

Saugus Board of Selectmen
February 16, 2010

The Saugus Board of Selectmen met on February 16, 2010 at 6:30PM 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. Stephen Horlick was not present.

Valuable / Used Goods Licenses

Asst. Police Chief Leonard Campanello and Lt. Det. Ronald Giorgetti were present and explained the reporting process and proposed changes in the reporting process and proposed changes in the By-Law. The Board Members asked questions and agreed with the Police Dept. that the number should be capped and changes should be made to the reporting process and to the By-Law.

The Saugus Board of Selectmen met on February 16, 2010 at 7:00PM 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. Stephen Horlick was not present.

Special Counsel Ira Zaleznik was present and requested to speak with the Board about open issues with Tabu.

Mr. Serino moved the Board vote to go into executive session to discuss litigation and to reconvene in open session. Those to be present: Selectmen Crabtree, Kelleher, Serino and Wong; their clerk Wendy Reed, Special Counsel Ira Zaleznik, and Asst. Police Chief Leonard Campanello. Vice Chair Crabtree seconds.

Roll call vote: Mr. Crabtree, yes; Mr. Kelleher, yes; Mr. Serino, yes; Mr. Wong, yes.

Vote: 4-0.

The Board entered into executive session at 7:01 PM.

The Board reconvened in open session at 7:32 PM.

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Invited guests: None this evening.

Approval of minutes:

Mr. Serino moved to approve the 1/25/10 minutes. Chair seconds. Vote: 4-0.

Mr. Kelleher moved to approve the 1/26/10 minutes. Chair seconds. Vote: 4-0.

Continued hearings:

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

David Young, 44 Philip St. Boston was present. The Chair asked if he is open now. Mr. Young said yes. Mr. Kelleher asked if he is one of the existing 10 Licenses. Mr. Young said no. The Chair asked if he sells new products. Mr. Young said no and listed used items. Mr. Kelleher asked if he seeks a license in addition to what he has now. Mr. Young said yes, so he may purchase used items. Mr. Serino said the Board met previously with the Police and noted he was in attendance, and said the police are not recommending any additional Valuable Goods Licenses be issued and they are recommending changes in the By-Law and said there are 9 on Rte.1 now. The Chair asked if he has used goods for sale now. Mr. Young said yes on consignment. Mr. Crabtree said he has same concerns as police dept. regarding tracking reports and investigations and the type shops are a burden on the police dept. and said there doesn't seem to be a public need for more and feels there should be a cap. Asst. Police Chief Leonard Campanello was present and explained the type of business is associated with stolen goods and the police must monitor and are at their limit from a police standpoint. Mr. Kelleher said he understands the issue and suggested they cap at 10 and allow the gentleman to withdraw and if one comes available he can apply. Mr. Young said most deal in jewelry and electronics but he has antiques and household products. Mr. Kelleher said he was at the meeting and it was explained and said he should withdraw until one comes available. Mr. Young requested to withdraw his application at this time.

Mr. Kelleher moved the Board vote to grant petitioner leave to withdraw without prejudice. Chair seconds. Vote: 4-0.

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.

Ibrahim Slaybe, Manchester NH, was present. The Chair asked his type business. Mr. Slaybe said jewelry repair. The Chair asked if he sells used. Mr. Slaybe said he would like to buy used to try to make a better business and explained he would copy identifications and hold for 30 days and has access to cameras. The Chair said right now they have 10 Licenses and offered same as last petitioner to withdraw and if one comes available he can apply. Mr. Slaybe said he only sells new goods in store. Mr. Kelleher asked if in same category. Asst. Chief said yes. Mr. Kelleher explained the Board met with police and they think 10 is high for a Town this size. Mr. Slaybe requested to withdraw his application.

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Mr. Kelleher moved the Board vote to grant petitioner leave to withdraw without prejudice. Chair seconds. Vote: 4-0.

Mr. Serino moved the Board vote to set Selectmen Policy of a limit of ten Valuable / Used Goods Licenses in the Town at one time. Mr. Crabtree added without objection: the Board to keep in contact with police dept. regarding any changes and regarding public need. Chair seconds. Vote: 4-0.

Hot Topic, Inc., for Entertainment License located at 1277 Broadway, Unit #E-215 Square One Mall.

