

Saugus Board of Selectmen
June 16, 2020

MEETING MINUTES

AMENDED: 6/11/20

AGENDA

Saugus Board of Selectmen
June 16, 2020 at 7:00 PM
Zoom Meeting ID: 810 8501 7551
Password: 644469

<https://us02web.zoom.us/j/81085017551?pwd=WFJQTHhrNnp0cTh2VFYvRXREQ2I4QT09>

One tap mobile: Find your local number: <https://us02web.zoom.us/u/kdexXfayG8>
Call to order.

Invited guests:

Correspondence:

- 1.) Applebee's re: request for temporary modification of outdoor seating & outdoor entertainment
- 2.) Border Café re: request for temporary modification of outdoor seating & outdoor entertainment
- 3.) Saugus Plaza re: request for temporary outdoor seating to be shared between Five Guys, King Crab & Buffalo Wild Wings.
- 4.) Jimmy's re: request for temporary modification of outdoor seating & outdoor entertainment
- 5.) Casa Vallarta re: request for temporary modification of outdoor seating & outdoor entertainment
- 6.) La Vita Mia re: request for temporary modification of outdoor seating & outdoor entertainment

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

Public Hearings: 0

Old Business: -Annual Town Meeting discussion on date & location / potential vote
-Insert Articles submitted & potential vote to close the Warrant.

New Business: Request for the Selectmen to review & approve a 1/12th budget for FY 21

Manager's Report:

Approval of minutes: May 19, 2020 (tabled); and June 2, 2020.

Appointments: 0

Member's Comments: Selectman Serino re: 206 Lincoln Avenue.

Citizen's Comments

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The Saugus Board of Selectmen met on June 16, 2020 at 7:00 PM via video conference. Present were: Selectmen Jeffrey Cicolini, Debra Panetta, Corinne Riley, Michael Serino and the Chairman Anthony Cogliano.

Selectman Cicolini moved to take Old Business out of order. Chair seconds 5-0.

Old Business:

-Annual Town Meeting discussion on date & location / potential vote

-Insert Articles submitted & potential vote to close the Warrant.

The Manager said these are challenging times and trying to do two different things, asking the Board to review & approve a 1/12th budget to submit to the DOR and also looking to schedule the Annual Town Meeting now that legislation has been passed and his goal is to submit the town budget and the cable funding articles and is asking the Board to push all other Articles off to next Special Town Meeting and explained they will try to get a budget passed. Selectman Riley said the Articles are up to Town Meeting to decide. The Manager said it's up to the Board and stressed the goal is to get financial articles completed and meeting closed by June 30th. Selectman Cicolini asked Town Counsel's opinion. Town Counsel John Vasapolli was on video conference and explained the Governor has signed legislation to allow Town Meeting to meet with request from the Moderator to conduct a remote meeting and he has sent a letter. Selectman Panetta said this evening they need to call the Annual Town Meeting, insert only the financial articles and close the Warrant and asked about the Articles they have already inserted. Town Counsel recommended the Board vote to remove those Articles from the Warrant and vote to insert them in the next Special Town Meeting Warrant. Selectman Serino said if there were two options to conduct Town Meeting remotely and at Town Hall, asked if they can do both. Town Counsel said he doesn't see that in the statute and said the Board's first vote is allow it be conducted remotely. Selectman Cicolini asked number of Articles. The Manager said the 1/12th budget is a separate request to cover us if a budget is not passed and said he has 4 or 5 articles plus the articles for SCTV and the idea is to limit it because of the state of emergency and then in the fall, will look where we are before setting the tax rate. Selectman Panetta said he sent 11 articles plus PEG and 2 enterprise accounts and noted the Board usually meets before any rate increases are proposed. The Manager said that's a place holder. Collector / Treasurer Wendy Hatch was on video conference and said they have engaged Abrahams Group to conduct analysis and noted due to the pandemic there has been loss in water consumption and that needs to be factored in. The Manager said the CARES Act can cover some COVID related expenses and there's a different CARES Act for schools and said they will need a Special Town Meeting to make adjustments in the budget. Selectman Serino asked when an enterprise account was set up for cable if all is included in the one account. The Collector / Treasurer said the enterprise account is one account and acts the same as water and sewer with Comcast funds deposited in the enterprise account and Town Meeting appropriates what is to be transferred to them. Selectman Serino asked how much could be appropriated to them under a 1/12th budget. The Manager said they will take that up later, but it will include capital article as well as budget and said he is willing to assist any Town Meeting Member if need tech or tech support and will set a practice run. The Chair asked if he had any date for a Special Town Meeting. The Chair asked if Kevin Nichols Article is a financial Article. The Manager said no.

