

Saugus Board of Selectmen
November 30, 2016

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

AGENDA

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

Call to order.

Correspondence:

- 1.) Rumney Marsh Toastmasters re: invitation to meetings.
- 2.) MWRA re: drought conditions and advisory.

Citizen's Comments

Continued Hearings: Sebastiana's, 1539 Broadway for transfer of All Alcohol Common Victualer's License & Entertainment License from Sully C's, 168 Broadway.

Public Hearings:

7:45PM Patrick J. DiPanni d/b/a Colonial Auto Sales, 1753 Broadway for transfer of Class II Auto Dealer's License FROM: Michael J. DiPanni d/b/a Colonial Auto Sales, 1753 Broadway.

7:50PM Mahima, LLC d/b/a Great Convenience, 501 A Main Street, Nirav Patel, manager, for NEW Beer & Wine Package Store License

7:55PM Verizon for permission to install 1 joint owned pole (P.4S) on the southerly side of Willis Street at a point approximately 105' easterly from the center of Grandview Avenue as shown in plan no. 1A1U9SC dated 10/11/16.

8:00PM Show Cause Hearing on 99 West LLC d/b/a 99 Restaurant – Pubs, 181 Broadway; Om Guru Om Corporation d/b/a Amato's Discount Liquors, 206 Lincoln Ave; Shoyu Group LLC d/b/a Shoyu Restaurant, 124 Broadway for non-payment of taxes and or fees for more than 12 months.

8:05PM Show Cause Hearing on 7-Eleven, 32 Hamilton St; 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; Papa Gino's & D'Angelo Sandwich Shop, 385 Broadway; Savvy Hair, Nails & Spa, 4 Howard St; 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 for non-payment of taxes and or fees for more than 12 months.

8:10PM V's Italian Cuisine LLC d/b/a Victor's Italian Cuisine, 1639 Broadway, Entertainment License for televisions; dancing; live band; DJ; and singer with one instrument.

Old Business: Update on Oye's Liquor License
Sully C's liquor license: possible reconsideration of revocation

Manager's Report:

Approval of minutes: November 7, 2016 (October 19, 2016 –tabled)

Appointments: Constable

Member's Comments: Annual Tree Lighting & Festivities, Friday, December 2nd, from 5 - 8 PM
6th Annual MEG Christmas Tree Festival
Theatre Company of Saugus presents In/Out – A Mis-Cast Cabaret 12/3 & 12/ 4
2017 Selectmen Meeting Schedule

Citizen's Comments

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Correspondence:

1.) Rumney Marsh Toastmasters re: invitation to meetings.

The Chair read the correspondence.

Selectman D'Eon moved to accept the invitation and refer the correspondence to the file. Chair seconds 5-0.

2.) MWRA re: drought conditions and advisory.

Chair read correspondence.

Selectman D'Eon moved to refer the correspondence to the file. Chair seconds 5-0.

Citizen's Comments None.

Continued Hearings: Sebastiana's, 1539 Broadway for transfer of All Alcohol Common Victualer's License & Entertainment License from Sully C's, 168 Broadway.

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.

Applicant Frank Perry was present with Attorney Annalisa Saldi and passed out copy of draft menu and said he has completed TIP Training. The Chair said the Board received copy of his resume and noted no management experience. Mr. Perry said he was assistant manager of the Patio in Malden and said his hours would be 11am to 10pm and deliveries between 10pm and 12 midnight and said it's not a bar, just a pizza place. The Chair said she has concern he doesn't have experience overseeing a restaurant. Mr. Perry said he owns a hair salon and said he thought it through and has no doubt this will work. The Chair said she has concerns and said an All Alcohol License is a huge responsibility and it's important to have experience and said his resume doesn't show that. Mr. Perry said he is liable at the end of the day and did get TIP Certified and Safe Serve Certified. Selectman Mitchell asked if a liquor license is necessary for his business. Mr. Perry said it's key to bring in revenue. Selectman Cicolini asked if he is going into business with family. Mr. Perry said yes and noted his wife is a bartender and will be lead bartender here and has much experience. The Chair said Victor's was very successful without a liquor license. Mr. Perry said it was "bring your own booze" and said he has copy of the Town's Liquor Rules & Regulations. Selectman Brazis said it's a huge responsibility. Mr. Perry said it will be a family place. Mr. Brazis asked where he works now. Mr. Perry said GE and will leave to work for himself. Selectman Mitchell asked how he will spread himself out owning a hair salon. Mr. Perry said the salon runs itself. Any to speak in favor or opposed? None.

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

Selectman Brazis moved to deny the transfer of All Alcohol Common Victualer's License to Sebastiana's Brick Oven Pizza, Inc., 1539 Broadway, Frank Perry manager for the following reasons: Applicant's lack of experience in managing alcohol where extensive experience is needed. Chair seconds. Selectman Cicolini speaking on the motion said he is torn and feel people deserve a chance and said he understands the Board Member's concerns but not all owner's were managers of restaurants and the applicant seems passionate and feels the development will benefit from this type establishment. The Chair said if she saw more on the resume but the descriptions given doesn't say management to her. Selectman Cicolini pointed out managerial tasks. Vote: 4-1 with Selectman Cicolini voting in opposition.

