

Saugus Board of Selectmen

May 11, 2016

\*\*\*\*\*MEETING MINUTES\*\*\*\*\*

AGENDA

Saugus Board of Selectmen

May 11, 2016 at 7:30 PM

Town Hall Auditorium, 298 Central Street

Saugus, MA

Call to order.

Invited guests: Ms. Martino & Belmonte Middle School 6<sup>th</sup> Grade Science Class

Correspondence:

- 1.) First Baptist Church re: request for banner announcing 92<sup>nd</sup> Anniversary Celebration.
- 2.) Mr. Stewart re: request to insert Article into next Special Town Meeting Warrant.
- 3.) SBA Communications Corp re: Building Inspector's request for Board approval of Building Permit at 83 Howard St.
- 4.) Ms. Lembo re: Wal-Mart carriages on Rte. 1
- 5.) Lions Club re: request for canning on public ways: Center Rotary & Fellsway at Main St.
- 6.) Mr. DiNardo re: request for clarification on Heavy Trucking signs on section of Walnut St.
- 7.) Mr. Horlick re: request removal of building on Denver St. for public safety.

Citizen's Comments

Public Hearings:

- 7:45 PM Love Joy Nails Corp. for Special Permit (S-2) to allow salon offering manicures, pedicures, waxing and facials to be located at 410 Lincoln Avenue, Assessor's Plan 2012, Lot A-123.
- 7:55 PM NEW Ki-Ku-Ya, Inc. & DJC Realty Trust, for Special Permit (S-2) to allow a drive through window for proposed Dunkin Donuts, to be located at, 670 Broadway, Assessor's Plan 1028, Lot 27.

Old Business:

- 1.) Hilltop, 855 Broadway re: update on liquor license.
- 2.) Maddy's, 1639 Broadway re: update on liquor license.
- 3.) Sully C's, 168 Broadway re: update von liquor license.

New Business:

- 1.) Private & Veterans Clubs annual reports re: officers & directors.

Manager's Report:

Board of Health appointments  
Update on Parks & Playgrounds

Approval of minutes: April 13, 2016

Member's Comments:

Softball & Little League Parades  
Knights of Columbus 100 year anniversary  
Breakheart clean up with the Governor  
Student Government Day May 3<sup>rd</sup>  
Taste for Education  
Janet Leuci dedication – May 15<sup>th</sup>

Citizen's Comments

Executive session: for the purpose of contract negotiations with non-union personnel / Town Manager.

Saugus Board of Selectmen

May 11, 2016

The Saugus Board of Selectmen met on May 11, 2016 at 7:30 PM in the Town Hall Auditorium, 298 Central Street. Present: Selectman Scott Brazis, Jeffrey Cicolini, Jennifer D'Eon, Mark Mitchell and the Chairman Debra Panetta. The Town Manager Scott Crabtree arrived from the Finance Committee meeting at 8:50 PM.

Invited guests: Ms. Martino & Belmonte Middle School 6<sup>th</sup> Grade Science Class

Kim Martino was present with members of her 6<sup>th</sup> grade science class and gave presentation on fertilizer produced by MWRA and offered free to communities in the MWRA district.

The Chair thanked them for a wonderful presentation and said she spoke with the Town Manager and he will look into it.

Selectman Brazis moved to refer the information to the Manager to have conversation with the DPW Director to see if we can obtain and use this fertilizer. Chair seconds. Selectman D'Eon speaking on the motion said the students did a fine job and thanked them. Vote 5-0.

Correspondence:

1.) First Baptist Church re: request for banner announcing 92<sup>nd</sup> Anniversary Celebration.

No one was present. The Chair read request.

Selectman D'Eon moved to approve the request of First Baptist Church for banner announcing 92<sup>nd</sup> Anniversary Celebration on Main St at Vine St from October 9<sup>th</sup> to November 7, 2016 and to waive the bond requirement. Chair seconds 5-0.

2.) Mr. Stewart re: request to insert Article into next Special Town Meeting Warrant.

No one was present. The Chair read request.

Selectman Cicolini moved to insert the Article into next Special Town Meeting Warrant. Chair seconds 5-0.

3.) SBA Communications Corp re: Building Inspector's request for Board approval of Building Permit at 83 Howard St.

