

Saugus Board of Selectmen
October 27, 2020

AGENDA
Saugus Board of Selectmen
October 27, 2020 at 6:00 PM
Zoom Video Conference: Meeting ID: 884 2455 6246 Passcode: 512222

<https://us02web.zoom.us/j/88424556246?pwd=T0ZvUFBocnZhOVV5NXJzL2o0SU5sZz09>

6:00 PM Selectmen Goals & Objectives

Regular Business Meeting

Correspondence:

- 1.) Collector / Treasurer re: request to approve the issuance and details of bonds and notes to the Massachusetts Clean Water Trust and sign related note and closing papers.
- 2.) Boy Scout Troop 62 re: request to exempt from By-Law 804.00 & waive fee.
- 3.) Ms. DiTomaso re: request Board schedule a public hearing on No Parking on Saville St & Riverbank Rd.
- 4.) Ballard School Study Com. re: request to insert Article into Annual/next Special Town Meeting Warrant.

Citizen's Comments

Continued Hearings:

National Grid for permission to install 1 joint owned pole (#37-50) on the north side of Denver Street in front of property owned by MBTA / rail trail as shown in plan no. 29994604 dated 08/11/20

Public Hearings:

7:15 PM Daniel Alayane for Special Permit (S-2) to allow a barber shop offering barber services, to be located at 474-484 Lincoln Avenue, Assessor's Plan 2012, Lot 12.

7:20 PM Shoyu Group, LLC d/b/a Shoyu Restaurant, 124 Broadway, Unit D, for alteration of licensed premises and change in description of the Beer & Wine Common Victualer's License by adding an additional 1,088 s.f. and adding 49 seats.

7:25 PM public hearings as provided under MGL c. 10, section 27 A(b) on the application of the following establishments to the MA State Lottery Commission for KENO License: Guy's Liquors, 7 Main Street; Cliftondale Liquors, 7 Essex Street; and Sunoco, 700 Broadway.

7:30 PM AAH Restaurant Company LLC d/b/a Fuddruckers, 910 Broadway, for transfer of All Alcohol Common Victualer's License, Entertainment License, and License for twelve coin operated devices; and new manager FROM Boland Group I, LLC d/b/a Fuddruckers, 910 Broadway; and application for pledge of All Alcohol Common Victualer's License & Pledge of inventory.

Old Business: -Discussion / Schedule proposed auction for 4 Biscayne Avenue and / or reconsideration of vote.
-Cable Studio operations budget transfer.

New Business: -Schedule a Show Cause Hearing on establishments that are more than 12 months in arrears and do not have an approved payment plan.

-Schedule Show Cause Hearing on any other establishments Licensed by the Selectmen.

Manager's Report:

Approval of minutes: October 13, 2020

Appointments: -Animal Control Officer
-resignation from SCTV Board of Directors

Member's Comments:

Citizen's Comments

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The Saugus Board of Selectmen met on October 27, 2020 at 6:00 PM via Zoom video conference. Present: Selectmen Jeffrey Cicolini, Debra Panetta, Corinne Riley, Michael Serino and the Chairman Anthony Cogliano.

6:00 PM Selectmen Goals & Objectives

The Chair called the meeting to order and said they will continue discussing goals & objectives from where they left off at last meeting.

Selectman Riley said they should each list their goals and then discuss so everyone gets a chance to speak and listed her proposed goals:

- Yearly CIP review
- Town Manager evaluation
- to review the Board's 2012 Guiding Principles
- meet with State Delegates
- quarterly meeting with the Manager for updates on projects and issues and also can be used for Board Members to inform the Manager and each other of citizen concerns they each receive.

Selectman Serino said the Town is in a tough situation dealing with COVID, and listed his goals:

- Look at playgrounds / start a new project
- finish Lincoln Avenue sidewalk project
- speed signs
- generator for the Senior Center
- get input from neighborhoods on school buildings (that will be decommissioned)

Selectman Panetta said regarding the Board setting goals, that they should work with the Manager and said in the past working together Saugus has been designated a green community; completed parks projects; supported first responders; conducted a traffic study and said we should move forward with next phase, middle / high school project; and said they need to put focus on the Master Plan which encompasses the CIP; and said by next August, the Board needs to tell the Manager if his contract will be renewed.

