

Saugus Board of Selectmen
April 20, 2010

The Saugus Board of Selectmen met on April 20, 2010 at 7:30 PM in the Town Hall Auditorium, 298 Central Street. Present were: Selectmen Scott Crabtree, Stephen Horlick, Michael Serino and the Chairman Donald Wong. Mr. Kelleher was not present. The Town Manager Andrew Bisignani was also present.

Invited guests: Saugus High School Hockey Cheerleaders

Kim Wall, Coach introduced Captains Samantha Napolitano, Lauren Sacilotto and Bobbi Jo Baldasari and they explained they won the NEC Championship and the MSSAA State Hockey Cheerleading Competition. Each was introduced and the Board presented citations in recognition of their accomplishments and congratulated them.

Approval of minutes:

Mr. Horlick moved to accept the 3/23/10 minutes. Mr. Serino offered one amendment. Chair seconds. Vote: 4-0.

Mr. Serino moved to accept the 3/25/10 minutes. Chair seconds. Mr. Horlick said he will abstain because he was not present. Vote: 3-0 and 1 abstention by Mr. Horlick.

Mr. Serino moved to accept the 3/30/10 minutes. Chair seconds. Mr. Horlick said he will abstain because he was not present. Vote: 3-0 and 1 abstention by Mr. Horlick.

Mr. Serino moved to accept the 3/31/10 minutes. Chair seconds. Mr. Horlick said he will abstain because he was not present. Vote: 3-0 and 1 abstention by Mr. Horlick.

Mr. Serino moved to accept the 4/8/10 minutes. Chair seconds. Vote: 4-0.

Continued hearings:

- Barn Car Wash for Extended Hours of Operation
- Buffalo Wild Wings for transfer of Licenses
- ZAZA – show cause hearing

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

Mr. Serino moved the Board take Zaza show cause hearing off the table. Vice Chair seconds. Vote: 3-0.

Show Cause hearing of PAM, Inc. d/b/a ZAZA Restaurant located, 114 Broadway for the purpose of the possible suspension, modification, revocation and/or cancellation of the All Alcoholic Beverages Common Victualer's License and Entertainment License and/or to decrease the hours during which alcoholic beverages may be sold or take any other action deemed appropriate. The Board of Selectmen has scheduled this hearing based on a reports of the Chief of Police submitted to the Saugus Board of Selectmen alleging that there may have been violations of laws, rules and regulations.

Vice Chair read notice of hearing. Attorney Richard Magnan was present with manager of record Michael Reppucci and manager Chris Rozzi. Town Counsel John Vasapolli was also present representing the Board as Licensing Authority and said two police officers will testify to two incidents and the Police Chief will address what has occurred since the incidents took place. Vice Chair explained a show cause hearing is different from a public hearing and anyone wishing to give testimony is subject to cross examination and asked all those to testify to stand to be sworn in.

Saugus Police Officer Thomas Jones was present and explained his report of incident on January 30 involving a reported stolen pocketbook and explained the mix up and said an unknown male slashed tires in the parking lot but was unable to ascertain his identity.

The Vice Chair explained the hearing is on two separate incidents, a disturbance and incident of serving alcohol after 2AM.

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Vice Chair asked in the investigation if any charges were filed. Officer Jones said there was no evidence and no witnesses. Vice Chair asked if incident was linked to inside. Officer Jones said a purse was reported stolen and explained there was an altercation and the woman was being escorted out through the kitchen to separate the involved parties and she wanted her coat and purse, an employee retrieved the wrong purse, but later found her purse in the men's room and she reported her wallet missing. Vice Chair asked about incident inside. Officer Jones said the other involved parties left prior to his arrival. Mr. Serino asked if there was a police detail that evening. Officer Jones said no. Attorney Magnan asked age of the victim. Officer Jones said 53.

