

Saugus Board of Selectmen
April 24, 2012

*****MEETING MINUTES*****

AGENDA
Saugus Board of Selectmen
7:30 PM April 24, 2012
Town Hall Auditorium
298 Central Street

- 1.) Call to order.
- 2.) Invited Guests: 0
- 3.) Approval of minutes: March 19; March 28; March 30; April 3; & April 9; & April 17, 2012
- 4.) Enhanced Citizen's Forum
- 5.) Continued Hearings: - **"Show Cause" Hearing on:** PAM, Inc. d/b/a LAVO Ristorante,
114Broadway. FROM: 11/29/11; 12/06/11; 12/13/11 **Held in abeyance / bankruptcy.**
- 6.) Public Hearings:

8:00 PM Anthony Lavacca d/b/a Razor's Edge, for Special Permit (S-2) to allow barber shop with related services to be located at 304 Lincoln Avenue, Cogliano Plaza. Application is also being made for Entertainment License for televisions.

8:10 PM Angela's Coal Fired Pizza, LLC, 890 Broadway, Alfonso Guevera, manager
Show Cause hearing for possible suspension, modification, revocation and / or cancellation of the Beer & Wine Common Victualer's License and Entertainment License based on police reports alleging violations of the Town of Saugus Liquor Rules & Regulations & Entertainment Rules & Regulations.

Correspondence

- 1.) Appointment of Veterans' Graves Officer.
- 2.) World Series Park & First Congregational Church re: for approval of banner & for Parade Permit for *The Dave Webster/Target Cancer: Community for a cure.*
- 3.) Arbor Day Proclamation – April 27, 2012.
- 4.) VFW re: Buddy Poppy Drive May 19 – May 29, 2012.
- 5.) Saugus Public Library.

Manager's Report
Member's Motions
Enhanced Citizen's Forum

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The Saugus Board of Selectmen met on April 24, 2012 at 7:30PM in the Town Hall Auditorium, 298 Central Street. Present: Selectmen Stephen Castinetti, Stephen Horlick, Julie Mitchell, Debra Panetta and the Chairman Michael Serino. The Town Manager Scott Crabtree was also present.

The Chair called the meeting to order and Mr. Castinetti requested and the Board held a moment of silence for Doug Cooper.

Approval of minutes: March 19; March 28; March 30; April 3; & April 9; & April 17, 2012

Mr. Castinetti moved to approve the March 19 minutes. Chair seconds. Vote: 5-0.

Mr. Horlick moved to approve the March 28 minutes. Chair seconds. Vote: 5-0.

Ms. Panetta offered an amendment and moved to accept the March 30 minutes as amended. Chair seconds. Vote: 5-0.

Mr. Horlick moved to approve the 7PM April 3 minutes. Chair seconds. Vote: 5-0.

Ms. Panetta moved to accept the 7:30PM April 3 minutes. Chair seconds. Vote: 5-0.

Ms. Mitchell moved to approve the April 9 minutes. Chair seconds. Vote: 5-0.

Mr. Castinetti moved to approve the April 17 minutes. Chair seconds. Vote: 5-0.

Enhanced Citizen's Forum: None

Correspondence

1.) Appointment of Veterans' Graves Officer.

Mr. Castinetti moved the Board vote to reappoint Randy Briand as Veterans Graves Officer. Chair seconds.

Roll call vote: Mr. Castinetti, yes; Mr. Horlick, yes; Ms. Mitchell, yes; Ms. Panetta, yes; Mr. Serino, yes.

2.) World Series Park & First Congregational Church re: for approval of banner & for Parade Permit for *The Dave Webster/Target Cancer: Community for a cure.*

Bob and Carolyn Davis, 8 Holden Avenue, were present and explained fund raising event and requested permission for banner and a Parade Permit.

Mr. Castinetti said it is a worthy cause and will support it. Ms. Panetta said to Mr. Davis that he continues to give back to the community and will support the request and will sign up for the day as well. Mr. Horlick thanked him for all he does. Ms. Mitchell said that he does an amazing job and will help out at the event. The Chair thanked him for all his hard work.

Mr. Castinetti moved to approve banner and Parade Permit. Chair seconds. Vote: 5-0.

3.) Arbor Day Proclamation – April 27, 2012.

