

Saugus Board of Selectmen  
May 19, 2020

**MEETING MINUTES**

**AGENDA**

Saugus Board of Selectmen  
May 19, 2020 at 7:00 PM

Zoom Meeting ID: 868 4432 1486 Password: 168589

<https://us02web.zoom.us/j/86844321486?pwd=RjhicGd3QWlxa014WmlENVVFY2pCZz09>

Click the link or copy & paste in your browser or call: (857) 246-1305

Correspondence:

- 1.) Town Clerk re: request for temporary move of polling locations.
- 2.) Attorney Chang re: request to insert Article into Annual Town Meeting Warrant.
- 3.) TMM Cross re: request to insert Article into Annual Town Meeting Warrant.
- 4.) Approval of banner(s) re: recognizing Saugus 2020 Graduates

Citizen's Comments

Continued Hearings:

1.) Sabastiana Brick Oven Pizza, Inc. d/b/a Victor's Italian Cuisine to be located at 1539 Broadway, Frank Perry, manager, for NEW Beer & Wine Common Victualer's License

2.) Apex Entertainment SO Saugus, LLC d/b/a Apex Entertainment, for Special Permit (S-2) to allow place of amusement, to be located at 1325-1331 Broadway, Sears Building, Assessor's Plan 1025-1, Lot A-176. Application is also made for: Common Victualer's License, Entertainment License & License for Coin Operated Devices.

Apex Entertainment SO Saugus LLC d/b/a Apex Entertainment, for transfer of All Alcohol Common Victualer's License FROM: EKB Corp. d/b/a Sully C's; TO NEW location 1325-1331 Broadway, Sears Building; and for change of manager TO: Marcus Kembrowski. And Application for Pledge of License.

Public Hearings:

7:15 PM National Grid to relocate one joint owned pole #23 approximately 125' north/northwest of centerline of intersection of Seagirt Ave & Naples Ave and continuing approximately 10' in a west/southwest direction on Seagirt Avenue as shown in plan no. WR27812139 dated 03/02/20.

7:20 PM Saugus Auto Repair, Inc., for Special Permit (S-2) to allow storage of vehicles for sale, to be located at 74 Hamilton Street, Assessor's Plan 1008, Lot A-134  
Application is also made for Class II Auto Dealer's License at 74 Hamilton Street.

Old Business:

SCTV Budget presentation and request to insert Articles into the Annual Town Meeting Warrant.

New Business:

Renewal of Seasonal Beer & Wine Common Victualer's License  
Annual Town Meeting discussion on date & location / potential vote

Manager's Report:

Approval of minutes: April 14; April 21; & May 11, 2020

Tabled items: Selectman Cicolini re: establishing a dog park committee (tabled 4/21/20)

Member's Comments: Selectman Riley re: discussion on resident assistance / COVID Emergency Fund

Citizen's Comments

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The Saugus Board of Selectmen met on May 19, 2020 at 7:00 PM via video conference. Present were: Selectmen Jeffrey Cicolini, Debra Panetta, Corinne Riley, Michael Serino and the Chairman Anthony Cogliano.

Correspondence:

1.) Town Clerk re: request for temporary move of polling locations.

The Chair read request for temporary move of polling locations.

Selectman Panetta moved the Board grant the request for temporary relocation of polling locations through November 30, 2020. Chair seconds 5-0.

2.) Attorney Chang re: request to insert Article into Annual Town Meeting Warrant.

Attorney Chang was present on video conference and explained proposed rezoning.

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

3.) TMM Cross re: request to insert Article into Annual Town Meeting Warrant.

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

4.) Approval of banner(s) re: recognizing Saugus 2020 Graduates

The Board confirmed there were no approved banners during this time.

Selectman Cicolini moved to approve banner congratulating and recognizing graduating seniors from Saugus attending other schools from tomorrow through June 30<sup>th</sup> at Main & Vine Street location. Chair seconds 5-0.

