

Saugus Board of Selectmen
December 16, 2008

The Saugus Board of Selectmen met on December 16, 2008 at 7:30PM 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.

The Board held a moment of silence for Arthur Cook and Richard Provenzano that recently passed away.

Invited guests: Pop Warner Cheerleaders: A B C & D Squads.

Mr. Kelleher thanked the Board for inviting the cheerleaders in and said they did phenomenally well and said the girls represent Saugus well and introduced Nicole Daily. Ms. Daily was present and said the A C & D Squads won 1st place and B Squad won 2nd place in the North Shore League Championship Competition. The Board invited each squad up and congratulated them.

Invited guests: Sgt. John Coburn, Officer Paul VanSteenburg,
Officer Matthew Donahue and Mr. Joseph Brangiforte.

Police Chief Domenic DiMella was present and read report regarding a house fire on October 10th and the officers and civilian that saved a man's life. The Chairman said that is what makes Saugus special when people work together to save lives. Chief DiMella read citation from the Board and said Sgt. Coburn was unable to attend. The Board presented each with a citation and congratulated them and thanked them.

Approval of minutes:

Mr. Rossetti moved to approve minutes of December 3, 2008. Chair seconds.
Vote: 5-0.

Mr. Castinetti moved to approve the minutes of December 9, 2008. Chair seconds.
Vote: 5-0.

Continued hearings: None this evening.

The Chairman said he must step down and excused himself from the table.

7:45 "Show Cause" Hearing on: JIN Restaurant Group, LLC d/b/a JIN Asian Cuisine, 20 Rear Frank Bennett Highway; Iron Works Grille & Tavern, Inc., 1185 Broadway; and San-Pen Corp. d/b/a Tonino's Cucina Italiana, 34 Hamilton St., to deny, revoke or suspend all licenses and permits held for failure to pay municipal taxes / fees owed. This hearing is being held under MGL c. 40, section 57 adopted by the Town of Saugus By-Laws, section 807.

Vice Chair Castinetti asked if anyone was present. Attorney John Morello was present representing JIN and said they have entered into a payment agreement with the Collector/Treasurer.

Any in favor or in opposition:None.

Mr. Rossetti moved to accept the payment agreement. Vice Chair seconds. Vote: 4-0.

Mr. Kelleher asked if Iron Works has contacted the Town. Their clerk said she sent a total of 6 notices with no response. Mr. Kelleher said the Board could suspend the licenses until paid. The Vice Chair said the business has been closed for months. Mr. Horlick said the license will expire. Mr. Kelleher said the Town won't collect the money owed. Their clerk said the property will be leaned.

Tonino's is paid.

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

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Mr. Kelleher moved to suspend all licenses held by Iron Works Grill & Tavern, Inc., 1185 Broadway for ninety days or such time payment or payment agreement is made. The Vice Chair requested amendment to motion: to suspend for ninety days and must make payment or payment agreement. Mr. Kelleher amended his motion. Vice Chair seconds. Vote: 4-0.

Mr. Kelleher moved to take no action on Tonino's. Vice Chair seconds. Vote: 4-0.

The Chairman returned to the table.

7:55 "Show Cause" Hearing on: Juan Saldana d/b/a Route 107 Auto Sales, 129 Ballard St.; Kostandini Enterprises, Inc. d/b/a DeLeo's Pizza, 23 Essex St.; and Michael DePaolis Group, Inc. d/b/a Nico's Pasta & Panini, 43 Jackson St., to deny, revoke or suspend all licenses and permits held for failure to pay municipal taxes / fees owed. This hearing is being held under MGL c. 40, section 57 adopted by the Town of Saugus By-Laws, section 807.

Mr. Kelleher asked for update. Their clerk said all are paid except Route 107 Auto Sales and said they have not submitted renewal application either.

Any in favor or in opposition? None.

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

Mr. Rossetti excused himself from the table stating DeLeo's is a client.

Mr. Kelleher moved the Board take no action on DeLeo's license. Chair seconds. Vote: 4-0.

Mr. Rossetti returned to the table.

Mr. Kelleher moved to suspend the Class II Auto Dealer's License of Juan Saldana d/b/a Route 107 Auto Sales, 129 Ballard Street, for a period of ninety days or such time they make payment or payment agreement. Chair seconds. Vote: 5-0.

