

## Board of Selectmen

Minutes – July 20 2021

Chairman Anthony Cogliano opened the meeting with the Pledge of Allegiance. Present: Selectmen Cogliano, Riley, Panetta, Cicolini, and Serino. A moment of silence was offered in memory of Rosemary Naples and Louis Gallo, both who lost their lives recently in a tragic fire.

### **DISCUSSION:** Town Manager Scott Crabtree: Contract

Selectman Cicolini stated: "Many meetings have been held to discuss the contract of Town Manager Scott Crabtree as his contract with the town will expire August 22, 2022. Per the contract, we had within one year to work out the terms of the contract should we chose to. We had approximately six or seven executive sessions with of without the town manager. The most recent one was held June 25, 2021, with town counsel present. Over the term there were several items including we felt were important to residents that included a formal appraisal of goals and objectives in open session. All selectmen, along with the town manger agreed.

The Board began in open session, and I made a motion to go into executive session. The Chair seconded and the vote 4-1 with the Chair wanting to remain in open session but we could not per town counsel. In the executive session I ultimately made the motion to extend the town manager's contract for a term of three years, from the expired date of August 25, 2022, to August 24, 2025. Mr. Crabtree's present base salary at the time of the extension was \$183,824.00. In his present contract, as does several other town hall employees, allows an automatic 5% increase in salary once you reach 20 years of service with the Town. The town manager has agreed to forego that 5% longevity allowance permanently and Mr. Crabtree has not taken it and will not take it.

There will be a performance appraisal held every January for the town manager to be held in open session. Goals and objectives will also be discussed in open session. There will also be an addendum in the current contract of goals and objectives and performance appraisal in open session. The town manager has agreed to meet with the board within the next 45 days once we execute this contract to discuss mutually agreeable goals and objectives.

The town manager and 4/5<sup>th</sup> of the selectmen must approve these criteria and language associated with the performance review and, then within 30 days of that meeting, we will conduct our first meeting in open session evaluation. The town manager will receive 1.5% COLA increase per year. Currently he receives 3%. The board has the right to award an increase of up to 5% based on the results of his performance review of his goals and objectives in his evaluation.

The manager has a stipend as do many other town officials based on their education. That is a 7% calculation on his base salary. That amount will be now capped based upon the final increase in his current contract, which is August 22, 2021, and will be capped at a flat amount of \$12,868.00 and will no longer increase.

The new expiration of term now will go August 24, 2024, and the notification will be one year prior to the expiration of his contract. Mr. Crabtree's conferences and course work are capped at a yearly rate of \$3,000.00. His meetings, MAPC other conferences managers participate in is a flat cap and this amount has never been reached to date. The manager has kept the amount under and other expenses miniscule over the last three years. Mr. Crabtree's longevity stipend with the town will be capped at \$1,000.00 per year and all other conditions from the previous contract will be in full effect."

Selectman Cicolini further stated: "I put this proposal on the table for a vote and Selectman Riley offered a substitute motion to offer an 18-month extension with all the same terms and conditions outlined in my proposal. In a roll call vote, Selectman Riley's motion failed 4-1 with Selectman Riley the only yes vote. We put our original motion back on the floor, and it passed 4-1 yes, with Selectman Riley voting no. Selectman Riley asked questions about indemnification in other contracts but town counsel agreed that we were covered with the original verbiage and agreed to stay with it. After that Selectman Panetta made a motion to come back into open session, seconded by the chair – motion passes 5-0. The same exact motions I offered were again read including the substitute motion read by Vice Chair Riley and the same results occurred in open session with a 4-1 no vote on the 18-month extension and a 4-1 yes vote on the three-year extension. Everyone congratulated the manager, and he thanked the Board for our confidence in him and we look forward to working with him and put it in writing. Now that it has been voted in public, we need to put the addendum into writing.

Vice Chair Riley: "Regarding the issue of the town manager's contract, this is one of the most significant decisions this Board will make, so I was to share my thought process with the Board, the Manager, and most importantly, the people of Saugus. I broke the issue into two parts - whether to support an extension or not, and the contract itself.

On whether to support an extension or not, I think that it's important to remember that no one town employees, elected officials, or anyone else is all good or all bad. We all have our strengths and weaknesses, no exceptions. It is my opinion that in some respects, the manager has done enough to warrant an extension. Specific areas include a conservative fiscal policy, the completions of the ACO, and the progress of the school building projects. There are also areas where, in my opinion, more work is needed to warrant an extension. Specific areas include better planning, better customer service and more transparency. I'll provide more detail in the upcoming evaluation.

When weighing all these things, I also took into consideration the wishes of the voters who put me in this seat. Voters spoke loud and clear at all levels of our local government last election and clearly indicated their appetite for change. If they didn't, then we'd have a very different Board of Selectmen, School Committee, and Town Meeting today. The position of town manager is not voted directly by the people, but I felt that since the overwhelming number of voters in our last election voted for change, they deserved a seat at the table to have their voices heard. For this reason, I could not support a contract extension.



elementary school students, serving students 2-5. These efforts, which were supported by over 70 percent of the voters, are all part of the district-wide master plan solution to prioritize education in Saugus. We are now moving underway with full renovation for pre-K through 1st grade state-of-the-art facility. We got three awards for design and construction for the middle/high school. This was the largest capital project that Saugus has ever undergone.