Selectman Serino said he thought the Board could put 4-5 goals together and meet with the Manager. The Chair said yes.

Selectman Cicolini said there's some great ideas and listed proposed goals:

- fiscal policy adopted 2012 needs to be reviewed and updated;
- Master Plan for long term planning;
- start to get community input on proposed uses for decommissioned schools;
- update fiscal policies;
- he likes working sessions at the beginning of their meetings working meetings with the Manager;
- Projects: sidewalks, sewer, generator; and looking at conditions of town buildings.
- Dog park.

The Chair listed his proposed goals:

- opening Town Hall
- Planning Board meeting again, and noted the end of the (building) moratorium.
- improved relations with Wheelabrator and Wheelabrator agreement;
- said due to the pandemic, it wiped out Clifondale businesses and would like to focus on that area;
- look at schools / put together neighborhood groups for input
- dog park
- west side fire station

And said to work with the Manager on how to get things done.

Selectman Cicolini said Clifondale there's an opportunity for the Town to acquisition area to provide parking. Selectman Serino agreed and said when he was a Town Meeting Member it was proposed to buy a lot with meters and will support looking at it again. Selectman Riley agreed and said it

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(Clifftondale) is so run down. The Manager said he doesn't think they would be interested in it. Selectman Cicolini said if it was explained what the Town would like to do, they may. The Chair said it's not a priority right now, but it's a conversation he would like to see at some point. Selectman Riley suggested their clerk compile list of goals and at next meeting they can review them and thanked everyone for bringing items to the table. Selectman Cicolini said when he was first elected, he had a summery status or priority status and updates on projects and suggested maybe they could meet before their regular meetings and said one common goal he noticed was the CIP & Master Plan.

The Manager said even before COVID, people preferred deliveries. Selectman Cicolini said restaurants are getting crippled that are without outdoor seating and hopefully we'll get back to some normalcy.

The Chair said a list will be put together to give us a chance to go over it and at next meeting they can discuss 1 or 2 items to see which direction they would like to go.

The Chair asked the Manager for update at Veterans School. The Manager said there are 3 different things going on, flooding, Cares Act and construction which is in process to get ready to go out to bid and regarding the flooding, all has been put back together and waiting on testing and on 1 trade to finish, but are on track and the other stuff won't affect people in the school and is now trying to figure out issue with uni-vents and will start looking at other buildings noting it's great to have a facilities engineer who is in process of putting things together.

The Chair asked for short recess and then they will reconvene their regular meeting at 7:00 PM. Selectman Serino moved for recess. Chair seconds 5-0.

Meeting recessed at 6:49 PM.

The Chair called the meeting back to order at 7:02 PM.

The Chair offered a moment of silence and offered condolences to the Panetta Family and Selectman Panetta who lost her father-in-law over the weekend. Selectman Panetta thanked him.

Regular Business Meeting

Correspondence:

1.) Collector / Treasurer re: request to approve the issuance and details of bonds and notes to the Massachusetts Clean Water Trust and sign related note and closing papers.

Collector / Treasurer Wendy Hatch was present on video conference and explained request. Selectman Panetta asked how long the note is for. The Collector / Treasurer said 20 years. Selectman Panetta asked interest rate. The Collector Treasurer said 2% plus principle forgiveness.

Selectman Panetta moved it be voted

(1) that the Town shall issue a bond or bonds in an aggregate principal amount not to exceed \$4,025,978; (the "Bonds") pursuant to Chapter 44 of the General Laws and a vote of the Town passed May 1, 2016 (Article 19), in the amount of \$5,200,000 for the construction of sewers and other water pollution control facilities identified in such vote (the "Project");

(2) that in anticipation of the issuance of the Bonds the Treasurer is authorized to issue an interim loan note or notes (the "Notes") from time to time in an aggregate principal amount not to exceed \$4,025,978;