The applicant sent request to continue to March.

Mr. Kelleher moved to continue the hearing to March 16. Chair seconds. Vote: 4-0.

The Chair excused himself from the table and Vice Chair Crabtree took the Chair.

Mr. Serino moved to take correspondence #4 out of order. Vice Chair seconds. Vote: 3-0.

Correspondence

4.) Selectmen re: Tabu suspension dates.

Vice Chair Crabtree explained the Board voted a six day suspension and need to set suspension dates. The Board discussed dates.

Mr. Serino moved the Board vote to set the six day suspension dates for Tabu to be served as follows: February 25, 26, 27, March 4, 5, & 6, 2010.

Special Counsel Ira Zaleznik was present and suggested the Licensee is present and may want to speak on it. Mr. Serino said they usually don't accept input from the licensee and said it seems out of the ordinary. Special Counsel said its only fair since the Board didn't pick the dates at the time of the show cause hearing and the licensee should have an opportunity to be heard. Vice Chair said under the circumstances he will allow it.

Atty. Frank Russell representing JLMT Enterprises was present with manager Carl Amato and said they are here for transfer application. Mr. Serino said the transfer is not part of this discussion. Atty. Russell said JLMT has closed for 6 days from January to today and suggested JLMT is out of business, to impose going forward, they don't operate anymore and would delay future changes planned and requested the Board consider time served and said he would like to get rid of the appeals and more forward. Mr. Serino asked if JLMT is out of business who is operating. Atty. Russell said Carl Amato as manager for JLMT and they are putting funds in escrow to pay back liabilities. Vice Chair said this is a unique situation and the Board is trying to set dates for suspension and said regarding the transfer, there are open issues to resolve first. Atty. Russell agreed they need to close the books on it and if they are looking for a restaurant, they are delaying and that's not what the Town wants.

Mr. Serino moved the Board vote to set the six day suspension dates for Tabu to be served as follows: February 25, 26, 27, March 4, 5, & 6, 2010. Vice Chair seconds. Vote: 3-0.

Vice Chair said the Board has unfinished business regarding Zaza and Tabu and asked if the Board wanted to take those up now. Mr. Kelleher suggested taking up correspondence.

Mr. Kelleher moved to delay the 7:45 public hearing. Vice Chair seconds. Vote: 3-0.

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

5.) Blessed Sacrament Church re: request for Special 1 day Beer & Wine License.

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Mr. Kelleher moved to approve the 1 day beer & wine license. Chair seconds. Mr. Kelleher speaking on the motion said they have been granted licenses for many years and are responsibly operated for years without incident. Vote: 4-0.

6.) Mr. Greene re: request for appointment as constable.

Nathaniel Greene, Frederick Rd., Braintree was present. The Chair asked if he lived in Town. Mr. Greene said no. Mr. Serino said several years ago the issue over the number of constables was raised and understands a committee was formed. Mr. Kelleher said yes he was on the committee and did not come to finding. Mr. Greene said he is a full time constable and could bring quarterly revenue to the Town. Mr. Kelleher said some that exist now may not be full time and said some cities / towns you must be a resident which is not the case in Saugus. Mr. Serino said he would like to try to knock the number down to 10. Mr. Crabtree asked if committee was moving toward only Saugus residents. Mr. Serino instructed their clerk not to accept any new applications. Mr. Kelleher said they never reported back. Mr. Greene asked about \$100 application fee and said he was not told it was full. Mr. Serino asked the Manager if it's possible to refund the fee. The Manager said yes. Mr. Greene asked to withdraw his request.

Mr. Serino moved the Board vote to grant petitioner leave to withdraw without prejudice. Chair seconds. Vote: 4-0.

Mr. Kelleher moved the Board meet to discuss the constable issue. Chair seconds. Vote: 4-0.

2.) Police Dept. re: request for traffic light at Central St. & Lincoln Ave. intersection.

Dead Caufield, 20 Kent Street, was present and said he has been pushing for a light for years. Lt. O'Brien was present and explained request and investigation and discovered an average of 5 accidents a year and recommends a traffic study and explained traffic pattern. Mr. Kelleher asked if funds are needed and what the cost would be. Lt. said yes and would need to ask DPW for cost.