Ricardo Sousa, 100 Cambridge St, Boston, representing SBA Communications Corp. was present and explained the proposal to replace existing tower and process advised by Town Counsel to seek relief from the Zoning Board of Appeals and they did approve in May 2015 with condition the Building Inspector see if Board of Selectmen approval is needed and said he did receive opinion from Town Counsel this does not fall under the Selectmen's jurisdiction. The Chair said she had conversations with Town Counsel, Building Inspector and Town Manager and because the property is not zoned for this and it is a preexisting non-conforming structure, the Board cannot hear it but height does come under the Board but based on Town Counsel's opinion it does not. Selectman D'Eon said the Board has copy of Town Counsel opinion and it states Selectman approval is not required. The Chair suggested it be referred back to the Building Inspector / Zoning Officer.

Selectman Cicolini moved to refer the correspondence to the Building Inspector clearly stating the request does not fall under the Board of Selectmen for reasons mentioned in Town Counsel opinion and the matter is to be resolved by the Building Inspector. Chair seconds 5-0.

4.) Ms. Lembo re: Wal-Mart carriages on Rte. 1

No one was present. The Chair read and said there's concern and she did call the Manager and DPW did take care of it and thanked them but said there is concern the carriages could roll into the street and this is a safety issue. Selectman Cicolini said they are Wal-Mart carriages but it's not Wal-Mart's fault if someone is stealing them and thanked the Manager for taking care of it but thinks it needs monitoring to see who is taking the carriages because it is an accident waiting to happen. Selectman Brazis said he did watch it from across the street and did see someone try to take a carriage off the property but Wal-Mart employees stopped him and later saw the person near Steven's Pond and said it seemed maybe someone goes and can't carry the groceries but there are services through GLSS, the Senior Center, the Ride, etc The Chair agreed the Senior Center has services. Selectman Brazis said that information should be posted at Wal-Mart and commended Wal-Mart for patrolling their lot. Selectman Cicolini said 16 carriages is more than one person and doesn't see this as a Wal-Mart issue and said people are taking the carriages off the property and that is stealing.

5.) Lions Club re: request for canning on public ways: Center Rotary & Fellsway at Main St.

Saugus Board of Selectmen

May 11, 2016

Peter Rossetti Jr. was present representing Saugus Lions Club and explained the fundraiser for eye research and said they will follow the necessary safety procedures. Selectman Cicolini clarified area at Saugus Center will be on Hamilton Street. Mr. Rossetti said yes.

Selectman Cicolini moved to grant permission to Lions Club for canning on public ways: Center Rotary / Hamilton Street & Lynn Fells Parkway at Main St. on May 14<sup>th</sup> with rain date of May 15, 2016 from 8AM to 3PM and must use safety cones, vests and gear. Chair seconds 5-0.

6.) Mr. DiNardo re: request for clarification on Heavy Trucking signs on section of Walnut St.

Al DiNardo, 199 Essex Street was present and explained confusion regarding signs on Walnut Street and has been in contact with Lynnfield to explain the limitation should be on what a truck can carry and they are enforcing the total weight of the truck and Lynnfield said they are only doing what Saugus is did and asked the Board to send a letter to Lynnfield, police chief, DOT and State enforcement team to be clear on the issue. The Chair said their clerk has been in contact with DOT and they recommend uniform signage and has drafted a letter to Lynnfield and agree it is problematic and wants to make sure signage and police enforcement is consistent. Selectman Cicolini said this may be an age factor because the regulations were adopted in the 1970's and weight and size of average vehicle vary different than they are today. Mr. DiNardo said he is only looking to clarify it not change it.

Selectman D'Eon moved to send a letter to Lynnfield to clarify what was approved to be posted and enforced on a section of Walnut Street and to copy MA DOT, police chief, and State police truck team. Chair seconds 5-0.

7.) Mr. Horlick re: request removal of building on Denver St. for public safety.

The Chair said there are plans to demolish the building and the Manager is looking for bids for the work. Steve Horlick, 6 Bacon Drive was present and thanked the Manager, Building Inspector, Fire Dept. & Police Dept for getting this done.

Citizen's Comments

Selectman Cicolini moved to table the 1<sup>st</sup> citizen's comment period and take up public hearings at this time. The Chair suggested taking it up after "Old Business". Chair seconds 5-0.

Public Hearings:

7:45 PM Love Joy Nails Corp. for Special Permit (S-2) to allow salon offering manicures, pedicures, waxing and facials to be located at 410 Lincoln Avenue, Assessor's Plan 2012, Lot A-123.

