

Saugus Board of Selectmen

April 21, 2020

AGENDA

Saugus Board of Selectmen

April 21, 2020 at 7:00 PM

Meeting held through Zoom Video Conference

Meeting ID: 874-9263-7087 Password: 512550

<http://zoom.us/j/874-9263-7087>

<https://us02web.zoom.us/join/joinMeeting?meetingRef=87492637087&password=512550>

Correspondence:

1. Angela's Coal Fired Pizza re: request to resubmitted application to ABCC for reconsideration.

Continued Hearings:

1.) Eli Youssef d/b/a Bacci's Northend Pizzeria, 4 Howard Street, Unit A, for modification of conditions of Common Victualer's License allowing additional seating; and modification of hours of operation.

2.) 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:

7:15 PM JK Eideh Inc. d/b/a 7-Eleven #37445, located at 386 Lincoln Avenue, for Permit to extend hours of operation in accordance with Section 810.00 of the Town of Saugus By-Laws by allowing business to be open for operation between 2:00 AM & 6:00 AM.

7:20 PM 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.

7:25 PM Sakib & Navid, Inc. d/b/a Joe's Beer & Wine, 304 Lincoln Avenue, for change of Officers / Directors; and change of stock interest; and change of pledge of collateral.

7:30 PM Saugus Auto Repair, Inc., to be located at 74 Hamilton Street for Class II Auto Dealer's License.

Old Business: Private & Veteran Club Annual Reports

New Business: TMM R. Long Article to be inserted into Annual Town Meeting Warrant  
Seasonal Beer & Wine License renewal.

Establishing a dog park committee

Confusion re: Birch Brook Ave / Birchbrook Road

Manager's Report: confirm appointment to the Planning Board

Appointments: Veterans Graves Officer; Cultural Council; Zoning Board of Appeals; Board of Registrars; Reappointment of Mr. Minsky & Mr. Tammaro as Constables.  
Resignation from Affordable Housing Trust Board of Trustees.

Member's Comments:

Citizen's Comments

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The Saugus Board of Selectmen met on April 21, 2020 at 7:00 PM by video conference. Present were Selectmen Jeffrey Cicolini, Debra Panetta, Corinne Riley, Michael Serino and the Chairman Anthony Cogliano. The Town Manager Scott Crabtree was also present.

Correspondence:

1. Angela's Coal Fired Pizza re: request to resubmitted application to ABCC for reconsideration.

Al Guevara, owner was present on video conference and explained the ABCC requested additional information and he did submit to the Board.

Selectman Panetta moved to resubmit application to the ABCC for reconsideration. Chair seconds 5-0.

Continued Hearings:

1.) Eli Youssef d/b/a Bacci's Northend Pizzeria, 4 Howard Street, Unit A, for modification of conditions of Common Victualer's License allowing additional seating; and modification of hours of operation.

Eli Youssef was present on video conference and said his hearing was continued so he could provide a seating plan and said he did and the Building Inspector and Fire Dept. have reviewed. The Chair noted the Building Inspector had no objection. Selectman Panetta asked about hours and said at last meeting it was suggested to allow 6am to 10am for catering only. Mr. Youssef said yes. Selectman Cicolini said the Building Inspector signed off on 24 seats.

Any to speak in favor or in opposition? None.

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

Selectman Serino moved to grant request of Eli Youssef d/b/a Bacci's Northend Pizzeria, 4 Howard Street, Unit A, for modification of conditions of Common Victualer's License allowing additional seating; and modification of hours of operation: by allowing 24 seats total and hours of operation 6am to 10am 7 days a week for catering & preparations only. Chair seconds 5-0.

2.) 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 not present on video conference. Selectman Cicolini said he received a call from Mr. Perry who was unable to get a revised lease.

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

Public Hearings:

7:15 PM JK Eideh Inc. d/b/a 7-Eleven #37445, located at 386 Lincoln Avenue, for Permit to extend hours of operation in accordance with Section 810.00 of the Town of Saugus By-Laws by allowing business to be open for operation between 2:00 AM & 6:00 AM.