(3) that each Bond or Note shall be issued as a single registered security, and sold to the Massachusetts Clean Water Trust (the "Trust") at a price determined pursuant to the Financing Agreement;

(4) that the Treasurer is authorized to determine the date, the form, the maximum interest rate and the principal maturities of each Bond and Note, and to execute a Financing Agreement (or Agreements) with the Trust with respect to the sale of the Bonds and Notes, such date, form and maturities and the specific interest rate or rates of the Bonds and Notes to be approved by a majority of the Board of Selectmen and the Treasurer and evidenced by their execution of the Bonds or Notes;

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(5) that any certificates or documents relating to the Bonds (collectively, the “Documents”), may be executed in several counterparts, each of which shall be regarded as an original and all of which shall constitute one and the same document; delivery of an executed counterpart of a signature page to a Document by electronic mail in a “.pdf” file or by other electronic transmission shall be as effective as delivery of a manually executed counterpart signature page to such Document; and electronic signatures on any of the Documents shall be deemed original signatures for the purposes of the Documents and all matters relating thereto, having the same legal effect as original signatures.

(6) that all action taken to date by the Town and its officers and agents to carry out the Project and its financing, including the execution of any loan commitment or agreement by the Treasurer, are hereby ratified, approved and confirmed; and

(7) that the Treasurer and the other appropriate Town officials are each hereby authorized to take any and all actions necessary or convenient to carry out the provisions of this vote, including execution and delivery of the Financing Agreement(s) and the Project Regulatory Agreement(s) relating to the Project.

Chair seconds 5-0.

2.) Boy Scout Troop 62 re: request to exempt from By-Law 804.00 & waive fee.

The Chair read request. David Craig, 22 Riverside Ct. was present on video conference and said same request as in previous years and said they are working on protocols for safety. Selectman Panetta said if voted, they would be granting the exemption and waiving the fee and noted how hard they work and the phenomenal job they do and hoped the Board supports it.

Selectman Cicolini moved to grant Boy Scout Troop 62 exemption to By-Law 804.00 and waive fee for sale of Christmas Trees, wreaths and other related accessories from November 23 to December 24, 2020 at 50 Salem Turnpike with hours Monday through Friday 4pm to 10pm, Saturday & Sunday 9am to 10pm and on Friday November 27 from 9am to 10pm; and to comply with safety protocols. Chair seconds 5-0.

3.) Ms. DiTomaso re: request Board schedule a public hearing on No Parking on Saville St & Riverbank

Alicia DiTomaso, 6 Saville Street was present on video conference and said people drive too fast and there’s no stop sign or yield sign and feels it would make it safer. The Chair said the Board received police recommendation. Selectman Panetta said she understands the concerns. Selectman Serino asked if she was requesting no parking signs. Ms. DiTomaso said yes. The Chair said they should advertise for stop sign on Riverbank Road and for no parking.

Selectman Serino moved the Board schedule a public hearing. Chair seconds 5-0.

4.) Ballard School Study Com. re: request to insert Article into Annual/next Special Town Meeting Warrant.

No one was present.

Selectman Riley moved to insert the Article into Annual or next Special Town Meeting. Chair seconds 5-0.

Citizen’s Comments None.

Continued Hearings:

National Grid for permission to install 1 joint owned pole (#37-50) on the north side of Denver Street in front of property owned by MBTA / rail trail as shown in plan no. 29994604 dated 08/11/20

No one was present.

Selectman Panetta said it was continued so they could meet with the DPW Director and suggested they could table it or continue it. Selectman Cicolini said if they deny the request they can submit new application with change in pole location. Selectman Serino agreed and will not support because it’s in the middle of the right of way.

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

Public Hearings:

7:15 PM Daniel Alayane for Special Permit (S-2) to allow a barber shop offering barber services, to be located at 474-484 Lincoln Avenue, Assessor's Plan 2012, Lot 12.

