

Saugus Board of Selectmen  
November 9, 2016

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

AGENDA

Saugus Board of Selectmen  
November 9, 2016 at 7:30 PM  
Town Hall Auditorium, 298 Central Street  
Saugus, MA

Call to order.

Invited guests:

Correspondence:

- 1.) Saugus Rotary Club re: request for banner announcing 28<sup>th</sup> Annual Charity Auction.
- 2.) Square One Mall re: request for 1 day Extended Hours of Operation Permit for Black Friday Events.
- 3.) K-Mart, 180 Main St re: request for 1 day Extended Hours of Operation Permit for Black Friday Event
- 4.) MA Lottery Com. Re: any objection to Keno-To-Go at Great Convenience, 501 A Main St.

Citizen's Comments

Public Hearings:

7:45PM Nasty Nonni's Wine & Spirits, Inc., Daniel Conde Manager, for change of location from 321 Main Street TO: 325 Main Street, Village Park Plaza.

7:55PM Sebastiana's Brick Oven Pizza, Inc., to be located at 1539 Broadway, for transfer of All Alcoholic Common Victualer's License FROM: EKB Corporation, Inc. d/b/a Sully C's Bar & Grill, 168 Broadway; change of manager TO: Frank Perry; and for change of location FROM: 168 Broadway TO: 1539 Broadway. Application is also being made for Entertainment License for televisions.

8:00PM National Grid to construct underground electrical conduits, under and across the following public ways: Fernwood Rd, Hickory Ln, Howard Farms Ln., Juniper Dr. and Sycamore Ln.

8:05PM National Grid to construct underground electrical conduits, including necessary fixtures under and across the following public ways: Walnut Street, Indian Rock Drive, & Arrowhead Drive.

8:10PM Red Dog Pet Resort & Spa, for modification of Special Permit (S-2) BY: allowing the use of an outdoor, enclosed and fenced dog play area on the roof of the building.

8:20PM Mallqui Food Services, Inc. d/b/a Caffè Di Calabria, 184 Broadway, for transfer of Beer & Wine Common Victualer's License FROM: Caffè Di Calabria, Inc., 184 Broadway; and for change of manager TO: Carla Mallqui. Application is also being made for Entertainment License for dancing; karaoke; band; televisions; D.J.; and a singer.

8:25PM Royal Taste Catering, Inc. d/b/a Boston Bean, for Common Victualer's License, to be located at 1268 Broadway, Unit B.

Old Business: Sully C's liquor license: possible reconsideration of revocation

New Business: Collector's delinquent report & recommendation for Show Cause Hearings.

Manager's Report:

Approval of minutes: October 19, 2016; and 10/19 Joint Meeting with the Housing Authority

Member's Comments: Veterans Day Parade

Bike to the Sea Annual Meeting November 10<sup>th</sup>.

Selectmen meeting dates

Citizen's Comments

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The Saugus Board of Selectmen met on November 9, 2016 at 7:30 PM in the Town Hall Auditorium, 298 Central Street. Present: Selectmen Scott Brazis, Jeffery Cicolini, Jennifer D'Eon, Mark Mitchell and the Chairman Debra Panetta. The Town Manager Scott Crabtree was also present.

Correspondence:

- 1.) Saugus Rotary Club re: request for banner announcing 28<sup>th</sup> Annual Charity Auction.

No one was present. The Chair read request.

Selectman D'Eon moved to approve the request of Saugus Rotary Club for banner announcing 28<sup>th</sup> Annual Charity Auction at Main St. & Vine St from November 9 to December 8, 2016 with standard conditions and to waive the bond requirement. Chair seconds 5-0.

- 2.) Square One Mall re: request for 1 day Extended Hours of Operation Permit for Black Friday Events.

Vincent Cosco, manager was present and said it is their usual black Friday event 12:01am to 10pm. The Chair noted they are working with police and have security plan.

Selectman Cicolini moved to grant the request of Square One Mall for 1 day Extended Hours of Operation Permit for Black Friday Events from 12:01am on November 25, 2016 to 10pm; and police recommendation that if they anticipate a problem with crowd control that the police dept. be contacted in advance and appropriate measures be taken. Chair seconds 5-0.