Jehad Eideh franchise owner was present on video conference and explained he was unaware and thinks there was a miscommunication with the corporate office and never knew he needed a permit until he was contacted by the Police Chief. Selectman Cicolini said the Board has received feedback from the neighbors that have been having issues between 2AM & 6AM and questioned the public need. Mr. Eideh said overnight is crucial because they re-stock and for cleaning. Selectman Cicolini asked if they are open to the public. Mr. Eideh said yes. Selectman Panetta said the Board received 2 letters that outlined issues and read letter from Cathy Grant & Selectman Riley read letter from Lorraine Devine. Selectman Cicolini noted the Board didn't receive recommendation from the police dept. and said he's not comfortable moving forward without police recommendation. Selectman Serino said last permit issued expired 2017 and asked if there's a reason why he waited 3 years to reapply. Mr. Eideh said he took over the franchise in November 2017 and was not aware he needed the permit and explained the lady next door's fence was damaged she was looking for credit card info which he couldn't give her but did give her video footage. Selectman Cicolini said it doesn't sound like she was looking for credit card number, but a name of person that caused the damage. Mr. Eideh said he doesn't have that information. Selectman Riley said she received a couple of calls from Town Meeting Members to not allow. Selectman Panetta said she received 1 call. Selectman Cicolini said any way you look at it, 2-6 am for cleaning and restocking, and said he

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can't support this and said between 2-6am not much good come out of it. Selectman Serino said he can't support due to the proximity to the residents and doesn't see a public need. The Chair said Ms. Devine has had many issues with her fence and would like the owner to be responsible to put a guard rail there. Selectman Panetta said she 100% agrees and said she can't support this and said it has been problematic for years and promises were made that were never met. Selectman Riley said she won't support 2-6am because it's not good for the neighborhood and said it would be great if issues were worked out and put a guard rail. Selectman Panetta said business owners need to be good neighbors and agreed he should reach out to his neighbors. Mr. Eideh said he will.  
Any to speak in favor or in opposition?

Lorraine Devine was present on video conference and said she appreciates the Board supporting her and expressed her frustration with trying to get information on who was responsible for damaging her fence. Mr. Eideh apologized and said he's not sure he can but will try to get a name. The Chair asked they keep an open line of communication.

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

Selectman Cicolini moved to deny the request and agreed they should meet with abutters and work out a plan. The Chair added to install guard rail. Selectman Panetta added there is no public need. Chair seconds 5-0.

7:20 PM 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.

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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 Kemblowski. And  
Application for Pledge of License.

Attorney Richard Magnan was present on Video conference with representative from land owner Matthew McDonnell, asset manager Jeffrey White, representatives from applicant Attorney Kevin Erickson and proposed manager Marcus Kemblowski. Attorney Erickson listed other locations and some entertainment offering bowling, laser tag, go carts, bumper cars etc. and offer a full restaurant and said safety is taken very seriously and said security operations include certified staff also certified in crowd management and their success depends on living up to standards and are proud of the reputation they have earned and said they are a contributing corporation very involved in fundraising etc. and are excited to join your community. Mr. Kemblowski said he joined APEX 4 years ago and had a great success in Marlboro. Selectman Serino asked if the entrance to the mall will have extra security. Mr. McDonnell said yes. Selectman Serino asked if they plan to expand upstairs. Mr. McDonnell said they are continuing to explore tenants but doesn't currently have a deal. Selectman Serino asked about security plan. Mr. McDonnell said they have team of security and staff inside and an exterior arrangement with the mall. Selectman Serino said he would like to see plan and asked number of coin operated devices. Mr. Kemblowski said around 100. Selectman Serino asked hours. Mr. Kemblowski said Monday through Thursday 11:30 AM to 11:00 PM, Friday 11:30 AM to 12 noon, Saturday 10:00 AM to 12:00 AM, and Sunday 10:00 AM to 9:00 PM and said they do corporate bookings and private starting at 8:00 AM. Selectman Serino asked about alcohol hours to 1AM. Mr. Kemblowski said their other locations serve to 1AM and that serves them well. Selectman Serino asked about function room and it was pointed out and asked about mini-golf. Mr. White said there's no mini-golf on the plan. Selectman Serino said on the application the manager states he will be on premises 30 hours a week and the Town requires 40 hours. Selectman Cicolini asked they clarify hours. Mr. Kemblowski said hours listed are when they are open to the public but corporate functions can be open earlier or later. Selectman Cicolini asked if they needed special approval. Mr. Kemblowski said in Marlboro their hours are 8AM to 2AM. Selectman Cicolini asked 12:30 last call with 1AM closing and noted the Board doesn't have any recommendations back and