Citizen's Comments     None

Continued Hearings:

1.) Sabastiana Brick Oven Pizza, Inc. d/b/a Victor's Italian Cuisine to be located at 1539 Broadway, Frank Perry, manager, for NEW Beer & Wine Common Victualer's License

The Chair said he spoke with the applicant and was told the lease is not ready yet and requesting to continue. Selectman Panetta said their next meeting is June 2<sup>nd</sup> and suggesting continuing to the 2<sup>nd</sup> meeting in June. Selectman Serino asked if any others were interested in the License. Their clerk said yes but no applications have been submitted.

Selectman Cicolini moved to continue the hearing to June 16<sup>th</sup> with condition written request to continue is submitted by end of day tomorrow. Chair seconds 5-0.

2.) Apex Entertainment SO Saugus, LLC d/b/a Apex Entertainment, for Special Permit (S-2) to allow place of amusement, to be located at 1325-1331 Broadway, Sears Building, Assessor's Plan 1025-1, Lot A-176. Application is also made for: Common Victualer's License, Entertainment License & License for Coin Operated Devices.

Apex Entertainment SO Saugus LLC d/b/a Apex Entertainment, for transfer of All Alcohol Common Victualer's License FROM: EKB Corp. d/b/a Sully C's; TO NEW location 1325-1331 Broadway, Sears Building; and for change of manager TO: Marcus Kembrowski. And Application for Pledge of License.

The Chair said the application for pledge was withdrawn. Attorney Richard Magnan was present on video conference with property owner rep. Matthew McDonnell and APEX rep. Attorney Kevin Erickson. Attorney Erickson said they did meet with the Police Chief and is committed to working with them and has no objections to police recommendations submitted. Selectman Cicolini thanked APEX for meeting with the Chiefs and had some questions and said they have a strong business model but has concerns with potential strain on police due to the fact there is a bar and an entrance from the mall and

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children could enter and alcohol would be able to be transported to different activity areas and another concern is proposed capacity and would like to see police details for 90-120 days to assess and needs clarity on where the alcohol is stored and asked what type of controls and what security looks like. Atty. Erickson said clientele does not dictate their procedures and noted there are areas where alcohol is restricted and listed and said all staff is TIP Certified and has staff in all locations and said he understand having a license is a privilege and take it very seriously and described security with trained people and said the property owner can speak for the outside but they never needed a police detail in Marlborough and described secured alcohol storage when they are not open. Selectman Cicolini asked evening security. Atty. Erickson said 6-8 individuals including a supervisor. Selectman Cicolini said he's not talking about permanent police details, and proposed to reassess after 90 days and asked in list of areas where alcohol is not permitted to include arcade games area. Atty. Erickson said it's important to have alcohol in that area and said regarding police details that they are willing to work with police. Interim Police Chief Ron Giorgetti said he issued an initial recommendation to the Board, not wanting to overstep his authority and brought up key issues and does have other concerns the Board can discuss and said he met with the applicant and does have concerns about outside security and would be more comfortable having details for 8 weeks on Fridays, Saturdays and Sundays to address the concerns and recommend a 12:30 am closing with last call at 12:00 midnight. The Chair asked if he would be comfortable with details only outside. The Chief said yes and said police presence has direct effect and after 8 weeks he will report to the Board proposing between 8:30-12:30am. Selectman Serino expressed concerns with entrance from the mall when the mall closes and proposed the mall entrance to close at 9pm. Selectman Panetta said she believes that the applicant has not met with the Planning and Economic Development Team but understands that they don't need to meet with them, but it would have been good to get their input and said she believes APEX will be successful and said the Board received one letter from Mr. Skinner on Essex Street who expressed concerns and read letter into the record.. Selectman Cicolini said he feels better knowing there will be police details. Selectman Panetta agreed. Selectman Cicolini said details will be reevaluated. Selectman Panetta said she believes this will bring life into the mall. Selectman Riley said she spoke with Marlborough Police and they received high marks and said when she was a child there were a lot of fun places and listed some and said kids continue to lose fun things to do in Town and said she is comfortable with this. The Chair said he understands thoughts on meeting with the Planner and he talked with APEX who approached them in February and it is now May and said this was to streamline the process, and noted for S-2 it is not needed and there's ample time for that prior to the Building Permit being issued. Mr. McDonnell said the property owner is prepared to supplement security in the parking lot and is happy to talk with the Chief about details. The Chair said he would like that call to be the Chief's. Selectman Panetta asked how long it will be to open. Mr. McDonnell said Sears still has a lease and it will be about a year to deliver the property to APEX and then 7-9 months build-out time. Selectman Panetta said 2 years. Selectman Cicolini said he has concern with alcohol and asked the Chief his opinion on the floor plan. The Chief said he spent an extended period of time going over the liquor rules & regulations and did speak with Marlborough & out of State Chiefs and thinks they can manage and if there's concerns he will bring them to the Board. Selectman Serino ask they clarify locations where alcohol is allowed. Selectman Cicolini described areas and said if the Chief is ok then he's good with it. Board Members discussed security plan and hours.

