

Saugus Board of Selectmen
January 26, 2010

The Saugus Board of Selectmen met on January 26, 2010 at 6:30 PM in the Town Hall 1st Floor Conference Room, 298 Central Street. Present were: Selectmen Scott Crabtree, Michael Kelleher, Michael Serino and the Chairman Donald Wong.

Interviews

Traffic Hearings Officer

Earl Reed

Mr. Reed was present and gave his experience and background. Board Members asked questions.

Nick Nicosia

Mr. Nicosia was present and gave his experience and background. Board Members asked questions.

Mr. Serino moved to recess to the Board's regular meeting. Chair seconds. Vote: 4-0. Meeting recessed at 7:15 PM.

Donald Wong, Chairman

Saugus Board of Selectmen
January 26, 2010

The Saugus Board of Selectmen met on January 26, 2010 at 7:30 PM in the Town Hall Auditorium, 298 Central Street. Present were: Selectmen Scott Crabtree, Michael Kelleher, Michael Serino and the Chairman Donald Wong. The Town Manager Andrew Bisignani was also present.

Invited guests: Police Officer Jeffrey Wood & Officer John Naglieri

Police Chief Domenic DiMella was present and said he wanted to acknowledge the officers' exemplary actions in putting the safety of our community ahead of their own safety and explained the carjacking in Lynn and high speed chase ending with our officers apprehending the carjacker in Saugus and congratulated and commended them. Mr. Kelleher said when the Board heard about this they voted to bring them in to recognize and congratulate them on this incredible act. Mr. Serino thanked the officers for their support and safety of the Town. Mr. Crabtree also congratulated the officers. The Chair read the citation signed by the Board of Selectmen and the Board presented them to Officer Wood and Officer Naglieri. Representative Mark Falzone was present and said he and his colleges wanted to also recognize the officers and presented them with citations issued by the House of Representatives and offered congratulations from Rep. Reinstein and Senator McGee who were unable to attend. Officer Wood said he wanted to give credit to Officer Naglieri for knowing the steps needed and commend him on his experience that he knew what to do and did it and without him he couldn't have stopped the carjacker.

Approval of minutes:

December 15, 2009: Mr. Serino offered corrections.

Mr. Serino moved to accept the minutes as corrected. Chair seconds. Vote: 4-0.

December 16, 2009: Mr. Crabtree moved to accept the minutes. Chair seconds. Vote: 4-0.

December 17, 2009: Mr. Serino offered correction.

Mr. Serino moved to accept the minutes as corrected. Chair seconds. Vote: 4-0.

January 5, 2010: Mr. Serino offered corrections.

Mr. Kelleher moved to approve the minutes as corrected. Chair seconds. Vote: 4-0.

7:45PM Thrift Exchange, LLC d/b/a Thrift Stop, for Valuable / Used Goods License to be located at 171 Broadway.

David Young, 44 Phillips St., Boston was present and explained request and said he feels with the license he will increase the success of his business. Mr. Serino read recommendation from Police Dept. not recommending any more licenses be issued and said he confirmed with their clerk there are 10 Valuable Goods Licenses in Town and said as one Member of the Board he feels the Board should set policy for no more than 10 because the police dept. has to monitor the transactions and they do not recommend more licenses be issued. Mr. Kelleher said he agrees and suggested a meeting with the Police Chief regarding the number and should continue the hearing until after that time and said he doesn't know the right number and needs to look at geographic locations of existing licenses and look at the need for more licenses. Mr. Crabtree also agreed and would like some sense of the public need and said he has experience dealing with these establishments when he was a police officer and it is a burden on the police dept and would consider adopting policy. The Chair asked if the applicant wished to withdraw or continue. Mr. Young said continue. Mr. Kelleher asked for meeting to be scheduled at 7PM on the evening of their next meeting.

Mr. Kelleher moved to continue the hearing. Chair seconds. Vote: 4-0.