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strongly encouraged a meeting between the Police, Town Manager and Planning Dept. and said with a 1400 capacity, a liquor license and abutting neighborhoods there are some things to consider. Atty. Erickson said they welcomed the opportunity to meet with them. Selectman Cicolini said he reached out to some in their Marlboro area and was told this is a top notch establishment but has concern with the mall and asked what assurances they can give regarding underage drinking. Selectman Riley said she would love to see something like this come to Town and did reach out to Marlboro Police and they only had good things to say and asked if they would be willing to have their own security outside. Atty. Erickson said he has some concerns with that because it's not an area controlled by us and liability and said their security will work in concert with mall security. Mr. McDonnell said the APEX team will meet with police and explore it. Selectman Cicolini asked if Marlboro provided police details. Mr. McDonnell said no. Selectman Riley said she wonders if Essex Street exit could not allow exit from 11pm so cars would exit onto highway. Selectman Cicolini expressed concern including enforcement and pushing exiting cars to other locations that may cause other problems. Atty. Erickson said their guests come and go at staggered times and other locations have not had a mass exodus and doesn't anticipate it happening here. Selectman Panetta asked when people come through mall entrance how does it work. Mr. Kembrowski said there is typically a greeter to guide guests and security in the area. Selectman Panetta agreed they need to wait for recommendations and said there's concern with drinks staying in the restaurant and if drinks are allowed in some other part there's a concern. The Chair said the Board likes to see recommendations and said he has been to other location and they had great food and the place was spotless and nice family entertainment something we don't have and it would be a fabulous addition to the mall and said they will meet with economic development committee and would like them to meet and receive recommendations back by next meeting and asked the Manager to have it set up. The Manager said he will try to facilitate it. Selectman Cicolini said he hopes they can square away the issues and noted issues with pledge and asked if hours are changed by age. Mr. Kembrowski said they do not and don't have concern with it but if there's a concern they will evaluate at that time. Selectman Panetta said in normal times a traffic study would be required.

Any to speak in favor or in opposition:

Tom Whittredge was present on video conference and said he has been told this is an incredible place that would benefit youth groups and HS teams and hopes they get a chance.

TMMP2 Joe Vecchione was present on video conference and read a long letter in support he had submitted to the Board. Selectman Cicolini thanked him stating it was a well thought out letter and said there's a responsibility that goes with having a liquor license and agrees it would be amazing to have in Saugus, but there needs to be a balance and said his concerns are more because unlike Marlboro location, its attached to the mall and that needs to be taken into consideration. Selectman Panetta said they need to look at each application separately and agreed it would be great to bring some life into the mall but the Board needs to do its due diligence.

Selectman Panetta asked the applicant if any other location is attached to a mall. Atty. Erickson said both Albany & Syracuse and they are able to manage both styles. Selectman Serino said he's in favor but do have concerns with a proposed 1400 capacity he would need police recommendation and a security plan and possibly have police details and said his concern is the entrance to the mall and need to tighten up application and include number of televisions etc.

Selectman Cicolini moved to continue the hearing to May 19<sup>th</sup> and hope they can get other parties on board and would love to do a site visit, applicant to meet with the Town Manager, Town Planner & Police with recommendation from departments. Selectman Serino added the Building Inspector to set capacity and a parking plan. Chair seconds 5-0.

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

Meeting recessed at 8:42 PM.

The Chair called the meeting back to order at 8:46 PM.

7:25 PM Sakib & Navid, Inc. d/b/a Joe's Beer & Wine, 304 Lincoln Avenue, for change of Officers / Directors; and change of stock interest; and change of pledge of collateral.

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Applicant Rezzaqul Chowdhury was present on video conference with his attorney Thomas Truax and explained he and his brother owned the business and have an agreement to buy him out and he will be sole owner and all else will stay the same and said he is withdrawing request for pledge and will submit the amended forms. The Chair said this is a tenant of the Plaza his family owns and will not be voting on the issue.

Selectman Cicolini moved to close the hearing. Chair seconds vote 4-0 with one abstention by Selectman Cogliano.

Selectman Cicolini moved to grant the request of Sakib & Navid, Inc. d/b/a Joe's Beer & Wine, 304 Lincoln Avenue, for change of Officers / Directors; and change of stock interest with condition pledge is withdrawn and amended forms submitted. Chair seconds vote 4-0 with one abstention by Selectman Cogliano.

7:30 PM Saugus Auto Repair, Inc., to be located at 74 Hamilton Street for Class II Auto Dealer's License.

Attorney Richard Magnan was present on video conference representing and said he has submitted a letter requesting to withdraw the application based on information received late today and requested leave to withdraw without prejudice.