**PARKS & PLAYGROUNDS:** Our Town has prioritized parks and playgrounds under Scott's watch; including Bristow Park, Belmonte Middle School Tennis Courts, improvement in Stackpole Field, the Veterans playground, and the Evans Park basketball courts.

**GRANTS:** Some of our successes include estimated \$65M grant through the MSBA for the new Middle/High School. Saugus was awarded a community development block grant COVID-19 grant to help small businesses (up to \$360K). We have received an estimated \$1M in grant money since Saugus has become a green community. (Good for the environment while receiving funding) solar farm, electric cars & charging stations, energy efficient lighting (replacement of the Street Lights in Town, approximately 3,000) Awarded multiple SAFER grants for the hiring of firefighters (approx. \$2M). Awarded \$1M towards the final design and construction of the first phase of the Ballard Street River Walk project from the Seaport Economic Council.

**SAFTEY:** We have continued to invest in public safety under Scott's watch. We have acquired new police cruisers, new fire truck, we've added radar speed signs, and we've had a comprehensive, town-wide speed limit analysis completed by The Engineering Corp. (TEC) of Andover. Scott also worked hard to try to mitigate the spread of COVID-19 in the community and prioritize the health and safety of all residents during this global pandemic. He hired a new Director of Public Health, hired additional nurses, as well as other health care professionals to support and aid the public during these trying times.

**ADMINISTRATIVE CONSENT ORDER:** Successfully addressed the ACO court order in a timely manner. This was an estimated 25 million endeavor.

**FINANCIALS:** Implemented and upheld financial management policies and procedures, which led to the Town achieving an AA+/Stable rating under S&P Global Ratings. For me, this is the single most important think that occurred under Scott's watch.

When I became a Selectman almost 10 years ago, there was talk about going into receivership. There was discussion about closing the Library, the Senior Center, and Youth and Rec. The Essex Street Fire Station was continuously being closed due to lack of funds. Per Standard & Poor's, Saugus now has a "very strong economy, strong management, strong budgetary flexibility, and very strong liquidity." This is a complete 180 from where we were when I first got elected.

The Town continues to benefit from our AA+ bond rating where we just refinanced \$2,015,000 of bonds issued 3/3/11 which resulted in a gross budgetary savings of \$343,752. We have approximately \$10M in our stabilization fund, which is our 'rainy day' fund. By the Town being



On the contract itself, I researched the contracts for seven other town managers in eastern Massachusetts and compared them to the current contract negotiated back in 2015. In my opinion, the current contract needed work to be fair to the Town. Specifically, I along with my board members, advocated for a section specifying an evaluation in Open Session, and that any merit increase in salary should be tied to the evaluation. I am pleased that they were included and feel they will provide greater accountability. Additionally, I advocated for a more limited indemnification section, details of which will be in the Executive Session minutes.

Though town counsel did not feel it was necessary, in my opinion, it would provide greater protection to the Town, but the Board did not support changing the indemnification section. Regarding the length of the contract, I advocated for a shorter duration, specifically 18 months. While I recognize the benefits of stability in the town manager position, I also did not want a contract to go beyond two years to take the extension decision out of the next boards hands.

The board has voted to extend the town manager's contract; I accept that, and I want to congratulate the town manager and I look forward to working with the board and the manager on all the challenges and opportunities in front of us.

Selectman Michael Serino: "Regarding Town Manager's, as member of the Board of Selectmen, I have worked with 3 Town Manager's and at least 6 town managers as a Town Meeting Member, I can say there is no perfect Town Manager. Some are good in certain areas and some need improvements in other areas. However, I believe Scott has done a good job. The town has 10 million in our Stabilization Fund and 4 million in Free Cash. We have built a new Middle/High school, revamped the Belmonte and Veterans schools and he had to deal with the Covid crisis.

With reference to the terms of the contract, we did a comparison of 13 communities, and I was surprised with the salaries that Town Managers were making. The average base salary of a Town Manager's position was around 180,000.00. At the end of his current contract, he will be at around 183,000.00. Therefore, at this time we felt that no increase in salary was warranted. We lowered the 3% COLA to 1.5%. I felt that instead of giving automatic increases, any raise / bonus should be tied into his job performance evaluation. Furthermore, we capped his longevity stipend, education stipend and professional development stipend. All the members had different opinions about the length of his contract. I went in with an extension of 2 years, on top of the approximate year he had left on his current contract. However, in the end most of the Board agreed on a 3-year extension. I would like to wish Scott good luck.

Selectman Debra Panetta:

"I voted in favor of extending Mr. Crabtree's contract for three years because I think he's done an exceptional job moving our Town forward. I believe he's been able to listen to the residents and elected and appointed officials, prioritize needs, put plans together, and execute effectively.

Examples: EDUCATION: Under Scott's leadership, our Saugus children have a beautiful, state-of-the-art Middle/High School. The Belmonte school has been renovated for the upper



in good financial shape, we have saved millions in dollars in borrowing – where we can continue to save money & invest in our community.

**MASTER PLAN:** The Town Manager hired the MAPC (Metropolitan Area Planning Council) to help develop the Goals & Vision for Saugus over the next 15 years. Public meetings have been held to engage the public on what direction they want Saugus to take.

With so many accomplishments, I feel that an extension of Scott's contract is deserved. Scott loves Saugus, and it is evident with the decisions that he makes for our community. Congratulations Scott."