Public Hearings:

7:45PM Patrick J. DiPanni d/b/a Colonial Auto Sales, 1753 Broadway for transfer of Class II Auto Dealer's License FROM: Michael J. DiPanni d/b/a Colonial Auto Sales, 1753 Broadway.

Attorney Theodore Regnante, Wakefield was present with applicant Patrick DiPanni and explained Michael DiPanni has passed away and his son Patrick will be taking over the business with same conditions set forth in Special Permit issued in 1982. The Chair said the documents speak for themselves and said she is sorry for his loss.

Any to speak in favor or opposed? None.

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

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Selectman Cicolini moved to grant the application of Patrick J. DiPanni d/b/a Colonial Auto Sales, 1753 Broadway for transfer of Class II Auto Dealer's License FROM: Michael J. DiPanni d/b/a Colonial Auto Sales, 1753 Broadway with same restrictions: No storage of gasoline or flammable fluids on premises; No repairing of vehicles on premises; No body work on premises; limit of 5 cars; hours of operation 7am to 6pm Monday through Saturday; No fence, pennants or lights; business activity of hotel and Class II License is to be kept separate; recommendation of Fire Dept: subject to fire dept. inspection; must continue to obey the Town of Saugus Sign By-Law; and all money owed to be paid. Chair seconds 5-0.

7:50PM Mahima, LLC d/b/a Great Convenience, 501 A Main Street, Nirav Patel, manager, for NEW Beer & Wine Package Store License

Attorney Arthur Pearlman was present with applicants. The Chair noted an error on the public hearing notice and said it will need to be readvertised and noticed to abutters with the correct hearing date and apologized it wasn't caught sooner. The Chair asked their clerk to notify other abutters because it is a residential area.

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

Selectman Cicolini moved the Board vote to take no action based on defective notice of date of hearing on notification. Chair seconds 5-0.

7:55PM Verizon for permission to install 1 joint owned pole (P.4S) on the southerly side of Willis Street at a point approximately 105' easterly from the center of Grandview Avenue as shown in plan no. 1A1U9SC dated 10/11/16.

Bill Wallace representing Verizon was present and explained emergency work has been completed and dead tree removed by the Town. Selectman Brazis clarified the work is done. Mr. Wallace said it was an emergency situation and worked with the Town. Selectman Brazis said there is money owed the Town. Mr. Wallace said he will follow-up on it.

Any to speak in favor or opposed? None.

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

Selectman Cicolini moved to grant the request of Verizon for permission to install 1 joint owned pole (P.4S) on the southerly side of Willis Street at a point approximately 105' easterly from the center of Grandview Avenue as shown in plan no. 1A1U9SC dated 10/11/16 and stressed importance of the balance owed to be paid to the Town as soon as possible. Chair seconds 5-0.

8:00PM Show Cause Hearing on 99 West LLC d/b/a 99 Restaurant – Pubs, 181 Broadway; Om Guru Om Corporation d/b/a Amato's Discount Liquors, 206 Lincoln Ave; Shoyu Group LLC d/b/a Shoyu Restaurant, 124 Broadway for non-payment of taxes and or fees for more than 12 months.

The Chair said the Board received report they have all paid.

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

Selectman Brazis moved the Board vote to take no action based on the fact the businesses and / or property owners have paid to the satisfaction of the Collector of taxes. Chair seconds 5-0.

8:05PM Show Cause Hearing on 7-Eleven, 32 Hamilton St; 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; Papa Gino's & D'Angelo Sandwich Shop, 385 Broadway; Savvy Hair, Nails & Spa, 4 Howard St; 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 for non-payment of taxes and or fees for more than 12 months.

The Chair reported quite a few have paid.

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Selectman Brazis moved the Board vote to take no action on: Jan Co Central, Inc. Burger King, 1449 Broadway; Chapman Auto Body, Inc. Chapman Auto; 16 Rear Hamilton St.; Melrose Auto Body, LLC Melrose Auto Body, 177 Central St; York Ford, 1481 Broadway; NTW, LLC NTB –Tire Service Centers, 564 Broadway; BeFit MA-Saugus, LLC Blast Fitness, 1201 Broadway; Fifty Seven Sixty Five Co Inc International House of Pancakes, 114 Broadway; JAZ Saugus, LLC Zinga, 621 Broadway; 7-Eleven, 32 Hamilton St; Subway, 508 Lincoln Ave; Savvy Hail, Nails & Spa, 4 Howard St ; and Stop & Shop, 164 Main St. based on the fact the businesses and / or property owners have paid to the satisfaction of the Collector of taxes. Chair seconds 5-0.