Saugus Board of Selectmen
January 26, 2010

7:55PM Angela's Fine Jewelry, Inc. d/b/a Angela's Jewelry Repair, for Valuable / Used Goods License located at 1201 Broadway, Square One Mall, K-105 aka K-108.

The Chair said the applicant has sent request to continue the hearing.

Mr. Kelleher moved to continue the hearing. Chair seconds. Vote: 4-0.

Continued hearings: ATM Mambo – Beer & Wine License

Mr. Kelleher moved to take up continued hearing at this time. Chair seconds.

Vote: 4-0. The Chair said he will abstain and excused himself from the table. Vice Chair Crabtree took the Chair.

Anh Tran, d/b/a ATM MABO, LLC, Steven Fung, manager, for NEW Beer & Wine Common Victualer's License; AND Entertainment License, to be located at 20 Rear Frank Bennett Highway.

Attorney George Gregson, 325 Central Street was present with applicant Anh Tran, Business Manager James Mao, and proposed manager Steven Fung. Atty. Gregson explained the request to continue from last meeting for payment to be received and check cleared and said next payment is due 2/16 and explained payment plan and explained the \$1.3 million judgment against the former tenant for non payment of rent and eviction process and described the facility and the proposed manager's background and training and said they are requesting a beer & wine license to start off and prove to the Board and possibly as for full liquor later.

Steven Fung, 65 Heritage, Boston was present and explained his experience. Mr. Kelleher asked proposed hours of operation. Mr. Fung said 10AM to 1AM and explained weekend functions. Mr. Kelleher said the application is for Asian restaurant with functions and asked if they plan to use all square footage. Mr. Fung said all, but not upstairs. Mr. Kelleher asked if it will be one operation. Mr. Fung said yes. Mr. Serino said he wouldn't entertain anything over 1AM and said the payment plan must be paid in July and asked if any way to reverse payment plan. Atty. said it is back loaded and pointed out the Town charges 14% interest and explained they must make money to pay. Mr. Serino said this is a problem place and has been on payment plans before and said property tax is responsibility of property owner. Atty. said it was part of the lease that the tenant pay it and understands the obligation goes back onto the property owner. Mr. Serino said the Board deals with trouble liquor establishments and the taxpayers pay the legal fees and asked if his client is willing to put \$5,000 in escrow account. Mr. Moa said yes. Vice Chair said he's struggling with this because they are on a payment plan and rewarding a licensee with bad behavior and said the landlord is responsible and its not paid and asked do we reward a license for type behavior and would like to see more money up front. James Moa was present and said he understands the concerns and they have picked up the unpaid bills and as property owner they take responsibility and will live up to their obligation but can't agree to something they don't have the ability to pay. Vice Chair asked if the payment plan is what they can afford. Mr. Moa said yes. Vice Chair said he's cautious of money outstanding. Mr. Moa said the payment plan was voluntary and they were not pushed into it and does not have a past and they are honorable to pay their bill, but if pushed to pay more, they may not be able to. Vice Chair asked time frame to get up and running. Mr. Moa said about 3 months. Atty. said they have a list from the Fire Dept and can make those condition of license and inspect in 3 months. Vice Chair agreed as Selectman Serino proposed to protect the Town to have an account and if payments are made, they may apply it to their last payment. Atty. said its

Saugus Board of Selectmen
January 26, 2010

reasonable and they agree. Vice Chair asked about entertainment. Atty. said television and piped in music. Vice Chair said it's the policy of the Board that any changes must come back to the Board for approval. Atty. said the Police Dept. also submitted list and said there will be no dancing. Mr. Serino asked just piped in music. Atty. said yes.

Any in favor or in opposition?

Robert Cox, TMMP4, cautioned the Board on money owed that if said they will want a full liquor license and expressed concern with entertainment of television in a bar and is opposed to entertainment license and opposed to 1AM because it leads the way to more exotic evening and asked the Board restrict licenses, enforce collections, establish an escrow account of \$10,000 - \$15,000, have close at 12 midnight and entertainment is not needed.

