

Saugus Board of Selectmen
March 16, 2016

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

AGENDA
Saugus Board of Selectmen
March 16, 2016 at 7:30 PM
Town Hall Auditorium, 298 Central Street
Saugus, MA

Call to order.

Invited guests: 0

Correspondence:

- 1.) May 3, 2016 Student Government Day Proclamation
- 2.) Lottery Com. Re: Keno-To-Go at Market at Square One Mall, 1201 Broadway.
- 3.) Mr. Stewart re: potholes on Marr Rd & on Montgomery Ave.
- 4.) Casa Vallarta re: request to resubmit application to ABCC for reconsideration.

Citizen's Comments

Continued Hearings: 0

Public Hearings: 0

Old Business: Sully's, 168 Broadway re: update on liquor license.
Oye's re: request update on liquor license.

New Business: Seasonal License Renewal: Cedar Glen Golf

Manager's Report:

Approval of minutes: February 22, 2016 & March 2, 2016

Appointments: Board of Registrars; Library Board of Trustees; Zoning Board of Appeals;
Cultural Council; and
Mr. D'Amato re: request to be appointed constable in the Town of Saugus

Member's Comments:

Citizen's Comments

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The Saugus Board of Selectmen met on March 16, 2016 at 7:30PM in the Town Hall Auditorium, 298 Central Street. Present: Selectmen Scott Brazis, Jeffrey Cicolini, Jennifer D'Eon, Mark Mitchell and the Chairman Debra Panetta. The Town Manager Scott Crabtree was also present and arrived at 8:39PM.

Correspondence:

1.) May 3, 2016 Student Government Day Proclamation

Selectman D'Eon moved the Board vote **Student Government Day, May 3, 2016 Proclamation**

Whereas the mission of the Saugus Public Schools is to educate, challenge, and empower students to be life-long learners and to achieve excellence with integrity in the 21st century as productive, caring, and contributing members of society.

Whereas Saugus High School is a comprehensive learning institution whose mission is to prepare students to be responsible, thoughtful and effective global citizens.

Whereas Saugus High School is committed to providing a learning environment that encourages students to become actively involved in the learning process and fosters risk-taking and creativity in problem solving.

Whereas Saugus High School's ultimate purpose is to produce students who have the knowledge base and intellectual curiosity to become productive, ethical, and informed citizens in the 21st century.

And whereas Saugus High School expects students to demonstrate an understanding of civic responsibility, communicate ideas and information with clarity and understanding of audience, and to be able to analyze and evaluate information.

Therefore *The Chairman of the Board of Selectmen, after consultation with the Superintendent of schools, is hereby authorized to proclaim a date in April or May as Saugus Student Government Day. Said proclamation will allow for the planning and implementation of events, through a collaborative process inclusive of school and town officials or their designees that will simulate, as close as practicable, the legislative, executive and administrative functions of Saugus Town Government.*

*The Saugus Board of Selectmen hereby proclaim **May 3, 2016** as **Student Government Day** in the Town of Saugus on this **16th** day of **March, 2016: Saugus Board of Selectmen***

Chair seconds. The Chair speaking on the motion said she is excited about participating. Vote 5-0.

2.) Lottery Com. Re: Keno-To-Go at Market at Square One Mall, 1201 Broadway.

The Chair read correspondence requesting any objection to issuing a license to be submitted within 21 days.

Selectman Brazis moved the Board vote no objection and letter to be sent to the Lottery Commission of the Board's decision. Chair seconds 5-0.

3.) Mr. Stewart re: potholes on Marr Rd & on Montgomery Ave.

William Stewart, 12 Grandview Ave, was present and said 3 years ago he was before the Board with same problem, Montgomery Ave is in rough shape and this is a problem town wide that there is over 100 streets not accepted and can't use Chapter 90 money for repairs so the only way to get it done is to submit an Article and explained the previous DPW Director always submitted a list of streets that would be done and then financial problems they were omitted from the budget and has spoken to the new DPW Director and he will be trying to do this over time but in the mean time he would like the potholes fixed and does have an Article to submit that will be on the April 6th agenda. The Chair said they do have copy of his Article and it will be on the April 6th agenda. Selectman Cicolini said this is something that needs to be discussed with the manager and would rather refer it to the manager to work with DPW Director to patch the street. The Chair said the manager is aware.

4.) Casa Vallarta re: request to resubmit application to ABCC for reconsideration.

Attorney Richard Magnan, 194 Central Street was present representing Casa Vallarta and explained they initially came before the Board in December 2015 and received approval from the Board to transfer the license from Benal, Inc. and it was sent to the ABCC for approval but the ABCC sent it back for updated DOR Certificate of Good Standing and for clarification of the pledge and the Board voted in February to send it to ABCC for reconsideration and he was contacted by the ABCC Field Investigator and scheduled a site visit and shortly after, on February 24th the ABCC returned the application disapproved due to DUA noncompliance dated 2/19/16 and he contacted BENAL, Inc.'s attorney and explained even though they stopped operations they still needed to file up until the date of

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the transfer and the accounting firm has complied and copies provided and he contacted the ABCC Field Investigator and was directed to speak with ABCC Executive Director that said the Town should submit a new form 43 for reconsideration.