Selectman Cogliano stated: "Mr. Crabtree is the sixth town manager I have had the pleasure of extending or voting for. When the election was held in November of 2019, residents were looking for change. The town manager and I have been working quite well together because, at the end of the day, it's not about me or Scott Crabtree, it's about the town and we both put the town first. I am happy you are here Scott, keeping the seat warm for me, hopefully, I wish you well. Congratulations!

Selectman Cicolini: "I have been a selectman since 2015; the board that brought Scott back – a tough time and have gone through some good times too. Ultimately, when we made the decision starting a last fall to start a dialogue. Not everyone loves me, but you need to make tough decisions. A good leader can make tough decisions. Scott has proven he can make tough decisions. He always has a cautious eye on doing what is right, in finances, following protocols, not breaking the law and a level of ethics. Those attributes are hard to find in one individual who can still accomplish things in the town in a manner of what we have accomplished over the last six or seven years.

Mr. Crabtree has a high level of ethics. Of course, there are people that are not going to like you. But, in the end, if you are fair and doing right thing that is what it comes down to. Selectman Serino spoke about how we examined 15 communities and it's scary as to what they are paying, along with having an assistant manager - \$350,000 a year for people with four years of experience and their finances are nowhere near ours. For me, it was a very easy decision and wanted to give the manager four years.

We are lucky to have him. Sure, there are things that he could do better, and I will fill out an evaluation. When we look for a manager to lead our town; to continue with our financial strength, to build our resources and grow our town so we are sustainable in the long haul, I don't think you are going to find a better person to sit in the manager's seat. I am honored to be one of the votes. You had unanimous consent, but the issue was the length of contract time. I congratulate you for putting up with it, I don't think I could do it. I commend you, congratulate you and thank you for a job well done."

Selectman Cogliano: "At the conclusion the vote, I stressed to the manager regardless of who voted, everyone will be treated the same and he assured me we would be. Congratulations Scott!"

Town Manager Scott Crabtree: "I want to thank the Board and I appreciate the support. This is a tough job – the history of Saugus with the revolving door in Saugus. It is difficult to maintain support and allies as everyone has a difference of opinion. I think anyone can improve and take suggestions. Looking at it now, the success, in a leadership position over the last 10 years, is trying to listen to officials and the public as to what the needs are and then put a plan together, go through the many committees and boards for support and then actually being able to accomplish things. Always a challenge to accomplish and complete things. We start with little rocks with the finance and Department of Revenue – we were a mess. As you start building again as the goal back then was to understand the wants and the needs and then trying to identify and being able to plan together, supported and then execute in success. It is an honor; the town has been through a lot, and I will continue to work hard for the community.

**CORRESPONDENCE:** Town Clerk Ellen Schena: Submission of Annual Election Worker Assignment List for 2021-2022. Selectman Panetta made a motion to accept the Annual Worker Assignment List for 2021, Chair seconds, all in favor – motion passed 5-0.

SCTV Director Bryan Nadeau requests the following: First: For appropriation of funds for our approved FY2022 Operating Budget. First quarterly payment should be made on July 1, 2021. Mr. Nadeau, Derry NH. "The approval already granted previously. Ms. Hatch and I reviewed the motion set forth previously but no motion for the appropriation was made. I am here tonight as a formality stating once again that you have already approved these four quarterly payments. First payment already paid as it was thought the approval was already voted.

Selectman Panetta was told the payments come to \$371,680.00 with a total of four quarterly payments of \$ 92,920.00. The \$92,920.00 payment has already been paid. Selectman Cicolini stated that he thought it would be easier to make the quarterly payments now under the authority of the collector treasurer.

Selectman Cicolini made the motion to accept the SCTV operating budget of \$371,680.00 FY2022, and divide it into four quarterly payments of \$92, 920.00 to be distributed under the authority of the collector treasurer. Chair seconds, all in favor, motion passes 5-0.

Second: To begin the "request to renew the agreement between The Town of Saugus and SCTV." Our current agreement expires on January 31,2022 and it states we must give notice to the selectmen 6 months in advance. Selectman Cicolini made the motion to set up a sub-committee made up of Selectman Panetta and Vice Chair Riley to work with SCTV about the extension of the contract and what it would look like and report back to the Selectman and then vote as a Board. January 31,2021 is the current expiration. Selectman Panetta stated, "It is a ten-year contract with a five-year extension and some things in the by-laws need to be changed."

Selectman Cicolini spoke of his concern about the decline in revenue and advised Mr. Nadeau to look at the average decrease and apply it to the future contract as it may be necessary to do fundraising. Selectman Panetta noted the expenses that may come up and what to expect as expenses need to be recognized.



Mr. Nadeau announced an 'open house' at the facility on 30 Main Street scheduled for Founder's Day 11AM to 2 PM. He welcomed all to v and tour the building.

## **PUBLIC HEARINGS**

**7:15 PM:** On the application of Saugus Italian Kitchen LLC, d/b/a Alfredo's of Saugus, for a common victualer's license to be located at 240 Lincoln Avenue, Saugus, MA.

Mr. Anwaar Masoud, 240 Lincoln Avenue, addressed the Board. Restaurant will be serving mainly Italian food and calzones. Selectman Riley questioned the two names Alfredo's and is it associated with the family in Lynn? M Masoud stated that they are related to the Medford restaurant. Selectman Riley said that she received a phone call from a family member who was concerned about infringement on the name. The one in Lynn, and the name Alfredo's and not an infringement.