Town Counsel called Officer Wing to give testimony relating to after hours. Officer Daniel Wing was present and read his report that described he saw lights on at Zaza and about a dozen patrons inside and seated in outside area and observed a female with what appeared to be a glass of wine and a gentleman with a bottle of beer and said he spoke with one of the owners named Paul and the manager Chris Rozzi told him they stopped serving at 1:25 AM but people were lingering. Vice Chair asked if Paul was here today. Officer Wing said no. Mr. Serino asked if there was a police detail that night. Officer Wing said no. Mr. Serino asked time of last call. Atty. Magnan said 1:25. Vice Chair asked if patrons were removed from the property. Officer Wing said yes.

Town Counsel said the Chief has met with the owners after the incidents and reviewed security issues. Police Chief Domenic DiMella was present and explained after each incident he sent report to the Board and met with owner Paul Cucinatti and suggested police details and said they have sufficient security. Mr. Horlick asked since the two incidents have there been any incidents. Chief said no. Mr. Horlick asked since they have been open if heard of any incidents. Chief said no.

Atty. Magnan called Michael Reppucci manager of record. Michael Reppucci, 37 Canterbury St., Andover was present. Atty. Magnan asked how long he has been manager. Mr. Reppucci said 8 years. Atty. Magnan asked in 8 years if he has been before the Board on alleged violation. Mr. Reppucci said no. Atty. Magnan asked actions taken since. Mr. Reppucci explained after incidents he spoke with the Chief and hired details on Friday & Saturday nights and said he is sorry it happened. Atty. Magnan asked average age of his clientele. Mr. Reppucci said 40 plus.

Mr. Horlick asked if he understands a liquor license is a privilege and that the Board takes liquor issues seriously and also in the past has look at retraining and explained the manager, the bartenders, the staff have to do the right thing and it's the reason he's here today and asked if he understands this is a serious violation. Mr. Reppucci said absolutely. Vice Chair said he echoes that position that the Board takes liquor license violations seriously and are looking for compliance and doesn't want an incident to morph into a more problematic situation. Atty. Magnan said the license holder recognizes it should have never happened and comes with no excuses and takes full responsibility and is aware of the progressive discipline and said with 8 years owner operated without incident and would hope discipline would be in the form of a warning. Town Counsel said if the license holder is not disputing the incidents, depending on the pleasure of the Board, can work out disposition.

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

Vice Chair asked Chief regarding the two incidents, at least the disturbance issue, how it is best resolved and said it's a little different than other issues that have come

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before the Board. The Chief said the 1st time before the Board and wants to make clear he spoke with the owner and they do run a good business and suggested details and they did, so because it's the 1st time before the Board he recommends a warning. Vice Chair noted sometimes a police detail lessens issues and acts as a deterrent. Chief said police presence does a number of things. Vice Chair said there is a different type clientele than other places with issues. Chief said yes, this is an older crowd. Vice Chair said from his standpoint he is concerned with compliance and they follow the Rules & Regulations and asked if his client is willing to accept conditions such as police details and a warning and said it's for the Board to discuss. Atty. Magnan said his client has indicated no problem with condition of details. Mr. Horlick agreed with condition of police details and to amend the license to include details on Friday & Saturday and said in his opinion as the Board did several years ago, the owner took disciplinary action on the bartender and did retraining of all staff and if issue is handled internally he believes an isolated incident.

Mr. Horlick moved the Board issue a warning; amend the license to include police details on Friday & Saturday nights; that retraining of all staff; and the incidents remain on file. Vice Chair asked to clarify if verbal warning. Mr. Horlick said yes. Mr. Serino said considering the fact they have operated for 8 years without violation he supports the motion and supports issuing a verbal warning and it shall remain in the file and supports police details. Town Counsel clarified a warning to be issued and license to be modified to include police details on Friday & Saturday nights and they agree to the disposition. Atty. Magnan said yes. Vice Chair seconds. Vote: 3-0.

Continued hearings: BW – Saugus, LLC d/b/a Buffalo Wild Wings Grill & Bar, Joel Dover, proposed Manager, for transfer of All Alcoholic Common Victualer's License from Ballard, Inc. d/b/a Lavoie's Ballard Restaurant 128-130 Ballard Street to new location at 180 Main Street. Application is also being made for Entertainment License; and License for Juke Box; and four coin operated devices.

