

Saugus Board of Selectmen
April 13, 2016

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

AGENDA
Saugus Board of Selectmen
April 13, 2016 at 7:30 PM
Town Hall Auditorium
298 Central Street, Saugus, MA

Call to order.

Invited guests: 0

Correspondence:

- 1.) Holocaust Remembrance Day May 2; Holocaust Awareness Week May 1-7 & Proclamation.
- 2.) Saugus Softball Little League re: request for Parade Permit for Opening Day ceremony.
- 3.) Saugus American Little League re: request for Parade Permit for Opening Day ceremony.
- 4.) Ms. Jarosz re: request the portrait of Wendell Phillips be re-hung in Town Hall.
- 5.) SCTS Inc. re: request for transfer of funds for operational costs.

Citizen's Comments

Continued Hearings:

Public Hearings:

7:45 PM Kevin Nichols, owner 111 Walnut Street, for Special Permit (S-2) to allow a private horse stable, to be located at , 111 Walnut Street, Assessor's Plan 1038, Lots 113

Old Business:

- 1.) Update on Sully C's liquor license.

New Business:

- 1.) Selectmen to sign the Annual Town Meeting Warrant.

Manager's Report:

Approval of minutes: April 6, 2016

Appointments: Veterans Graves Officer

Member's Comments:

- 1.) 100th anniversary of Knights of Columbus (Citation)

Citizen's Comments

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

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The Saugus Board of Selectmen met on April 13, 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 8:14PM.

The Chair called the meeting to order and said the Manager is at the Finance Committee meeting and will be joining them after.

Correspondence:

1.) Holocaust Remembrance Day May 2; Holocaust Awareness Week May 1-7 & Proclamation.

Selectman D'Eon moved the Board vote **HOLOCAUST REMEMBRANCE DAY PROCLAMATION 2016** *We, the Saugus Board of Selectmen of the Town of Saugus, Massachusetts, do hereby proclaim May 1-7 Holocaust Awareness Week.*

WHEREAS: *President Jimmy Carter and the U.S. Congress in 1979 established the week of Yom HaShoah as the days of remembrance for the victims of the Holocaust;*

WHEREAS: *The Holocaust Remembrance Day, Yom HaShoah, on Wednesday, May 4, 2016, commemorates the six million killed during the Nazi terror; and*

WHEREAS: *This year marks the 82nd anniversary of the rise of Hitler, the 78th anniversary of Kristallnacht (Night of the Broken Glass), the 72nd anniversary of the Warsaw Ghetto Uprising and the 71st anniversary of the end of World War II; and*

WHEREAS: *The Center for Holocaust and Genocide Studies (CHGS) at Salem State University (previous The Holocaust Center Boston North, Inc.) has planned an annual interfaith commemoration of the Holocaust on May 2, 2016 at the 7:00 PM at the Higgins Middle School, Peabody; and*

WHEREAS: *The CHGS is asking all Holocaust survivors and their children, and their grandchildren in the area to come forward and to join the Survivor's Candlelighting Ceremony; and*

WHEREAS: *The CHGS's goals are: to document and to preserve history; to reduce hatred, prejudice, ignorance and indifference through education; to prevent future tragedies through the study of the universal lessons of this period and to never forget the lessons of contemporary genocides and the forgotten genocide of the Armenian people.*

NOW, THEREFORE, *We, the Board of Selectmen, of the Town of Saugus do hereby proclaim **May 1 – 7, 2016 Holocaust Awareness Week** because of its major importance in the history of the world of events and the significance of the role the teachings of the Holocaust must play in the daily perspective of our lives today, we urge the citizens of Saugus to take cognizance of this event and participate fittingly in its observance.*

Chair seconds 5-0.

2.) Saugus Softball Little League re: request for Parade Permit for Opening Day ceremony.

Chris Jones, 4 Apple Lane, requested parade permit and described route.

Selectman Brazis moved to grant a Parade Permit to Saugus Softball Little League on May 1, 2016 with step-off at 12:00 noon from Saugus High School to Highland Avenue, cross Vine Street onto Talbot Street, right onto Denver Street, a right onto Dow Street to the Belmonte Middle School Field. Chair seconds. The Chair asked if there's a rain date. Mr. Jones said no. Vote 5-0.

Mr. Jones invited the Board to join them on that day.

3.) Saugus American Little League re: request for Parade Permit for Opening Day ceremony.

No one was present. The Chair read request.