Mr. Horlick moved to proclaim April 27, 2012 as Arbor Day in the Town of Saugus and April 22 through April 29 as Arbor Day Week. Chair seconds. Vote: 5-0.

4.) VFW re: Buddy Poppy Drive May 19 – May 29, 2012.

Mr. Castinetti moved to approve the request. Chair seconds. Vote: 5-0.

Manager's Report

- Said he met with the Dept. of Revenue on Friday and felt the meeting was constructive and said they have similar goals and are committed to working with the Town and read letter from the DOR. The Chair said the DOR wants the Board to appoint an audit committee and asked how many people. The Manager said a 3 person audit committee to advise and recommend to the Selectmen and to hire an audit firm. The Chair said DOR is also looking for the Board to appoint a CIP Committee to control debt service. The Manager said they suggested looking at different models. The Chair requested copy of the letter. The Manager said he will copy. Ms. Panetta asked if the reports required are developed from past reports or developed new. The Manager said they will create new reports as requested and they talked about a new accounting system and explained the one we have doesn't run reports needed.

- Said the financial team is trying to establish a number for a starting point and pointed out we have budgeted by using free cash in the past and deficits were carried over and money from water & sewer accounts was used to supplement the budget, so we have to look at fixed costs and start making reductions. Mr. Castinetti asked time frame on the audit being completed. The Manager said a couple of weeks for procurement & bidding, and another couple of week for personnel and said the 1st part of the audit report will be presented tomorrow night.

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8:00 PM Anthony Lavacca d/b/a Razor's Edge, for Special Permit (S-2) to allow barber shop with related services to be located at 304 Lincoln Avenue, Cogliano Plaza. Application is also being made for Entertainment License for televisions.

Anthony Lavacca, 343 Lincoln Ave., was present and explained request for a men's barber shop. The Chair asked number of work stations. Mr. Lavacca said 8, but will be starting with 4 or 5 barbers. The Chair asked number of televisions. Mr. Lavacca said 6. Mr. Castinetti said looking at the floor plan there is a pool table and couch and asked what kind of clientele he expects to attract. Mr. Lavacca said it's just something for customers to do while they wait. Mr. Castinetti said it may attract kids to hang around. Mr. Lavacca said he wouldn't allow it. Ms. Mitchell said she has known Mr. Lavacca a long time and wished him good luck. Ms. Panetta asked Sunday hours. Mr. Lavacca said 11am to 6pm. Ms. Panetta noted the application requests Monday through Saturday 10am to 8pm. Mr. Lavacca said yes.

Any in favor or in opposition? None.

Mr. Castinetti moved to close the hearing. Chair seconds. Vote: 5-0.

Mr. Castinetti moved to approve the Special Permit (S-2) to allow barber shop with related services to be located at 304 Lincoln Avenue, Cogliano Plaza; and approve Entertainment License for six televisions with the following conditions: hours of operation Monday through Saturday 10am to 8pm and Sunday 11 am to 6pm; Mr. Serino added seating limited to 12 on entertainment license. Chair seconds. Roll call vote: Mr. Castinetti, yes; Mr. Horlick, yes; Ms. Mitchell, yes; Ms. Panetta, yes; Mr. Serino, yes.

Mr. Horlick moved recess. Chair seconds. Vote: 5-0. Meeting recessed at 8:08PM.

The Chair called the meeting back to order at 8:14pm.

8:10 PM Angela's Coal Fired Pizza, LLC, 890 Broadway, Alfonso Guevera, manager

Show Cause hearing for possible suspension, modification, revocation and / or cancellation of the Beer & Wine Common Victualer's License and Entertainment License based on police reports alleging violations of the Town of Saugus Liquor Rules & Regulations & Entertainment Rules & Regulations.