Mr. Castinetti moved the Board take no action on Nico's. Chair seconds. Vote: 5-0.

The Chair excused himself from the table.

8:05 Triangle Entertainment, LLC d/b/a Maddy's, 1639 Broadway, Peter Mui, Manager for transfer of All Alcoholic Common Victualer's License and Entertainment License and one coin operated device from Triangle Entertainment Corp. d/b/a Maddy's, 1639 Broadway.

Attorney Richard Magnan, 320 Central Street, was present and explained paperwork submitted and explained no changes, just transfer from corporation to an LLC for taxation purposes and said money owed may be condition of approval.

Any in favor or in opposition? None.

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

Mr. Rossetti moved to approve transfer of All Alcoholic Common Victualer's License and Entertainment License and one coin operated device from Triangle Entertainment Corp. d/b/a Maddy's, 1639 Broadway to Triangle Entertainment, LLC d/b/a Maddy's, 1639 Broadway. Vice Chair seconds. Vote: 4-0.

The Chairman returned to the table.

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

CORRESPONDENCE

1.) SCTV re: Agreement between SCTV & the Town of Saugus status report.

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SCTV Director Richard Garabedian was present and explained SCTV has met and exceeded requirements under the agreement with the Town and requested money be released to their account. Mr. Horlick asked what their plans for money. Mr. Garabedian said capital and explained plans and said they would like the 4% interest on the money and said this is about accountability and responsibility. Mr. Horlick said when the corporation was formed the Board wanted to hold \$50-60,000 just in case. Mr. Garabedian said it makes more sense to have the money in the SCTV account and said they feel they have met and exceeded the requirements under the agreement. Mr. Rossetti said as clarification the money being discussed is not taxpayer money, but funds from Comcast for this purpose and explained when the corporation was first set up, it was to stay under the Board's control for a period of time, but it is suppose to operate separately from the Town and asked if there are any plans for the Graves School. Mr. Garabedian said nothing other than support for them.

Mr. Castinetti moved the Board vote to transfer the balance from the Town's SCTV account to SCTV, Inc. account. Chair seconds. Mr. Castinetti speaking on the motion said they have done a commendable job and have shown the ability to manage their funds. Mr. Kelleher speaking on the motion congratulated them for a great job and wished them great success. Mr. Rossetti speaking on the motion thanked them for the wonderful job. Mr. Horlick said he will support the motion and said they had a rough beginning, but believe its going the way it should and wished them luck. The Chairman said he appreciates what they do and what they have done. Mr. Horlick added the dollar amount: \$116,759.86 Vote: 5-0.

Mr. Castinetti moved to take up the 8:15PM public hearing at this time. Chair seconds. Vote: 5-0.

The Chairman excused himself from the table.

8:15 Mandarin House, LLC d/b/a Kowloon Restaurant, 948 Broadway, Donald Wong, Manager for transfer of All Alcoholic Common Victualer's License and Entertainment License from Mandarin House, Inc. d/b/a Kowloon Rest., 948 Broadway.

Attorney Richard Magnan was present and explained only change is from corporation to LLC for tax purposes.

Any in favor or in opposition? None.

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

Mr. Rossetti moved to approve the transfer of All Alcoholic Common Victualer's License and Entertainment License from Mandarin House, Inc. d/b/a Kowloon Rest., 948 Broadway to Mandarin House, LLC d/b/a Kowloon Restaurant, 948 Broadway. Vice Chair seconds. Vote: 4-0.

The Chairman returned to the table.

Correspondence, continued

2.) Mr. Kochakian re: request for reappointment as constable.

Daniel Kochakian, 8 Limewoods Rd., was present. Mr. Rossetti asked if the CORI came back. Their clerk said yes, no record found.

Mr. Castinetti moved to reappoint Daniel Kochakian as constable in the Town of Saugus. Chair seconds. Vote: 5-0.

3.) 2009 License Renewals.

The Chairman excused himself from the table.