Vice Chair read notice. Joel Dover introduced himself and said he has worked there 7 years and involved in opening 9 locations and explained business plan. Vice Chair asked about entertainment. Mr. Dover said televisions, kid's magic shows, etc. Mr. Horlick said regarding liquor training, the presentation was ten times those he has heard in the past and asked about hours. Mr. Dover said Sunday through Thursday 11 AM to 12 midnight, Friday & Saturday 11 AM to 2 AM. Mr. Horlick asked about televisions. Mr. Dover said 56. Mr. Horlick asked about other entertainment. Mr. Dover explained on kid's nights they have a clown, magic shows, other type shows. Vice Chair asked what type restaurants are competitors. Mr. Dover said it varies town to town. Mr. Serino asked if he was regional manager. Mr. Dover said correct. Mr. Serino asked if he will be full time. Mr. Dover said correct. Mr. Serino asked 40 hours a week. Mr. Dover said yes. Mr. Serino asked if temporary. Mr. Dover said he is relocating. Mr. Serino said he has no problem with serving food to 2AM and asked about alcohol. Mr. Dover said he hoped hours for the whole establishment. Mr. Serino said regarding the patio if he talked with the Building Inspector. Mr. Dover said yes and submitted drawings. Mr. Serino asked if windows were approved by the landlord. Pat Lennox was also present and said it has been approved and is hoping once Verizon moves they will build out space in August, September with October opening or late fall. Mr. Serino asked about windows the whole length. Mr. Lennox said yes. Mr. Serino asked if contingent on Verizon leaving July 1. Mr. Lennox said they are to be out by July 1. Mr. Horlick asked about screening. Mr.

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Lennox said there will be a fence behind it. Mr. Horlick asked about gate and fire department requirements. Mr. Lennox said yes. Mr. Serino said the police department recommends patio close at 11PM. Mr. Dover said yes, the patio will close earlier. Mr. Horlick said the Board is looking at new establishments with alcohol have 1 AM closing and asked if they had any objection to 1 AM closing to start. Mr. Lennox if it's the wishes of the Board, but said he must comment that they should be based on their own operating merit opposed to operating of others. Vice Chair said point taken and said he has concern if their competitors have 2 AM license, but also is concerned with 2 AM licenses. Mr. Lennox said if they all closed at 2 AM.

Any in favor or in opposition?

Janet Leuci, 35 Wilbur Avenue, TMMP4, stated concerns with concentration of liquor licenses within 500 feet; hours of operation; access to property; seating / overcrowding; 56 televisions and urged them to not vote transfer and seek out a different location. Vice Chair asked where she would envision such a location. Ms. Leuci said the location is not appropriate.

Bob Lavoie, Asst. Manager, Ballard, Inc., said he never met an applicant like this and appropriate family restaurant and noted Papa Gino's had a liquor license at that location while the mall and VFW held licenses, and asked how the Board can ask for any better operation to hold the very first liquor license issued in this Town and said the Ballard had entertainment to 2 AM, 10 coin operated devices, etc.

Bob Cox, TMMP4, said he was impressed by presentation, but expressed concern with number of seats; that a family type restaurant doesn't need full liquor; number of televisions; and excessive closing time, but is in favor of 1 AM closing.

Bob Long, 26 Bennett Avenue, not opposed to location, but mall license has restricted hours and a new business should be restricted.

Mr. Serino said he understands concerns with late closings, but rather see them on Rte. 1 rather than in neighborhoods and he also has concern with plans and checked with Building Inspector and would rather move slowly and asked if they could live with a reduction in number of televisions and said he doesn't mind food being served, but 1 AM alcohol and after 6 months to a year they can come back. Mr. Lennox said he appreciates people care about their community and said they take pride in the communities they are in also and when they open they will have invested over \$1 million and will need an advantage to compete. Mr. Serino said they could stay open to serve food, but alcohol until 1 AM for probationary period. Mr. Lennox asked how they would evaluate. Mr. Serino said no incidents and asked about reducing the seating to 200. Vice Chair said he had a similar concern, but the building is deeper and said he has less concern with number of televisions and is back and forth on 1 AM or 2 AM license and said it sounds like a positive impact and is a better location than some that would impact residential areas / neighborhoods. Mr. Lennox said they have 28 locations with similar footprint and similar capacity and are not a crowded restaurant. Mr. Horlick estimated 95% of business on Rte. 1 close by 1 AM and they have stand alone buildings and since they wont be opening until October he would like to see it through the winter to see if issues and problem with televisions.

