

Saugus Board of Selectmen
February 11, 2009

The Saugus Board of Selectmen met on February 10, 2009 at 7:30 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. Town Counsel John Vasapolli was also present.

The Chairman called the meeting to order.

The Chairman Donald Wong and Vice Chairman Stephen Castinetti excused themselves from the table and passed the Chair to Mr. Kelleher.

7:00 PM Show Cause Hearing for the purpose of the possible suspension, modification, revocation and / or cancellation of the All Alcoholic Common Victualer's License of JIN Restaurant Group, LLC d/b/a JIN Asian Cuisine, Henry Wong, manager, 20 Frank Bennett Highway.

Said action is based on police reports submitted to the Saugus Board of Selectmen alleging a violation of section 1.05 (b) and section 1.12 (a)(5) of the Town of Saugus Liquor Rules & Regulations on January 1, 2009.

Said hearing will be held pursuant to MGL c. 138 and under the Liquor Rules & Regulations of the Town of Saugus.

Mr. Kelleher asked the Police Chief for comment. Police Chief Domenic DiMella was present and said he was asked to give his recommendation regarding the New Year's Eve incident at JIN and read his recommendation: One day suspension of JIN's Liquor License; They will limit their nightlife events to the Orchid Lounge, the foyer and Grand Hallway adjacent to Orchid, unless they have written approval from the Chief of Police; They will hire 2 Saugus Police Officers for details on Friday and Saturday nights from 10:30PM to 2:30AM; They have 1 security officer per 50 guests. They will increase it to 1 security officer per 40 guests; Music will be turned off by 1:30AM to insure enough time to allow patrons to exit the premises safely by 2AM; They will institute a plan to utilize their coatroom which will be staffed with four employees at closing time (1AM to 2AM). In order to assist with crowd control, the customers coming down the main staircase will be directed around the stairwell and be kept orderly by security staff in the back ballroom until they reach the coat check. This will alleviate the overcrowding at the coat check; Cameras will monitor the staircase and the coatroom area; They will maintain a log at the front door of any and all patrons who are deemed trespassers and not allowed re-entry into the establishment; and They will continue to be in contact with me to monitor improvements with the security plan. Mr. Rossetti asked clarification on stairway. The Chief explained. Mr. Horlick said according to the Chief's letter and the officer's report, when the police showed up there was chaos and the State Police and other communities' police responded and feels the scope of this a 1 day suspension is a slap on the wrist and thinks the show cause hearing should go forward. The Chief said for 1st offense the ABCC recommends progressive discipline and a 1 day suspension is appropriate. Mr. Rossetti said he spoke with the ABCC and they recommend progressive discipline and a 1 day suspension is typical for 1st offense. Mr. Horlick said there was an estimated 1,000 people and 8 communities had to be called out to help. The Chief said it is very serious and it was out of control, but he spoke with the ABCC and this was their recommendation. Mr. Horlick asked if he had recommendation regarding hours of operation. The Chief said not for 1st offense. Mr. Horlick said the scope and size and

