

Saugus Board of Selectmen
April 6, 2016

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

AGENDA
Saugus Board of Selectmen
April 6, 2016 at 7:30 PM
Town Hall Auditorium
298 Central Street, Saugus, MA

Call to order.

Invited guests: BMS 7th & 8th Grade Hockey Team and the BMS 5th & 6th Grade Hockey Team

Correspondence:

- 1.) Saugus Veterans Council re: request for Parade Permit for Memorial Day Parade
- 2.) Saugus Tree Committee re: request for Arbor Day Proclamation.
- 3.) Parent Professional Advocacy League re: request for Children's Mental Health Week Proclamation.
- 4.) ABCC ePLACE Pilot Program & request for approval to participate.
- 5.) Mr. Pizzi re: Kane's Donuts complaints.

Citizen's Comments

Continued Hearings: 0

Public Hearings:

7:45 PM Aggregate Industries, Inc., 1831 Broadway, to extend Special Permit (S-2) to allow the removal of earth and rock and to allow the operation of a quarry at Rear Broadway and Whittier Avenue, Assessor's Plan 2030, Lot A-61 and Assessor's Plan 2031, Lot A-122 for a period of six months.

Old Business:

- 1.) Oye's, 44 Broadway re: update on liquor license.
- 2.) Maddy's, 1639 Broadway re: update on liquor license.

Manager's Report:

- request for approval of Kasabuski Rink sublease amendment
- appointment(s) to the Board of Health
- Articles for the Annual Town Meeting Warrant

Approval of minutes: March 16, 2016

Member's Comments:

Citizen's Comments

New Business:

- Mr. Stewart re: request to insert Article into Annual Town Meeting Warrant re: Montgomery St.
- Mr. Perry re: request to insert Article into Annual Town Meeting Warrant re: drain work
- Cemetery Com re: request to insert Article into Annual Town Meeting Warrant re: land survey
- Insert any other Articles that may be submitted.
- Close the Annual Town Meeting Warrant

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The Saugus Board of Selectmen met on April 6, 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.

Invited guests: BMS 7th & 8th Grade Hockey Team and the BMS 5th & 6th Grade Hockey Team

The Chair read citation in recognition of being finalists in the Valley Middle School Hockey League 7th & 8th South Championship and Selectman Brazis introduced Valley Middle School Hockey League 7th & 8th Grade Coach Dwayne Oxley and Assistant Coach Brian Churches. Coach Oxley thanked the Board and said the team worked hard and the hard worked paid off and even though they lost in the championship game they did a great job. Each player was presented a citation and the Board congratulated each of them.

The Chair read citation in recognition of winning the Valley Middle School Hockey League 5th & 6th West Championship and Selectman Brazis introduced Valley Middle School Hockey League 5th & 6th Grade Coach Daryl Sagee and Assistant Coach Scott Ragucci. Coach Sagee thanked the Board and said the team struggled in the beginning but worked hard and congratulated them. Each player was presented a citation and the Board congratulated each of them.

Selectman Brazis moved for recess. Chair seconds 5-0. Meeting recessed at 7:53PM.

The Chair called the meeting back to order at 8:01PM.

Correspondence:

1.) Saugus Veterans Council re: request for Parade Permit for Memorial Day Parade

No one was present. The Chair read request.

Selectman Brazis moved to grant the request for Parade Permit for Memorial Day Parade on May 28, 2016 starting at 9:30AM from Jackson Street to Lincoln Ave, to Central St, to Winter St., to Riverside Cemetery; and to reform a proceed to Town Hall for ceremony. Chair seconds 5-0.

2.) Saugus Tree Committee re: request for Arbor Day Proclamation.

Selectman D'Eon moved the Board vote Arbor Day Proclamation 2016:

WHEREAS, *The legislators of the Great and General Court of the Commonwealth of Massachusetts have adopted an Act regarding the designation of Arbor Day throughout the Commonwealth; and*

WHEREAS, *The purpose of the designation of Arbor Day throughout the Nation is to encourage the planting of shade and forest trees, to encourage the harvesting of forest crops by approved conservation methods, and to encourage the protection of our forests from scourge of devastating fires, insects and diseases that destroy the beauty and usefulness of our woodlands as well as their wildlife; and*

WHEREAS, *Trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, produce oxygen, clean the air, and provide habitat for wildlife; and*

WHEREAS, *Trees, wherever they are planted, are a source of joy and spiritual renewal and provide an enduring heritage to succeeding generations;*

NOW THEREFORE, *We, the Selectmen of the Town of Saugus, do hereby proclaim April 29, 2016 as Arbor Day and The week of April 23 to April 29, 2016 as Arbor Day Week*

In the Town of Saugus, and urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands, and further, we urge all citizens to plant trees to gladden the heart and promote the well-being of this and future generations.