Selectman Panetta asked about hours and seating. Mr. Masoud stated that there would be a seating of 18. There was no menu provided but the food will be like the North End – fresh pasta and other specialties. Opening August 10, 2021. Selectman Cicolini, stated there are three different locations and all related and the Lynn restaurant is second to none," he said.

No comments from the public.

Selectman Serino made a motion to close the hearing. Chair seconds, all in favor, motion passes 5-0. Selectman Serino offered the motion to grant the common victualer's license to Alfredo's of Saugus, 240 Lincoln, Saugus, MA. Hours of operation 10 AM to 10 PM. Motion passes 5-0.

**7:30 PM:** On the application of Shoyu Group, LLC, d/b/a Shoyu Restaurant, located at 124 Broadway, Unit D, Saugus, MA for an all alcohol common victualer's license. 18 seats. Board of Health recommended to clean grills. Selectman Cicolini added open 7 days a week. Motion passes 5-0. Selectman Cogliano stated he would be requesting a continuance as there are other applications.

Attorney Richard Magan, 196 Central Street. Michael Mei part owner present along with assistant manager Justin Chen. Attorney Magan stated: "We asked for expansion in October and a number of seats in the bar area. Beer and wine since 2021. Lease to 2029 with 3 five-year extensions. An application for AA liquor license was filed last year. There was one liquor violation in 2015 where a minor was served. Mr. Mie was not the manager but partner owner at that time. Since then, all employees received tips certifications.

Attorney Magnan stated that hours of operation would remain the same, Sunday through Thursday 11:30 AM to 10 PM, and Friday and Saturday 11:30 AM to 11:00 PM. Attorney Magnan noted that the Chair suggested a continuance to allow a site visit or other interested parties to file.

Selectman Panetta noted that a precedent has already been set to allow other applicants others the ability to present their business requests and agreed with the continuance. Selectman Cicolini spoke about the need of the Clifftondale area for additional licenses there and agreed with the continuance. Long time businesses need to be recognized as a first right of refusal over someone who is brand new. Selectman Serino requested an ad be put in the newspaper announcing the availability of liquor licenses notifying businesses seeking an All-Alcoholic liquor license availability. Clerk to check the files for those who have already filed a request.

Selectman Riley asked about the time frame for applying for those already applied previously. – how many. Chairman Cogliano stated: “Attorney Nelson Chang just today applied for an All - Alcoholic liquor license for the Pushcart Restaurant. There is also a letter in the file from King Crab. If we advertise, we will get several more. I will not vote for a new business coming into this town. Those who survived the covid have been here and made an investment into this town. There are several licenses still out there, La Vita Mia, Long Horn, Midwest, Apex three licenses for purchase. I would like to continue this. We will advertise and schedule a meeting Pushcart coming in.

Selectman Serino suggested the Board continue this hearing until the next meeting on August 19, 2021. Selectman Cogliano stated that he would like to schedule a site visit at Shoyu and the Pushcart prior to the next meeting. Selectman Serino stated that visiting these two restaurants may be a conflict of interest and would rather go on his own. Selectman Panetta asked if they were going to have a hearing for just the two. She said we should advertise it but willing to hold a site visit.

Selectman Cogliano stated that the board advertise for one week on the availability of a liquor license with the notice and a deadline of August 17, 2021, at our next meeting. To be clear I am not going to approve newcomers.

Selectman Riley asked how we get additional licenses from the State. Selectman Cogliano suggested a letter be sent to the State Liquor Agency requesting additional licenses and emphasizing the need in the revitalization of the Clifftondale area and will free up the rest. I would like to hold one for Clifftondale. Selectman Serino stated that a letter was sent previously and the then Board learned that to be granted any more licenses, a location would be required. He told the Board he has all the paperwork on that issue of several years ago.

Selectman Panetta stated: “We secured a liquor license for the Mall. We asked for 10 but did not have locations.” Selectman Panetta moved to allow the applicant to continue to join in with future hearings that will be advertised. Chair seconds all in favor? Motion passes 5-0.

**7:45 PM:** On the application of Crumbl Cookie, managers Brent and Jessica Garino, for a common victualer’s license located at 358 Broadway, Suite 358N, Saugus, MA. Selectman Panetta made a motion to continue the hearing to the next meeting on August 17, 2021, as the petitioners were not present. Chair seconds, all in favor? Motion passes 5-0.



**8:00 PM:** On the application of HRP Saugus, LLC, 20, 150 and 140 Salem Turnpike for a modification of a Special Permit (s\_2) to allow the operation of business between 2:00 AM and 6:00 AM, Sunday through Saturday inclusive.

Attorney Magan, 194 Central Street, Saugus, MA addressed the board representing the petitioner. Andrew Chused, 347 Waban Avenue, Newton, MA. Managing partner. Josh Davis and Sam Brown and Jim Develis. An S-2 permit was granted last year and told to re-appear if extension of hours requested. In March of 2020 we purchased site. Order of Conditions issued in April 2021. In February of 2020, we proposed to remediate the site and look for a tenant. We secured UPS as a tenant. Originally there was a 125,000 square foot building but today it's down to 87, 000 square feet.