- 3.) K-Mart, 180 Main St re: request for 1 day Extended Hours of Operation Permit for Black Friday Event

No one was present. The Chair read request.

Selectman Cicolini moved to grant the request of K-Mart for 1 day Extended Hours of Operation Permit for Black Friday Events from 12:01am on November 25, 2016 to 10pm; with condition the loss prevention manager be on site and police recommendation that if they anticipate a problem with crowd control that the police dept. be contacted in advance and appropriate measures be taken. Chair seconds 5-0.

- 4.) MA Lottery Com. Re: any objection to Keno-To-Go at Great Convenience, 501 A Main St.

No one was present. The Chair read request. Selectman Cicolini requested in the future the applicants be informed to be present and is in an uncomfortable position. The Chair agreed and requested their clerk to notify applicants to send a representative or the Board will send an objection. Selectman Brazis agreed.

Selectman Brazis moved to offer no objection for Keno-To-Go at Great Convenience, 501 A Main Street. Chair seconds 5-0.

Citizen's Comments

Bill Kramich, 12 Emory Street was present and said National Grid butchered the trees on Emory Street and the piles of still at the end of the street for almost a month.

Public Hearings:

7:45PM Nasty Nonni's Wine & Spirits, Inc., Daniel Conde Manager, for change of location from 321 Main Street TO: 325 Main Street, Village Park Plaza.

Daniel Conde, owner was present and explained he would like to move to a larger space in the same strip mall. The Chair asked when he will be moving. Mr. Conde said before Christmas or after the 1<sup>st</sup> of the year. Selectman D'Eon asked if he was aware of the Board of Health requirements. Mr. Conde said yes.

Any in favor or opposed? None.

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

Selectman D'Eon moved to approve the request of Nasty Nonni's Wine & Spirits, Inc., Daniel Conde Manager, for change of location of All Alcoholic Beverages Package Store License from 321 Main Street TO: 325 Main Street, Village Park Plaza; consisting of 1,800 s.f indoor space with one floor with three rooms and hours of operation to remain the same: Monday through Saturday 8am to 11pm and Sunday 10am to 10pm; and stipulations of the Board of Health. Chair seconds 5-0.

7:55PM Sebastiana's Brick Oven Pizza, Inc., to be located at 1539 Broadway, for transfer of All Alcoholic Common Victualer's License FROM: EKB Corporation, Inc. d/b/a Sully C's Bar & Grill, 168 Broadway; change of manager TO: Frank Perry; and for change of location FROM: 168 Broadway TO: 1539 Broadway. Application is also being made for Entertainment License for televisions.

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Attorney Annalisa Saldi, 200 Broadway, Lynnfield was present with applicant Frank Perry, 280 Chatham St, Lynn. Atty Saldi passed out documents and said they do not have a detailed menu but did include a business plan. The Chair asked experience. Mr. Perry said he worked in restaurants. The Chair asked if he was familiar with the Town's Liquor Rules & Regulations. Mr. Perry said no, but will. Selectman Brazis asked the names of the restaurants he worked at. Mr. Perry said he doesn't remember names but a pizza place and a sub place. The Chair asked if he submitted a resume because she doesn't see it and said there are a lot of variables involved in this transaction. Selectman Cicolini said he has concern with a 2am closing time and said the Board is trying to scale back early morning activities and asked if he is flexible in his business plan. Mr. Perry said he's not requesting to be open until 2am and explained that is for deliveries. The Chair said that wouldn't be allowed after 10pm or before 7am according to our By-Laws.