Saugus Board of Selectmen
February 11, 2009

asked how much bigger must it be. The Chief said it was large disruption and agree with him, but after conferring with the ABCC the 1st offense and use progressive discipline. Mr. Kelleher asked Town Counsel for his thoughts. Town Counsel said he thinks the Chief's recommendation is within the scope of progressive discipline and assuming the license holder agrees the Board can make the agreement condition of license to meet the security measures and said they have strong Liquor Rules & Regulations and if they break the agreement they can be called in. Mr. Kelleher said he did follow up with the ABCC and he did visit different establishments and this is consistent with what he was told, progressive discipline. Town Counsel said if past pattern of conduct you could consider, but at this point it is just 1 incident and feels the Chief's recommendation should weigh heavily on the Board. Mr. Horlick said the scope of the incident involving police from other communities should be considered. The Chief said it was a large scale occurrence and officers did assist from other communities and is not making light of that, but the idea of progressive discipline allows for any future problems to be documented and dealt with. Attorney John Morello was present with owner Ming Lam (with an interpreter) and said his client accepts the recommendation of the Police Chief and the security plan has already been implemented and said yes it was a dreadful occurrence and wants to move forward. Mr. Horlick asked who the manager on duty was. Atty. Morello said Henry Wong and many others present this evening. Mr. Rossetti said it was New Year's Eve and asked the time. Atty. Morello said they started moving people out and there were incidents that broke out as people were leaving. Anthony Cogliano, 27 Serino Way, was present and explained there was a large snow fall and never expected the number of people because he got calls for refunds due to the snow storm and was not prepared, not enough staff and attempted to close early and started closing one room at a time and said there were not 1,000 people fighting, only 8 people and is sorry it happened and will keep in contact with the Chief and said the security plan seems to be working. Mr. Kelleher asked on the night of the occurrence was the entire facility used. Atty. Morello said all entertainment will be in the orchid lounge unless the Chief approves otherwise. Mr. Kelleher asked if the coatroom in the new security plan is addressed. Atty. Morello said it is and is working well. Mr. Kelleher said you had an incident and have addressed the issues and punishment and said they have assured the Board it not happen again and believes they addressed every issue. Mr. Rossetti said the Board sent letter to all licensed establishments stating all incidents will be reviewed and asked the occupancy of the room. Mr. Cogliano said 375. Mr. Horlick asked if the orchid bar is on 2nd floor. Mr. Cogliano said yes. Mr. Horlick said the occupancy is 110 on the plan and read. Mr. Cogliano said he met with the Building Inspector Fred Verone, and he set 375. Mr. Horlick said that's not on the license. Mr. Cogliano said the occupancy is set by the Building Inspector and he is content with that number and said they intend to come to the Board to redesign another room and can do it at that time. Mr. Horlick said they submitted a business plan. Mr. Cogliano said the 998 occupancy limit was based solely on parking. Mr. Kelleher said the discussion is outside the scope of the hearing. Mr. Horlick asked the count of people was that night. Atty. Morello said they are not going to make excuses tonight. Mr. Horlick said they accept the recommendation of the Chief but he doesn't. Mr. Kelleher noted people present tonight and asked if they intend to speak. Mr. Cogliano said yes. Mr. Kelleher asked if they wanted to have 1 spokesperson and sign in agreement.

Saugus Board of Selectmen
February 11, 2009

Any in favor? (of the Chief's recommendation.)

Carmine DiSciscio, 2 Lawndale Ave., said he is stunned and appalled to hear what an elected official said and said fights happen, but to put people out of a job is wrong.

The following signed in favor of the Chief's recommendation:

Alecia Curry, 37 Sweeney Ave., Revere; Glenn LaMasine, 42 Norwood St., Everett; Sarah Letendre, 29 Birch St.; Danielle Barker, 12 St. James Rd.; Michele Mazza, 69 Constitution Ave., Revere; Crystal Nuzzo, 12 Serino Way; Danielle Boyer, 27 Vane St., Revere; Tiamaria Gehrman, 33 Medford St., Chelsea; Jeff Paolini, 319 Lincoln Ave.; Stephen Basile, 18 Serino Way; Carmine DiSciscio, 2 Lawndale Ave.; Daniel Snyder, 6 Drummand Rd., Stoneham; Steven LaRoser, 17 Venice Ave.; Kerri Marden, 12 Melton Rd., Brighton; and Jill Saso, 38 Village Rd., Middleton.

Mr. Horlick asked the Chief if an officer is out on injury would it be a burden to the community. The Chief said yes.

Any in opposition? (of the Chief's recommendation) None.

Town Counsel said if there's a motion in favor, it would be his recommendation that the security plan be a condition of license.

Mr. Rossetti moved to close the hearing. Mr. Kelleher seconds. Vote: 2-1 with Mr. Horlick voting in opposition.