Mr. Kelleher moved to refer the correspondence to the Manager to look into and report back to the Board next meeting. The Chair added with no objection to request the cost of lights also. Mr. Crabtree asked if there's concern with Jackson St. being used to avoid lights. Lt. said yes and recommends it be looked into professionally. Mr. Serino said an Article can be inserted in the Annual Town Meeting Warrant if needed. Chair seconds. Vote: 4-0.

The Chair excused himself from the table and Vice Chair Crabtree took the Chair.

Mr. Kelleher moved to go back to the 7:45 public hearing. Vice Chair seconds. Vote: 3-0.

7:45PM Mezzanotte, LLC d/b/a Tabu, 168 Broadway, Carl Amato, Manager for transfer of All Alcoholic Common Victualer's License; Entertainment License; and License for four coin operated devices and one juke box FROM: JLMT Enterprises, Inc. d/b/a Tabu Ultra Lounge and Nightclub, 168 Broadway.

Attorney Frank Russell was present representing Mezzanotte, LLC and explained Frank Amato has not been involved in the business for two years and the Board approved a pledge of License and they didn't pay what was due under the loan document and also owed the DOR and wholesalers and foreclosed and they are retaking the business subject to JLMT operating until transfer and explained they have 2 options with business plans, one for restaurant and one for sports bar and said they are operating now 7 days a week from 4-1AM. Vice Chair asked type entertainment. Atty. Russell said as is. Vice Chair

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asked of serving food. Atty. Russell said a limited menu of pizza and appetizers. Vice Chair asked if continuing with foreclosure process. Atty. Russell explained conference call with their attorney and the ABCC general counsel and they are operating. Vice Chair asked if the ABCC issued a letter. Special Counsel Ira Zaleznik said he is not aware the ABCC came forward with any decision and explained the position of the ABCC that an approved pledge and foreclosure did not grant secured party right to operate. Vice Chair asked if there is correspondence. Atty. Russell said no, but they have been kept apprised of what's happening and JLMT continues to operate with funds going into an escrow account and said Frank Amato still controls the lease of the premises. Vice Chair asked if foreclosure has taken place or is in process. Atty. Russell said it has, but they need approval of the Selectmen. Vice Chair asked who controls escrow account. Atty. said JLMT. Vice Chair asked why have an escrow account. Atty. said to account to what's happening. Vice Chair asked who has control of the funds. Atty. said he answered that. Vice Chair asked why escrow your own funds. Atty. said to account to where the money is going, self protection. Vice Chair said the letter issued by the ABCC states their position and the letter from the Board stated their position. Mr. Serino asked where they buy liquor if they owe money. Vice Chair said there is a lot of overlapping outstanding issues that need to be resolved. Mr. Serino said Carl Amato was manager of Mezzanotte and now JLMT and will be for Mezzanotte again. Atty. said if the Board permits. Mr. Serino said on January 14 letter he was representing Mezzanotte and on January 25 letter he was representing JLMT and asked who he represents and if both is it a conflict. Atty. said no. Vice Chair said fire dept. recommends radio box. Atty. said the landlord is responsible and has talked with fire.

Suleyman Celimli, property owner was present and explained he installed the wrong type and has talked to the fire dept. and is having it done. Atty. Russell asked they take notice they approved renewal and that the license holder has nothing to do with this. Mr. Serino said the Board denied a license on Central Street for the same issue.

Any in favor or in opposition? Frank Amato, 4 Jenna Dr., Peabody said he has not been there for two years and understands the problems and said the current business is hurting from a 1AM closing and for being closed New Years Eve hurt them and said he doesn't want to come back, but have to and explained plan for proposed sports bar and has an interested party and asked the Board transfer the Licenses to get the process going. Vice Chair said he's not clear and asked about foreclosing. Mr. Amato said they are foreclosing party and has been there the past 5 weeks and said there is no business there and that the Board put them out of business. Vice Chair said the Board didn't put them out of business, but the licensee's actions did.