Selectman Cicolini moved to resubmit application for reconsideration. Chair seconds 5-0.

Citizen's Comments No one was present.

Continued Hearings: None.

Public Hearings: None

Old Business: Sully's, 168 Broadway re: update on liquor license.

The Chair said the Board did receive some correspondence today from the Building Inspector, Fire Chief and Plumbing Inspector and read and said the building is not in good order and violations noted and there's still quite a bit of work that needs to be done. The Chair noted the business owner was not present and said based on the latest inspections they cannot open and is hoping the work can be done so both businesses (Boston Market & Sully C's) can re-open.

Suleyman Celimli, 17 Wildwood Dr., Lynnfield and property owner was present and said since the fire he did a lot of work and the tenant could have started work in July but didn't do anything and said the occupancy permit is the tenant's responsibility and for 11 months the tenant has come up with issues not related to the fire and said the tenant doesn't want to open and hasn't paid rent and is in court. The Chair said the business owner is responsible for applying for occupancy permit but there is structural issues and read correspondence from Fire Chief Newbury and said that is the building owner's responsibility. Selectman Cicolini said the Board is not here to mediate who is responsible for what, but the Board has a responsibility to the community to make sure all liquor licenses are being used to benefit the community and said reports the Board received list items: structural, mold, etc. and the bottom line is the Board's concern with the liquor license because they have a responsibility to maximize utilization and feels we are at the same point as 3-4 months ago and based on reading the reports both sides have responsibility and as one of 5 Selectman he is not comfortable continuing and some type of decision needs to be made. The Chair said structural issues are the responsibility of the landlord and holes in the floor are the responsibility of the landlord. Selectman Mitchell said he feels this is wasting everyone's time noting the same story of who is responsible and asked why can't the work get done. Mr. Celimli said he has an engineer report and gave it to the Building Inspector and he ok'ed it and said the new issues relate to Boston Market not Sully C's. Selectman Cicolini disagreed based on reports received today. Mr. Celimli said he gave copy of construction permit to the Board a while ago and the beams are done. Selectman Cicolini said there are other structural issues. The Chair said clearly Boston Market and Sully C's have serious structural issues and work needs to be done and agree that they keep asking the same questions, when will the issues be addressed. Mr. Celimli explained he had a permit to open the floor to see what the problem was. Selectman Mitchell asked when will the work be done. Mr. Celimli said they have a court date and then it will be taken care of. Selectman Cicolini said the Building Inspector submitted list of violations and the bottom line is the Board needs assurance as to when the work will be done and what the plan is to complete the work. Mr. Celimli said he cannot complete the work without cooperation from the tenant.

Attorney Michael Utke, Cummings Park, Woburn was present with Elaine Byrne business owner. Attorney Utke apologized for being late and commended the Town for organizing yesterday's inspection and explained they did have a hearing at Superior Court and an exhibit was presented from a professional engineer stating all work was done with repairs dated 12/7/15 and that is not the case noting the roof is still leaking that has now caused other damage and showed the Board pictures and said after his client had the place professionally cleaned the workers are tracking mold, mud, etc through the restaurant for access to the basement and said at this rate his client is going to lose \$1 million investment. Selectman Cicolini asked about court date in February. Attorney Utke said it was denied based on report stating work was done. Selectman Cicolini asked if there's any other legal recourse. Atty. Utke said no, nothing quick. Selectman Cicolini asked if they have looked into alternative space or other alternatives for the liquor license. Atty. Utke said there are things she can do. Selectman Cicolini asked if it would be unreasonable to ask he work with the landlord on a work schedule, timeline, and ultimate goal of opening and said both

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parties agree to some responsibility. Selectman Brazis concurred. Atty. Utke said they did sit down in October 2015 and did what he is suggesting and certainly thinks there is no reason it can't be done. Mr. Celimli said it's not fair to say he lied and he has been in Town 40 years. Selectman Mitchell asked if the suggestion is workable for him. Mr. Celimli said yes.

Selectman Cicolini moved the topic be placed on April 13th agenda and for the landlord and tenant along with their respective attorneys, make a list of all work that needs to be completed which includes all items identified in the correspondence from the building inspector, the fire chief, plumbing inspector and the electrical inspector; identify which party is responsible for each item, which contractor will complete each task, a timeline as to when each item will be done; this will include the items noted on both the Sully C's and Boston Market side of the building. A planned target date for re-opening should be no later than June 30th. Chair seconds 5-0.

Old Business: Oye's re: request update on liquor license.

The Chair said the Board reached out to Oye's for a timeline as to when they would be opening and they responded they were unable to attend and will come to April 6th meeting.

New Business: Seasonal License Renewal: Cedar Glen Golf

Selectman Brazis moved to renew the Seasonal Beer & Wine Common Victualer's License of Cedar Glen for 2016 with same conditions. The Chair noted it will expire November 30, 2016. Chair seconds 5-0.

Selectman Brazis moved for recess. Chair seconds 5-0.

Meeting recessed at 8:30PM.

The Chair called the meeting back to order at 8:39PM.