Vincent Valenti, 48 Serino Way, was present and explained he is owner of Victor's and is moving to new location by December 31<sup>st</sup> and Mr. Perry will move right in. Selectman Cicolini asked if vacating the location is contingent on the new place being ready. Mr. Valenti said no he will be out January 1<sup>st</sup> if he is open or not. Selectman Brazis asked the applicant when he anticipates opening. Mr. Perry said the first of the year. Mr. Valenti said it is a turn-key operation. Selectman Brazis asked Mr. Valenti when construction started. Mr. Valenti said it's been going on since the P&S and said there was a pause while waiting for ABCC approval, but demo and plumbing are done and assured him he has been there every day. Selectman Cicolini said the approval from ABCC was October 11<sup>th</sup> and understands work is being done. The Chair said she's please the work is moving forward and thanked him for coming. The Chair said the Board usually has a resume outlining experience and it concerns her he is not familiar with the Town's Liquor Rules & Regulations and asked if he worked in a restaurant with a full liquor license. Mr. Perry said yes as a waiter and then manager. The Chair asked if he was familiar with MGLs regarding liquor. Mr. Perry said he will be. The Chair said it concerns her and outlined the Board's options noting the license is revoked and if the Board wants to grant the request, they would also need to reconsider the revocation.

Any to speak in favor or opposed?        None.

Selectman Brazis moved to continue the hearing. Selectman Cicolini asked if the Board wanted to continue to Nov. 30<sup>th</sup> Selectman Brazis agreed and speaking on the motion said he's thrilled work is going on at Maddy's location and will stick with how he feels on the revocation and he too has reservations without the applicant's work experience and is not familiar with the Town's Liquor Rules & Regulations.

Selectman Brazis moved to close the hearing. Chair seconds. Selectman Cicolini speaking on the motion said before they close the hearing he too shares the same concerns but noted it is a fairly small restaurant with a non-complex menu and will not support denying the request and feels it's more appropriate to continue and ask for resume and to get to know the Rules & Regulations.

Selectman Cicolini moved a substitute motion to continue the hearing to November 30<sup>th</sup> and applicant to bring resume and knowledge of the Liquor Rules & Regulations. Chair seconds. Selectman Mitchell agreed. The Chair said she is uncomfortable voting without the information they typically would have. Vote 4-1 with Selectman Brazis voting in opposition.

8:00PM        National Grid to construct underground electrical conduits, under and across the following public ways: Fernwood Rd, Hickory Ln, Howard Farms Ln., Juniper Dr. and Sycamore Ln.

Chris Wellington, National Grid was present and explained the project of replacing, and not changing location of transformers. The Chair asked if there will be any disruption in service. Mr. Wellington said no. The Chair asked how long it will take. Mr. Wellington said once approved it will go out to bid and the bid process takes 3months so will begin April or May and it will be completed in 3-4 months. The Chair said if the Board votes in favor there are outstanding fees to be paid and want to make sure if there's disruption in service the residents are notified and it is to be put back they way it was or better. Mr. Wellington said he will leave his card with their clerk. Selectman Cicolini said it is a huge amount that is owed. Their clerk explained quarterly billing and it will be paid before work begins. Selectman Brazis asked if they hire a contractor for trimming trees because he has received complaints in

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other areas and it seems they are not doing a good job. Mr. Wellington said if he gives him locations he will look into it. Selectman D'Eon read DPW recommendation.

Any in favor or opposed?

Bill Kramich, 12 Emory Street, noted problems he spoke of earlier and said they should post bond.

Steve Pericola, 17 Indian Rock Drive, said he works for National Grid and he is an abutter and is in favor noting outages and long repair times.

Mike Marchese, 19 Indian Rock Drive, in favor and urged the Board to allow it.

Ms. Courtney, 11 Fernwood Road, asked where it will be dug up and will it affect her fence. Mr. Wellington described area and said they are not going on people's property.

The Chair asked if he will notify residents. Mr. Wellington said they do a mailing, then door hangers.

Selectman Cicolini moved to close the hearing. Chair seconds 5-0.

Selectman Cicolini moved to grant the request of National Grid to construct underground electrical conduits, under and across the following public ways: Fernwood Rd, Hickory Ln, Howard Farms Ln., Juniper Dr. and Sycamore Ln.; with condition outstanding bills be paid to the satisfaction of the Collector / Treasurer; and DPW recommendation. Chair seconds 5-0.

8:05PM      National Grid to construct underground electrical conduits, including necessary fixtures under and across the following public ways: Walnut Street, Indian Rock Drive, & Arrowhead Drive.

Chris Wellington, National Grid was present and explained project.

Any in favor or opposed?      None.

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

Selectman D'Eon moved to grant the request of National Grid to construct underground electrical conduits, including necessary fixtures under and across the following public ways: Walnut Street, Indian Rock Drive, & Arrowhead Drive; with stipulations from departments and fees be paid. Chair seconds 5-0.

