street and said Revere Planning Board denied rezoning the property but the zoning subcommittee passed it. The Chair said they should move forward and get a price for engineering study.

Robert Camuso, 27 Eustis Street explained two projects and Caddy Farm already approved and said access through Muzzy Street and said the scope of the project has changed.

Mr. Horlick moved the Board request information on the projects from the Planning Board and the Zoning Board of Appeals and to request they notify the Selectmen in advance of any other or new projects. Chair seconds. Vote: 5-0.

Mr. Castinetti moved to request opinion from Town Counsel regarding enforceability of signs.
Chair seconds. Vote: 5-0.

The Chair suggested the Manager get price of study. Mr. Serino said it's not only Eustis Street and listed other street effected and is ready to post no heavy trucking sign on Eustis Street tonight. Mr. Castinetti said it would be a waste of resources if can't enforce it.

Bill Kramich, 12 Emory Street, said we have an engineer why can't we use him. The Chair said good idea if he's qualified for the type study needed.

Ms. Panetta moved to get cost of traffic study and place on 12/13/11 agenda. Chair seconds.
Vote: 5-0.

Ms. Panetta moved recess. Chair seconds. Vote: 5-0. Meeting recessed at 10:08pm.

The Chair called the meeting back to order at 10:15pm.

7.) 2012 License Renewals.

Mr. Serino moved to approve the following Valuable / Used Goods Licenses for 2012 with same conditions / restrictions: GCA Jewelers; Gamestop, 741 Broadway; J & S Jewelry; Repair Palace; Gamestop, 1201 Broadway; RJ Carr Jewelers; & Hannoush Jewelers. Mr. Horlick requested Gamestop be voted separately.

Mr. Serino moved to approve the following Valuable / Used Goods Licenses for 2012 with same conditions / restrictions: GCA Jewelers; J & S Jewelry; Repair Palace; RJ Carr Jewelers; & Hannoush Jewelers. Chair seconds. Vote: 5-0.

Mr. Serino moved to approve the following Valuable / Used Goods Licenses for 2012 with same conditions / restrictions: Gamestop, 741 Broadway; Gamestop, 1201 Broadway. Chair seconds. Vote: 4-0 and 1 abstention by Mr. Horlick.

Mr. Serino moved to approve the following Taxi Cab Licenses for 2012 with same conditions / restrictions: Saugus Taxi – 4 cabs; A & A Taxi – 1 cab; & Saugus Center Taxi – 5 cabs. Chair seconds.
Vote: 5-0.

Mr. Serino moved to approve the following Miscellaneous Licenses for 2012 with same conditions / restrictions: Tina Jace – Fortune Telling; Mark's Flowers – Transient Vendor; North Suburban – 2 coin operated devices; Joe Pace – Function Hall & Entertainment; Cross Fit – Entertainment; & Savvy Hair – Entertainment. Chair seconds. Vote: 5-0.

Saugus Board of Selectmen
December 6, 2011

Mr. Serino moved to approve the following Extended Hours of Operation Permits for 2012 with same conditions / restrictions: 7-Eleven, 32 Hamilton St.; Walgreens, 1228 Broadway; Jiffy Mart; Stop & Shop; Clifondale Santos; & Flex Fitness. Chair seconds. Vote: 5-0.

Mr. Horlick moved to approve the following Common Victualer's Licenses for 2012 with same conditions / restrictions: Bacci's; Banana Splitz; Barnes & Noble; Bob's; Boston Market; Burger King 720 Broadway; Burger King 1449 Broadway; Caffè Il Sogno with Entertainment; Dragon Island; Charlie's with Entertainment & 2 coin operated devices; Domino's Pizza; Dunkin Donuts, 35 Lincoln Ave.; Dunkin Donuts 42 Hamilton St. with Entertainment & Extended Hours of Operation Permit; Dunkin Donuts 86 Broadway with Entertainment & Extended Hours of Operation Permit; Dunkin Donuts 339 Main St.; Dunkin Donuts 533 Broadway with Entertainment & Extended Hours of Operation Permit; Dunkin Donuts 1204 Broadway with Extended Hours of Operation Permit; Friendly's with Entertainment; Golf Country with Golf / Driving Range; Hockey Town with Skating Rink, Juke Box & 6 coin operated devices; Hong Kong Express; Home Town Pizza; K-Mart with 1 coin operated device; Kane's with Extended Hours of Operation Permit; Kelly's; Lendy's; McDonalds, 738 Broadway with Extended Hours of Operation Permit; McDonalds 127 Broadway; & Mike's Place. Chair seconds. Vote: 5-0.