Susan Yee, General Manager, Square One Mall, expressed concern with roadway through the mall once they are closed and lights out and said there is no other access to Rte. 1.

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Mr. Serino said he spoke to the Building Inspector and would limit the number of televisions on the patio and have security cameras. Mr. Dover explained security camera system. Vice Chair asked about music outside. Mr. Dover said no, only 4 televisions. Vice Chair asked time they close patio. Mr. Dover said 11 PM.

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

Mr. Serino said he feels uncomfortable with the scope of the application and since the applicant is not willing to cooperate he is leery with a new license and is not opposed to 1 AM liquor license and 2AM Common Victualer's.

Mr. Serino moved the Board vote to grant transfer of the Common Victualer's License to new location, 180 Main Street with the following restrictions: hours of operation Sunday through Thursday 11 AM to 12 midnight, Friday & Saturday 11 AM to 2 AM; capacity 248; and approve Mr. Dover as manager; all requirements of Inspectional Services including grease trap to be met; patio restricted to 48 seats; and 4 televisions outside; 6 inch bollards placed six feet apart; and windows to be installed the length of patio area; and further moved the Board vote to transfer the All Alcoholic License with the following restrictions: hours of operation Sunday through Thursday 11 AM to 12 midnight, Friday & Saturday 11 AM to 1 AM; and approve Mr. Dover as manager; and further moved the Board vote to approve Entertainment License with the following restrictions: 56 televisions; one juke box; 4 coin operated devices;; hours of operation Sunday through Thursday 11 AM to 12 midnight, Friday & Saturday 11 AM to 2 AM; capacity 248; entertainment restricted to televisions, magic shows, clown / other type shows. Vice Chair seconds. Mr. Serino speaking on the motion said the police recommended a 1 AM closing. Mr. Horlick asked about seating being removed. Mr. Serino said he proposes to set total capacity. Vice Chair speaking on the motion said he is in agreement with granting the licenses with conditions and said the Board treats each case individually. Mr. Horlick speaking on the motion said he agrees with conditions and is not opposed to transfer and wished the Ballard best of luck. Vote: 3-0.

The Chair returned to the table.

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

Chair called recess at 9:29 PM.

Chair called the meeting back to order at 9:42 PM.

Continued hearings: Barn Car Wash, for modification of Special Permit (S-2) voted 2/28/06 to allow a car wash at 110 Frank Bennett Highway, BY modifying the hours of operation; and **Barn Car Wash located at 110 Frank Bennett Highway**, for Permit to extend hours of operation in accordance with Section 810.00 of the Town of Saugus By-Laws by allowing business to be open for operation between 2 AM and 6 AM.

Attorney Richard Magnan was present with owner Joseph Cappola and explained application and said the only direct abutter sent letter and read. Mr. Serino asked to clarify hours. Atty. Magnan said Monday through Saturday 8 AM to 8 PM and Sunday 10 AM to 6 PM. Mr. Horlick asked if for one bay, self service only. Atty. Magnan said yes. Mr. Horlick asked if one facing the highway. Atty. Magnan said yes, in front.

Any in favor or in opposition?

Rosemarie Zondiros, 56 Eagle Road, said she can't think of any asset to having a carwash open 24 hours and are looking for problems and asked the Board not to make her pay the price for a modification of the permit near her home.

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Janet Leuci, 35 Wilbur Avenue, understands Ms. Cameron sent letter and that she was initially opposed but has changed her mind and said there are other houses by there in Revere and expressed concern with lighting and signs and read restrictions on variance granted and reminded the Board the standard for granting special permits is when it is for the public convenience and welfare will be substantially served and improve the status of the neighborhood.