Benefits of project total jobs of 208 brought to Saugus; improving the roadway access and signals at site, adding managed stormwater system, and providing public water walkway, the first leg of the river walk project, wetland reparations, restoring the riverfront removing pier, environmentally conscious redevelopment for needs certification, exploring solar and thankful the tenant has a number of incentives for the community, active in volunteer services in Saugus, a good corporate citizen. Net property tax over 20 years \$7 Million. Today, taxes are under \$10,000 and the next year we predict over \$300,000. Regarding the 2 AM to 6 AM request, we are not seeking any use of Ballard Street and we believe our tenant will agree to that. Selectman Cogliano stated that the site was voted on in early 2020 and a condition was already in place not to use Ballard Street for heavy trucking and this condition was placed in the permit and trucking on Ballard Street it is not allowed by any petitioner.

Selectman Cicolini stated; "Ballard has many side streets and there will be no trucking on Ballard or any other connecting streets. UPS will receive trailers and larger trucks and I will not allow any trucks in Saugus other than Route 107, between the hours of 2- 6 AM. Mr. Chused agreed to both; no trucks of any size will be allowed to use any streets in Saugus, MA. No trucks will be leaving the building between 2-6 AM. Selectman Cicolini made it clear that no trucks will be leaving the building between 2 - 6 AM.

Selectman Riley asked how it will be enforced and what would happen if the regulation were not supported. Selectman Cogliano stated that if they do not honor the 2-6 AM stipulation, their license will be revoked immediately.

Selectman Cicolini agreed and suggested town counsel should review and learn what recourse we would have to revoke the S-2. Town Manager Crabtree suggested the Board refer the question to town counsel. Selectman Cogliano stated that one violation would warrant a warning but if more incidents, I would want certainty that we could revoke the Permit. We have received countless phone calls from citizens. Wear and tear on the roads are a big concern. UPS will be using their regular trucks that are allowed to deliver through Saugus. The biggest concern is the absolute prevention of anything other than using a standard UPS van delivering throughout Saugus, at any time going on Saugus Streets and no trucks between 2-6 AM on any streets in Saugus but how do we police it is the question. He expressed his concern as the recourse may not

be as concrete as suggested and the cost associated with fighting the legal issues to protect the town. Another thing maybe be a mitigation fund to be held for a period of time to enforce this.

Mr. Chused stated: "The projection for those hours, the smaller trucks zero, larger trucks are four. They need to prepare before delivering for normal business hours. We will make sure our tenants do that. If any instance of breaking the rules, we will be on it. We will not tolerate it's not something we take lightly. You have our commitment that we will do our very best and remind everyone, maybe put signs out."

Selectman Panetta questioned the modification of the S-2 that goes with the land and wants the question answered. She asked if the lease was signed, and does it state that trucks can never go down Ballard Street ever and Mr. Chused stated in the affirmative. Selectman Cogliano clarified the statement and said that small vans under 10,000 can go down Ballard Street during regular business hours.

Selectman Serino stated that he did not vote for this S-2 permit when it first came before the board last year. He further stated that a freight terminal was not in the best interest for Saugus. When they must go on the other side of Saugus, they will be going through the town. As far as banning heavy trucking, it is illegal.

The Department of Transportation regulations state that, to ban heavy trucking, the town would need to provide an alternative street and the S-2 would be recorded on the property at Salem Registry of Deeds and you never will revoke that. The town will never be able to enforce the no trucking issue. You will not know where these trucks will be coming from or who they are. At the time of the first hearing, the Planning Department could not make a recommendation as there was not enough information to make a recommendation.

Further Selectman Serino continued, "This group are the middlemen, they could sell the property to someone else, and they may not abide by the present proposed recommendations. I didn't support it when it came before the board last year, and I am not supporting this proposal as well."

Selectman Cogliano replied. "When we vote on a license or S-2 Permits, we put restrictions on it-we put teeth in it. If we vote for this proposal and put conditions on it, no one can say that we, as a board cannot revoke it if they do not live up to those conditions. The S-2 Permit runs with the land but the 2-6 AM proposal is needs to be renewed every year and can be revoked. No trucking will come down those streets if we vote this; no trucking unless going down Route 107. If not, they get no votes."

Town Meeting Member Peter Manoogian spoke before the board and stated that he voted in favor of this last year. "The restrictions placed on this proposal last year helped balanced the environmental protections. It interesting that no one from USP is here. I agree with Selectman Serino that you cannot enforce this. There is no enforcement. Special Permits that run with the land. When was the last time the board tried to enforce restrictions? Go down to Ballard Street on the right-hand side; see how those S-2 restrictions are working out.



Special Permits run with the land they set a precedent. The last time the board tried to enforce the restrictions was a liquor license at Godfried's Plaza. It went on for years, received criticism and the Board eventually folded the tent. If UPS challenges this type of ruling that you can't use the street, I am confident a judge would overturn it as they have many legal rights, and they pay taxes and have the right to use those streets. Clearly, you now have the protection. Attorney Magnan stated in his footnote that this by-law was adopted primarily for liquor license establishments. I spoke to the person responsible for that by-law, Janette Fasano. She stated that was not the purpose; it has been used for pharmacies and 7-elevens it's been used for things not just liquor licenses. Ms. Fasano stated that this by-law was implemented to protect neighborhoods – to protect the quality of life. I know you are confident that they will abide, but they are not going to be there on a day-to-day basis.