Selectman Cicolini moved to grant a Parade Permit to Saugus American Little League on April 23, 2016 with step-off at 9AM from Anna Parker Field, onto Essex Street to Saugus Center Rotary onto Lincoln Avenue, left onto Central Street, right onto Hurd Avenue ending at Grabowski Field with condition the police assist and the MBTA be notified in advance. Chair seconds. Vote 5-0.

4.) Ms. Jarosz re: request the portrait of Wendell Phillips be re-hung in Town Hall.

Janice Jarosz, 5 Wilson Street was present and said she sent information regarding Attorney Phillips' portrait that used to be on the first floor of Town Hall and is now stored and said it is a valuable asset that the Town owns and is looking to do something with it.. The Chair thanked her for a very concise write up. Ms. Jarosz said he has been honored in Boston and at Harvard University and suggested they may be interested in the portrait. Selectman Brazis asked if he was a Saugonian. Ms. Jarosz said his brother was. The Chair said her suggestion is an excellent idea.

Selectman Mitchell moved to refer to the Town Manager. The Chair seconds vote 5-0.

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5.) SCTS Inc. re: request for transfer of funds for operational costs.

The Chair said Joe Cassia did reach out to request a transfer of funds and she asked how much money they have and he responded that as of yesterday \$42,800 in 2 accounts and said she asked if he felt staffing was adequate and he responded yes. Selectman Cicolini said they have been working diligently on getting the audits completed for both SCTS and SCTV. The Chair agreed and said all information needed has been given to the auditors.

Selectman Cicolini moved to approve transfer of \$20,000 into SCTS account. Chair seconds 5-0.

Citizen's Comments: None.

Public Hearings:

7:45 PM Kevin Nichols, owner 111 Walnut Street, for Special Permit (S-2) to allow a private horse stable, to be located at , 111 Walnut Street, Assessor's Plan 1038, Lots 113

Kevin Nichols, 111 Walnut Street was present and asked to continue the hearing to apprise counsel of information received today.

The Chair said if the Board continues the hearing to May 25th there will be an opportunity for the public to speak in favor or opposition at that time and asked if there was anyone present to speak in favor or opposition that may not be able to attend on May 25th.

Cheryl Fitzgerald Wadman, 323 East Broadway, Haverhill said she grew up at 107 Great Woods Road owned by her family and that property was leased to Mr. Nichols and during his stay he had many animals on the property that was permitted for horses only and he abandoned the animals and described poor conditions and listed and said she sent an e-mail but felt she should be present and said she was animal inspector for the Town and asked the Board to take into consideration.

Karen Benson, 28 Walden Terrace, owner of Indian Rock Stables, said horses have been brought to her from (the applicant) that were not in great condition and he had race horses and submitted a letter sent to Mr. Nichols from Suffolk Downs forbidding him from entering the property and gave copy of letter to the Board and said she has concern for the animals and feels he shouldn't be able to have animals. The Chair asked if she wanted the letter read at the hearing. Ms. Benson said yes.

Jackson Sena, 119 Walnut Street said he is the closest neighbor and has questions on how he will take care of the horses and odor control.

Selectman Cicolini said based on the documents provided he has concerns and will not support the request and said as a horse owner himself he will not support noting horses need proper care and proper space a horse needs to exercise and the proximity to wetlands and will agree to continue if that's what the Board wants to do but he is ready to deny the request tonight. Selectman Mitchell agreed and will not support and said he understands a continuance is a courtesy but in his opinion, based on the letters received the applicant doesn't deserve the courtesy to continue the hearing. Selectman Cicolini said there is litigation but his reasons are not about litigation but about location.

Selectman Brazis moved to continue the hearing. Chair seconds Vote 2-3 with Selectman Cicolini, Selectman D'Eon and Selectman Mitchell voting in opposition.

The Chair said the motion failed so they will hold the hearing.

The Chair said the Board received copy of trespass order from Suffolk Downs and read.

The Chair asked Ms. Wadman if she wanted her letter read for the record. Ms. Wadman said yes. The Chair read letter submitted in opposition and referenced documents attached and that Ms. Wadman was Animal Inspector in Saugus from 1989 to 1991.

