

Saugus Board of Selectmen
February 15, 2017

The Saugus Board of Selectmen met on February 15, 2017 at 7:30 PM in the Town Hall Auditorium, 298 Central Street. Present: Selectmen Scott Brazis, Jeffrey Cicolini, Jennifer D'Eon and the Chairman Debra Panetta. Absent: Selectman Mark Mitchell. The Town Manager Scott Crabtree was also present.

The Chair noted Special Counsel Ira Zaleznik was present for two agenda items.

Selectman Cicolini moved to take New Business: Comcast contract review & ratification and SCTV agreement with the Board of Selectmen out of order. Chair seconds 4-0.

New Business: Comcast contract review & ratification

The Chair said she appreciates all the work done on the Comcast contract and the SCTV agreement and said the Comcast contract is similar to what we originally had that expired October 2016 and the Board worked with Special Counsel and Town Manager and noted in the agreement the (PEG) rate remains flat. Special Counsel said Comcast submitted a license renewal proposal in June and he surveyed communities to use as a guide and was able to find additional provisions and listed: regulatory powers / the Town may hold public hearings, transfer of license, location of equipment & facilities, and to keep the rate at 3.75% and said much of the content is regulated by State & Federal Statutes and explained regarding the fees, under the statutes the Town may not impose a fee greater than 5% and felt the 3.75% does provide adequate funding and noted in the PEG access section, Comcast agreed to \$300,000 for capital equipment and said there are oversight mechanisms and said he tried but could not get them to agree to having an office in Saugus and said Comcast explained their business model has changed and the local store was primarily for paying bills and they do have two conveniently located offices in Lynn and Malden and have an agreement with 7-Eleven stores for bill payment and equipment exchange is free through UPS. The Chair read letter from Comcast regarding senior discount and said that is something the Board asked for. Selectman Cicolini said it hurts that this is the only cable service in Town and feels the cost is astronomical but the Board is not the regulatory body and it would be fantastic to lure another cable service to Town and said Fios has opted not to come to Saugus. Special Counsel said nothing in the contract would prohibit another cable service in Town but they can't get a "sweetheart deal". Selectman Cicolini agreed because of fare trading and said he doesn't know why there is a lack of interest. Special Counsel said technology is changing. The Chair said cable packages are always changing and encouraged people to call and negotiate on package costs and asked about "exhibit A" and "exhibit C" of the contract. Special Counsel explained and noted provision for any new buildings. Selectmen Brazis suggested the location of regional offices be posted for the public. The Chair agreed and UPS locations also. The Manager said the agreement for cable television is with the Selectmen and in other communities it differs but here it is with the Selectmen and the Selectmen may delegate the authority to another entity for PEG access which led to some confusion.

Selectman Cicolini moved the Board vote to ratify the Cable License renewal with Comcast as outlined by Special Counsel from February 1, 2017 to January 30, 2027. Chair seconds 4-0.

The Chair said Selectman Mitchell is ill this evening and sorry she did not mention at the start of the meeting.

New Business: SCTV agreement with the Board of Selectmen

The Chair said there were issues with the cable boards, and 4 people have been working through the transition, and lawsuits took a while to resolve but now all lawsuits have been dropped and with help from Special Counsel and the Manager she is pleased they will now have a new agreement in place. Special Counsel Ira Zaleznik was present and thanked the Board and Manager for all their help in getting the lawsuits resolved and said there was quite a bit of turmoil over PEG access and hopes the agreement ends the turmoil and explained one of the problems was a prior operation used funds for causes and ventures not within the scope of what they were charged to do and gave example of offering a scholarship which is a good cause but not within the function or purpose of the money coming from Comcast from the rate payers for the purpose of funding PEG channels only and said this agreement provides a careful structure and the Board of SCTV will have specific budget requests for funds and the By-Laws of the Corporation need change and all is spelled out in the agreement. The Manager explained they are not creating a new entity but using an existing non-profit with By-Laws in place and said SCTV was never

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dissolved but another entity was created. The Chair said it took a long time to unravel. Special Counsel said the non-profit corporation continued to exist and will have mechanisms in place. Selectman Cicolini said it's a more complex process to dissolve the corporation, which include waiting periods between steps and feels this is the best decision for the Town. Special Counsel said there will be safeguards in place for the Board to oversee expenditures of funds and reviews and audits. Selectman Cicolini commented that in addition to audits there is a performance review. The Chair said the Selectmen will not be involved in day-to-day operations or programming. Special Counsel said the oversight function is primarily financials and not regulatory over content and the PEG Access Board will oversee programming and facility. The Chair said it will be a five year term. Special Counsel said the last agreement was a 5 year term also. The Chair said after voted, the PEG Board will come with a budget for approval and set-up payroll. The Manager said it took the last 2-3 years to unwind but now can operate free of lawsuits and said Tom Lucey was still part of SCTV and helped resolve the outstanding issues.