Any to speak in favor or in opposition?

Joe Vecchionne in favor and said he agrees with the Chief and said he's looking forward to this.

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

Selectman Serino moved to approve request with the following conditions: Common Victualer's hours of operation 8am to 12:30 am 7 days a week; seating capacity 300 and 1,400 total capacity; Entertainment hours of operation 8am to 12:30 am 7 days a week; Entertainment restricted to televisions, solo instrument, live band, singer with one instrument, comedy, magic other type shows, arcade games, bowling, go-carts, laser tag, ropes course, bumper cars and pool tables –No Dancing, and any changes need Board approval; All Alcohol License hours of operation 8am to 12:30 am 7 days a week last call at

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12:00 midnight and no consumption of liquor after 12:30am; liquor must remain in areas designated on plan; manager must be on premise 40 hours a week; no entrance from the mall after 9pm; any changes need Selectman approval; unarmed security inside the building, no uniforms similar to Saugus Police Dept.; Police Details: 2 Saugus Police and 1 cruiser outside the building from 9am to 1am; Board to reevaluate after 6-8 weeks; No alcohol in areas labeled on plan; consumption of alcohol allowed in areas labeled: bar, restaurant, function rooms, pool tables, bowling and arcade / sports simulators. Selectman Cicolini added without objection: police details of 2 officers from 8:30pm to 12:30 am subject to review within 14 days of expiration. Selectman Serino clarified police details at exterior of building only. Selectman Panetta added without objection "unarmed" security; and fire dept. recommendations: all building and fire code standards must be adhered to and approved by Fire prevention staff. Selectman Cicolini with condition pledge being formally withdrawn.

Roll call vote on S-2

Selectman Cicolini, yes; Selectman Panetta, yes; Selectman Riley, yes; Selectman Serino, yes; Selectman Cogliano, yes.

Vote on All Alcohol Common Victualer's License, Entertainment License and License for coin operated devices: 5-0.

Selectman Panetta moved for recess. Chair seconds 5-0.

Meeting recessed at 8:20 pm

The Chair called the meeting back to order at 8:27 pm.

Public Hearings:

7:15 PM National Grid to relocate one joint owned pole #23 approximately 125' north/northwest of centerline of intersection of Seagirt Ave & Naples Ave and continuing approximately 10' in a west/southwest direction on Seagirt Avenue as shown in plan no. WR27812139 dated 03/02/20.

John Jankowski, 170 Medford St, Malden was present on video conference and explained work in the area and explained anchor is needed at the location. Selectman Panetta asked how long the work will take. Mr. Jankowski said 1 day. Selectman Panetta asked if there will be any disruption in service. Mr. Jankowski said there may be. Selectman Panetta asked they notify neighbors. Mr. Jankowski said yes. Selectman Panetta said they owe some police details. Mr. Jankowski said he will talk to Wendy. Any to speak in favor or in opposition? None.

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

Selectman Panetta moved to grant the request of National Grid to relocate one joint owned pole #23 approximately 125' north/northwest of centerline of intersection of Seagirt Ave & Naples Ave and continuing approximately 10' in a west/southwest direction on Seagirt Avenue as shown in plan no. WR27812139 dated 03/02/20 with condition money owed to be paid. Chair seconds 5-0.