Who among us are going to be truck detectives? Heard the same thing from Wheelabrator. Every day I see non- Saugus rubbish trucks going down Ballard Street. It cannot be enforced. I need two votes to kill it. I would suggest that they know they need to get that special language out of there. Once you modify the S-2, it takes only 3 votes. Build the project and see what's goes there and go from there. This is highly speculative at this time and that East Saugus should have to accept another burden with the hope of enforcement and I have never heard of it done here. You try to do a 20 mile an hour limit -you can't do it. The State cannot take the 2AM - 6AM condition away. No one has challenged it and it's been upheld by the Attorney General. That is our protection. I sincerely you vote no. Thank you."

Ricardo Sanchez, 11 Dudley Street. "I just worked on a 16,000 s.f. building. An 87,000 s.f. building is huge. Selectman Cogliano stated that the Board voted on a 100,000 s.f. building last year. How many vehicles will be on that property? I'm pro business but the trucks go down the streets. We will see a lot of UPS trucks at Kane's Donuts."

Mr. John Pizzi, Dudley Street. "I oppose any trucks from 2-6 AM. Any type of traffic that will have an impact I am against. Dudley Street at Lincoln Avenue is the most dangerous street. The impact will affect our lives and will ruin our neighborhood."

Debra Mahoney. "I oppose it. When Encore was being built, we had trucks coming and going all day. They said they had to get fuel for their vehicles at Angelo's. I complained to the town. A truck flung a baby carriage over, they were going so fast. I still have not heard from town hall yet. Our homes are in bad shape because all the trucks. At one time, they had trucks come down because of deliveries. We had a school there and that didn't stop the trucks. No one respects the speed signs. I have pictures of what the truck traffic did to our streets and our homes."

Janet Kierstead, 46 Dudley Street. "I agree with the previous two speakers. We have trucks coming down the street all the time, and they don't honor the speed signs. I am against the 2-6 hours."

Martin Costello, 18 Bristow Street. "Where are the loading docks located? Trucks will have to back up and an audible sound to back up. We are looking at an operation from 20 hours to 24 hours. I don't think the Board has enough specifics. I agree with the previous speakers."

Mr. Chused stated that loading happens in the back of the building. Four trucks and we have already agreed to zero trucks in the neighborhood.

Michael Lee, 4 Dudley Street. "I was a truck driver for 40 years. We looked for short cuts – stressful. I have been on Dudley Street. It used to be no commercial traffic years ago."

Joseph Palczynski, 24 Ballard Street. "How are the vehicles going to take a left? Permission was granted to go through the guard rail and was told by the applicant that they will have temporary access. Intersection will remain.

Selectman Cicolini said the bridge will take five years for completion and lesson curb cuts.

Selectman Ciccolini asked: "Would a representative from USP attend the next meeting – the decision maker? I would like to hear compliance with the existing restrictions. It will be helpful for the neighborhood. UPS may want to buy the property eventually and if they do, changes could be made. I would hope they would uphold the conditions placed on this property. Any trucking volume cutting through Saugus today is a lot more than five years ago. I will feel better if we continue this and bring someone from UPS with a level of authority, who could state their intentions and answer questions about the current S-2 Permit and proposed modifications."

Selectman Cogliano stated he would like an opinion from town counsel if we voted this can we break it off into two parts and if they violate the modification, can we revoke it the next day. Selectman Cicolini suggested that maybe the Board should go outside for guidance on specific case law. There was a modification to an S-2 and found there was no option. Keep it in two parts. If it is an option. If we go to law firms that specialize in this, what recourse we have, and if we can't revoke the license, I cannot support it.

Selectman Cogliano stated: I don't think anyone would support this if there was no way to revoke it. This is an approved operation, and they can operate between 6 AM and 2 AM. They cannot operate between 2AM – 6 AM. The operation itself has already been approved."

Representative from applicant: "There will be four trucks on 107 during those hours that will drop off packages to the building. Once inside the building, the trucks will be loaded in and go out after 6 AM – the normal business hours. Zero trucks in the neighborhood during 2AM- 6 AM." Selectman Cogliano stated that they have taken over property that was a junk yard and car lot. They are making significant progress in cleaning up the area for the benefit of all.

Representative stated: The package trucks get loaded overnight for the following day; overnight trucks come down Route 107 one massive benefit for the town. We are working with the State and have been very helpful with permitting. This is an eyesore. It will sustain a better atmosphere. We are also removing navigational hazards in the water. The trucks will be loading in the back of the building. Doors go up and down are quiet doors. Trucks will not idle, and this is a very important issue. We are happy to bring the tenant to the next meeting. Without the ability to do this, it may not work for the tenant.



Selectman Cogliano stated: "We voted for this for the betterment of our community. It is a significant improvement to the area. All they are asking for is for four trucks coming from Logan Airport into the facility to load up. We will not allow this to impact the neighborhoods. If we cannot get assurances we can revoke if warranted, they won't be going in there."

Selectman Cicolini answered: "During construction as to what to prevent the trucks from going on all the side streets, it would be under the S-2 Permit. No trucks. Further, our police can enforce, and this town manager and police will make sure they are compliance. We can monitor this project; the alternative is to leave the area as a junk yard. It has already permitted and approved in February 2020.