Selectman Brazil moved to approve the agreement between the Town of Saugus Board of Selectmen and SCTV, Inc. from February 1, 2017 to January 31, 2022. Chair seconds 4-0.

Selectman Brazil moved for recess. Chair seconds 4-0. Meeting recessed at 8:39PM.

The Chair called the meeting back to order at 8:46PM.

Selectman Brazil moved to take SCTV appointments out of order. Chair seconds 4-0.

Appointments: SCTV appointments

Selectman Brazil moved to appoint the following to the SCTV Board of Directors: Fatima Allan, Al DiNardo, Donna Sordello, Bill Williamson and Tom Lucey with term to expire January 31, 2019 and with condition they accept, approve and execute the agreement. Chair seconds 4-0.

Selectman Cicolini moved to take continued hearing on Victoria Wiegman, Inc. d/b/a Banana Splitz out of order, Chair seconds 4-0.

Continued Hearing:

Victoria Wiegman, Inc. d/b/a Banana Splitz, 526 Lincoln Avenue for Common Victualer's License and for Entertainment License.

Victoria Wiegman was present. The Chair said the hearing was continued because there was question on parking and the Building Inspector has confirmed there are enough spaces to allow 3 tables outside with no more than 12 seats.

Any to speak in favor or opposed? None.

Selectman D'Eon moved to close the hearing. Chair seconds 4-0.

Selectman D'Eon moved to approve the request of Victoria Wiegman, Inc. d/b/a Banana Splitz, 526 Lincoln Avenue for Common Victualer's License and for Entertainment License, that was previously approved, to include 3 outdoor tables with 12 seats. Chair seconds 4-0.

Selectman Cicolini moved to take Five Guys public hearing out of order. Chair seconds 4-0.

Public Hearings:

7:45 PM GFV Holdings, LLC d/b/a Five Guys Burgers & Fries, for Common Victualer's License located at 180 Main Street.

No one was present.

Selectman D'Eon moved to continue the hearing. Chair seconds 4-0.

Selectman Cicolini moved to take Mallqui public hearing out of order. Chair seconds 4-0.

Public Hearings:

7:50 PM Mallqui Food Service, Inc., 184 Broadway, for Permit to serve cordials & liqueurs in addition to Beer & Wine.

Carla Mallqui, 24 Lynde St. Melrose was present. The Chair asked if they are open yet. Ms. Mallqui said yes and said they were advised that once they had the Beer & Wine License they could then apply for cordials & liqueurs. The Chair said they are also looking for change of hours. Ms. Mallqui said yes and said the previous business had cordials & liqueurs permit and want to continue what they had and said she received training in alcohol service. Selectman Cicolini asked if the Board wanted to take the applications up in two pieces. The Chair said the hearing is on the cordials & liqueurs permit and the request for change of hours and d/b/a do not require a public hearing.

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Any in favor or in opposition? None.

Selectman D'Eon moved to close the hearing. Chair seconds 4-0.

Selectman D'Eon moved to approve the request of Mallqui Food Service, Inc., 184 Broadway, for Permit to serve cordials & liqueurs in addition to Beer & Wine. Chair seconds 4-0.

Selectman Cicolini moved to take Correspondence #5 out of order. Chair seconds 4-0.

Correspondence

5.) Mallqui Food Service, Inc., 184 Broadway re: request for change of d/b/a from Caffè Di Calabria to Avatar; and request for change of hours of operation.

Carla Mallqui was present and said they will be going away from Italian coffee as the previous owners have decided not to stay on and help them so decided to do more international specialties. The Chair said the hours requested is a significant change. Ms. Mallqui said she understands the rules in Saugus and they don't have a full kitchen so they need to focus on Karaoke and passed out revised request of proposed hours. The Chair said they will keep Monday closed and discussed hours. Selectman Cicolini said he cannot support a 2am closing considering the history of neighborhood noise issues. Ms. Mallqui said she was told she could come back in 6 months. Selectman Cicolini said she has only been open one month. The Chair agreed it is a difficult area with a neighborhood and is not comfortable with 2am. Selectman Brazis agreed and said he also could not go along with 2 am and is not in favor of midnight on a Sunday. Selectman D'Eon said she is in agreement with the Board.

Selectman Cicolini moved to approve the request of Mallqui Food Service, Inc., 184 Broadway, for change of d/b/a from Caffè Di Calabria to Avatar; and to approve request for change of hours of operation as follows: Tuesday & Wednesday 10am to 10 pm; Thursday, Friday & Saturday 10 am to 1 am; all music ending at 12am; and Sunday 10am to 11pm. Chair seconds 4-0.

Correspondence, continued

1.) School Committee re: request to insert Article into Annual Town Meeting Warrant.

The Chair read the Article.

Selectman Cicolini moved to insert the Article into the Annual Town Meeting Warrant. Chair seconds 4-0.