Town Counsel John Vasapolli was present. The Chair swore in those to testify. Lt. Ronald Giorgetti was present and read his report dated March 14, 2011 citing violation of liquor regulation 1.02(a) not having the liquor license posted in a conspicuous place; violation of MGL c. 138, section 34D not having penalty posters posted; violation of Liquor Rules & Regulations & Entertainment Rules & Regulations section 1.03(b) not having liquor Rules & Regulations & Entertainment Rules & Regulations on site; violation of section 1.11(b) not having list of employees on site; violation of 1.03 (a) all employees have not read the rules & regulations; and employees not being aware and being able to cite three acceptable forms of identification. Lt. Giorgetti said the violations have been corrected and report forwarded to the Licensing Authority and said by request of a government agency it was not brought forward due to an ongoing investigation of a criminal matter. The Chair said for the record the ABCC did issue a 2 day suspension for serving a minor. Mr. Horlick said when the Board conducted liquor inspections the poster about serving anyone under 21 wasn't up. Lt. said it was posted when he inspected. Mr. Castinetti said he mentioned a criminal matter and asked if it had any bearing on this hearing or on liquor violations. Lt. said no, it is a separate issue under an outside jurisdiction. Mr. Horlick said any management should have regular training and comply with the rules & regulations. Town Counsel said the licensee has a right to ask the Lt. questions if he chooses.

Alfonso Guevera, manager, 12 Jay Court, Derry NH, was present and said he has no questions for the Lt. and said the report was thorough and detailed and said they have taken it seriously and since have created a binder and have staff meetings and reading and make them aware and said all managers must sign that they read and understand and do new staff orientation and apologized saying he has been in the business for 22 years and practice good liquor practices, but has since corrected all the issues. Mr. Castinetti asked how often they have staff meetings. Mr. Guevera said they have orientation for all new hires and staff meetings every Friday & Saturday. Ms. Panetta asked if the manager that night was new. Mr. Guevera said no and said he thinks he was confused and said he should have made sure all knew where the rules & regulations were. Ms. Panetta asked if every employee signs off that they read them. Mr. Guevera said its common practice now. Ms. Panetta asked if he tests them. Mr. Guevera said

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absolutely. Mr. Horlick asked who was with him in the audience. Mr. Guevera said their chief financial and human resource director. Mr. Horlick said he is the manager and should make sure the employees know. Mr. Guevera said they go over the rules & regulations at every orientation and at regular staff meetings and every server is TIP certified and passed pictures of postings and the binder. Ms. Mitchell asked if there have been any other violations in the past year. Mr. Guevera said none. Mr. Horlick questioned the location of liquor license. Mr. Guevera said that is the location recommended by Lt. Giorgetti. The Chair announced that anyone that speaks is subject to questioning.

Any to speak? None.

Mr. Horlick asked for clarification on date of ABCC condition if the suspension was in abeyance for 2 years from date of violation or date of letter. Town Counsel said date of ABCC hearing and noted any action the Board takes will be copied to the ABCC and they would decide if they will take action. Mr. Castinetti commented that they have been in business since 2007, 5 years on Rte. 1 and he doesn't see their name in the paper and feels this is an administrative issue and it was not a violation of serving and he thinks it's one of the better run businesses and thinks they should start with a letter of reprimand / warning that this will not be tolerated. Ms. Panetta said she hears what he is saying, but she has read the police report and they did receive a suspension for serving a minor and then this violation within a short time period, but the licensee did come forward and it sounds like he has done what he needed to do to resolve it and does think he does a fine job, but is concerned with the violations. The Chair said he sees both points and this isn't a major violation, but it is their second offence and he could go with a warning. Mr. Castinetti said if it was a second offence of serving a minor he would look at it differently, but where this is more of an administrative issue that has been corrected that he is inclined to support a warning. Mr. Horlick said he agrees they are not in the newspapers because their capacity is small and said the posters are very important and knowing acceptable forms of identification is important he is inclined to support a suspension held in abeyance for 1 year. The Chair agreed that would be a good compromise, a letter of warning and a one day suspension held in abeyance for one year.

Mr. Castinetti moved to close the hearing. Chair seconds. Vote: 5-0.

Mr. Horlick moved the Board vote that the Board had enough evidence and the evidence was credible and the testimony was truthful that Angela's Coal Fired Pizza, LLC, 890 Broadway, Alfonso Guevera, manager was in violation of the Town of Saugus Liquor Rules & Regulations & Entertainment Rules & Regulation and the Board further vote a one day suspension to be held in abeyance for one year and a letter be issued by the Board. Chair seconds.

Roll call vote: Mr. Castinetti, yes; Mr. Horlick, yes; Ms. Mitchell, yes; Ms. Panetta, yes; Mr. Serino, yes.

The Chair thanked Mr. Guevera for his honesty and being upfront with the Board. Town Counsel said based on the vote of the Board if there are any violations they would need to serve this suspension plus any subsequent suspensions.