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Mr. Rossetti moved to renew the following All Alcoholic Common Victualer's Licenses 2009:

Border Café, 819 Broadway Entertainment
Midwest Grill, 910 Broadway Entertainment
Out of Asia, 1268 Broadway
Prince, 517 Broadway Entertainment & 2 coin operated devices
Vice Chair seconds. Vote: 4-0.

The Chairman returned to the table.

Mr. Kelleher moved to renew the following Beer & Wine Common Victualer's License 2009: Personal Chef, 124 Broadway. Chair seconds. Vote: 5-0.

Mr. Horlick moved to renew the following All Alcoholic Common Victualer's club license 2009:

Melrose Fish & Game, Rear Cheever Ave. Entertainment & 1 coin operated device.
Chair seconds. Vote: 5-0.

Mr. Castinetti moved to renew the following All Alcoholic Package Store Licenses 2009:

Amato's, 206 Lincoln Ave.
Nasty Nonni's, 321 Main St.
Chair seconds. Vote: 5-0.

Mr. Kelleher moved to renew the following Class I Auto Dealer's Licenses 2009:

York Ford 1481 Broadway
York Ford 1288-1294 Broadway
Chair seconds. Vote: 5-0.

Mr. Horlick moved to renew the following Common Victualer's Licenses 2009:

Boston Market, 168 Broadway
Dunkin Donuts, 86 Broadway 5AM Permit including trash & deliveries
Golf Country, 860 Broadway Driving Range
Kentucky Fried Chicken, 421 Broadway
Lena's, 496 Lincoln Ave.
Nick's Place, 308 Central St. Entertainment
Nico's 43 Jackson St.
Mini Golf, 1565-1575 Broadway Entertainment, 23 coin operated devices & golf
Chair seconds. Vote: 5-0.

Mr. Rossetti moved to renew the following Class II Auto Dealer's License 2009:
Pro Collision Center, 233 Hamilton St. Chair seconds. Vote: 5-0.

Mr. Castinetti moved to renew the following Valuable / Used Goods License 2009: Repair Palace, 1325 Broadway. Chair seconds. Vote: 5-0.

Mr. Rossetti moved to renew the following Extended Hours of Operation Permit 2009: FedEx/Kinko's, 600 Broadway, 2 AM to 6 AM. Chair seconds. Vote: 5-0.

Mr. Rossetti moved to renew the following late Licenses 2009:

Burger King, 720 Broadway, Common Victualer's
Square One Mall Food Court, 1201 Broadway, Common Victualer's
Tonino's, 36 Hamilton St., Beer & Wine Common Victualer's
Nico's Pasta & Panini, 43 Jackson Street, Common Victualer's
Rte. 1 Sunoco, 700 Broadway, Extended Hours of Operation Permit
Chair seconds. Vote: 5-0.

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Mr. Castinetti moved to renew DeLeo's Common Victualer's License. Chair seconds. Vote: 4-0 and 1 abstention by Mr. Rossetti.

Mr. Castinetti moved to renew the following incomplete applications subject to them submitting what is required 2009:

Old Saugus Restaurant, All Alcoholic Common Victualer's & Entertainment
99 Restaurant, All Alcoholic Common Victualer's & Entertainment
Applebee's, All Alcoholic Common Victualer's & Entertainment
PAM, Inc. All Alcoholic Common Victualer's & Entertainment
JIN, All Alcoholic Common Victualer's & Entertainment
Center Convenience, Extended Hours of Operation Permit.
Chair seconds. Vote: 5-0.

Mr. Castinetti moved the Board vote to take no action on the following Licenses that have not submitted application for renewal:

Oasis, 24 Bennett Highway All Alcoholic Common Victualer's, Entertainment
Iron Works, 1185 Broadway, Beer & Wine, Cordials & Liqueurs, Common
Victualer's, Entertainment., 3 coin ops., juke box
Auto Exchange Group, 173 Main St. Class II Auto Dealer
Broadway Service Station, 1330 Broadway Class II Auto Dealer
Chair seconds. Vote: 5-0.

Mr. Rossetti moved the Board vote to renew the following Common Victualer's Licenses subject to application being submitted by January 6, 2009:

Starbuck's, 723 Broadway 5:30AM including deliveries
Starbuck's, 344 Broadway
Subway, 124 Broadway
Target, 400 Lynn Fells Parkway
Chair seconds. Vote: 5-0.