Mr. Rossetti moved the Board vote to go along with the Chief's recommendation at this time. Mr. Kelleher seconds. Mr. Rossetti speaking on the motion said he felt the Police Chief and Fire Chief and DPW director are the professionals and he relies on their recommendations, the Board are not experts and depend on their expertise and he thinks its important to support the Chief and that is why he made the motion. Mr. Horlick speaking on the motion asked Town Counsel regardless of the hearing, the Chief can implement security plan. Town Counsel said he could, but thought the Board would want more teeth in making it a condition of license. Mr. Horlick said he will not support the motion because of the scope and severity of the incident a 1 day suspension and to call out 6 other communities, the State and us, if another incident and include roll back and said other establishments have same combination with no incidents and doesn't know why the Board doesn't want to go forward with show cause and cannot support. Mr. Kelleher said he will support the motion and said the Board is scheduled to review the liquor rules & regulations and receive ABCC input so the Board has set guidelines for progressive discipline. Mr. Horlick asked the date of suspension. The Chief said tomorrow. Vote: 2-1 with Mr. Horlick voting in opposition.

Mr. Kelleher thanked the Chief and Town Counsel.

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

The Chair recognized Mr. Baker regarding his request to protect a tree.

Richard Baker, 9 Summer Court, was present. Town Counsel said he received the Board's request for opinion regarding the request to preserve and protect a tree on private property and common law states the neighbor can cut the tree overhanging their property, it is a civil matter between neighbors and the easement proposed, he spoke with the Chairman of the Tree Committee Tim Hawkes about this and said his concern is does the Town want to be responsible and the easement would need Town Meeting's vote. Mr. Castinetti said his understanding is if the tree is cut it will endanger the life of the tree.

Saugus Board of Selectmen
February 11, 2009

Town Counsel said it's a private matter. Mr. Kelleher said the idea is to protect the tree and asked if there's another way to do this. Town Counsel suggested a policy and involve the Tree Warden in mediation. Mr. Kelleher said there's a sense of urgency, how to protect the tree. Mr. Rossetti said even if the Board votes this evening, it will not take effect until the vote of Town Meeting. Town Counsel said there is no immediate action to protect the tree. Mr. Kelleher asked what his neighbor is saying. Mr. Baker said there's no more working on it and explained he trimmed the tree 30' and he has even offered to pay to relocate the temporary pool. Mr. Kelleher asked if it's an aboveground pool. Mr. Baker said yes. Mr. Horlick said he trimmed the tree 30'. Mr. Baker said yes. Mr. Castinetti said he would love to support this, but thinks if they do, it has no teeth and wish there was another way. Town Counsel said it's a private matter and he can take private action. Mr. Baker said Springfield has protection of heritage trees on private and public land. Mr. Castinetti asked what Town Meeting's function is. Town Counsel said to approve the easement. Mr. Kelleher said he is willing to support this and have the Tree Warden try to reason with them. Mr. Baker explained he filed at Lynn District Court "matter of equity" and went to Superior Court had a temporary restraining order and a summery hearing, but they defaulted. Mr. Kelleher asked if it would set a precedence. Town Counsel said it would be to the Board's discretion and said he thinks they will see more requests. Mr. Rossetti said when he was on the ZBA they had cases like this and were told not to get involved in a private matter. Town Counsel said this is a certain type of tree and is different in that sense and he has always cautioned Boards in getting involved in private matters. Mr. Castinetti said each case would be assessed individually and is willing to take a chance. Mr. Kelleher said in doing this they are not obligated. Town Counsel said it is discretionary and subject to Town Meeting approval.

Mr. Castinetti moved to accept the easement as presented. Chair seconds. Vote: 4-1 with Mr. Rossetti voting in opposition.

Mr. Kelleher moved to ask the Tree Warden to mediate the dispute. Chair seconds. Vote: 5-0.

The Chair called a recess at 8:10 PM.

The Chair called the meeting back to order at 8:23 PM.

The Board reviewed applications for Harbor Master.

Mr. Rossetti moved to adjourn. Chair seconds. Vote: 5-0.

Meeting adjourned at 9:15 PM.

Respectfully submitted,

Wendy Reed, Clerk