Attorney Richard Magnan, 194 Central Street was present with proposed owner / operators Linh My Tran and gave experience and hours of operation Monday through Saturday 9am to 7 pm Sunday 12 noon to 6pm and noted no objections from departments and sufficient parking. The Chair asked if the property is for sale. Atty. Magnan said the sale is contingent on Special Permit approval. The Chair said they are not offering tanning and asked if they will have 3 employees. Atty. Magnan said yes. Selectman Cicolini asked if they will be doing any betterment on the exterior of the property. Atty. Magnan said financially they will not at this time. The Chair said there was no floor plan submitted. Atty. Magnan said he did request one. Selectman Cicolini said it is a mixed use and asked if the owner will occupy or rent. Atty. Magnan said it will be owner occupied. The Chair said she wants to know what it looks like. Atty. Magnan said he can provide a floor plan.

Any to speak in favor or opposition?

Mary Guante, 2 Trull Circle, Susan Discoli, 7 Trull Circle and Kristen Malcolm, 8 Trull Circle were present to oppose. Ms. Guante expressed concern with parking and traffic. The Chair said there was a barber shop there. Ms. Guante said they only had one customer at a time. Selectman Cicolini showed parking plan submitted. Ms. Discoli expressed concern with environment health and safety based on ventilation required for nail salons and the building would need to be brought up to code.

Selectman D'Eon said questions and concerns were raised and doesn't feel comfortable acting on this tonight. The Chair said they could continue the hearing to get floor plan and reach out to the Board of Health on health issue raised. Selectman D'Eon said she needs more information. Atty. Magnan said based on the comments from the public and the Board he respectfully requested to continue the hearing to resolve issues raised.

Saugus Board of Selectmen  
May 11, 2016

Rollin Alcott, property owner, said he ran Rollins Shop 38 years and never had a problem and had several operators work there and said it's the only thing that can go in there for that spot and said they must be licensed by the State the same as his shop was and there's no environmental issues. The Chair asked the number of work stations. Mr. Alcott said he had a chair and 3 in the beauty salon area. Selectman Cicolini said questions and concerns were raised by residents and he doesn't have enough data and said there will be a cost to bring up to code and the said financially they would be unable to do work on the place. Mr. Alcott said regarding ventilation, he never heard of such a thing. Selectman Cicolini requested a site visit. Selectman D'Eon said she appreciates him and his business but questions and concerns were raised by residents and wants more information. The Board planned a site visit on Saturday May 14<sup>th</sup> at 10:30AM.

Selectman D'Eon moved to continue the hearing. Chair seconds 5-0.

7:55 PM NEW Ki-Ku-Ya, Inc. & DJC Realty Trust, for Special Permit (S-2) to allow a drive through window for proposed Dunkin Donuts, to be located at, 670 Broadway, Assessor's Plan 1028, Lot 27.

Attorney Richard Magnan, 194 Central Street was present representing NEW Ki-Ku-Ya, Inc. & DJC Realty Trust, and explained it was his clients understanding they owned the property where the drive through would be located but after research he has scheduled to meet with all parties regarding the easement for clarification and asked the Board grant continuance to allow him to clarify easement.

Selectman Brazis moved to continue the hearing to May 25<sup>th</sup>.

The Chair asked if anyone was present to speak for or opposed. None were present. The Chair seconds the motion Vote 5-0.

The Town Manager arrived at 8:50PM.

Old Business: 1.) Hilltop, 855 Broadway re: update on liquor license.

Attorney Peter Rossetti, 436 Lincoln Ave. was present with High Country Investor Inc CFO Dennis January, 38 Main St. Mr. January said they have entered into P&S for the property and license and should be reaching out to the Town in several weeks. The Chair asked time of several weeks. Mr. January explained this is a national firm that have done developments across the country. Selectman Brazis asked if several weeks is a month or longer and said the Board has waited. Mr. January thanked them for their patience but he is restricted from disclosing until they make announcement. Selectman Cicolini asked if the Board cannot be notified. Mr. January said they want to present to the Town. Selectman Cicolini said the Board can set a date that this must be done. Selectman Brazis said June 22<sup>nd</sup> the Board should hear who they are and what they plan to do. Selectman Mitchell said he doesn't understand why he can't disclose who it is and asked why not by next meeting and said he doesn't want to wait again and then hear the deal fell through. Selectman Brazis said several weeks is 6 weeks. Selectman Cicolini said he will support that but ideally he would like it sooner. The Chair suggested if they can come earlier to contact their office to be placed on an earlier agenda.