Chair seconds 5-0.

3.) Parent Professional Advocacy League re: request for Children's Mental Health Week Proclamation.

Selectman D'Eon moved the Board vote Children's Mental Health Proclamation 2016:

Whereas, *the citizens of Saugus, Massachusetts value their health and mental health and that of their families; therefore, they are proud to support observances such as Children's Mental Health Week; and*

Whereas, *one in five children has a diagnosable mental health disorder and one-half of all lifetime instances of mental illness begin before age 14; and even some children and youth with the most intense needs and some who are insured may not receive services; and*

Whereas, *children and youth with mental health needs in elementary, middle and high school are more likely to be bullied, absent, suspended, expelled or fail to graduate; and*

Whereas, *learning to recognize the early warning signs of mental health needs and where to obtain the necessary support, assistance and treatment gives children and youth better opportunities to lead full and productive lives; and*

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Whereas, the participation and partnership of family members in the assessment and treatment of children and youth is essential to positive outcomes; and

Whereas, our nation's future depends on the health and well-being of its families and their children; and

Whereas, Children's Mental Health Week was developed by families of children with emotional, behavioral and mental health needs, to focus on the needs of their children and families; in celebrating this year's theme: "Healthy Families, Resilient Children: Mental Health is a Family Affair" it is fitting to increase public awareness among all Saugus citizens of this important issue;

*Now, Therefore, the Town of Saugus does hereby proclaim May 1-7, 2016 as **CHILDREN'S MENTAL HEALTH AWARENESS WEEK.***

Chair seconds 5-0.

4.) ABCC ePLACE Pilot Program & request for approval to participate.

The Chair said their clerk requested this be placed on agenda. The Board's clerk explained ABCC is going electronic and would like to participate in the pilot program and felt it would be good for Saugus to be part of and it needs the Board's support & approval. Selectman Cicolini said this would be part of the Town's efforts in "going green" and asked if any resources would be needed. Their clerk said there is no cost and she would need to attend two training sessions over the summer.

Selectman Cicolini moved the Board vote to support and approve participation in the ABCC ePLACE Pilot Program. Chair seconds 5-0.

5.) Mr. Pizzi re: Kane's Donuts complaints.

John Pizzi, 5 Dudley St was present and said he has been a resident for 36 years and asked for their help and explained he is here for the same reason he was here last year, because Kane's Donuts is loading every morning and it violates the By-Law and said they have become a factory and changed hours and said he is entitled to peace and tranquility and said there are issues he spoke with the Board of Health and have pictures and videos and said he has no objection to business expansion but it should be in a different location. Selectman Brazis asked if his complaint is about noise noting last year his complaint was hours of operation. Mr. Pizzi said it started last year when Kane's opened new locations and loading deliveries before 7AM and they are not suppose to be loading. Selectman Brazis said last year the police issued citations. Mr. Pizzi said yes. Selectman Brazis said last year there was a hearing on those citations and the Clerk Magistrate dismissed them. Mr. Pizzi said he was not notified of the hearing and would have gone and they were dismissed because they told the court they use a pick-up truck. Selectman Brazis said he went to the location at 4:50AM on Friday morning and described his observation that there was hardly any noise and said he went on Saturday morning and couldn't hear anything and noted the police have issued 2 citations and asked Mr. Pizzi what he wanted from the Board. Mr. Pizzi asked if loading is legal between 10PM and 7AM and said they are breaking the (By-Law) law. The Chair said Selectman Brazis has explained what he observed and is not saying it is right or wrong. Mr. Pizzi said they are breaking the law (By-Law) and another location that wasn't allowed to have deliveries before 7AM. The Chair asked what he wanted from the Board. Mr. Pizzi said he wants the By-Law enforced. Selectman Mitchell said he has concern for the neighbors and if only 1 citation were issued he would be concerned and said the business was a mom & pop shop and has expanded and now distributing to other locations and have changed hours and that's an issue and is not fair to the neighbors. The Chair asked if there was anyone representing Kane's Donuts present that wanted to speak.