Selectman Cicolini said he wants to explain his thoughts and did research on the matter and viewed the vicinity and proximity to homes and the needs of a horse and has concerns based on the documents received and won't comment on litigation but on that neighborhood in a conservation area and is not an appropriate site to maintain horses and said based on the documents received, letters received and neighbor statements regarding concern for odor and considering the care needed and space needed for aeration that the location is not suitable because it does not give adequate space for a horse to live and is uncomfortable with it so close to wetlands. The Chair asked Mr. Nichols if he wanted to comment on anything said. Mr. Nichols said he has a lot to say and explained Suffolk Downs held a hearing regarding his trainer and is in litigation and said no laws or rules were broken and was not cited for any wrong

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doing and no violations and said he has never been issued a violation by the Town and said he did not abandon animals and explained it was an eviction process. Selectman Cicolini said the MSPCA receiving record has abandoned & owner surrender checked off and said his reasons to deny are based on location and that location is not suited to have horses and said he is a horse owner with 20 years experience and asked how he got the documents. Mr. Nichols said from their clerk. The Chair asked if there was anyone else that wanted to speak in favor or opposed. None.

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

Selectman Cicolini moved to deny the request of Kevin Nichols, owner 111 Walnut Street, for Special Permit (S-2) to allow a private horse stable, to be located at , 111 Walnut Street, Assessor's Plan 1038, Lots 113 based on reasons stated: past history of inadequate care of animals described in letters received and statements in person from the previous landlord/former horse inspector for Saugus as well as a neighboring barn owner; MSPCA receiving record that animals were abandoned and removing animals from property the petitioner occupied; stay away order from Suffolk Downs; and visual of subject property shows it is not suitable due to proximity to wetlands, lack of space to provide amenities necessary for adequate equine maintenance and care (I.e. Turnouts and riding ring) and potential odor because of proximity to other homes, including concerns raised by a neighbor to the subject property. The Chair added: and based on passed history of taking care of animals. Chair seconds.

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

Selectman Cicolini requested an executive session be placed on next agenda to discuss personnel matter with the Town Manager.

Old Business:

1.) Update on Sully C's liquor license.

Attorney Michael Utke, Woburn was present representing Sully C's and said some work has been done and was scheduled to meet with EVOS' attorney yesterday but they were not able to and said the mold remediation was done but has stopped short of completion. Selectman Cicolini said he had discussion with the Building Inspector and the contractor who had concern with some levels in mold report and commended them for getting the plan done. The Chair said some things in the business was thrown away and asked what will be done to address it. Attorney Utke said some things needed to be discarded and will be replaced. The Chair asked if insurance will. Attorney Utke said yes, some items.

Attorney David McBride representing EVOS Properties was present and presented the Board a packet of information and noted section 4 receipts of latest work done and read section of report "based on....." and said EVOS has paid \$47,000 and it's his understanding the mold has been addressed and wanted the Board to be aware what they have been doing and said there has been a lawsuit filed against his client and there's pending eviction but wants the Board to know what work is being done and explained since 1975 Mr. Celimli, property owner, has run and rented to different establishments and pointed out section of the lease that she (Ms. Byrne) is responsible and his client will do anything to assist but needs the cooperation of Ms. Byrne and described tab 3 in packet, the fire on May 2, 2015 and all was corrected in 2 months and in September 2015 update and said the problem is every time Ms. Byrne finds some other issue and said it's an old building and in 2 years there was no mold, roof leaks or issues and feels the tenant won't open and said according to the lease the tenant is responsible for the sump pumps but his client paid to fix them and passed out copy of letter dated January 6, 2016 (and read 4th line down) Selectman Cicolini said its his understanding there's still water leaking from the roof causing additional issues and asked in his legal opinion if that is the tenant's responsibility. Attorney McBride said he doesn't know if the roof is leaking but the Building Inspector advised the roof needed to be replaced. Selectman Cicolini said in the documents he saw pictures of the walls in the freezer collapsing caused by roof leak and only getting worse if not addressed and reminded him the Board is not here to determine who's responsible but the Board is responsible to the taxpayers to ensure licenses are exercised to their fullest potential and asked if they still plan on opening by June. Attorney McBride said they are still on track. Selectman Brazis asked if he had copies of pictures. Attorney McBride said yes and if the freezer needs to be replaced they will. Selectman Mitchell asked how they can open if there is still mold.

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Attorney McBride said they suspected mold and in September inspected and when it was brought to his client's attention, he started addressing it and said the mold is result of and caused by the tenant. Selectman Mitchell asked why it wasn't addressed in September. Attorney McBride said Service Master was in and there was no mold. Selectman Mitchell said he is looking to getting it taken care of. Attorney McBride said when it was brought to his client's attention he addressed and is doing what he can. Selectman Cicolini said they are looking at a month and a half to be open. Attorney McBride said they will work to that end. Selectman Brazis said we are going back and forth but are making progress and understand their frustration and hopes they understand the Board's frustration. The Chair said the Board has stressed the time line and said he mentioned it costing \$47,000 on mold remediation and his client spending a small fortune and asked what he considered "a small fortune". Attorney McBride said \$192,000 and said some is reimbursable but some has nothing to do with the fire. Selectman Brazis asked he keep the momentum going. Selectman Cicolini noted representative from Boston Market present and asked if he may speak if he is not on the agenda. The Chair said yes as long as the Board doesn't take any vote regarding Boston Market.