7:20 PM Saugus Auto Repair, Inc., for Special Permit (S-2) to allow storage of vehicles for sale, to be located at 74 Hamilton Street, Assessor's Plan 1008, Lot A-134  
Application is also made for Class II Auto Dealer's License at 74 Hamilton Street.

Attorney Richard Magnan was present on video conference with applicant Zalam Daaboul. Atty. Magnan described changes in plans allowing 3 spaces with hours of operation Monday through Saturday 8am to 6pm and said the tenant hopes to purchase the property and said he submitted petition of those in favor. The Chair said he received the petition this evening. Atty. Magnan said the owner owes some back taxes and has no objection to payment as condition of license. Selectman Serino said they need a certified parking plan noting the plan has no stamp or signature and there are zoning violations and read there are 2 spots within 25' of residential area and there are 4 spots drawn on the plan noting 3 existing spaces are in the right-of-way. The Chair commented that presently there are no restrictions and has 27 cars on the lot with no restrictions and feels they could finally get restrictions to put some teeth in enforcement and it could be a win-win for the Town to help neighbors. Selectman Serino agreed and said he spoke to some neighbors and said without a certified plan he can't move forward. Selectman Riley said the Board received a lot of people in opposition and asked if it's too late for the owner to meet with the neighbors.

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The Chair said with conditions, it could address concerns. Selectman Panetta said the Board received 10 letters and agreed, if they could come to an agreement it would be great. The Chair said he heard the neighbors' concerns at a previous site visit. Selectman Cicolini said he was on the Board last they came and they did meet with the neighbors and owner of the property and agreed with the Chair and said this is an opportunity to restrict the number of vehicles. Interim Police Chief was present of video conference and said they only have so much authority over the property and said there were many calls with previous tenant but some concerns are still there. The Chair said he believes restrictions will give departments the teeth needed to enforce. Atty. Magnan said he hears the concerns and asked to continue the hearing to get a certified plan and to address concerns. Selectman Panetta pointed out Woodbury is a small street. Atty. Magnan said he was not involved with the initial filing and will address with certified plan.

Any to speak in favor or in opposition?

Rick Smith TMMP3 was on video conference said he represents people in opposition and himself, and asked how long the tenant has been operating. Atty. Magnan said 2-3 years. Mr. Smith said he has done a lot of clean up but have observed issues since 2019 and listed and noted there is no public need with 4 car lots on Hamilton Street. The Chair said he knows he is adamantly opposed and said if the Board does nothing, they are not obligated to do anything and said the petition has 122 names and many are in the neighborhood. Selectman Panetta said the Board received letters in opposition and read names.

Selectman Serino moved to continue the hearing. Chair seconds 5-0.

Old Business:

SCTV Budget presentation and request to insert Articles into the Annual Town Meeting Warrant.

SCTV President Al DiNardo was present on video conference with Treasurer Fatima Allan, and studio director Bryan Nadeau. Selectman Cicolini said he asked for salary analysis and did not receive it. Board Members said they received it and forwarded a copy to him. Mr. DiNardo explained expanded coverage of events & meetings. Selectman Serino asked about audit report and asked how much revenue is received. Mr. Nadeau said their only revenue is what the Selectman approve. Selectman Serino said the budget has to be sustainable and we only receive around \$112,000 a quarter. Selectman Cicolini asked about utilities. Mr. Nadeau said it is unknown so they needed to estimate cost. Selectman Cicolini agreed the need to trim it back so the revenue & expenditures match. Ms. Allan said she would rather not go through the process to ask for additional money. Selectman Panetta asked about 2019 audit budgeted for this year. Mr. Nadeau said the auditor gave them figure. Selectman Panetta asked how this year's budget is coming along. Mr. Nadeau said they are on track. Selectman Panetta asked if they would have remaining funds at the end of June. Selectman Serino suggested reducing employees. Mr. DiNardo said they have expanded coverage of different Boards & Commissions and cover Saugus events. Selectman Serino said down the line they won't be able to sustain it and said they are losing revenue. Mr. DiNardo said he wants to keep it balanced. Selectman Cicolini questioned insurance etc. Mr. Nadeau said he will check the employer liability number. Selectman Cicolini said he's comfortable with reduction. Selectman Riley asked if they are good through June 30<sup>th</sup>. Mr. Nadeau said yes.