Selectman Brazis moved to continue the hearing to December 7, 2016. Chair seconds 5-0.
8:10PM V's Italian Cuisine LLC d/b/a Victor's Italian Cuisine, 1639 Broadway, Entertainment License for televisions; dancing; live band; DJ; and singer with one instrument.

Attorney Richard Magnan was present and explained he was just retained and requested a continuance to December 14th.

Selectman Cicolini moved to continue the hearing to December 14th. Chair seconds 5-0.
Old Business: Update on Oye's Liquor License

Attorney Richard Magnan was present and explained the Board requested a written update and will have a more complete update at the 12/7 meeting.

Selectman Cicolini moved to ask them back at December 7th meeting. Chair seconds 5-0.
Old Business: Sully C's liquor license: possible reconsideration of revocation

The Chair said no action needs to be taken.

Manager's Report:

-Thanked everyone helping with the tree lighting and invited all to attend Friday night.

Selectman Cicolini said he had a question regarding old business item.

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

Selectman Cicolini asked for clarification and said the transfer was voted down so the license remains revoked. The Chair said yes.

Elaine Byrne, owner was present and said she's confused because she found a buyer and did pay the renewal fee and asked where this leaves her and asked they explain. The Chair said the Board did vote to revoke the license but gave opportunity to transfer. Ms. Byrne asked the reconsider and she will work with him (Mr. Perry). Selectman Cicolini said the revocation was held in abeyance while there was a potential sale. The Manager said her request is not on the agenda. Selectman Brazis said the license is revoked and she would need to apply for a new license and she should speak with her counsel.

Approval of minutes: November 7, 2016 (October 19, 2016 –tabled)

Selectman Cicolini moved to table the November 9th minutes. Chair seconds 5-0.

Selectman D'Eon moved to take the October 19th minutes off the table. Chair seconds 5-0.

Selectman D'Eon moved to approve the minutes of October 19th joint meeting with Housing Authority. Chair seconds 5-0.

Appointments: Constable

The Chair said a few months ago an application for constable was received from someone that didn't live near Saugus and the Board felt the one opening should be offered to a Saugus resident and it was advertised with much interest and do have 4 applications and did ask each to attend to introduce themselves.

Michael Collier, 32 Main St. was present and gave his background as a constable in Peabody and is a private investigator.

Nick Nicosia, 7 Hull Dr, was a constable for 54 years and his appointment expired. Selectman D'Eon asked how many hours he put in as a constable in 2016. Mr. Nicosia said very little because there are too many constables.

Conrad Temple was not present.

John Tammaro, was present and gave his background working with attorneys. Selectman Cicolini asked if he will put time into it. Mr. Tammaro said yes. Selectman Brazis asked if he has been a constable in any other community. Mr. Tammaro said no.

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Selectman Brazis said due to his extensive experience, moved to appoint Michael Collier as constable. Chair seconds.

Selectman Cicolini said understanding the needs of the community and the affordability, moved a substitute motion to appoint John Tammaro as constable. Chair seconds. Motion passed 4-1 with Selectman Brazis voting in opposition.

The Chair thanked them all for coming forward and showing an interest.

Member's Comments: Annual Tree Lighting & Festivities, Friday, December 2nd, from 5 - 8 PM
6th Annual MEG Christmas Tree Festival
Theatre Company of Saugus presents In/Out – A Mis-Cast Cabaret 12/3 & 12/ 4
2017 Selectmen Meeting Schedule

Selectman Cicolini said exciting times are coming up; extended condolences to the Graciano family & the DeCotis family; said he is noticing wreaths going up, banners and bows; and announced Holiday Stroll events at Lynnhurst and Veterans Schools.

Selectman Mitchell announced the alumni basketball game at SHS Friday.

Selectman Brazis warned all to be aware of scams; said Joe Pace's fundraiser held on Nov. 6th was successful and said Mr. Pace is battling cancer; said Mr. Prezioso made a model that will be displayed at the museum; announced SHS Seniors will be at the mall gift wrapping; said Rachel May was recognized as a "Leader Reader" at the library; and Capt. Rizzo was honored yesterday and presented the Medal of Valor and thanked him for his service; and said a couple of friends came home to find a house on fire and rescued an 88 year old man and would like to invite them to the Dec. 14th meeting to present citation.

Selectman D'Eon said Friday is the tree lighting; and read a message from Dick Barry regarding the holidays.

The Chair announced Theatre Company of Saugus will present In/Out – A Mis-Cast Cabaret 12/3 & 12/ 4; announced Saugus River Watershed Council annual dinner meeting; announced annual MEG Christmas Tree Festival.

The Chair asked Board Members if they reviewed meeting schedule.

The Board will meet January 4th, January 18th and February 15th.

The Chair said the tree lighting gets better every year and is fun and on Saturday schools will hold events.

Selectman Brazis moved to adjourn. Chair seconds 5-0.
Meeting adjourned at 9:22pm.

Respectfully submitted,
Wendy Reed, Clerk