John Testa, Kingston NH was present representing Boston Market and said he is here only as an observer. The Chair asked if they are planning on re-opening. Mr. Testa said yes. The Chair asked ETA. Mr. Testa said he doesn't have one right now. Selectman Cicolini asked what his time line looks like. Mr. Testa said he can't answer at this time.

Attorney Utke said he wants to clear up a couple of things and said there was a concern for mold and in September roof leaks were noted and at October meeting there were buckets and it was noted in November by health dept and most recently in March and explained his client never shut pumps off but did ask they be moved to a common meter and said Service Master never went in the basement. Selectman Brazis thanked him and asked if he agrees there has been progress. Attorney Utke said yes.

Selectman Cicolini moved to have them back at May 11th meeting for update. Chair seconds 5-0.
New Business:

1.) Selectmen to sign the Annual Town Meeting Warrant.

Selectman Cicolini moved to sign the Annual Town Meeting Warrant. Chair seconds 5-0.

Manager's Report:

The Manager said the Town applied for and received grant for Ballard River Walk Project to contract for preliminary design; and we applied for technical grant for Town wide GIS System; educational grant and finance grant and are taking advantage of grants.

-said Monday there was a meeting regarding parks & playgrounds and went over designs and equipment and will finalize plans to put out to bid for middle school tennis courts, Bristow Street Park and Veterans School. Selectman Cicolini said we discussed having the start time of work so it doesn't interfere with use. The Manager said they are putting that plan together. Selectman D'Eon asked who applied for the grants. The Manager said his office. Selectman D'Eon thanked him. The Manager noted the grant received for Tree Committee also and said we use a consultant to identify grants and his staff helps him put it together and said it's a tremendous amount of hours to administer the grants also. Selectman Brazis asked to consider pickle ball when planning tennis courts.

-said Town employees are taking the "Fit Bit Challenge" and have a team competing against other communities for a chance at a \$10,000 grant.

The Chair said Monday night had overlapping meetings and said she attended the Board of Health and asked if Round Hill Project was discussed. Selectman D'Eon said they did discuss it at Historical Commission also on Monday night. The Chair said it's wonderful the parks & playgrounds are moving forward.

The Manager said there will be SHS Building Committee meeting scheduled soon and are working diligently on feasibility and it will include elementary mini-master plan.

Approval of minutes: April 6, 2016

Selectman Brazis moved to approve the April 6 minutes. Chair seconds. Selectman Cicolini offered a couple of amendments and the Chair offered a couple of amendments. Vote 5-0.

Appointments: Veterans Graves Officer

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Selectman D'Eon moved to reappoint Randy Briand as Veterans Graves Officer to expire April 30, 2017. Chair seconds 5-0.

Member's Comments: 1.) 100th anniversary of Knights of Columbus (Citation)

Selectman D'Eon announced retirement of Capt. Sinclair and firefighter Moses and wished them happy retirement.

Selectman D'Eon announced Community Holocaust Commemoration on May 2nd at 7pm at Higgins Middle School in Peabody.

Selectman Brazis Congratulated Capt. Sinclair & Firefighter Moses and thanked them for their service to our Town.

Selectman Brazis read about another scam and warned people to not give billing information or personal information.

Selectman Brazis wished Richie a happy birthday.

Selectman Cicolini thanked all that came to the Board of Health meeting regarding the Wheelabrator issue and was pleased to see support but not any from neighboring communities.

Selectman Mitchell said this is the 2nd time Rep. Wong had a chance to give his opinion or take on legislation filed by Rep. Vincent concerning expansion of ash landfill, but all he heard was political speak and urged citizens to speak with him to get his take on it.

The Chair reminded all the Taste for Education is April 25th; Housing visioning public forum on May 31st; April 20th the Garden Club's annual meeting fundraiser; announced Earth Day paper shredding event on April 29th; and Student Government Day on May 3rd.

The Chair said their clerk has done a lot of work on getting information on double poles and will have report on May agenda.

Citizen's Comments None.

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

Selectman D'Eon moved the 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.

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 9:29 PM.

Respectfully submitted,
Wendy Reed, Clerk