Mrs. Panetta moved to approve the following Common Victualer's Licenses for 2012 with same conditions / restrictions: Nick's Place with Entertainment; Nicky's Pizza Time; Pace with Entertainment; Papa Gino's with 1 coin operated device; Peters; Qdoba with Entertainment; Rte. 1 Mini Golf with Entertainment, golf & 23 coin operated devices; Roller World with Entertainment, Skating Rink & 18 coin operated devices; Soc's with Transient Vendor's; Stella's; Santoro's; Super Seven; Taco Bell; Target; Tumble Inn with Entertainment & Extended Hours of Operation Permit; Victors; & Xing Long. Chair seconds. Vote: 5-0.

Mr. Castinetti moved to approve the following Auto Dealer's Licenses for 2012 with same conditions / restrictions: York Ford Class I;

2012 Class II Auto Dealer's License

Auto House USA, 1134 Broadway; Ballard St. Auto, 119 Ballard St.; Boston Auto Trade, 160 Broadway; C & P Imports, 110 Bennett Highway; Casella, 56 Denver St.; Chapman Auto Body, 16 Rear Hamilton St.; Colonial Auto Sales, 1753 Broadway; Edd's Auto Exchange, 961 Broadway; Euro Car Garage, 214-218 Hamilton St.; Jimbo's Auto Body, 136 Broadway; Ken's Car Care Center, 20 Salem Turnpike; Melrose Auto Body, 177 Central Street; New England Auto Sales, 19 Salem Turnpike; Nickole Auto Body, 819 Broadway; Noah's Motors, 622 Broadway; Owen Infiorati Motors, 109 Broadway; Pro Collision Center, 233 Hamilton St.

T.J.'s Auto, 124 Rear Ballard St.; U-Haul, 66 Broadway;

2012 Class III Auto Dealer's License

New England Car Parts, 139 Ballard Street; Nickole Auto Body, 819 Broadway & Patty's Auto Parts, 140 Salem Turnpike.

Chair seconds. Vote: 5-0.

Manager's Report

* gave update on Belmonte project and its moving forward, the Building Committee extended the contracts for OPM & architect and established a subcommittee to review and give recommendation on hiring CMR.

* budget report was included in the packet.

Ms. Panetta asked if accrual form. The Manager said cash basis. Ms. Panetta asked year end or monthly. The Manager said current year and explained the upcoming budget will have prior year budgets for comparison. Ms. Panetta asked if they do monthly. The Manager said yes they reconcile each month.

The Chair said the Town Manager was offered a job in another community and the Board can set a time to discuss it with the Board. The Manager said yes and requested executive session. The Chair asked it be placed on next agenda and cautioned Board Members in making any statements as this is a personnel matter.

Saugus Board of Selectmen
December 6, 2011

Member's Motions

Mr. Serino: Thanked everyone involved in tree lighting.

- said the Board received letter from the Town Clerk regarding the recount and read.

Mr. Castinetti: thanked everyone for Friday night tree lighting and it was a huge success.

- said Dec. 7th is the 70th anniversary of Pearl Harbor and asked everyone to keep it in mind.

Ms. Panetta: Thanked everyone that came out for the tree lighting.

- said the Board received candidates for appointment to PEG Access Board of Directors and asked when they will interview. The Chair said in a couple of weeks.

Mr. Horlick: Thanked everyone out for tree lighting and said there was a lot of community spirit.

- said he did go out to look at sidewalks with the engineer and thanked the Manager for setting that up and said some problems may be an issue with cement and said the engineer will furnish a report and asked a copy be sent to the Board.

The Chair also thanked the Manager and everyone on the tree lighting and said it meant a lot to his family that his son got to participate in the lighting.

The Chair said an issue was raised regarding the ongoing investigation regarding the library and said he would like, without interfering with the investigation, to set a meeting with Town Counsel, library director and possibly the person that conducted the audit so the Board can be brought up to date and put an action plan in place. Mr. Serino agreed. Mr. Horlick suggested before next meeting.

The Chair said he has been working with Youth & Rec. and others to put together an outdoor ice skating arena.

Citizen's Forum:

Bob Camuso, 27 Eustis Street, asked if possible the Board could consider putting Saugus people to work on the Belmonte project. The Chair said he's not sure if they could legally. Mr. Camuso asked if possible to lower the speed limit on Eustis Street. A traffic study is required.

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

Meeting adjourned at 10:44pm.

Respectfully submitted,

Wendy Reed, Clerk