Manager's Report:

The Manager apologized for being late and said he was at the Finance Committee meeting.

- said at last meeting the Board requested he have police look into issues raised around Todechi's and said police met with the resident that raised concerns and met with store manager to address concerns and they will be installing a fence and based on the review they don't recommend cameras at this time.
- said he followed-up on complaint from last meeting regarding flooding on the Fellsway after blasting there and the fire dept will investigate any claims and assist residents and explained a pre-blast survey was offered and all blasts were monitored by the fire dept. The Chair asked if the resident was notified. The Manager said the resident that raised the issue doesn't live in the area. The Chair said he should send him copy. The Manager said he believes he spoke with the fire dept and said the fire dept is looking into all complaints and will assist anyone with complaint.
- said inspectors went to 168 Broadway. The Chair explained the Board had the discussion and they will report back on April 13th with a plan and timeline.
- said he was asked at a meeting to look into parking issues and the police are doing directed patrols in the Summer St / Main St and at Vine St / Main St areas and expect an update in a couple of weeks.

Selectman Cicolini said Mr. Stewart was here earlier regarding pot holes on Montgomery Ave and has an Article to submit for repaving and would like to refer it to the Manager. The Chair said the other issue regarding Marr Rd was determined to be Housing Authority property. The Manager said at the end of the winter, DPW addresses weather damaged areas and will look into it.

-said DPW has been out doing some maintenance on fields.

-said there has some amendments required by DCR on sublease of Kasabuski and will request on next agenda.

Approval of minutes: February 22, 2016 & March 2, 2016

Selectman Brazis moved to approve the February 22, 2016 meeting minutes. Chair seconds 5-0.

Selectman Brazis moved to approve the March 2, 2016 minutes. Chair seconds. The Chair offered corrections and one amendment without objection. Vote 5-0.

Appointments: Board of Registrars; Library Board of Trustees; Zoning Board of Appeals; Cultural Council; and

Mr. D'Amato re: request to be appointed constable in the Town of Saugus

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Stephen D'Amato, 115 Winthrop Parkway, Revere was present and gave his background and 10 years experience and being a co-owner of a professional constable service business.

Selectman Cicolini said he has committed to providing service and the Town currently has eight constables and two vacancies.

Selectman Cicolini moved to appoint Stephen D'Amato as constable in the Town of Saugus for 3 year term to expire March 31, 2019. Chair seconds The Chair speaking on the motion agreed and said he has an impressive resume. Vote 5-0.

Selectman Cicolini moved to reappoint Joyce Toto to the Board of Registrars for 3 year term to expire March 31, 2019. Chair seconds 5-0.

Selectman D'Eon moved to appoint Val Kappa to the Cultural Council to expire December 31, 2018. Chair seconds 5-0.

The Chair said Katie Galenius is not seeking reappointment and thanked her for serving on the Zoning Board of Appeals and requested a letter be sent in appreciation of around 30 years of service.

Selectman Mitchell moved to appoint Christopher Finn as a Regular Member on the Zoning Board of Appeals to expire 3/31/21. Chair seconds 5-0.

Selectman Mitchell moved to appoint Ferdous Alam to an unexpired term as Alternate on the Zoning Board of Appeals to expire 3/31/19. Chair seconds 5-0.

The Chair said the Board received 6 applications for Library Board of Trustees.

Selectman Brazis moved to appoint Roseann Luongo to the Library Board of Trustees and to expire 3/31/19 and said she has an impressive resume. Chair seconds 5-0.

Selectman D'Eon said it was difficult because of the many impressive resumes and wants to do what's best for the Town.

Selectman D'Eon moved to appoint Laura Flynn to the Library Board of Trustees and said she has extensive education and financial experience and to expire 3/31/19. Chair seconds 5-0.

The Chair agreed we are fortunate to have good candidates. Selectman D'Eon thanked all that applied.

Member's Comments:

Selectman Brazis said regarding the public ice rinks it was unfortunate the weather did not cooperate. The Manager said we did get a couple of weeks use.

Selectman Brazis said MA State Trooper Thomas Clardy lost his life in a crash on MA Pike and thoughts and prayers are with him and his family.

Selectman Cicolini recognized the HS, MS & Elementary School Chorus concert this evening.

Selectman Mitchell congratulated SHS Basketball team winning 2 games in State tournament.

Selectman D'Eon said as Selectman Liaison on the Superintendent Search Committee they will be reviewing applications this week.

Selectman D'Eon said the Historical Commission gave update on Round Hill project.

Selectman D'Eon announced "Books in Bloom" at the Library.

Selectman Brazis commented that a year ago he and three members joined the Chair on the Board of Selectmen and commented that it has been a wonderful year with a Board acting in the best interest of the Town in every decision we make.

The Chair wished all a happy St. Patrick's Day and a happy Easter, and said the hockey teams will be in at next meeting, and thanked the Chamber of Commerce for all they do for the community.

Citizen's Comments None.

Selectman Brazis moved to adjourn. Chair seconds 5-0.

Meeting adjourned at 9:14PM

Respectfully submitted,

Wendy Reed, Clerk