Selectman Brazis moved to hear back from High Country Investor Inc no later than June 22, 2016 or sooner. Chair seconds 5-0.

Mr. January complimented the Town.

Selectman Brazis moved for recess. Chair seconds. Vote 5-0. Meeting recessed at 9:02 PM.

The Chair called the meeting back to order at 9:12 PM.

Old Business: 2.) Maddy's, 1639 Broadway re: update on liquor license.

Attorney Richard Magnan, 194 Central Street representing Maddy's was present with Attorney Tracy Tavilla, 55 Union St Boston representing Victor's Italian Cuisine. Atty. Magnan said he appreciates concern expressed at last meeting and the owner had 4 parties interested and has now entered into agreement with Victor's Italian to relocate at Maddy's location and transfer the license and has agreed to lease the premises and an asset purchase agreement and do propose renovations and contractors have been on the property. Atty. Tavilla said her client is seeking to expand to a new location and anticipate they will be capable to be up and running in a couple of months. The Chair asked if they would be purchasing the property. Atty. Travilla said they will lease. The Chair asked if they will stay at their current location until renovations are complete. Atty. Tavilla said correct. The Chair asked how long to renovate and

Saugus Board of Selectmen  
May 11, 2016

move in. Atty. Tavilla said based on discussion with contractors, a couple of months. Selectman D'Eon asked if they will acquire the liquor license immediately and then relocate. Atty. Tavilla said no. Selectman Cicolini said he is confident the arrangement will work. The Chair asked they send copies once documents are signed.

Selectman Cicolini moved to have update at June 22<sup>nd</sup> meeting. Chair seconds 5-0.

Old Business: 3.) Sully C's, 168 Broadway re: update von liquor license.

Attorney David McBride, 19 Cherry Street, Danvers was present representing property owner Evos Properties and explained he submitted letter outlining work. The Chair asked date it will be operational noting a deadline of June 30<sup>th</sup>. Selectman Cicolini asked where we are in the work plan. Atty. McBride said they have made significant progress. Selectman Cicolini suggested they express to the contractor the time frame the work needs to be done and said he will not support after June 30<sup>th</sup>. Attorney Michael Utke, Cummings Park, Woburn representing owner EKB Corp, Sully C's said the lines of communication are open and have come to agreement on issues and continue to discuss those not resolved. Selectman Mitchell said he doesn't feel urgency to get the work done. Atty. Utke said there are things his client needs to do to open but some things can't get done until other things are complete (structure, roof, etc). Selectman Cicolini said this started as a tragedy of a fire and has now been over a year and said come June 30<sup>th</sup> and they aren't ready for occupancy he will begin process to take the license. Selectman Brazis agreed and said on April 13<sup>th</sup> he felt momentum but tonight he doesn't and is disappointed and would like to see where they're at in 2 weeks. Atty. McBride said there is momentum and said they made the list and are working on it. The Chair said it would be helpful to have a time line.

Selectman Brazis moved the parties to come back on May 25<sup>th</sup> for update. Chair seconds. Selectman Cicolini speaking on the motion said he will support out of respect for Selectman Brazis. Selectman Mitchell speaking on the motion said he wants an update and on June 30<sup>th</sup> they will start process to take license. Vote 5-0.

Selectman Cicolini moved to take Citizen's Comments off the table Chair seconds 5-0.

Citizen's Comments

Jack Perry, 7 Innis Street was present and thanked the Board and Town Manager for supporting resolving flooding issues and said he went to Finance Committee and would appreciate if someone keeps him informed. The Manager said the Article will be taken up by Town Meeting on May 16<sup>th</sup>.

New Business: 1.) Private & Veterans Clubs annual reports re: officers & directors.

Selectman Cicolini moved to accept the report from American Legion. Chair seconds 5-0.

Selectman D'Eon moved to accept the report from the Elks. Chair seconds 5-0.

Selectman Cicolini moved to accept the report from the Knights of Columbus. Chair seconds 5-0.

The Chair said they have not received reports from Fox Hill Yacht Club, ITAM, Melrose Fish & Game, and VFW and should send certified letters.

Selectman Cicolini moved to send certified letters to Fox Hill Yacht Club, ITAM, Melrose Fish & Game, and VFW to submit reports and copy the Manager and Town Counsel. Chair seconds 5-0.