Selectman Cicolini moved to approve SCTV budget as presented with the following changes: reduction in payroll tax to \$30,000 and to remove line 10; total \$497,602 minus \$45,000 with disbursements every six months. Chair seconds 4-1 with Mr. Serino voting in opposition.

Mr. Nadeau said they submitted 2 Articles for Town Meeting.

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

The Chair said he spoke with the Collector / Treasurer about what they need to do to get the money to finish construction and asked what's left in construction account. Mr. DiNardo said only thing left in account is for equipment. Mr. Nadeau said equipment was ordered.

New Business:

Renewal of Seasonal Beer & Wine Common Victualer's License

Selectman Panetta moved to renew Cedar Glen seasonal Beer & Wine Common Victualer's License to expire 11/30/20. Chair seconds 5-0.

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Annual Town Meeting discussion on date & location / potential vote

The Manager said he spoke with Town Counsel and there is some pending legislation and is looking to just do the budget and put off the rest until the fall. The Chair said they have had up to 51 people on Zoom meetings and said it's not the worst alternative but said he guesses they will wait and schedule when they hear something.

Manager's Report:

The Manager reported that under the Cares Act money has been approved to help communities to pay costs incurred due to the Corona Virus and will take advantage of the grant; and reported the Governor has announced reopening plan in phases and have put information on the website; and reported the Board and he has received calls regarding the numbers allowed in big box stores and has made some adjustments and will be making some other adjustments and noted that some businesses don't want to increase the number of people allowed in; and reported he has some concerns with opening and is looking at options and has engaged a professional on protocols and has spoken to Selectman Riley about putting together a task force to plan and is doing that now; he reported he talked with police and fire and 1<sup>st</sup> responders and we have a 90 day supply of PPE and is still looking to do something for the public; and reported the Evans Courts are painted.

The Chair thanked the Manager for reaching out to the Carusos & Palumbos.

The Manager reported he has 2 candidates for economic development.

The Chair said last meeting he talked about police chief appointment and asked for update. The Manager said they closed Civil Service portion and we have 2 candidates out of 3 that are interested and now he will conduct interviews.

Approval of minutes: April 14; April 21; & May 11, 2020

Selectman Panetta moved to approve the 4/14 minutes. Chair seconds 56-0.

Selectman Panetta moved to approve the 4/21 minutes with 1 adjustment. Chair seconds 5-0.

Selectman Panetta moved to approve the 5/11 minutes. Chair seconds 5-0.

Tabled items: Selectman Cicolini re: establishing a dog park committee (tabled 4/21/20)

Selectman Cicolini said he would like to remove this from the agenda for the time being and will talk about it down the road.

Member's Comments: Selectman Riley re: discussion on resident assistance / COVID Emergency Fund

Selectman Riley said she spoke with several non-profits but they were unable to so she will peruse through other means.

Selectman Riley reported the MWRA Advisory Board has taken some action to help communities and read announcement.

Selectman Riley relayed announcement that Breakheart Beach is open.

Selectman Riley announced Memorial Day Ceremony to be held on Monday, May 25<sup>th</sup> and said there will be no parade and no flagging of the graves and will follow social distancing.

Selectman Panetta wished all a safe Memorial Day.

Selectman Panetta sent heartfelt condolences to those that have lost loved ones due to the pandemic.

Selectman Serino said he's glad there will be a Memorial Day Service.

Selectman Serino asked if Articles may still be submitted for the Annual Town Meeting Warrant. The Manager said they can until the Board closes the Warrant.

Selectman Cicolini thanked DPW for getting the banners up.

The Manager said he wanted to commend the DPW and said they are working on Town Hall front walkway. The Chair acknowledged Agganis Construction for volunteering their time & equipment to break up the old walkway.

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The Chair said he has received some sharp criticism of his views on certain things and stressed his opinion does not reflect on other Board Members.

Citizen's comments

Selectman Cicolini moved to adjourn. Chair seconds 5-0.  
Meeting adjourned at 10:10 PM.

Respectfully submitted,  
Wendy Reed, Clerk