Selectman Serino moved to grant the petitioner leave to withdraw without prejudice. Chair seconds 5-0.

Old Business: Private & Veteran Club Annual Reports

Selectman Panetta moved to accept for the file. Chair seconds 5-0.

New Business: TMM R. Long Article to be inserted into Annual Town Meeting Warrant

Selectman Panetta moved to insert Article into Annual Town Meeting Warrant.

Chair seconds 5-0.

New Business: Seasonal Beer & Wine License renewal.

Selectman Panetta said it was due by March 31<sup>st</sup> and hasn't been submitted yet.

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

New Business: Establishing a dog park committee

Selectman Cicolini said under the current circumstances he would like to table this to another time and said he has been approached by some willing to serve.

Selectman Cicolini moved to table. Chair seconds 5-0.

New Business: Confusion re: Birch Brook Ave / Birchbrook Road

The Chair asked if this issue came up in the past. Selectman Panetta said no. The Chair explained the name confusion on the same road which is causing issues. Mr. & Mrs. Scire were both present on video conference and explained they bought the property and the deed always had been Birch Brook Ave however their new tax bill in Feb. has address description as Birchbrook Rd. and said when they tried to call an ambulance they were told there was no Birch Brook Ave and neighbors said it was changed Dec 2018 and said their records have been changed. Peter Rossetti, Planning Board Chair was also present on video conference and tried to explain. The Chair said it seems this should be an easy fix and asked how to rectify it. The Manager said Town Counsel was working with neighbors and said they should follow-up with Town Counsel. The Chair said he hoped it can be rectified.

Manager's Report: confirm appointment to the Planning Board

-The Manager said he will have appointments for next meeting;

-gave update on CVOVID-19 including statistics, school closure for the remainder of academic year, tracing, additional staff in health dept., application for funding assistance, working on guidelines for multi-dwelling, retail workers, supermarkets; looking into locations people are leaving gloves; police have been educating people when they are in groups or gatherings;

-said they really need to look at financially what's happening with reductions in room tax, meals tax, water/sewer etc. and said this is why we have stabilization account and he is trying to figure out

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amount on emergency spending and worry about collections. Selectman Riley thanked him and asked if he looked into PPE through CDC for public safety. Selectman Panetta said with businesses closed they aren't receiving hotel tax or meals tax water/sewer and asked any idea on impact of abatement requests. The Manager said it's too early to say but it will be significant. Selectman Riley asked if he got an answer regarding making counselors available. The Manager said he hasn't heard but will follow-up.

Appointments: Veterans Graves Officer; Cultural Council; Zoning Board of Appeals; Board of Registrars; Reappointment of Mr. Minsky & Mr. Tammaro as Constables.  
Resignation from Affordable Housing Trust Board of Trustees.

Selectman Panetta Moved the Board vote to reappoint Randy Briand as Veterans Graves Officer to expire 4/30/2021. Chair seconds 5-0.

Selectman Panetta moved reappoint Michael Sullivan to the Cultural Council to expire 12/31 22. Chair seconds 5-0.

Selectman Panetta moved to appoint Anthony Freni to fill an unexpired term as Alternate Member on the Zoning Board of Appeals to expire 3/31/22. Chair seconds 5-0.

Selectman Serino moved to reappoint Marcia Pollack to the Board of Registrars. Chair seconds vote 5-0.

Selectman Cicolini moved to reappoint Paul Minsky & John Tommaro as constables to expire 4/30/23. Chair seconds 5-0.

Selectman Panetta moved to accept the resignation of Rita Ingersoll from the Affordable Housing Trust Board of Trustees and to send letter thanking her for her service. Chair seconds 5-0.

Selectman Panetta moved to accept the resignation of Kevin Olsen from the Zoning Board of Appeals and send a letter thanking him for his service. Chair seconds 5-0.

Member's Comments:

Selectman Serino has nothing for this evening.

Selectman Panetta thanked everyone working hard over the pandemic.

Selectman Cicolini offered condolences to the families of the 4 Saugus residents that died from COVID-19 and said good news Bob DiVola has recovered and is home; and offered condolences to family of Joe Favuzza who passed away; and offered kudos to the Manager on everything he has done.

Selectman Riley asked all to follow the guidelines.

The Chair thanked his colleagues and restaurants help in feeding those in need.

Citizen's Comments None.

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

Meeting adjourned at 9:38 PM.

Respectfully submitted,  
Wendy Reed, Clerk