Manager's Report: Board of Health appointments

Update on Parks & Playgrounds

The Manager said there was a request and he did follow up on trees at Clifton Arms.

-as of today all park projects' specs and designs are submitted and out to bid.

-submitted a borrowing Article and it was approved by Finance Committee for voting machines.

-net metering legislation has allowed to expand and we may be the first in line for solar farm at DPW and is finalizing a lease and will have for next agenda for Board approval, if ready.

-the Board requested a 5 year sewer rate analysis and it was conducted and will set up a meeting.

Selectman Cicolini said earlier in the meeting the Board discussed problem with Wal-Mart carriages and would like to refer the issue to him.

The Chair said the Board received e-mail from Mr. Rizza regarding traffic / speeding on Ballard Street and crosswalks and asked the Manager to address it.

The Chair asked about appointments. The Manager said he's not ready.

Saugus Board of Selectmen

May 11, 2016

The Chair commended the Manager on his Article passing Town Meeting on stabilization account. The Manager said it was a priority of the Board and thanked the Board for support.

Approval of minutes: April 13, 2016

Selectman Brazis moved to approve the April 13 minutes. Chair seconds. Selectman Cicolini and the Chairman offered corrections. Vote 5-0.

Member's Comments: Softball & Little League Parades  
Knights of Columbus 100 year anniversary  
Breakheart clean up with the Governor  
Student Government Day May 3<sup>rd</sup>  
Taste for Education  
Janet Leuci dedication – May 15<sup>th</sup>

Selectman Cicolini said Student Government Day was fantastic and said the students were engaged and he was impressed and would like to invite Mr. Lavoie in.

Selectman Cicolini moved to invite Mr. Lavoie in to be recognized for Student Government Day. Chair seconds 5-0.

Selectman Cicolini said the Little League Parades were fantastic.

Selectman Mitchell said the 13 year olds Wings Team are in the tournament and wished them luck.

Selectman Brazis thanked the Manager for addressing the Denver St property, and Wal-Mart carriages.

Selectman Brazis said the Board heard presentation by 6<sup>th</sup> graders on fertilizer and made a motion to have the Manager look into it.

Selectman Brazis asked how the Fit-Bit challenge is going. The Manager said he thinks we're in 1<sup>st</sup> place.

Selectman Brazis expressed appreciation for youth sport coaches.

Selectman D'Eon said the Cultural Council grants grants and there will be a community meeting on June 8<sup>th</sup>.

Selectman D'Eon said the 200<sup>th</sup> Celebration Committee met and decided to donate the \$1,500 left in the account to the Round Hill Project by purchasing an obelisk.

Selectman D'Eon said she attended the budget meeting for NE Vocational and brought copy for the Board.

Selectman D'Eon said the Aggregate Post Closure Use Committee met and Aggregate is interested in closing the quarry and is looking to fill it in and said they are working with the Committee and will be coming before the Board soon to discuss it.

The Chair said this is National Nurses Appreciation Week and thanked all nurses.

The Chair said she attended the 100<sup>th</sup> anniversary celebration of the Knights of Columbus and was honored to present them with citation.

The Chair said the Board attended the Taste for Education and thanked SBEC.

The Chair said she attended Breakheart clean-up and the Governor came and she did talk with him about the landfill and would like to send a letter to him thanking him for coming and to remind him of our conversation.

The Chair reminded all the Janet Leuci dedication on May 15<sup>th</sup>; the housing visioning forum on May 31<sup>st</sup>; environmental forum on June 21<sup>st</sup>; Memorial Day Parade on May 28<sup>th</sup>; and presentation on Wild Saugus at the library.

Citizen's Comments None.

Executive session: for the purpose of contract negotiations with non-union personnel / Town Manager.

Selectman Brazis moved to Board vote to go into executive session for the purpose of contract negotiations with non-union personnel / Town Manager. Those to be present: Selectman Mitchell, Selectman Cicolini, Selectman Brazis, Selectman D'Eon, Selectman Panetta and Scott Crabtree; and not to return to open session. Chair seconds.

Saugus Board of Selectmen  
May 11, 2016

Roll call vote: Selectman Brazis, yes; Selectman Cicolini, yes; Selectman. D'Eon; Selectman Mitchell; yes; Selectman Panetta, yes.

The Board adjourned open session and entered into executive session at 10:30 PM.

Respectfully submitted,  
Wendy Reed, Clerk