Steve Sweezey, TMMP2, asked the Board consider assurances from property owner not to change the business model and not change to things like ticket events or under 21 nightclub.

Janet Leuci, TMMP4, asked status of Jin License. Vice Chair said that's not the subject at this time. Ms. Leuci said it's possible the license out there and may have 2 at location. Vice Chair said point taken. Ms. Leuci said she didn't hear or see in the file a business plan and security plan and commented the capacity is 998 and asked if they have seen the place and said this owner when it was Jin allowed the violence for almost 2 years and said they will be back for full liquor when one's available and said this is the same blueprint as before and feels all should be paid in full before anything is granted.

Maureen Dever, TMMP3, said good points were raised and said the applicant didn't provide security plan or address noise and safety and said 1 payment has been made and asked the Board think about the impact on the neighborhood and think about 12 AM closing.

Fae Saulenas, 26 Beachview Ave., said she's surprised they outsource legal services and said the ABCC has protocol and must communicate protocol and was stunned Saugus was unaware on enforcement and the Selectmen are the Licensing Authority and noted their concern was expressed on the number of pawn shops in Town and said the public expects the Board to enforce and make sure establishments are managed well and mentioned a cable show. The Vice Chair asked she keep her comments on the application.

Laurie Campanile, 9 Tuttle Lane, said she lives below the restaurant and doesn't want to live with noise, violence, traffic, drug paraphernalia and is opposed to functions and doesn't need to be open that late.

Ramon Quiles, 1 Griswold Street, asked if the Board had a plan if this turned back into Jin. Mr. Serino said this application is not for an all alcohol and doesn't see with a beer & wine that happening and said this Board has only been here 3 months and asked he give them time to clean things up. Vice Chair explained the Board's policy to put restrictions in place and entertainment will be conditioned on license and will try to be more aggressive and deal with issues at the time.

Mr. Mao said the concerns are legit, but to pin point the responsibility on them for someone else's bad behavior is unfair and asked they give them the benefit of the doubt and they will prove themselves as good members of the Saugus community.

Saugus Board of Selectmen
January 26, 2010

Mr. Fung thanked them for their comments but there on past use and asked they look to the future and said they are a good management team and this used to be a well known restaurant and will try to make the place live again and said they will run a family restaurant and will have a safe place.

Mr. Serino said they heard issued tonight and someone mentioned the Board should continue the hearing, but the Board is obligated to act unless the applicant is willing to continue the hearing and said the Board did go there on inspection in December and the capacity is set at 998 and said the capacity is at the Board's discretion and said someone said \$5,000 wasn't enough to cover cost, and said issues like these the Town attorney handles, but the Board hires outside counsel for violations and asked the public give this Board time to clean up the mess on Rte. 1 and to please have some faith in the new Board.

Ms. Dever said she is concerned and was asked by neighbors and own Meeting Members to come and asked the Board not rush noting she did not hear a business plan or a security plan or an answer if the all alcoholic license has been returned to the Town and asked they not rush and wait a month to get another payment for some level of security.

Mr. Serino said the Board revoked the all alcoholic license and the appeal period has elapsed but they don't have access to the license until the ABCC says its available and said as far as the business plan goes they are a restaurant and any function with capacity of 200 people will need a police detail and asked applicant if they were willing to continue to 2/16. Atty. Gregson said the Board can incorporate recommendations as conditions. Vice Chair asked about functions. Mr. Mao said Chinese weddings, etc. Atty. said the police recommended the road be parking on one side so access wont be a problem. Vice Chair asked piped in music if will be played outside. Atty. said nothing outside the police wouldn't allow it. Mr. Kelleher asked if they submitted a formal business plan. Atty. said no because it's a regular Chinese restaurant with tables and chairs and food. Mr. Kelleher said this is about protection and there is no issue with a restaurant. Atty. said they aren't asking for a full license and wont be the type of crowd that hang out. Mr. Kelleher asked he drill down type of functions. Atty. said family type functions. Mr. Kelleher said he would like to hear kinds. Atty. said if the Board adopts the police recommendations it will cover concerns. Vice Chair asked he represent type entertainment.