8:10PM      Red Dog Pet Resort & Spa, 190-192 Walnut St. for modification of Special Permit (S-2) BY: allowing the use of an outdoor, enclosed and fenced dog play area on the roof of the building.

Eric Schneider, 190 Walnut Street, owner was present and asked to use the upstairs roof-top and passed out pictures and explained he will erect an 8' wall that will match the façade and it will address sound issues. The Chair asked if any work has been done. Mr. Schneider said once the Permit was granted they purchased the property and applied for a demo permit. Selectman Cicolini said it looks like he will be expanding the number of dogs. Mr. Schneider said no. Selectman Cicolini said there are a number of (36) cages proposed. Mr. Schneider explained downstairs area is for day care and he would like to use upstairs area for kenneled animals. Selectman Cicolini said he has same concern as last time he was here about noise. Mr. Schneider explained with using solid walls sound will travel up. Selectman Brazis asked if it will be the same number of dogs. Mr. Schneider said yes. The Chair said an 8' wall on the roof, that the idea frightens her. Selectman Cicolini asked as an option he could go higher or put a top safety fence. Mr. Schneider said at his other locations they have a topper on it.. Selectman D'Eon asked at his other location have there been any problems. Mr. Schneider said no.

Selectman D'Eon asked when the dogs see people do they bark. Mr. Schneider said with a block wall they will not see. Selectman Cicolini asked where the drains so. Mr. Schneider said into the sewer. Selectman Cicolini asked if there have been any complaints with smell etc. Mr. Schneider explained cleansing process. Selectman Cicolini asked average number of employees each day. Mr. Schneider said 8-10. Any to speak in favor or opposed?

Bill Kramich, 12 Emory Street, just asked clarification of location.

Selectman Cicolini moved to close the hearing. Chair seconds 5-0.

Selectman Mitchell moved to approve the request of Red Dog Pet Resort & Spa, 190-192 Walnut St. for modification of Special Permit (S-2) BY: allowing the use of an outdoor, enclosed and fenced dog play area on the roof of the building; and approve the design with 8' wall with topper to address safety concerns. Chair seconds. The Chair speaking on the motion said an S-2 needs 4/5 vote and she will not vote for this and feels uncomfortable putting dogs on the roof and concerned about the noise. Selectman

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Brazis speaking on the motion said he would rather see the business open and see how it operates and also has reservation with the roof and concern for noise. Selectman Mitchell said neighbors were notified and no one is here to speak against it and said the idea is to support business and unique ideas. Selectman Brazis said if it's voted down he can't come back for 2 years. The Chair explained that the Board already granted an S-2 Permit, and would have liked to see the business use this permit. There was no discussion when they originally came before the Board about putting dogs on the roof, which is why he needed to come back before the Board for a modification of the S-2 Permit. Selectman Mitchell said maybe they should hold off and go see South Boston location. Selectman Cicolini said he was originally opposed but with walls it's not a roof top and it's not an extraordinary number of dogs. Mr. Schneider said he would rather not do construction while dogs are in the building. The Chair said she appreciates that but she is not comfortable and still has concerns. Selectman Mitchell asked what would alleviate her concerns. The Chair said they could schedule a site visit, or the applicant could withdraw. Selectman Cicolini said it's not a roof if they build walls. The Manager said this is a new plan and the Plumbing Inspector would need to review drains going into the sewer system / rain water and explained the Town is removing inflow & infiltration. Selectman Brazis said this was not part of the original plan. Mr. Schneider said he will withdraw his application. The Chair asked he put it in writing.

Selectman Mitchell withdrew his original motion. Chair seconds 5-0.

Selectman Mitchell moved to accept the request to withdraw without prejudice.

Chair seconds 5-0.

Selectman Cicolini moved for recess. Chair seconds 5-0. Meeting recessed at 9:31pm.

The Chair called the meeting back to order at 9:45pm.