James McNulty, 40 North St, Boston was present representing Kane's Donuts and said the legal issue has been resolved and explained citations issued last year went to hearing and the citations were dismissed and is willing to discuss amending the By-Law. Selectman Mitchell that Kane's has evolved into more than a neighborhood doughnut shop and the By-Law is clear and violations were issued. Mr. McNulty said they will be appealed. Selectman Cicolini said this Board is the licensing body and agree with Selectman Mitchell there is an issue and Kane's has evolved and the By-Law is clear and violations were issued. Mr. McNulty said they can operate at 3:30AM. Selectman Cicolini said the area may not be equipped to handle the recent expansion where once was a doughnut shop and now is involved in distribution of food.

Selectman Brazis moved the Board take under advisement. Chair seconds 5-0.

Selectman Brazis moved for recess. Chair seconds 5-0. Meeting recessed at 8:44PM.

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The Chair called the meeting back to order at 8:53PM.

Citizen's Comments

Pamela Goodwin, 85 Hobson St, TMMP5 was present with Article re: Seminole St and requested it be inserted in the Warrant. The Chair said they will be taking it up at the end of the meeting.

Michael Glionna, 5 Ballard Street, asked why they won't enforce the contract with RESCO and described trucks using Ballard Street. Selectman Cicolini asked how it could be enforced. The Manager said it is challenging and it is a main road. Their clerk explained process in place that Mr. Glionna or anyone could call her with truck numbers and time of day and Wheelabrator does look into each reported and they have had their legal counsel look at it and they have taken actions. Selectman Cicolini asked if their clerk could copy the Board on correspondence. Selectman Brazis agreed and suggested it be placed on next agenda if he would like.

7:45 PM Aggregate Industries, Inc., 1831 Broadway, to extend Special Permit (S-2) to allow the removal of earth and rock and to allow the operation of a quarry at Rear Broadway and Whittier Avenue, Assessor's Plan 2030, Lot A-61 and Assessor's Plan 2031, Lot A-122 for a period of six months.

Attorney Richard Magnan, 194 Central Street was present with Lisa Young Regional Environmental Engineer and explained the request for 6 month extension noting no changes to topography and no blast since last time but will have a small blast they do once every two years and agree to the standard conditions and the fence is inspected monthly and is intact. The Chair asked about the next closure meeting and said the Board did go for a site review and they discussed a point they called "the finger" and asked if they plan blast it. Ms. Young said no because they would need to re-zone that parcel and they are not looking to rezone. The Chair asked about upcoming blasting and about notifying the neighbors. Attorney Magnan said the Fire Dept will be on site and abutters are notified.

Any to speak in favor or opposition?

Robert Cable from the Melrose Fish & Game Club asked if they will be removing fill & stone. Attorney Magnan explained the standard language for quarry operation.

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

Selectman Cicolini moved to approve Aggregate Industries, Inc., 1831 Broadway, to extend Special Permit (S-2) to allow the removal of earth and rock and to allow the operation of a quarry at Rear Broadway and Whittier Avenue, Assessor's Plan 2030, Lot A-61 and Assessor's Plan 2031, Lot A-122 for a period of six months with same 28 restrictions. Chair seconds

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

Old Business: 1.) Oye's, 44 Broadway re: update on liquor license.

Kevin Sato, owner, Reading, was present with Steve his general contractor, Steve To, 225 North Ave, Weston and explained they will try to be open by October. Selectman Cicolini asked when they acquired the property. Mr. Sato said September and passed papers in October. Selectman Cicolini asked if they started construction. Mr. To said they have finalized plans and will submit to the building dept. Selectman Brazis asked how long before they submit plans. Mr. To said 2 weeks. Selectman Brazis said he would like to have them come back in May for update noting it will be a whole year and would like them open no later than October. Selectman Cicolini agreed and said he clearly remembers they were going to have some construction but was surprised to hear it would take a year.

Selectman Brazis moved to have Oye's in at the May meeting for update and with plan to be open in early fall. Chair seconds 5-0.