Correspondence, continued

5.) Saugus Public Library.

The Chair said they need to go into executive session.

Ms. Mitchell moved the Board vote to go into executive session to discuss litigation strategy and personnel issues, those to be present: Selectmen Castinetti, Horlick, Mitchell, Panetta and Serino, Town Manager Scott Crabtree and Town Counsel John Vasapolli and to reconvene in open session. Chair seconds.

Roll call vote: Mr. Castinetti, yes; Mr. Horlick, yes; Ms. Mitchell, yes; Ms. Panetta, yes; Mr. Serino, yes.

The Board entered into executive session at 8:52PM.

The Board reconvened in open session at 9:25PM.

Manager's Report, continued

- Gave kudos to the DPW for the sidewalk repair on Winter at Chestnut Street and explained a woman fell there and was injured and the DPW repaired the sidewalk and saved money doing it in-house and said we have talented people at DPW. The Chair agreed they did a great job.

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The Chair said the Board approved the new flood plain maps and said without them the community would not be able to apply for federal money and wanted to recognize the efforts of the Conservation Commission and thanked the Chairman Al Trifone and the Conservation Officer Frank McKinnon.

The Chair said the Board received communication from the Police Chief this evening regarding a violation at Buffalo Wild Wings.

Ms. Panetta moved to schedule a show cause hearing on June 12. Chair seconds. Vote: 5-0.

The Manager said he sent a communication to Boards and Commissions that they should schedule their meetings at the library other than the Selectmen and Town Meeting and explained the library is open in the evening and we will save on costs. The Chair thanked him.

The Chair said the little league parades were both a great time and wished them a good season.

The Chair announced May 8th clean up at the tree farm.

Member's Motions

Ms. Panetta: Announced Saugus River Watershed "River Night" on May 16th.

- Thanked the little leagues for the invitation to participate in their opening day ceremonies.
- Congratulated Fat Fingers and said she and Selectman Mitchell attended the ribbon cutting.
- Announced Breakheart cleanup day on Saturday.
- Congratulated the winners and participants at the Garden Club event.
- Thanked the Town Manager for organizing the "See Click Fix" presentation and thanked Town Meeting Members Paul Allan & Peter Manoogian and thanked DPW Director and MIS Director.
- Said she received a few calls regarding Comcast regarding senior citizen discounts and explained different information is being given to customers and would like to send a letter for clarification so it may be posted for public information.

Ms. Panetta moved to send a letter to Comcast requesting information on applying for a senior citizen discount. Chair seconds. Vote: 5-0.

- Offered kudos to Selectman Mitchell & the Recycling Coordinator on organizing the community clean up and said job well done.

Mr. Horlick: Said they need to schedule a meeting with CDM regarding Hamilton Street and said there are a few outstanding issues like the hydro-seeding and the fixing of property damage from construction and said he would like to get a final number on the project and asked the Manager schedule a meeting.

- Said he received calls regarding the area between Lincoln Ave. and Chestnut St. that needs to be cleaned up and said he will give the contact information to the Manager.
- Said every year he contacts Joe Gould from GE and they give us volunteers to use and said we have used them for brook maintenance in the past. The Manager asked him to set up a meeting.
- Said the sidewalk at the entrance to Saugus Commons has a handicapped ramp but there's an island in the way and asked the Manager look into it.
- Thanked everyone involved in the little league parades.
- Thanked Ms. Mitchell on the clean-up day and said this will get bigger and suggested she do one in the fall also maybe do some painting.

Ms. Mitchell: Thanked everyone that volunteered for the clean-up day, and thanked Ms. Panetta & Mr. Horlick for helping and listed many participants and thanked Stop & Shop and J&M and said it was an awesome day.

Mr. Castinetti: Announced Memorial Day parade on May 26th with ceremony in front of Town Hall and there will be a WWII display.

- Congratulated Ted Nickole on being selected as Superintendent of the Vocational School.

Ms. Mitchell thanked the Town Manager, Home Depot, Lowes and DPW for helping with the community clean-up day.

The Chair announced Monday is the Taste for Education and on May 5th the MEG Foundation is holding a Kentucky Derby.

Citizen's Forum: None.

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Mr. Castinetti moved to adjourn. Chair seconds. Vote: 5-0.
Meeting adjourned at 9:45PM.
Respectfully submitted,
Wendy Reed, Clerk