Pam Goodwin, TMMP5, asked the Board not transfer and asked why approve a transfer based on foreclosure. Vice Chair said the issue is convoluted. Ms. Goodwin said if JLMT effectively is not operating asked why transfer, and why not wait to transfer to new buyer and asked why transfer entertainment license and said they have not been a good neighbor and said a Town Meeting Member couldn't stay and asked she share his comments and read. Atty. Russell requested to ask questions. Mr. Serino said he'd rather hear from individuals present.

Janet Leuci, TMMP4, urged the Board to wait for prospective buyer and said there's some contradiction and asked they hold off and said nothing has changed.

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Vice Chair said regarding noise issues they can't consider if its not logged with police and they need to contact police to verify.

Maureen Dever, TMMP3, said she supports the request the Board not vote tonight and said they are no longer in business yet are they really gone and said on Saturday 1/23 they had 2 full bars operating and are in business and called to their attention the letter from the ABCC dated 1/14 and read last paragraph, and said she heard they are not appealing, but there's an appeal hearing scheduled on 2/24. Vice Chair asked if she had copy of letter from the Board dated 1/22. Ms. Dever said absolutely.

Carl Amato, manager said he has been running the place and they straightened out the noise issue and said people don't want a nightclub and he has tried to do the right thing, but need to transfer to make the changes or to transfer to a new buyer.

Atty. Russell said he wants to ask questions. Mr. Serino said he may not ask questions of citizens, but he can answer to the Board. Special Counsel said with all due respect they should allow questions. Vice Chair cautioned the attorney of his tone and keep to appropriate questions.

Ms. Dever said in her 20+ years she has never been intimidated or badgered or called to the podium. Atty. Russell asked if she spoke as a citizen or a Town Meeting Member. Ms. Dever said both. Atty. asked her home address. Ms. Dever said 3 Atherton St. Atty. asked what she meant buy "same players". Ms. Dever explained Amatos, then to JLMT with Amato as manager and now requesting back to Amatos, they are the same players.

Atty. Russell asked Ms. Goodwin about her comments. Ms. Goodwin explained the Town Meeting Member asked she share comments and did and gave written comments to the clerk.

Frank Amato said the purpose of the hearing is the transfer not to talk about the past and would like to propose they close until they finalize a concept.

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

Vice Chair said he has concerns and questions and outstanding issues and the proper place to get answers is at a show cause hearing and said there's confusion because the current operation is ongoing and they have outstanding show cause and a 6 day suspension not served yet and am not sure but is more inclined not to approve or continue until they address those issues. Mr. Serino said if they are willing to close and with so many outstanding issues he would prefer to continue to March 16. Atty. Russell said they will not accept a continuance and they have a complete application before them. Vice Chair said there are outstanding issues.

Mr. Serino moved to continue the hearing to March 16. Vice Chair seconds. Vote: 3-0.

Mr. Kelleher moved for recess. Vice Chair seconds. Vote: 3-0.

Meeting recessed at 9:32PM.

Mr. Wong returned to the table and resumed the Chair and called the meeting back to order at 9:43PM.

Mr. Kelleher said he's not sure why no one is present for Elmwood Avenue but would like to continue to March to give opportunity for neighbors to attend.

Mr. Kelleher moved to take up the 7:55 public hearing. Chair seconds. Vote: 4-0.
7:55PM on amending the Town's Traffic Rules & Regulations by posting a "Handicapped Parking Only" in front of #24 Auburn Street; and to further amend the

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Traffic Rules & Regulations by eliminating the "Handicapped Parking Only" restriction on Makepeace Street.

Lt. O'Brien was present and explained requests and police recommendations. Mr. Serino said he looked at the areas and agrees and noted DPW has already had signs done.
Any in favor or in opposition? None.

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

Mr. Kelleher moved the Board vote to amend the Town's Traffic Rules & Regulations by posting a "Handicapped Parking Only" in front of #24 Auburn Street; and to further amend the Traffic Rules & Regulations by eliminating the "Handicapped Parking Only" restriction on Makepeace Street. Chair seconds. Vote: 4-0.

Correspondence, continued

1.) Elmwood Avenue "One Way" – 9 month review.

Mr. Kelleher said he's not sure why no one is present, but would like to continue to March 16 to give opportunity for neighbors to attend. Lt. O'Brien said the position of the police dept. is to keep the traffic pattern the way it is.