Mr. Serino said he has not supported 2-6AM permits for something that's not a public need. Mr. Crabtree said he has concerns. Atty. Magnan said asked the take into consideration the only immediate abutter has no objection and its not a neighborhood and said because they need four votes to grant the applicant will withdraw his request for 2AM to 6AM Permit and request modification of hours from 6AM to 2AM. Mr. Serino asked for whole operation or just the touch free. Atty. Magnan said the one bay in front. Mr. Serino asked if he had objection to lighting and other existing restrictions. Atty. Magnan said no.

Bob Cox, TMMP4, said he was involved with the hearings on the Zoning Board of Appeals and what was presented by the Selectmen and said he has been told they have been operating 24 hours and that's why they're here today and the Board shouldn't reward them and said the last meeting he brought up safety issues he hopes they looked into. Mr. Crabtree asked if he is representing that the business was operating outside their hours permitted. Mr. Cox said he heard they were. Mr. Crabtree said they may go to ZBA to request changes. Mr. Cox said many come back to ZBA to make adjustments.

Atty. Magnan said permits are subject to modification and in response to the term "in the public good", said there is one abutter who is not opposed. Mr. Crabtree asked about operating after approved hours. Mr. Coppola explained software updates occur the system goes to default 24 hour and he must reset it each time and explained the only lighting will be inside the bay.

Ms. Zondiros asked about outside vacuum. Mr. Serino said not need an S-2. Ms. Zondiros said it was a neighborhood when she first moved there. Ms. Leuci asked about ZBA condition reader board be off one hour after closing. Atty. Magnan said the reader board is off at 9PM.

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

Mr. Serino moved to grant petitioner leave to withdraw application for Extended Hours of Operation without prejudice. Chair seconds. Vote: 4-0.

Mr. Serino said he was on the Board when the S-2 was issued and at that time Ms. Cameron was opposed and the Board put a lot of conditions on it and said all conditions would remain the same and said the applicant is only requesting modification for the touch free car wash be allowed to operate from 6AM to 2 AM and said the neighbor most concerned with this business feels they are a good neighbor. Mr. Horlick said lighting would be inside the bay only. Mr. Serino said yes of the automatic self service carwash. Mr. Crabtree said he supports the motion and if there are issues / complaints the Board will call them back in.

Mr. Horlick moved a substitute motion to modify the S-2 hours of operation for the one bay touch free self service be 6 AM to 1 AM closing time. Mr. Serino withdrew his motion noting four voters are required.

Roll call vote: Mr. Crabtree, yes; Mr. Horlick, yes; Mr. Serino, yes; Mr. Wong, yes.
Motion passes 4-0.

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7:45 Almoda Body Art, Inc., for modification of Special Permit (S-2) voted 02/10/09 to allow body piercing at store # N115, BY changing location to: store #E113, 1201 Broadway, Square One Mall.

Georges Helou, owner was present. Mr. Horlick asked if same square footage. Susan Yee, General Manager, Square One Mall was present and said its smaller and explained they met with Building Inspector. Mr. Horlick asked if jewelry was used jewelry. Mr. Helou said no. Mr. Horlick asked if hours will remain the same. Mr. Helou said yes. Mr. Horlick asked for update on parking lot complaints. Ms. Yee said trash is under control. Mr. Crabtree asked about Board of Health comments. Ms. Yee said they haven't met yet. Mr. Crabtree asked if fire has inspected yet. Ms. Yee said not yet. Mr. Crabtree asked about police comment. Ms. Yee said yes on plans.

Any in favor or in opposition?

Janet Leuci, 35 Wilbur Avenue, asked they address noise and late night construction. Ms. Yee explained there was a sewer back up not construction.

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

Mr. Serino moved to grant the modification of S-2 by changing location to store #E113 in the Square One Mall with hours of operation Monday through Saturday 10 AM to 9 PM and Sunday 12 noon to 6 PM; and must meet all Inspectional Services and Fire Department recommendations. Chair seconds.

Roll call vote: Mr. Crabtree, yes; Mr. Horlick, yes; Mr. Serino, yes; Mr. Wong, yes. Motion passes 4-0.