Selectman Panetta moved the Board vote to call the Annual Town Meeting to be held on June 29, 2020 and approve the Annual Town Meeting be conducted remotely. Chair seconds 5-0.

Selectman Panetta moved to insert the Articles submitted by the Manager as listed out in memo dated 6/16/20 into the Annual Town Meeting Warrant. Chair seconds 5-0.

Selectman Panetta moved the Board vote to move the Articles inserted into the Annual Town Meeting Warrant and insert them into the next Special Town Meeting Warrant based on the legislation as passed. Chair seconds 5-0.

Selectman Panetta moved pursuant to the Town Moderator's request to allow the Annual Town Meeting to be conducted remotely. Chair seconds 5-0.

Selectman Panetta moved to insert the 2 Articles for the PEG operating budget and capital budget into the Annual Town Meeting Warrant. Chair seconds 5-0.

Selectman Panetta moved to close the Annual Town Meeting Warrant. Chair seconds 5-0.

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New Business: Request for the Selectmen to review & approve a 1/12th budget for FY 21

The Manager explained the 1/12th budget, the DOR requires if the Town is unable to pass a budget by June 30th and would need to have monthly budgets voted and explained.

Selectman Panetta moved to approve the 1/12th budget request as presented. Chair seconds 5-0.

Selectman Panetta said the Board received an Article submitted by a TMMP10 and asked if they could insert it in the next Special Town Meeting Warrant.

Peter Manoogian, TMMP10 was on video conference and asked Town Counsel to clarify what he is going by to just insert financial articles and asked where it states that in the legislation. Selectman Cicolini said Town Counsel covered that at the beginning of the meeting.

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

Correspondence:

Selectman Cicolini suggesting reading the standard conditions once. Selectman Serino suggested they allow all to be open until midnight. The Chair said La Vita Mia is not coming this evening and Border Café is not present. Selectman Panetta read standard conditions.

1.) Applebee's re: request for temporary modification of outdoor seating & outdoor entertainment

Paul Benko was present on video conference and requested 12 tables with 48 seats and once approved will install jersey barriers and it will be ADA compliant and would like 11:30 am to 9:00 pm.

Selectman Cicolini moved to grant the request with standard conditions, background music allowed, approval for 12 tables with 72 seats, hours of operation 11:30 am to 12 midnight. Chair seconds 5-0.

2.) Border Café re: request for temporary modification of outdoor seating & outdoor entertainment

No one was present.

Selectman Panetta moved to table request. Chair seconds 5-0.

3.) Saugus Plaza re: request for temporary outdoor seating to be shared between Five Guys, King Crab & Buffalo Wild Wings.

David Webster, property owner was present on video conference and explained the area will have no service but propose area for take out and noted Buffalo Wild Wings has outside seating and described location and said no liquor will be served. Selectman Panetta said the plan shows 8 tables with 32 seats and is in front of the Verizon Store. Mr. Webster said there will be room to enter the store. Selectman Panetta asked what time they will open. Mr. Webster said 11am.

Selectman Panetta moved to grant the request of shared seating for Five Guys, King Crab & Buffalo Wild Wings with 8 tables and 32 seats from 11am to 12 midnight and background music with standard conditions. Chair seconds 5-0.

4.) Jimmy's re: request for temporary modification of outdoor seating & outdoor entertainment

Jim Murphy was present on video conference and requested 12 to 15 tables with up to 80 guests and only would like background music and will use barriers. Selectman Panetta expressed concern for the servers crossing. Mr. Murphy said there is no way to block it. Selectman Cicolini asked Lt. to speak on this. Lt. Art Connors was present on video conference and said police have no objection and said it's not the safest but cars are not coming at a high rate of speed and there's no other way to set this up. The Chair asked if they met with fire dept. Mr. Murphy said yes. Selectman Serino asked if they looked into the front of building. Mr. Murphy said it's a very narrow sidewalk. Selectman Cicolini said it's conditional on fire approval. The Chair said they had a similar issue and the fire dept. recommended moving the area closer to the building. Selectman Serino agreed and said as long as the fire dept. approves. Selectman Panetta also agreed.

Selectman Cicolini moved to grant the request with hours 11:30 am to 12 midnight; background music; no more than 15 tables with no more than 6 seats each; and contingent on fire department review and approval.