Mr. Serino moved to close the hearing. Vice Chair seconds. Vote: 3-0.

Mr. Serino said the Board has to legally act on the application.

Mr. Serino moved the Board grant the Entertainment License with hours of operation 11AM to 12:30AM; grant Common Victualer's License with hours of operation 11AM to 1AM; grant a Beer & Wine License with hours of operation 11AM to 12:30AM; all with condition of Inspectional Services, Police Dept. & Fire Dept.

Mr. Serino said the Board is trying to crack down on establishments and this is a beer & wine and asked the public show faith in the Board and said just because they approve a beer & wine doesn't mean they will approve a full liquor.

Vice Chair added the following conditions with no objection: entertainment restricted to television and piped in music; the payment plan; to sign and submit \$5,000 to be put in escrow account in case of default; limit of 2 televisions and piped in music; and conditions of the Fire Dept.

Saugus Board of Selectmen
January 26, 2010

Mr. Kelleher added to the motion the following condition with no objection: functions restricted to family functions like weddings, anniversaries, graduations, birthdays, religious functions; no live music of any type; no DJ's; restricted only to piped in music.

Vice Chair said this is not an easy decision and must balance past bad behavior and understands the eviction and the money expended and they have a payment plan and want to state to the applicant that if they default as condition of license, they will be brought in and dealt with aggressively.

Vice Chair seconds the motion. Vote: 3-0.

Mr. Wong returned to the table and resumed the Chair.

Mr. Merino moved a recess. Chair seconds. Vote: 4-0.

Meeting recessed at 9:19PM.

The Chair called the meeting back to order at 9:27PM.

Mr. Kelleher moved to take up the 8:05 public hearing. Chair seconds. Vote: 4-0.
8:05PM Hot Topic, Inc., for Entertainment License located at 1277 Broadway, Unit #E-215 Square One Mall.

Aimee Safrine, District Manager, was present and explained request for entertainment license and said this is a successful program run hosting local musicians, parent friendly and positive experience for teens and average turn out is 10-20 and maximum capacity is 41. Mr. Kelleher asked if inside the mall. Ms. Safrine said in the store. The Chair asked how they keep more from coming in. Ms. Safrine said this is an established program run all over the nation and they monitor. Mr. Serino read recommendation of Building Inspector and Police Dept. not recommending and said he shares the same concerns and if allow this at the mall it would be setting a precedence and will not support. Ms. Safrine said the program is in place at other locations and is run successfully and will host only unsigned local bands and have a strong track record running small and large events without incident. Mr. Serino asked other MA locations and floor space. Ms. Safrine listed Natick, Braintree and Springfield. Mr. Serino said the capacity is only 41 and concerned with crowd control and would set a bad precedence. Ms. Safrine said those were large corporate events and she is proposing hosting local unsigned bands.

Any in favor or in opposition?

Susan Yee, General Manager Square One Mall, explained 2008 Twilight event without incident and said they just saw recommendations tonight and would like to speak to the Building Inspector and Fire Dept.

Mr. Serino asked if she would like to continue the hearing to speak with them. Mr. Crabtree asked if they would submit additional information Mr. Serino asked. Ms. Safrine said she will be in California 2/16. Mr. Serino said she can send a manager.

Mr. Serino moved to continue the hearing. Chair seconds. Vote: 4-0.

Mr. Serino said the Board held interviews for Traffic Hearings Officer.

Mr. Serino moved the Board vote to appoint Stephen Sweezey as Traffic Hearings Officer effective immediately and expire August 2010. Chair seconds. Mr. Crabtree speaking on the motion extended his gratitude to applicants and thanked them and said Mr. Sweezey is qualified and established the program and is familiar with traffic and parking issues. Vote: 4-0.