Daniel Alayane. 44 Tuft St., Malden was present on video conference and explain proposed business with 2 seats. Selectman Riley asked him to clarify where in the building. Mr. Alayane said 1st floor and described. The Chair asked if you can see the place from the street. Mr. Alayane said no but will see if he can put a barber pole outside. Selectman Cicolini said he would need to see the Building Inspector and noted on the application he worked for a barber for 5 years. Mr. Alayane said he worked at 2 places. Selectman Cicolini asked if his clients will follow him here. Mr. Alayane said no. Selectman Cicolini said there's parking in the rear. Mr. Alayane said the landlord designated 2 spaces.

Any to speak in favor or in opposition? None.

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

Selectman Cicolini moved to grant the request of Daniel Alayane for Special Permit (S-2) to allow a barber shop offering barber services, to be located at 474-484 Lincoln Avenue, Assessor's Plan 2012, Lot 12, with hours of operation Tuesday through Saturday 8:30 AM to 5:30 PM and closed Sunday & Monday; limit of 2 barber chairs; recommendations of the Board of Health: all COVID19 Guidelines and protocols surrounding personal care facilities, such as barbershops, must be adhered to until the Commonwealth's State of Emergency has been lifted; and fire recommendations: the owner of the building to provide upgrade to exits signage, emergency lighting and fire alarm before tenant moves in.

Chair seconds

Roll call vote: Selectman Cicolini, yes; Selectman Panetta, yes; Selectman Riley, yes; Selectman Serino, yes; Selectman Cogliano, yes.

7:20 PM Shoyu Group, LLC d/b/a Shoyu Restaurant, 124 Broadway, Unit D, for alteration of licensed premises and change in description of the Beer & Wine Common Victualer's License by adding an additional 1,088 s.f. and adding 49 seats.

Shoyu Group, LLC d/b/a Shoyu Restaurant, 124 Broadway, Unit D for modification of existing Entertainment License by allowing additional televisions.

Michael Mei, manager was present on video conference and explained request for 3 additional televisions, 2 in sushi bar and 1 in dining area. Selectman Riley noted hours requested on application are different than what they have on-line. Mr. Mei said due to the pandemic they close earlier and when they open dining he would like to go back to regular hours. Selectman Panetta asked when he anticipated being open. Mr. Mei said he doesn't know yet. Selectman Panetta said the agenda wasn't posted correctly and feel uncomfortable and said she has no problem with 3 televisions but it wasn't posted on the agenda properly and if they are not open now, she would feel better putting it off until Nov. 10th agenda to post it properly. Selectman Cicolini said they are talking about 3 televisions and the actual notice was correct and that's what's most important and if any are not opposed, he thinks they should move forward on it. Selectman Panetta said she has no problem with the televisions and she asked their clerk and she suggested it be reposted and said it's just a point of order. The Chair said he understands but it was advertised properly and if in agreement can vote tonight. Selectman Serino agreed, and said he doesn't mind either way as long as there's no need to readvertise. Selectman Cicolini said it was advertised properly. Selectman Riley asked if they could use any language. The Chair said it's most important it was advertised properly and is within their jurisdiction and don't need to continue it.

Any to speak in favor or in opposition? None.

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

Selectman Cicolini moved to grant the request of Shoyu Group, LLC d/b/a Shoyu Restaurant, 124 Broadway, Unit D for modification of existing Entertainment License by allowing three additional televisions with same hours Sunday through Thursday 11:30 AM to 10:00 PM, Friday & Saturday 11:30 AM to 11:00 PM; and at next regular meeting, Board to place correction on agenda. Chair seconds 5-0.

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7:25 PM public hearings as provided under MGL c. 10, section 27 A(b) on the application of the following establishments to the MA State Lottery Commission for KENO License: Guy's Liquors, 7 Main Street; Cliftdale Liquors, 7 Essex Street; and Sunoco, 700 Broadway.

Rakesh Patel, Cliftdale Liquors, 7 Essex Street was present on video conference. Selectman Cicolini said he has a small store with no seating area. Mr. Patel said no seating area but they may sometimes stand and watch monitor. Selectman Cicolini said it could become a problem with capacity. Mr. Patel agreed there is not much space. Selectman Cicolini asked where they propose to put it. Mr. Patel said opposite counter. Selectman Panetta said it sounds like they are looking for Keno-to-Go. Mr. Patel said he has Keno-to-Go but doesn't have a monitor. The Chair said he's not a fan of the request. Mr. Patel said he wants to withdraw the request. Selectman Serino said for clarification, regular Keno has seats and need to submit a seating plan and have bathroom facilities.