2.) Senior Center re: gift from the Estate of Leona Payson.

The Chair read.

Selectman Brazis moved to accept the gift of \$5,000 from the Estate of Leona Payson to the Senior Center gift account. Chair seconds 4-0.

3.) Saugus National Little League re: request for Parade Permit for opening day ceremony.

The Chair read request and Police Dept. recommendation.

Selectman Cicolini moved to grant the Parade Permit to Saugus National Little League for opening day ceremony on April 22, 2017 with marching time 9am-10pm with rain date of April 23, 2017 on the following route: Oaklandvale School directly up Main Street to Elks Field and to notify the Police Shift Commander on duty at least 24 hours prior to the parade and notice to be put on the Town website prior to event. Chair seconds 4-0.

4.) Saugus Youth Soccer Association re: request for banner announcing soccer registration.

The Chair read request for use of the Town Hall location and said application is made for Main St. location. The Manager explained the poles were placed for Town events not for use of non-profits and was used for banners announcing welcome home ceremonies of military personnel and feels it would be problematic to allow non-profits to use it. Selectman Cicolini asked he reach out to the petitioner to explain.

Selectman Cicolini moved to grant request of Saugus Youth Soccer Association for banner announcing soccer registration on Main Street at Vine Street from March 1 to March 30, 2017 and to waive the bond requirement. Chair seconds 4-0.

Selectman Cicolini moved to refer the request to use the sign frame at Town Hall to the Town Manager. Chair seconds 4-0.

Citizen's Comments: None.

New Business: -Discussion & determination on date to close the Annual Town Meeting Warrant.

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Selectman Cicolini moved to close the Annual Town Meeting Warrant at the April 12, 2017 Selectmen Meeting. Chair seconds 4-0.

Manager's Report: Gift acceptance from Aggregate Industries

The Manager shared exciting news that MSBA approved Saugus to move on to the next phase for the SHS project with a combined middle / high school design and over the next year will work on schematic design. The Chair said it is wonderful news and congratulated all involved.

The Manager presented a monthly gift from Aggregate Industries that will be kept in a segregated account for parks, playgrounds, open space improvements and thanked the Board and Town Meeting Members who helped putting it together as part of the reclamation agreement.

Selectman D'Eon moved to accept the gift from Aggregate Industries. Chair seconds 4-0.

Approval of minutes: January 18, 2017

Selectman Brazis moved to approve the January 18, 2017 minutes. Chair seconds 4-0.

Appointments: Announcement: Library Board of Trustees & Zoning Board of Appeals
Letters of interest / resume due 3/13/17.

The Chair announced there are open positions as Alternate Members on the Zoning Board of Appeals and encouraged people to apply and announced the Board is accepting application for appointment to the Library Board of Trustees.

Member's Comments:

Selectman Cicolini thanked DPW and Manager for great work over the storms. The Manager said storms differ and DPW and contractors do the best they can do and try to address all calls.

Selectman Brazis said DCR recognized 2 Saugus residents that saved people from drowning and congratulated Joya Donnelly and Shannon Daily; and recognized Jonathan McTague for creating a "Goals" program for at risk students; and announced on 2/24/17 a sled hockey 10th Mountain Division event at Kasabuski Rink; and offered sympathies to the Spinale family of a classmate that passed away; and wished Selectmen Mitchell well in feeling better; and wished Ruth Berg a happy birthday.

Selectman D'Eon offered condolences to the Denahy Family; and mentioned the option on the tax bill to donate to veterans.

The Chair sent heartfelt condolences to the Spinale and Denahy families; and said Jonathan McTague is a terrific young man; and said she spoke with the Building Inspector who told her the inside of Oye's is gorgeous and hope they will be open soon; and announced boy scout troop 62's annual roast beef dinner.

Citizen's Comments

Gene Decareau, 388 Central St, TMMP8 was present asked if it was not true there was a meeting with the Chairman, Town Manager, auditors and Joe Cassia (SCTS) about \$680,000 unaccounted for. The Chair said she has never been to a meeting that discussed \$680,000 unaccounted funds. Mr. Decareau asked if the 2014 audit is over and asked how the cable issues can be settled with 2 charges of contempt of court and asked if the Board chose to drop the charges. Selectman Cicolini said the Board never dropped any charges and said the audit is done and will be issued after the agreement is voted. Mr. Decareau said people have been trying to get copy of the audit. The Chair explained the auditors are waiting for the agreement and once both Boards vote and adjust the By-Laws it will be issued and will make sure he gets a copy of it. Mr. Decareau asked the Chair if she never had a meeting with Joe (Cassia) and the auditors. The Chair said she met with Joe but never had a meeting with him and the auditors.

Selectman Brazis moved to adjourn Chair seconds 4-0.

Meeting adjourned at 9:57pm

Respectfully submitted,

Wendy Reed, Clerk