Selectman Serino asked if the petitioner would be willing to withdraw the petition. Attorney Magnan would need to meet with the owner, delaying it and wait to see what would happen two years from now, its not going to work for the owners of the property. Selectman Cogliano stated that if they don't have the 2-6 AM, they won't go forward as the lease is conditional. The S-2 Permit is already in place.

TMM: Steven DiVirgilio Pct 10 6 Pevwell Drive. "Projects like this bring in tax revenue. Unfortunately, residents must take a lower standard of living. Whatever stated here, two years from now, there will be more trucks. Some say they are going to do things but change later. It is what it is. There will be more trucks." Selectman Cicolini asked what was passed by this Board but was told it was not this Board.

Selectman Cogliano asked if Mr. DiVirgilio thought this project represents a lower standard of living? This project has already been approved and was the concern was more trucks.

Selectman Cicolini: "What is the alternative? What if someone came in and wanted to put 350 housing units, Condos, or an auto shop, they won't spend multi millions to clean up the area, they won't do this. We saw this as a lesser evil. We know what we were getting into. It is an industrial park in Saugus. There are no homes in the immediate area. All industrial and commercial zones all on Route 107. We are going to do everything to protect the residents- I think it is a slap in the face to the developers."

Selectman Cogliano: "Mr. DiVirgilio. "You were not here when we had three hearings on it and one TMM from Precinct 10 approved it. Mr. DiVirgilio continued: "More diesel trucks and noise in the area.

Mr. Peter Manoogian: "These folks have a lot of experience doing these kinds of projects. Hard to believe that the type of tenants would need these hours. Would you have voted this if they wanted 24 hours?" Selectman Cogliano: "Yes, with no trucking, yes."

Mr. Chused replied that they did ask for 24 hours last year and was told to come back later and will talk about it.

Selectman Riley: I was so excited when this project came in – going to create jobs. We don't need anymore speeding and trucks in this area I hope we can all make this happen. I am glad that UPS is invited at continued meeting.

Selectman Cogliano stated: "I will guarantee you that if we cannot condition this that they cannot come down the Ballard and side streets between the 2 – 6 AM hours, they will get no votes here." Selectman Panetta: "I concur with Selectman Riley and appreciated all the calls from residents. We all listen."

John Pizzi: "Selectman Cicolini stated that the applicant offered to install signs but, in order to change and ban trucks, we are required to petition the state for acceptance." Selectman Panetta offered a motion to continue the hearing, seconded by the chair; all in favor, motion passes 5-0. Five-minute recess.

**8:15 PM: 9:45:** On the application of Saugus Realty c/o by Finard & Company for Planet Fitness to allow a health club/fitness studio/personal fitness (with tanning booths). Establishment located at 327-357 Broadway, Saugus, MA 01906.

Attorney Richard Magan, 194 Central Street representing Saugus Realty, by Finard & Company. Present Project Manager Tom Gerrity and Steve Venica a representative of Planet Fitness center at the former Bed, Bath and Beyond site. A parking plan and a floorplan was submitted listing seven tanning booths, five standing and three tanning beds. A ten-year lease. Days of operation are seven days a week, 24 hours per day, 15 employees. Fire Department comments will be met. Some confusion with extended hours. Selectman Cicolini remarked that another hearing is needed for the extended hours. Attorney Magnan told Selectman Panetta the hours are 6 AM to 2 AM seven days a week presently. Selectman Panetta: "We haven't had a request for tanning beds in a while and hearing will be contingent from the Board of Health.

Selectman Serino asked how many pieces of equipment in the plan? Mr. Venicia stated that they do not have a layout plan as first we need approval from the franchise. We put that down on the permit. Selectman Panetta asked for explanation of the fitness center. "We cater to those who do not have private training, childcare, juice bars, towel service – it's a no-frills club. Classic membership is \$10.00 a month. Selectman Panetta asked when opening and was told they hoped for January 1<sup>st</sup>.

Any in favor? Seeing none. Selectman Cicolini moved to close the hearing. Chair seconds, all in favor – motion passes 5-0. He then made the motion to grant the request of Saugus Realty/Finard to allow a health club Planet Fitness with seven tanning beds, five booths and two standing booths, 27, 285 s.f. seven days a week 6 AM to 2 AM contingent upon review by BOH and outstanding fees paid along with fire alarm system upgraded with two spaces between Kohl's and Planet Fitness. Selectman Serino asked for an updated plan to include list of equipment. Selectman Riley asked about outstanding taxes. Mr. Gerrity was notified and will be paid. Roll Call: All voted yes.



**8:30 PM:** On the application of APEX located at 1325-1331 Broadway, Saugus, MA for extension of a Special Permit to allow a place of amusement for 16 months. Attorney Richard Magnan, 194 Central Street. Apex withdrew their application with great regret. Selectman Cicolini asked about liquor license. Actual transfer never took place as she passed away and could be transferred back to the Town. Clerk to check status of EKB liquor license.

Selectman Cicolini made the motion to allow the petitioners to withdraw without prejudice, Chair seconds, all in favor motion passes 5-0.

**8:45 PM:** Brothers Garage to amend Special Permit to park two trucks outdoors.

**9:00 PM:** Dumpling Garden, 467 Essex Street, Unit E for an extension of hours.

Selectman Panetta moved to allow extension of both petitioners until the next meeting of the Board. Chair seconds, all in favor, motion passes 5-0.