Selectman Cicolini moved the Board allow petitioner to withdraw without prejudice. Chair seconds 5-0.

Selectman Cicolini said they received information from their clerk that Guy's Liquors was withdrawing request.

Selectman Cicolini moved to allow Guy's Liquors to withdraw request without prejudice. Chair seconds 5-0.

No one was present for Sunoco.

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

7:30 PM AAH Restaurant Company LLC d/b/a Fuddruckers, 910 Broadway, for transfer of All Alcohol Common Victualer's License, Entertainment License, and License for twelve coin operated devices; and new manager FROM Boland Group I, LLC d/b/a Fuddruckers, 910 Broadway; and application for pledge of All Alcohol Common Victualer's License & Pledge of inventory.

Attorney Chris Latham, 643 Main St Reading was present on video conference with applicant Adrienne LeBlanc, & seller Jim Boland and explained straight transfer. Selectman Cicolini thanked him for proving summary and supports the transaction, but it has been a mainstay for decades and cannot support pledge of the liquor license to an individual and is hoping that's not a deal breaker. Atty. Latham said the only difference today is in the COVID world banks are refusing to lend and they tried and does understand the concern but this is a little different because this is a known entity and internal transaction. Selectman Cicolini said he appreciates that, but in the past, was not able to accept a pledge to an individual and that has been a policy and no disrespect to Mr. Boland and is struggling with this, but its different process should she not succeed and files for bankruptcy. Selectman Serino asked if the State allows it. Attorney Latham said yes and referenced Section 11 of application. Selectman Serino said he understands concerns but in this COVID era is willing to make exception. Selectman Riley asked if it could be temporary. Selectman Cicolini said the agreement is for 5 years. Attorney Latham said the promissory note is LLC to LLC financing the purchase. Selectman Cicolini asked how long payback is. Attorney Latham said 7 years. Selectman Cicolini said he wants to make it work and asked what if they allow and reevaluate after 12 months and if receive financing, can release the pledge or extend another year. Attorney Latham said he appreciates that but doesn't know how the ABCC will react. Selectman Panetta agreed and said she loves Fuddruckers and if they can do anything to help with the transfer, but the pledge is a sticking point but she thinks they can be creative to keep Fuddrucker's alive. The Chair said he received a call from the Police Chief and he had nothing but praise for Mr. Boland and is in favor of doing this if language can be worked out. Attorney Latham expressed appreciation but doesn't know how the ABCC will receive it. Selectman Cicolini said they would need to amend the pledge and vote conditional of annual reevaluation and it would need ABCC approval. Mr. Boland said the pledge is to his company not an individual. Selectman Cicolini said, but it's not to a financial institution. Chris Steven, landlord was present on video conference and trustee of the Luongo Family Trust and feels it's a new beginning with Ms. LeBlanc and has every faith in her and if there's any time for precedence it is now and it would be a travesty and he made concessions because there are a lot of reasons to keep her in this

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business and asked if other Towns allow it. Selectman Serino said he's willing to review every 2 years and said this is a different situation now than what they voted in the past. The Chair said he doesn't have a problem with it. Selectman Serino said he would like to see what the State says. Mr. Boland said once approved, the ABCC assigns an investigator and could take 2-5 months for approval and she will not be able to sell alcohol during that time. Selectman Cicolini asked if he is not License holder until transaction is approved. Attorney Latham said it's about what the parties are willing to carry as risk noting Mr. Boland is retiring. Selectman Cicolini said his concern is if there's a bankruptcy and foreclosure it gets messy and it's not personal. Selectman Riley asked if they were in a time crunch for transfer and if they could go to next meeting. Mr. Boland said once the Town approves it's a long time to get answer from ABCC. Attorney Latham said he has some contacts at ABCC he could call. Selectman Cicolini asked why not continue the hearing. Mr. Boland asked if they withdrew the pledge. The Chair suggested to continue to allow their attorney to contact ABCC. Mr. Boland asked about the amusement dives. The Chair said they will take it up at the same time.