Mr. Horlick said this happens every year there are businesses that don't submit renewal on time.

Mr. Rossetti moved to renew the Extended Hours of Operation Permit of CVS subject to application being submitted by January 6, 2009. Chair seconds. Mr. Kelleher speaking on the motion said to not renew the license could hurt people with prescriptions. Mr. Castinetti agreed and will support the motion. Mr. Horlick said they need to know they have to have their applications in on time and will support the motion. Vote: 5-0.

Mr. Rossetti said there is no public need associated with a gas station being open 24 hours and moved the Board take no action on the Extended Hours of Operation Permit of Exxon Mobil. Chair seconds. Vote: 5-0.

The Chairman said this is the last meeting of the year and thanked everyone for their continued support and said Saugus is a place to be proud of and reminded citizens to remember the soldiers defending us and wished all happy holidays.

Manager's report

- thanked Wendy Carpenito for her generous gift of lunch for Town Hall employees. Mr. Kelleher said she gives a lot to the Town.

Mr. Kelleher said in his opinion Ballard Street is a mess and still thinks the street cannot handle 107 traffic and asked for update. The Manager said he is in contact with Mass Highway and have notified them of issues and if anyone has issues they should send them to him to address and explained he did request and Mass Highway has

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addressed detail officers, signage and adjusted traffic lights. Mr. Kelleher commended him, but he doesn't think Mass Highway is taking this seriously and expressed concern with snow removal. The Manager said the Mass Highway Director is willing to participate in a meeting with Town Officials. Mr. Kelleher said they should meet in the neighborhood. The Manager said they have been accommodating so far and he will continue to monitor it. Mr. Rossetti said he spoke with some of their State Delegates at another meeting last night and explained the date was chosen to accommodate the lobstermen and the bridge is unsafe and needed to be closed. Mr. Horlick noted several meetings on this and they agreed to posting signs and advertise the bridge closing and they said they would address snow removal and he hopes they are still willing to and said the bridge was deemed unsafe and said he has received calls about trash haulers using side streets to Ballard Street as a cut through.

Mr. Horlick moved to send a letter to RESCO to request they inform trash haulers not to use side streets. Chair seconds. Mr. Kelleher speaking on the motion said they have an agreement with the Town to not use Ballard Street and he is having the agreement looked into and will not support the motion because they would use Ballard Street and he is against that. Mr. Horlick withdrew his motion.

Member's motions

Mr. Castinetti: asked the Manager for update on Hesper Street. The Manager said the crash fence is complete and the Town attorney met with engineers and all agree the wall is unsafe and should be taken down and were in court today and pretrial set March 2009.

- emphasized that the Board is still taking applications for Harbor Master.
- said he received request for change in bus stop on Ballard Street.

Mr. Castinetti moved to contact the MBTA to request they move the bus stop during the detour period closer to the residential neighborhood, possibly at Eastern Avenue. Chair seconds. Mr. Horlick speaking on the motion said Mike Serino is still the MBTA Rep. and said the request should be sent through him. Mr. Castinetti said that is fine. Vote: 5-0.

- said he is on the road a lot and restraints have seen a reduction in patrons due to the economy and have received notice of interest in a liquor license and the Town has several that are inactive and should take action on them to support those businesses in Town.
- said the Board received correspondence from the Dept. of Revenue and read and said the Town has come a long way in the past 12 months.
- wished all happy holidays.

Mr. Rossetti: wished everyone happy holidays.

- said last night the toll change hearing was held in Lynn and our delegates were there also and they are in favor of blocking the increase.
- said we received 5" of rain in one day and the sewer upgrades including new pump at Lincoln pump station he is pleased to report it handled it.
- said the Fox Hill Bridge is closed and to expect a significant change in traffic and citizens should expect back ups and asked they be careful using unfamiliar side streets.

Mr. Rossetti moved the Manager be designated the contact person for any complaints or concerns for this project. Chair seconds. Mr. Horlick asked if the Manager would contact the person. Mr. Castinetti suggested the Manager get back to him and he could call the person with answer. Mr. Kelleher said it's a great idea to coordinate through one office. Vote: 5-0.