**OLD BUSINESS:** 74 Hamilton Street Selectman Panetta asked for an update on the purchase of the property. Did he purchase it? There were concerns from the Building Inspector about the property that needs to be addressed along with several issues from neighbors. Selectman Cogliano stated that they are not going to purchase the property and has reneged on his offer and any conditions we placed on the property are now null and void. If the Board would like to bring them in at our next available hearing to discuss the issues mentioned. The only thing we can do is vote the S-2 without purchasing the property and conditions would go away and they would have free reign to do whatever they have been doing right along. It is in our best interest to invite them in and just an update. Selectman Serino said he brought this up last November and stated: "I wanted to send a letter that they can't sell used cars. With an S-2 it will be a problem. Selectman Cogliano stated that as the conditions were not met - they did not live up to the agreement. I know it was recorded, and I spoke to Attorney Magnan as he thought they got it, but it is no good.

Selectman Cicolini made the motion to invite them in at a next meeting. Chair seconds, all in favor, motion passes 5-0.

**TOWN MANAGER'S REPORT:** "Positive news as we received grant money through Representative Wong for three rapid flashing crossing signs at a cost of \$45,000. Locations are at Cliftondale, Youth and Rec and Central Street and maybe more. More safety features coming.

Update Pemberley Drive, we authorized a consultant to advise. As of today, our health director had determined, that the insects down at the brook are different than ones near the residents and he was correct. Since then, a consultant, who works at Bentley, took samples, and found that the bugs are not connected from the river or house. The bugs that are in the homes are rare and are found in a tropical climate and associated with animal carcasses or human corpses.

I have asked this gentleman to come on as a consultant and put together a proposal along with Mr. Fralick to work with the police for cadaver dogs to search area. He did identify a few

burrows near a home and notified the residents. The DPW is going out tomorrow to further clean the area. Some work has already been done. We will also have video on the sewer and storm drain lines to figure it all out. We only heard about this about a month ago, some information was not accurate. Selectman Cogliano the neighbor contacted Channel 4 as neighbors claimed the Health Director was not corrected but he was correct. We have been in the area several times asking questions about animals in the past that were around, or it could be coyotes but only around one house. The issue is identifying the source – what is creating this type of situation. Update: An additional death today and some who were vaccinated but tested positive.

**APPROVAL OF MINUTES;** Selectman Panetta tabled minutes of June 15, 2021, chair seconds, passes 5-0

**MEMBER'S COMMENTS** Clifftondale Revitalization Committee Selectman Panetta: To learn more about the Clifftondale Revitalization Committee go to web site, to the Citizen Action Committee, click on the Clifftondale Revitalization Committee – all information, presentations and 69-page document are available to review. Meeting again late summer or late fall to put together a package for Town Meeting. For more information contact me, Selectman Riley, or Chairperson Joe Vecchione.

Selectman Cicolini thanked the town manager and DPW for assistance in sidewalks and questions on berms/ paving; dealt with it and made residents happy.

Selectman Panetta stated the Northern Strand reached out to her looking for a way to connect from the Rail Trail to the Iron Works. They want to meet with the Town.

Selectman Serino: “I would like to send my prayers out to the family of Rosemary Naples and Louis Gallo for the tragic loss of their family members. I want to also thank the fire department who were at the fire; a tough tragedy for them to deal with and I hope the best for them. The Cars and Cops Car Show will be at the Square One Mall on Saturday, August 14, from 10 AM to 3 PM. It’s a fun take.”

Selectman Riley: Will be sending requests for updates to the town manager for the August 19, meeting. “I want to thank the town manager for installing the crosswalk lights so quickly and I would ask the Board if we could send a thank you to State Representative Wong for his assistance as well as the town manager. I was so happy to see the inclusion of for emergency fund check spot. I look forward working with the manager to oversee the funding. I am asking the Board to schedule two meeting: Capital Improvement Plan and another to Set up a process and for the evaluation of the town manager. I was away when the fire occurred. That was my first house my condolences to the family. Also, to the late Charlie DeMarre, Veterans Council, he will be truly missed. Saugus Vigil set for September 19, 2021, and please send names of a loved one you want to be mentioned and remembered to [Saugusremembers@gmail.com](mailto:Saugusremembers@gmail.com). More information to come regarding the Vigil.”

Selectman Cogliano asked the Manager that there may be more parking near the basketball court. It looks like there is more parking along the back side of the building all the way down. We



could gain about 30-40 cars spots that would help the neighborhood with vertical parking down the back. 55 more spots since last year. The town manager said it may be a fire department issue but could be more acceptable for sporting events. When students are in the building, there are more issues concerning safety with drop off and circulation they are trying to que people up there. Selectman Cicolini stated that this issue was discussed last year, and once construction was completed approximately 40 spaces could be picked up. The town manager said it was around the basketball court and the roll-offs and more parking was planned for sporting events to help the neighborhood. The town manager will report back. Mr. Thomas Whittredge 17 Hood Street. It's not easy to make decisions but the Board made the right decision tonight. It's stability that keeps the town moving. He congratulated the town manager. Selectman Cicolini made the motion to adjourn chair seconds, motion passed 5-0 at 10:00 PM.

Respectfully submitted,

  
Janice K. Jarosz, Temp Clerk