7:55 Game Time Vending, for modification of License for one coin operated device BY allowing one additional coin operated device at 1201 Broadway, Square One Mall.

Bill Stavaridis was present and explained request. The Chair asked location. Mr. Stavaridis described area in food court and said he is aware of fire requirements.

Any in favor or in opposition?

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

Mr. Horlick moved the Board grant the modification to allow one additional coin operated device. Mr. Horlick speaking on the motion said he runs a reputable business with no complaints. Mr. Serino included fire department recommendation. Chair seconds. Vote: 4-0.

Correspondence

Mr. Horlick moved to take correspondence #2 out of order. Chair seconds. Vote: 4-0.

2.) Mr. Spolsino re: request for reappointment as constable.

Nick Spolsino was present. Mr. Serino said he and Mr. Kelleher have been meeting on the constable issue but have not finalized things yet and the Board has been reappointing existing constables.

Mr. Serino moved to reappoint Mr. Spolsino as constable. Chair seconds. Vote: 4-0.

1.) Mr. Gill regarding request for reappointment as constable.

Mr. Serino moved to reappoint Guy Gill as constable. Chair seconds. Vote: 4-0.

3.) Police Dept. re: request for pedestrian crossing signs on Walnut Street.

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

4.) Saugus Community Track Assoc. re: dedication to William MacNeill.

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Mr. Crabtree moved to approve request. Chair seconds. Mr. Crabtree said he knew Mr. MacNeill and he was a great guy. Mr. Serino speaking on the motion said he knew him a long time and is deserving of the Board's support. Vote: 4-0.

Manager's Report

- Announced street sweeping second week of the program.
- Announced boiler installation at Belmonte Middle School began this week and will be completed by end of school year.
- Announced the Town has been approved by MSBA for renovation of Belmonte Middle School and said there will be a borrowing order on the Warrant for appointment of project manager for feasibility study.
- Announced compost site is open and stickers may be purchased.
- Announced the Warrant has been finalized and copies are available in the Town Clerk's Office.
- Recommended the Board appoint Beverly Milward as Part Time Canine Officer.

Mr. Horlick moved to appoint Beverly Milward as Part Time Canine Officer. Chair seconds. Vote: 4-0.

- Recommended the Board reappoint Michael Plunkett as Part Time Canine Officer and Harold Young as Full Time Canine Officer.

Mr. Serino moved to reappoint Harry Young as Canine Officer. Chair seconds. Vote: 4-0.

Mr. Serino moved to reappoint Michael Plunkett as Part Time Canine Officer. Chair seconds. Vote: 4-0.

The Chairman reminded all on April 26 the Taste for Education.

Member's Motions

Mr. Crabtree: Announced the Board was informed of Tabu appeal filed with the ABCC and they submitted letter offering a resolution for the Board to review.

- Announced MSBA has selected Saugus into the pipeline for renovation of the middle school and the Chairman has been charged with setting a School Building Committee and read some areas from the general public to be represented.

Mr. Crabtree moved the Board advertise for two weeks. Chair seconds. Vote: 4-0.

Mr. Serino: Nothing this evening.

Mr. Horlick: Said the Board received letter from Nelson Chang resigning from the Affordable Housing Trust Board of Trustees.

Mr. Horlick moved the Board send a letter thanking him for his service. Chair seconds. Vote: 4-0.

- Asked the Manager to look into between 3 & 5 Burrill Street on the side of the road collapsed and rain has washed it away.

- Asked the Manager to make sure Dudley / Lincoln curbing is on the list.

- Asked the Manager look into culvert at the end of Alfred Road blocked with debris.

- Thanked the cheerleaders for bringing home a championship and said Saugus kids keep making us proud.

Mr. Crabtree thanked the Manager for addressing issues on Wolcott Road.

Citizen's Forum

Janet Leuci announced and invited the Board to a forum on creating affordable housing being held on May 5.

Arthur Grabowski, 66 Denver Street, welcomed Mr. Horlick back.

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Mr. Horlick moved to adjourn. Chair seconds. Vote: 4-0.
Meeting adjourned at 10:55PM.
Respectfully submitted,
Wendy Reed, Clerk