

Saugus Board of Selectmen
January 20, 2009

The Saugus Board of Selectmen met on January 20, 2009 at 7:00 PM in the Town Hall Auditorium, 298 Central Street. Present were: Selectmen Stephen Castinetti, Stephen Horlick, Michael Kelleher, Peter Rossetti Jr. and the Chairman Donald Wong.

The Chairman said the only item on tonight's agenda is a continued hearing regarding Tabu and passed the Chair to Vice Chairman Castinetti and excused himself from the table.

Continued hearings: Tabu

Show Cause Hearing being held under MGL c.138 Section 12 & MGL c. 140 Section 183A and the Town of Saugus Liquor Rules & Regulations and the Town of Saugus Entertainment Rules & Regulations, for the purpose of the possible suspension, modification, revocation and / or cancellation of the of the Entertainment License and the All Alcoholic Beverages License of JLMT Enterprises, Inc. d/b/a Tabu Ultra Lounge and Nightclub, Carl Amato, manager, 168 Broadway and / or any such other action the Board deems necessary or appropriate. Said action is based on police reports submitted to the Saugus Board of Selectmen alleging violation of MGL c. 138 section 64 and violation of Sections 1.12(a)(1), (2), (3) & (5) and Section 1.04(a) of the Town of Saugus Liquor Rules & Regulations and Sections 1.12(a)(2) & (4) and Section 1.04(a) of the Town of Saugus Entertainment Rules & Regulations. Full reports are on file in the Board of Selectmen's Office. The Board will also hear evidence pursuant to the provisions of MGL c. 138, Section 12, sixth paragraph, as to the public need for the licensed premises to remain open until 2:00 AM.

Present for the hearing was Special Counsel Ira Zaleznik, Police Chief Domenic DiMella, Attorney for Tabu Frank Russell, and Tabu manager Carl Amato.

The Vice Chair asked the Police Chief for update. The Police Chief passed out report and recommendation and explained past meetings regarding security plan and gave a brief history and said today the calls for service to the location continue and recommended to the Board to go forward with the show cause hearing.

Mr. Kelleher thanked the Chief for working with them on the security plan and asked if they are the same type of incidents and what is failing. The Chief said it is a matter of too many people in the parking lot at closing time and not enough police manpower. Mr. Kelleher asked if the incidents are beyond the Town's means to control. The Chief said the amended security plan has not made a difference and explained at closing time all patrons are out at once. Mr. Kelleher asked what short of more man power would work. The Chief said a lower capacity and said the plan is not working. Mr. Kelleher asked if there is a plan that would work. The Chief said they don't have the manpower or resources. Mr. Kelleher asked if anything has changed the dynamic out there that has affected Saugus. The Chief said it comes in spurts, none or all at once.

Mr. Rossetti said at last show cause the Board went to check noise and tested at homes and took pictures of the sound board for volume control and asked if something has changed. The Chief said there were 2 noise complaints and officers responding asked

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they lower the volume. Mr. Rossetti asked if they verified the noise. The Chief said yes and then asked them to lower the volume, but there was no further investigation.

The Vice Chair said the bulk of incidents are at closing time outside. The Chief said yes at most times. The Vice Chair asked if most incidents are out in the parking lot. The Chief said yes.

Mr. Horlick asked about additional incidents and they have 4 officers on asked if 6 or 7 would he have to send them all. The Chief said it depends on the incident. Mr. Horlick asked him as Chief does he believe a city or town's obligation to control incidents. The Chief said he believes it is their responsibility to control, but he also believes there needs to be police involvement. Mr. Horlick asked of the additional incidents could be included in show cause. The Chief said he would defer to the Board.

Mr. Kelleher asked Special Counsel to respond. Special Counsel said he recommends the Board continue the hearing and issue a supplemental notice and said counsel for Tabu has offered 3 dates and said he recommends the Board vote to continue the hearing and issue supplemental notice and select one of the dates to hold that hearing. The Board discussed dates.

Mr. Horlick moved to continue the hearing to February 3, 2009 at 7PM and to include supplemental notification on incidents. Vice Chair seconds.

Mr. Kelleher asked the Chief, looking at what city and towns are doing and the incidents in the parking lot and things happening outside, is there a dynamic going on inside. The Chief said there are incidents inside, settled outside and said people come from all over. Mr. Kelleher asked about hours. The Chief said he doesn't believe so. Mr. Kelleher asked number of security outside. The Chief said 14 and read security plan. Mr. Kelleher said 14 in the lot and can't control it.

Motion to continue hearing passed 4-0.

Mr. Kelleher said the Board received letters regarding no parking on Adams Avenue. The Vice Chair said that is scheduled for February 10.

Mr. Rossetti moved to adjourn. Vice Chair seconds. Vote: 4-0.

Meeting adjourned at 7:25 PM.

Respectfully submitted,

Wendy Reed, Clerk