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5.) Casa Vallarta re: request for temporary modification of outdoor seating & outdoor entertainment

Elena Delgadillo was present on video conference. The Chair said the Board doesn't have anything. Ms. Delgadillo said she turned in the plans today and said she has the same issues as Jimmy's. Selectman Panetta said they already have outdoor seating and now want a separate area with tent. Ms. Delgadillo said yes with 15 to 20 tables with 4 seats each. The Chair asked square footage and size of tent. Ms. Delgadillo said 70' x 36'. The Chair asked if she spoke to the fire dept. Ms. Delgadillo said no. The Chair said they may want a different configuration and she should work with them. Selectman Panetta said the police didn't review either. Lt. Connors said their clerk hadn't received anything so he hasn't seen anything. Selectman Serino said he can't support until the paperwork is in and noted the same issues with Jimmy's and suggested to continue. Selectman Cicolini agreed and said they have not met with public safety so they have no recommendations and should continue to next meeting. Selectman Panetta said they could give the authority to the Manager. The Chair said she needs to meet with police and fire first.

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

Selectman Riley asked if there was an issue with the Town Manager approving alcohol. Their clerk said the Board must vote on service of alcohol and issue a license. Selectman Cicolini said they can condition it.

Selectman Cicolini moved conditional approval with hours 11:00 am to 12 midnight; number of tables that may fit into the space; with final recommendation from police & fire. Selectman Serino speaking on the motion said conditional approval of the Board. Chair seconds 5-0.

6.) La Vita Mia re: request for temporary modification of outdoor seating & outdoor entertainment

Applicant was not present. The Chair said they will not be moving forward with their request at this time.

Citizen's Comments

Peter Manoogian was present on video conference said if they would be more comfortable, he will amend the language of his article so instead it would be of 90 days after adoption. Mr. Manoogian said the other issue he has is he looked at the statute and don't see how the Board can cherry pick what articles on the Town Meeting Warrant and doesn't understand why and wonders why town meeting doesn't meet at alternative location and commented to be cautious the pandemic is not being used to prevent voices from being heard. Selectman Cicolini he doesn't feel as though there is any effort to try not to have people's voices heard, and knowing Town Meeting members, we have some elderly and ill folks that still haven't made it outside because of the pandemic, which is unprecedented. We are doing the best we can under the circumstances. Town Counsel explained clearly that many communities are taking a similar approach to Town Meeting, taking up financial articles first and pushing the other articles to the Special, until we can figure out what the next portion of new normal will look like when the Governor makes a decision. Mr. Manoogian said it may not be their intent, but the Moderator did not consult Town Meeting Members and could have allowed Town Meeting to decide. The Chair asked why not have a Special Town Meeting soon after the Annual. Mr. Manoogian said it's a reasonable suggestion and is not being critical but asked they consider the taxpayers with proposing water / sewer increases. Selectman Cicolini said he always takes it into consideration. Selectman Panetta said it's ultimately up to Town Meeting. Mr. Manoogian said he has seen it before and asked they consider what people are going through. The Chair said they could call a Special in July and said no one is trying to delay, they waited for the Governor and he just ok'ed it and has no problem calling a special in July and will talk with the Moderator and said these are uncharted waters and rely on advise of Town Counsel. Selectman Serino said the Board did the right thing under the circumstances and the responsible thing.

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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.

Frank Perry was present on video conference and said we were waiting for the lease and he sent it. The Chair said he hasn't seen it. Their clerk said she did not receive it. Mr. Perry said there's nothing different from the other lease and sent copy via e-mail to Selectman Cicolini. Selectman Cicolini said some of the pages are blank. Selectman Riley said there's no time to look at it and she doesn't have a copy. The Chair said it seems the Board is not comfortable without seeing the lease and isn't trying to delay it but don't see any other option but to continue. Selectman Cicolini said the Board hasn't gone through the liquor license process yet and there's a lot more to discuss than the lease noting they will be building out. Mr. Perry said the Board granted the Common Victualer's to start. The Chair said its best to continue the hearing. Selectman Serino asked the lease by delivered by 3:00 PM Thursday.

Selectman Panetta moved to continue the hearing and copy of lease to be delivered to their office by 3:00 PM Thursday. Chair seconds 5-0.

Manager's Report:

The Manager had nothing this evening.

Approval of minutes: May 19, 2020 (tabled); and June 2, 2020.

Selectman Panetta moved to take the May 19, 2020 minutes off the table. Chair seconds 5-0.

Selectman Panetta moved to approve the minutes with 1 change. Chair seconds 5-0.

Selectman Panetta moved to approve the June 2 minutes. Chair seconds 5-0.