8:20PM Mallqui Food Services, Inc. d/b/a Caffè Di Calabria, 184 Broadway, for transfer of Beer & Wine Common Victualer's License FROM: Caffè Di Calabria, Inc., 184 Broadway; and for change of manager TO: Carla Mallqui. Application is also being made for Entertainment License for dancing; karaoke; band; televisions; D.J.; and a singer.

Carla Mallqui, 24 Lyndan St, Melrose was present. The Chair asked about her plan. Ms. Mallqui said to run as is and is training with the owners now and will serve specialty coffees, etc. The Chair asked if the same menu. Ms. Mallqui said she will revise it but close to what they have now and said it's a family oriented business. The Chair asked if they want to be open at 7am and asked hours now. Ms. Mallqui said she's not sure of hours but doesn't want to serve breakfast. The Chair asked what hours she is looking for. Ms. Mallqui said 9 to 2 on Tuesday & Wednesday and open at 5pm to 9pm and Thursday Friday & Saturday to close at 1am. Selectman D'Eon asked if the atmosphere will be a nightclub. Ms. Mallqui said no they are an Italian café family oriented. Selectman Brazis asked if there are tv's now. Ms. Mallqui said yes. Selectman Brazis asked if they have a singer, a band, karaoke and dancing now. Ms. Mallqui said yes but not sure about a band. The Chair said this abuts a neighborhood and other places in the plaza were very loud. Ms. Mallqui said they are not equipped to have big speakers. Selectman Cicolini said they are staying with original business plan and not changing anything dramatically with what there now and asked if they are proposing anything new. Ms. Mallqui said no. The Chair said she has concern once approved and said a band until 1am could be a problem. Ms. Mallqui said she's requesting what the current patrons ask for. Selectman Cicolini said it's small place and its safe to say not even close to being a nightclub and has no issue with it if the plans don't change. Selectman Brazis said they need to ask these questions seeing a band and singer. The Chair asked if they will have entertainment to 1am. Ms. Mallqui said not every day. Discussion on hours.

Any to speak in favor or opposed? None.

Selectman Cicolini moved to close the hearing. Chair seconds 5-0.

Selectman Cicolini moved to approve the application of Mallqui Food Services, Inc. d/b/a Caffè Di Calabria, 184 Broadway, for transfer of Beer & Wine Common Victualer's License FROM: Caffè Di Calabria, Inc., 184 Broadway; and for change of manager TO: Carla Mallqui; and to approve an Entertainment License for dancing; karaoke; band; televisions; D.J.; and a singer; 1,600 s.f., one floor with 4 rooms, 2 entrances and 2 exits; limit of 60 seats with hours of operation: Tuesdays and Wednesdays opening at 9am closing at 2pm and re-opening at 5pm to 9pm. Thursday, Friday & Saturday

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split hours opening at 9 am closing at 2pm and re-opening at 5pm to 1am (with music ending at 12am) and Sunday opening at 9am closing at 2pm re-opening at 5pm and closing at 9pm; and with conditions of recommendations of Town Depts.. Chair seconds 5-0.

The Chair asked when they will open. Ms. Mallqui said maybe in January.

8:25PM Royal Taste Catering, Inc. d/b/a Boston Bean, for Common Victualer's License, to be located at 1268 Broadway, Unit B.

Edilson Oliveira, was present and explained his Brazilian restaurant plan with seating for 20, hours of operation 11am to 11pm. The Chair said he would need to comply with grease trap regulations. Mr. Oliviera said yes they are planning to tie into Out of Asia's trap. Selectman Brazis asked what other business he owned. Mr. Oliveira said a steakhouse in Somerville.

Any to speak in favor or opposed? None.

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

Selectman D'Eon moved to grant the request of Royal Taste Catering, Inc. d/b/a Boston Bean, for Common Victualer's License, at 1268 Broadway, Unit B; with the following conditions: 7 days a week 11am to 11pm; Sunday 12noon to 11pm; and must comply with Board of Health regulations. Chair seconds 5-0.

Old Business: Sully C's liquor license: possible reconsideration of revocation

Selectman Cicolini moved to extend the abeyance until November 30<sup>th</sup>. Chair seconds 5-0.

New Business: Collector's delinquent report & recommendation for Show Cause Hearings.