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- said being aware of the State's economic times looking less favorable and to expect dire times coming up and have been told 10% cut, but could be worse and hopes we stick to the Manager's adopted plan.
- received memo from RMV regarding crack down on handicapped plates.
- said the Mass Municipal meeting & trade show Jan. 23 & 24 and said he went last year and encouraged Board Members to go.
- noted residents from Glen Park present and said the Board received recommendation.

Lt. Swezey was present and read his recommendation for no parking and requested a public hearing be scheduled.

Mr. Kelleher moved to schedule a public hearing. Chair seconds. Vote: 5-0.

Mr. Kelleher moved to post temporary signs. Chair seconds. Vote: 5-0.

- said the Board received notice from Comcast regarding Channel 8 and said this does not effect our channel. Mr. Garabedian was present and said it's not our channel 8.

Mr. Kelleher: congratulated CYO basketball.

- said the Governor has been quoted regarding cuts and he is very proud of Saugus and said our recovery was in part due to entering the GIC and leasing the rink, but everything is at risk and we should encourage the Governor to allow us to raise revenue of our own.

Mr. Kelleher moved the Board send a letter to the Governor, Speaker of the House, Senate President and our State Delegates in support of 1% meals tax; the taxing of telecommunications; and slot machines at betting tracks.

The Chairman excused himself from the table.

Vice Chair seconds the motion. Mr. Rossetti said he will not support additional tax unless it's across the State because it will impact Saugus businesses that have already been impacted by increased taxes, increased water & sewer bills and said restaurants employ a lot of minimum wage workers and a tax increase would not improve the situation. Mr. Horlick said the smoking ban he didn't support, caused loss in patrons, but the meals tax should be looked at and we should look at all alternatives. Mr. Kelleher said a State wide wont pass, but may allow Towns & cities to under a local initiative and most likely our abutting communities will adopt it. Mr. Castinetti agreed tough times are coming and we are facing cuts but when did it become the responsibility of the restraint business that has seen a massive reduction in patrons and he will not support the motion. Mr. Kelleher disagreed that 1% will make a difference and doesn't believe business wont pass on any additional costs, but this is on the patron, not the business. Mr. Castinetti said it's the perception of and it will deter people from eating out and will not support unless state wide. Mr. Rossetti said if 1% tax was proposed on gas only in Saugus wouldn't be fair either and will not support and said taxing telecommunications is great, but they will pass on the cost to us, the users. Mr. Horlick said we rely on building permits and they're not coming in and we should look at every option. Mr. Castinetti said he has no objection looking at it, but will not support a letter in support of it.

Donald Wong, as resident and business owner, addressed the Board and said he doesn't know why they are looking at this because it's not even up at the State House and said some places have disadvantage and after the 1st of the year businesses will close and jobs lost and doesn't want to see restraints not come to Saugus and its unfair to pick on restraints and would rather see 1% sales tax. Mr. Kelleher said we are talking about this because we need additional revenue and this is not a tax on the restaurant, it's a tax to the customer not the owner and agreed sewer rates impacted Saugus residents, but this 1%

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meals tax will be adopted by surrounding communities. Mr. Castinetti said he can frame it any way he wants, to increase a tax is unfair and will drive business out of Town. Mr. Rossetti said Town Meeting would make the decision to adopt not the Board and moved the question and suggested separate motions.

Mr. Kelleher moved the Board send a letter to the Governor, Speaker of the House, Senate President and our State Delegates in support of 1% meals tax. Vice Chair seconds. Vote: 2-2 with Mr. Castinetti and Mr. Rossetti voting in opposition.

Mr. Kelleher moved the Board send a letter to the Governor, Speaker of the House, Senate President and our State Delegates in support of the taxing of telecommunications; and slot machines at gaming locations. Vice Chair seconds. Vote: 3-1 with Mr. Rossetti voting in opposition.

- wished everyone happy holidays.

Mr. Horlick: thanked the manager for sending letter regarding toll increases.

- asked manager for response regarding 33 Wamesit Ave. request.

- wished all happy holidays.

- said instead of increasing sales tax the State should lower sales tax so they don't lose business over the border.

Citizen's forum: None

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

Meeting adjourned at 10:13 PM.

Respectfully submitted,

Wendy Reed, Clerk