Mr. Kelleher moved to defer the issue to March 16. Chair seconds. Vote: 4-0.

3.) 99 Restaurant re: request for change of officers / directors.

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

Manager's report

- Recommended the appointment of Martin Leonowert to the Boats and Waterways Commission.

Mr. Serino moved the Board vote to confirm the appointment and said the applicant is experienced and qualified. Chair seconds.

Roll call vote: Mr. Crabtree, yes; Mr. Kelleher, yes; Mr. Serino, yes; Mr. Wong, yes.
Vote: 4-0.

The Chairman excused himself from the table and Vice Chair Crabtree took the Chair.

The Vice Chair said there are some outstanding issues to take care of and said the Board called show cause hearings on Zaza and on Tabu and must set hearing dates.

Mr. Serino moved to schedule the show cause hearing on Tabu on March 15 and for Special Counsel to send notice out. Vice Chair seconds. Vote: 3-0.

Mr. Serino moved the Board vote to schedule the show cause hearing on Zaza on March 31 and for Town Counsel to handle it. Vice Chair seconds. Vote: 3-0.

Vice Chair said other open issues are Atty. Gregson and the Liquor Rules & Regs. Mr. Serino asked that Atty. Gregson be invited in on March 16 to give update and the Board will set meeting date on Rules & Regs. at next meeting on March 16.

Mr. Serino moved the Board vote to cancel the March Special Town Meeting. Vice Chair seconds. Vote: 3-0.

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

Member's motions

Mr. Crabtree: Said he and Mr. Serino and Mr. Wong went on a site visit at Waybright and it seems to be under control with no reported activity and thanked the Manager and Building Maintenance for all the work going on there. The Manager said they completed the 3" concrete in basement, sealed and will be monitored indefinitely and said there have been no incidents and hope we are in the clear. Mr. Serino said they were there for 2 hours and a lot of work is going on and said there was a concern with the dirt floor in the

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basement and it needed to be cemented and thanked Ralph and Building Maintenance and commend them on their efforts.

- Said he is new to the Board and said regarding the budget he and Mr. Wong attended the school budget hearing and said he would like the Board to have an open budget meeting and has invited the Superintendent and School Committee to attend and encourage parents and residents to attend and said he would like open communication between the school and town and look at the budget realistically, open discussion on how the budget works and how 2 ½ works.

- Said regarding Selectman Horlick, the Board will have a fundraiser to help him out financially on March 24 at Fox Hill Yacht Club and there will be more information to follow.

Mr. Serino: Said he received a request for “Dead End” sign on St. James St.

Mr. Serino moved to have DPW install a “Dead End” sign on St. James St. Chair seconds. Vote: 4-0.

- Asked the Manager to have police enforcement on Hamilton Street because there have been complaints about speeding.

- Congratulated the students inducted into the National Honor Society and said most of the Board attended the ceremony.

- Requested the Manager schedule a sewer update meeting in April.

- Requested to schedule a meeting on the Capital Improvement Plan in April also.

Mr. Kelleher: Said the Board had Essex / Felton light request in their packets and asked the Manager to include it with the Central St. light request.

- Said potholes have been what’s called cold patches but they seem deeper.

- Thanked Selectmen Crabtree & Serino for putting the fundraiser together for their college and look forward to him coming back.

Mr. Serino said the Board received an Article from the School Committee.

Mr. Serino moved to insert the Article into the Annual or next Special Town Meeting Warrant. Chair seconds. Vote: 4-0.

Mr. Serino said the School Committee voted a progressive budget with a \$2.5 million increase and the Town has only \$1.3 million in new growth and feels there will be healthy discussion at the budget meeting and the meeting will be televised and said he hopes it will be a learning experience.

Mr. Serino said the Board received information from the Town Clerk that the Federal Census will be sent out in March and asked residents to please return the census because it helps determine Federal funding.

Citizen’s Forum

Tom Stewart, 7 Tuttle St., Vice Chair Saugus School Committee, was present and confirmed the Board’s meeting will be televised and said the meeting is posted for the conference room. Mr. Crabtree said they moved it upstairs to the auditorium.

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

Meeting adjourned at 10:19PM.

Respectfully submitted,

Wendy Reed, Clerk