Appointments: 0

Member's Comments: Selectman Serino re: 206 Lincoln Avenue.

Selectman Serino said he attended the meeting regarding the proposed development at Amato's Liquor property and it does currently flood behind it and the property drops off about 6' in the back and there's a high water table and the development will impact the area and asked the Town Manager and Board Members to support the Conservation Commission with any legal or technical support they may need.

Selectman Serino moved to have the Town Manager offer any legal or technical support the Conservation Commission may need. Chair seconds. Selectman Serino speaking on the motion thanked the Manager for providing assistance and offering support. Vote 5-0.

The Chair announced a meeting has been scheduled on site with the developer, attorney and engineer on Wednesday at 6PM and this is a good opportunity to ask questions. Selectman Serino said flyers were sent out for meeting on Saturday. The Chair said the engineer couldn't make it so they rescheduled to Wednesday.

Selectman Serino said they received notice from MEPA regarding the Riverwalk Project. The Manager said its part of the process and requirement for notification.

Selectman Riley reminded he public this Saturday is the town wide food drive from 10 am to noon; and said she received a call from a neighbor of 7-11 on Lincoln Ave and the guard rail isn't done and the owner has still not reached out to the neighbors and asked how they can address it. Selectman Cicolini said they can have their clerk send letter reminding the owner of his obligation. The Chair asked the police if they are open between 2am-6am. Lt. Connors said he would check. Selectman Riley said she wants to be clear, when we push articles forward, they are not saying we support and the Board doesn't stop articles and doesn't want it to look like they are raising rates.

Selectman Cicolini had nothing this evening.

Selectman Panetta wished all a happy Father's Day; and since they will meet after the 4th, wished all a happy & safe 4th of July; said she hopes to see everyone at the food drive; thanked the Chair for

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letting them know about the site review on Wednesday; and said Selectman Riley's had a well thought out statement noting their job is administrative to put articles forward to Town Meeting.

The Chair thanked everyone saying it was a challenging week with 2 protests and said the police handled it well and noted their professionalism was outstanding and thanked Kowloon and Prince for feeding the officers and thanked the high school students for getting their message across and thanked the organizers and speakers. The Chair said the Board could call a Special Town Meeting in July and expressed concern with Kevin Nichols' article noting the first article was written wrong and had to be reworded and needs to go back to Town Meeting and said he will speak with the moderator, Town Counsel and the Manager to make it happen.

Citizen's Comments

Steve DiVirgilio, 6 Pevwell Drive was on video conference and said he lives in a nice neighborhood and not many know about the proposed project and has a lot of concerns with the location. Selectman Cicolini said he received an e-mail and there's a misperception and said this is not a Town sponsored project and stated it's a private developer. Mr. DiVirgilio said it will lower values and said he voted for him and he told a resident he should move. The Chair said the Selectmen didn't vote and this is a private development. Mr. DiVirgilio said the Board should support the residents. The Chair said they do support the residents and arranged a meeting with neighbors and said the Board has no vote on this project. Selectman Cicolini said it's important to note he talked with John Coburn and shared some ideas. Mr. Manoogian said he hears a lot about the Dover Amendment and it can't use it as a smoke screen and it can't override Conservation or water. The Chair asked if he wanted a vote to support the neighborhood. Mr. Manoogian said there have been times the Board supported neighborhoods and said the Board is promoting it. Mr. DiVirgilio asked if they are for Precinct 10 or not. The Chair said he asked the petitioner to speak with the residents.

John Coburn was on video conference and said this isn't the place for this development and said the water table is less than 10" and deals with run off from their property and the other issue is the grade slopes down to the back and if Conservation can't override this what's the sense of having them. Mr. DiVirgilio said they get no support from the Board. The Chair said he asked the petitioner to meet with the neighbors.

Martin Costello was present on video conference and pointed out he doesn't believe the Town is without teeth and they shouldn't was their hands so quickly and said the project intent is noble but should think outside the box. Selectman Serino said that's why he proposed the Manager hire an attorney and that's why the Board supported the motion and said he agrees the project is too large and should be downsized.

Bob Long was on video conference said he knows the Board only put financial articles in the Warrant but there are other articles and only Town Meeting can change the order and said another issue is sewerage and described how the town has sold capacity which could possibly bite them in the future. Selectman Serino agreed and said previous Board have approved tie-ins and he believes they should save capacity for the Town.

Selectman Cicolini moved to adjourn. Chair seconds 5-0.
Meeting adjourned at 9:43 PM

Respectfully submitted,
Wendy Reed, Clerk