Correspondence

Saugus Board of Selectmen
January 26, 2010

1.) Population estimates for seasonal licenses.

Mr. Serino moved the Board vote to notify the ABCC the estimated population increase as of July 10, 2010 will be 0. Chair seconds. Vote: 4-0.

2.) 99 West, Inc., 181 Broadway re: request for new officers / directors.

No one was present. Mr. Serino moved to continue and send letter notifying them to have someone present. Chair seconds. Vote: 4-0.

3.) Cash Converters re: request to amend license to change location in same plaza.

Mr. Kelleher moved to grant the request. Chair seconds. Vote: 4-0.

4.) Youth & Rec. re: request to accept gift from Wheelabrator.

The Chairman read letter. Mr. Crabtree moved the Board vote to accept the gift. Chair seconds. Vote: 4-0.

5.) YMCA re: request for banner on Main Street.

Mr. Kelleher moved to grant the request. Mr. Serino noted the Town Clerk is also requesting a banner. Mr. Kelleher modified his motion to include: not at same time as the Town Clerk's request. Chair seconds. Vote: 4-0.

7.) Town Clerk re: request for banner on Main Street.

Mr. Serino moved to grant the request. Chair seconds. Vote: 4-0.

6.) Om Guru Om Corp. re: request for pledge of License.

Attorney Greg Demarkis was present with licensee Ken Patel and explained this is for loan and no other changes. Mr. Crabtree asked if a current list of officers and directors are on file. Their clerk said yes. The Chair asked if taxes are paid. Their clerk said yes they are current. Mr. Kelleher moved to approve the request. Chair seconds. Vote: 4-0.

Manager's Report

- Recommended the appointment of Betty Sullivan to the Youth & Recreation Commission.

Mr. Crabtree moved the Board vote to confirm the appointment. Chair seconds. Mr. Kelleher speaking on the motion said he is familiar with Ms. Sullivan with her involvement in youth programs and supports the motion. Vote: 4-0.

- Announced the Town has experienced its 25th water break and are taking care of them and working the best they can.

- Announced Lynn Water & Sewer has notified the Town the treatment plant will be shut down temporarily on Feb. 1 from 1-3:30AM for maintenance and repairs.

- Requested the Board vote the submitted borrowing for MWPAT Loan for Sewer Consent Order. Mr. Serino asked if this was approved by Town Meeting. The Manager said yes. Mr. Serino said the Board just got this tonight and would like to have requests in advance to review documents.

Mr. Serino moved the Board vote the following:

VOTED: (1) *That the Town shall issue a bond or bonds in an aggregate principal amount not to exceed \$4,338,800 (the "Bonds") pursuant to Chapters 29C and 44 of the General Laws and a votes of the Town passed May 18, 2009 (Article 19), which authorized a total borrowing of \$2,950,000, and May 21, 2007 (Article 23), which authorized a total borrowing of \$460,200 and May 21, 2007 (Article 20), which authorized a total borrowing of \$3,910,000 for construction of sewers and other water pollution control facilities (the "Project");*

Saugus Board of Selectmen

January 26, 2010

- (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 \$2,494,943;*
- (3) *that each Bond or Note shall be issued as a single registered security, and sold to the Massachusetts Water Pollution Abatement Trust (the "Trust") at a price determined pursuant to the Loan 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 Loan 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;*
- (5) *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*
- (6) *that the Treasurer and the other appropriate Town officials are each hereby authorized to take any and all actions necessary and convenient to carry out the provisions of this vote, including execution and delivery of the Loan Agreement(s) and the Project Regulatory Agreement(s) relating to the Project.*

I further certify that the vote was adopted at a meeting open to the public, that no vote was taken by secret ballot, that notice stating the place, date and time of the meeting was filed with the Town Clerk and a copy thereof posted in the office of the Town Clerk or on the principal official bulletin board of the town at least 48 hours, including Saturdays but not Sundays and legal holidays, prior to the time of the meeting and remained so posted at the time of the meeting, that no deliberations or decision in connection with the sale of the Bonds or Notes were taken in executive session, and that the official record of the meeting was made available to the public promptly and remains available to the public, all in accordance with G.L c.39, s.23B as amended. I further certify that the vote has not been amended, supplemented or revoked and remains in effect on this date.