Any to speak in favor or in opposition? None.

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

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

Meeting recessed at 8:41 PM.

The Chair called the meeting back to order at 8:44 PM.

Old Business: -Discussion / Schedule proposed auction for 4 Biscayne Avenue and / or reconsideration of vote.

The Chair said this is not being discussed tonight as it's now a matter of litigation.

Old Business: -Cable Studio operations budget transfer.

Donna Sordello, Acting President of SCTV was present on video conference and said at last meeting the Board asked SCTV to transfer money used for construction from operating budget and then the Board suggested not to transfer. Selectman Cicolini suggested coming back to the first meeting in December. Ms. Sordello said she was told by SCTV Board Members (the fence) is not a Selectmen vote, it's an SCTV vote and if they vote she feels it won't pass. The Chair asked the reason it won't pass. Ms. Sordello said some Board Members feel it shouldn't be their expense. The Chair said a promise was given the neighbors. Selectman Cicolini said the Selectmen have to guide the process and you agreed to get bids. Ms. Sordello said she has 2 and needs a 3rd.

New Business: -Schedule a Show Cause Hearing on establishments that are more than 12 months in arrears and do not have an approved payment plan.

The Board received delinquent report from the Collector of Taxes.

Selectman Panetta moved the Board schedule a Show Cause hearing on November 24th for failure to pay municipal taxes, fees and / or charges for more than 12 months on the following establishments licensed by the Board of Selectmen: Savvy Nails & Spa, Square One Mall, Five Guys Burgers & Fries, Stop & Shop, Midwest Grill, Tina Jace, Sake, Lendy's, Panera Bread, Prince, Continental, Colonial Auto, Victor's, Prime Cars Auto Sales, Casa Vallarta, Saugus Deli, Dragon Island, and Saugus Auto Repair. Chair seconds 5-0.

New Business: -Schedule Show Cause Hearing on any other establishments Licensed by the Selectmen.

Selectman Panetta said the Board received update on licenses approved but not issued.

Selectman Panetta moved to refer to November 10th agenda. Chair seconds 5-0.

Selectman Cicolini moved to take National Grid public hearing off the table. Chair seconds 5-0.

Continued Hearings:

National Grid for permission to install 1 joint owned pole (#37-50) on the north side of Denver Street in front of property owned by MBTA / rail trail as shown in plan no. 29994604 dated 08/11/20

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The Chair asked if anyone was present. None.

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

Selectman Cicolini moved to deny the request and the applicant may reapply with new location that is not in the middle of the rail trail path. Chair seconds 5-0.

Selectman Cicolini moved to take Sunoco hearing off the table. Chair seconds 5-0.

Public hearing as provided under MGL c. 10, section 27 A(b) on the application of the following establishments to the MA State Lottery Commission for KENO License: Sunoco, 700 Broadway.

No one was present.

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

Selectman Cicolini moved the Board vote to send a letter to MA State Lottery Commission opposed to KENO at Sunoco, 700 Broadway for the following reasons: no seating area, and no bathroom facilities; and they may apply for KENO-To-Go if they choose. Chair seconds 5-0.

Manager's Report:

The Manager recommended the appointment of Darren McCullough as Animal Control Officer.

Selectman Cicolini moved to appoint Darren McCullough as Canine Officer / Animal Control Officer in the Town of Saugus to expire December 31, 2021. Chair seconds 5-0.

Approval of minutes: October 13, 2020

Selectman Cicolini moved to approve the minutes. Chair seconds 5-0.

Appointments: -Animal Control Officer

-resignation from SCTV Board of Directors

Selectman Riley moved to accept the resignation of Al DiNardo from the SCTV Board of Directors. Selectman Panetta added without objection to send a letter thanking him for his service. Chair seconds 5-0.

Member's Comments: None.

Citizen's Comments None

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

Meeting adjourned at 9:00 PM

Respectfully submitted,
Wendy Reed, Clerk