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

Attorney Richard Magnan, 194 Central Street representing Maddy's was present and they had a P&S in 2013 for real estate and liquor license that did not go forward and then a 2nd P&S in 2014 for real estate and a separate P&S for liquor license and the buyer for the real estate met with the Economic Development Director for use / redevelopment of the property and now that buyers has no definitive development plan and the buyer for the liquor license has withdrawn with notice given on March 25th and he has spoken to the principal, Bob Wong and he has someone interested in purchasing both the property

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and license and an immediate appraisal of the property and understands they either will sell it with the liquor license, lease it with the liquor license or reopen and will report back to the Board in May when he should have something definitive. Selectman Mitchell expressed concern with businesses just sitting on liquor licenses and asked what the Board could do to expedite this. The Chair said they could hold a hearing.

Selectman Mitchell moved the Board vote to schedule a show cause hearing to revoke the liquor license for non-use. Chair seconds.

Selectman Cicolini moved a substitute motion to allow them to come back on May 11th and if it is deemed they do not have a sufficient plan, then the Board should go forward with a show cause hearing. Chair seconds.

Selectman Brazis speaking on the motion

Manager's Report: -request for approval of Kasabuski Rink sublease amendment
 -appointment(s) to the Board of Health
 -Articles for the Annual Town Meeting Warrant

-The Manager said potholes reported have been addressed including Montgomery.

-reported that the sunken manhole cover is on Housing Authority property and they are addressing it.

-explained after DCR reviewed the sublease for the rink they requested some changes and present it for Board approval. Selectman Cicolini said the approval is needed so the transfer from one party to another and the capitol improvement work can move forward.

Selectman Brazis moved the Board vote to approve the sublease of Kasabuski Rink as amended. Chair seconds vote 5-0.

Selectman Brazis said he is glad to approve this tonight and asked if there is any state agency to help get this done because the work needs to start.

-The Manager submitted Articles for the Annual Town Meeting Warrant and described each noting most are standard, some are placeholders and has a couple initiatives he felt important and the Board supported. Selectman Brazis asked if there is money for decorations, like buntings for the Town Hall. The Manager said they do have some buntings they are old and are looking at getting new.

Selectman Cicolini moved to insert the Articles into the Annual Town Meeting Warrant. Chair seconds 5-0.

Selectman Cicolini asked for update on Bristow. The Manager said the 3 projects, Bristow Park, Veterans School, and BMS Tennis Courts have design and equipment plan and will finalize next week and put out to bid and will be completed by end of summer.

Approval of minutes: March 16, 2016

Selectman Brazis moved to approve the minutes of March 16, 2016. Chair seconds. The Chair offered a couple of corrections. Vote 5-0.

Member's Comments:

Selectman Cicolini said baseball is in full swing and appreciate the work done at the parks and thanked DPW.

Selectman Mitchell echoed Selectman Cicolini's sentiments and wished the high school teams and kids that play for other schools a good season.

Selectman Brazis wished all luck in upcoming seasons

Selectman D'Eon said this will be the last report as Selectman Liaison to the Superintendent Search Committee stating they have chosen 4 finalist for the School Committee and announced interviews on Saturday and scheduled meet & greets.

The Chair announced on 4/25 the SBEC Taste for Education and said the Board will be attending; and announced the Garden Club annual fundraiser on 4/20; and said the Board attended the unsung hero award ceremony and congratulated them

Citizen's Comments none.

New Business:

-Mr. Stewart re: request to insert Article into Annual Town Meeting Warrant re: Montgomery St.

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

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- Mr. Perry re: request to insert Article into Annual Town Meeting Warrant re: drain work
Selectman Brazis moved to insert into the Annual Town Meeting Warrant. Chair seconds 5-0.
 - Cemetery Com re: request to insert Article into Annual Town Meeting Warrant re: land survey
Selectman D'Eon moved to insert into the Annual Town Meeting Warrant. Chair seconds 5-0.
 - Pam Goodwin re: request to insert Article into Annual Town Meeting Warrant re: Seminole St.
Selectman Cicolini moved to insert into the Annual Town Meeting Warrant. Chair seconds 5-0.
The Chair asked if there were any other Articles and seeing none recommended they close the Annual Town Meeting Warrant.
Selectman Cicolini moved to close the Annual Town Meeting Warrant. Chair seconds 5-0.
Selectman Brazis moved to adjourn. Chair seconds 5-0.
- Meeting adjourned at 10:20PM.

Respectfully submitted,
Wendy Reed, Clerk