Selectman D'Eon moved to schedule a show cause hearing on November 30, 2016 for failure to pay municipal taxes, fees and / or charges for more than 12 months on the following establishments licensed by the Board of Selectmen: 7-Eleven, 32 Hamilton St; 99 West LLC d/b/a 99 Restaurant – Pubs, 181 Broadway; BeFit MA-Saugus LLC d/b/a Blast Fitness, 1201 Broadway; Best Buy Stores LP, 1201 Broadway; Boston Market Corporation, 168 Broadway; Chapman Auto Body, Inc. d/b/a Chapman Auto, 16 Rear Hamilton St; CVS Pharmacy, 1075 Broadway; Fifty Seven Sixty Five Co Inc. d/b/a International House of Pancakes, 114 Broadway; Fitness International LLC d/b/a LA Fitness; Gamestop Inc., 741 Broadway; Jan Co Central Inc. d/b/a Burger King, 1449 Broadway; JAZ Saugus LLC d/b/a Zinga, 621 Broadway; Mayflower Square One LLC d/b/a Square One Mall, 1201 Broadway; Melrose Auto Body LLC, 177 Central St; NEF LLC d/b/a Burger King, 720 Broadway; NTW LLC d/b/a NTB – Tire Service Center, 564 Broadway; Om Guru Om Corporation d/b/a Amato's Discount Liquors, 206 Lincoln Ave; Papa Gino's & D'Angelo Sandwich Sop, 385 Broadway; Savvy Hair, Nails & Spa, 4 Howard St; Shoyu Group LLC d/b/a Shoyu Restaurant, 124 Broadway; Stop & Shop Supermarket Company LLC, 164 Main St; Subway, 508 Lincoln Ave; Target Corp, 400 Lynn Fells Parkway; Walgreens, 128 Broadway; and York Ford, 1481 Broadway. Chair seconds 5-0.

Manager's Report:

-Announced he was invited to speak at the Lions Club.

-A public forum was held on housing plan and thanked the Chair for participating and said they are finalizing the plan and will schedule a presentation for the Board.

-Meetings have been held on planning this year's tree lighting and parade.

-Said we are in the 1<sup>st</sup> phase of the River walk project and thanked Lt. Gov for coming.

-Are completing the study on the Elm St bridge & drainage issues.

-School Building Committee have met and are moving through the feasibility.

-Gave update on Bristow Park.

The Chair thanked him for holding the housing forums.

The Chair said there was another spill at RESCO and is very concerned. Selectman D'Eon asked cause. The Chair said they are looking into it.

The Chair asked for update on traffic lights at Pioneer Charter School. The Manager said it is in peer review.

Approval of minutes: October 19, 2016; and 10/19 Joint Meeting with the Housing Authority

Selectman Brazis moved to approve the October 19 minutes. Chair seconds. The Chair offered a correction. Motion passed 5-0.

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The Chair requested to table the 10/19 joint meeting minutes.

Selectman Brazis moved to table the 10/19 joint meeting minutes. Chair seconds 5-0.

Member's Comments: Veterans Day Parade

Bike to the Sea Annual Meeting November 10<sup>th</sup>.

Selectmen meeting dates

Selectman Brazis asked the Manager look at drains and flooding. The Manager said he has.

Selectman Brazis congratulated the SHS Football Team on first win and wished them luck; said he hopes Charlie Thomas is feeling better; said Jeff's Cicolini's mom is improving every day & Doug Clark's little boy was hit by a car and hope he is getting better.

Selectman D'Eon reminded all of the Veterans Day Parade.

Selectman Mitchell congratulated State Rep Wong and is looking forward to working with him.

Selectman Cicolini echoed his comments and said he saw Rep. Wong at Saugus Center and said we will work together moving forward in a positive direction; and said his dear friend lost his dad and sent condolences to the family; said his mom is doing better.

The Chair said she's glad his mom and Selectman Mitchell's mom are doing better; announced Bike to the Sea's annual dinner at the Lynn Museum on November 10<sup>th</sup>; congratulated everyone that ran for office and congratulated Rep. Wong; and wished all a happy Thanksgiving.

Citizen's Comments None.

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

Meeting adjourned at 10:41pm

Respectfully submitted

Wendy Reed, Clerk