Chair seconds. Vote: 4-0.

- Reminded residents during snow emergencies parking on street is prohibited and vehicles will be towed to do a proper job of plowing and clean up.

Members Motions

Mr. Serino: said the Board interviewed and need to make appointments.

Mr. Serino moved the Board vote to appoint Paul Arinello to the Cemetery Commission. Chair seconds. Vote: 4-0.

Mr. Serino moved the Board vote to reappoint Dennis Gould to the Cemetery Commission. Chair seconds. Vote: 4-0.

Mr. Serino moved the Board vote to reappoint Sherri Raftery to the Cultural Council. Chair seconds. Vote: 4-0.

Mr. Serino moved the Board vote to reappoint Jeanne St. Cyr to the Cultural Council. Chair seconds. Vote: 4-0.

Mr. Serino moved the Board vote to reappoint Belinda Fernandes to the Cultural Council. Chair seconds. Vote: 4-0.

Mr. Serino moved the Board vote to appoint Carol McLaughlin and Sheila Nigro to the Cultural Council. Chair seconds. Vote: 4-0.

Saugus Board of Selectmen
January 26, 2010

Mr. Crabtree moved the Board vote to appoint Michael La Vecchia, Deanna Ramsden and Joia Cicolini to the Affordable Housing Trust Board of Trustees. Chair seconds. Vote: 4-0.

The Chairman congratulated the Police Officers that were in earlier for going above and beyond the call of duty. The Chairman thanked Wheelabrator for their generous donation.

Mr. Crabtree said the Board received 2 correspondence from the Police Chief regarding alleged violation at ZAZA and read recommendation for show cause hearing.

Mr. Wong stepped away from the table and Vice Chair Crabtree took the Chair.

Mr. Serino moved the Board call a show cause hearing and to set the date at their next meeting on February 16. Vice Chair seconds. Vote: 3-0.

Vice Chair said the other correspondence from the Police Chief says a possible violation at Tabu and read. Mr. Serino said the Board's attorney sent them a letter regarding what was needed and the licensee went to the ABCC and they sent letter to what was needed and will support police recommendation.

Mr. Serino moved the Board call a show cause hearing and combine the hearing with other issue for show cause and the Board will set the date at their next meeting on February 16. Vice Chair seconds. Vote: 3-0.

Mr. Wong returned to the table and resumed the Chair.

Mr. Serino asked about annual report. Their clerk said deadline is February 16th.

Mr. Serino said the Board must appoint a liaison to the Ethics Commission and asked the Manager for recommendation. The Manager said Town Counsel is the most logical. Mr. Serino moved the Board vote to appoint Town Counsel John Vasapolli as Liaison to the Ethics Commission. Chair seconds. Vote: 4-0.

Mr. Serino congratulated Ms. Kilroy on her 100th birthday.

Mr. Serino moved the Board issue citation. Chair seconds. Vote: 4-0.

Mr. Kelleher said their college Mr. Horlick is recovering and wished him all the best. Mr. Serino said he did see him and he is doing fine and should have a full recovery in a month.

- Thanked the Manager and said he had a conversation with Fr. McCoy and will be setting a date to talk about the Board of Welfare.

The Chair reminded the Board the Youth & Rec. Director would like to set a date.

Citizen's forum No one present.

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

Meeting adjourned at 10:13PM.

Respectfully submitted,
Wendy Reed, Clerk