

Saugus Board of Selectmen
June 12, 2012

***** Meeting Minutes *****

AGENDA
Saugus Board of Selectmen
7:30 PM June 12, 2012
Town Hall Auditorium
298 Central Street

- 1.) Call to order.
- 2.) Invited Guests: 0
- 3.) Approval of minutes: May 22; May 31; and June 5, 2012
- 4.) Enhanced Citizen's Forum
- 5.) Continued Hearings: - "Show Cause" Hearing on: PAM, Inc. d/b/a LAVO Ristorante, 114 Broadway.
FROM: 11/29/11; 12/06/11; 12/13/11 **Held in abeyance / bankruptcy.**
- 6.) Public Hearings:

7:50PM Yogurt 101, Inc. d/b/a Yo Passion, for Common Victualer's License and for Entertainment License for televisions to be located in space #111 in Square One Mall, 1201 Broadway.

8:00PM "Show Cause" hearing for the purpose of the possible suspension, modification, revocation and/or cancellation of the All Alcoholic Beverages Common Victualer's License and Entertainment License of, BW – Saugus, LLC d/b/a Buffalo Wild Wings Grill & Bar located at 180 Main Street and/or to decrease the hours during which alcoholic beverages may be sold or take any other action deemed appropriate; based on police reports submitted alleging violations.

8:10PM Edd's Auto Exchange, Inc., for modification of conditions on Special Permit (S-2) & Class II Auto Dealer's License voted on 09/28/10 to allow a used car lot BY allowing a total of fifty vehicle limit and to amend hours of operation at 961 Broadway

8:15PM Kelly's Roast Beef of Saugus, located at 595 Broadway, 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 until 3:00 AM.

Correspondence

- 1.) Police recommendation re: Beech Street.
- 2.) ADA Day July 26, 2012 Proclamation.
- 3.) Letter re: Essex Street Overpass handicapped accessibility.
- 4.) DCR re: Saugus "Tree City USA".
- 5.) Budget priorities: guiding principles.

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

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The Saugus Board of Selectmen met on June 12, 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.

Approval of minutes: May 22; May 31; and June 5, 2012

May 22: The Chair offered an amendment.

Mr. Castinetti moved to accept the May 22 minutes as corrected. Chair seconds. Vote: 5-0.

Ms. Panetta moved to accept the May 31 minutes. Chair seconds. Vote: 5-0.

Mr. Horlick moved to approve the June 5 minutes. Chair seconds. Vote: 4-0 with 1 abstention by Ms. Panetta.

Enhanced Citizen's Forum: None.

Correspondence

1.) Police recommendation re: Beech Street.

Ms. Panetta moved to accept the recommendation and send to DPW. Chair seconds. Vote: 5-0.

2.) ADA Day July 26, 2012 Proclamation.

Mr. Horlick moved to proclaim ADA Day in the Town of Saugus. Chair seconds. Vote: 5-0.

Ms. Panetta asked if anything special is done to recognize the day. The Chair said he will check with the Handicapped Commission.

3.) Letter re: Essex Street Overpass handicapped accessibility.

The Chair said he wanted the Board aware he sent the letter as requested by the Sidewalk Committee.

4.) DCR re: Saugus "Tree City USA".

Mr. Horlick moved the Board vote to send a letter thanking the Tree Committee for all their hard work and to invite them in. Chair seconds. Vote: 5-0.

5.) Budget priorities: guiding principles.

Mr. Castinetti moved to keep on file to be reviewed at next budget period. Chair seconds. Vote: 5-0.

Late Correspondence

- World Series Park re: request for banner for Special Olympics.

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

- Town Clerk re: Town Meeting Resolution.

The Chair read opinion from Town Counsel.

Mr. Horlick moved the Board vote to authorize the Chair to draft a letter with consultation of Town Counsel to invite the former Town Manager to a future meeting of the Board. Chair seconds. Vote: 5-0.

Manager's Report:

- Gave update on the budget and said last night he made his recommendation to the Board supporting the JLMC award and the Board made their recommendation and it has been forwarded to the Finance Committee and it will be available to the public tomorrow. The Manager said there are significant reductions in services and said it was put together after meeting with dept. heads and others and discussed the effects of the cuts and said he looks to meet on a regular basis to monitor the budget and said it may need to be revisited in the future. The Chair asked if it was forwarded to FinCom for their Wednesday meeting. The Manager said it was sent via e-mail this evening and thanked the employees that helped put it together.

- said he included in their packets the revised Open Space & Recreation Plan and asked the Board to adopt it. The Chair thanked the Committee for their hard work on it.

Ms. Panetta moved the Board vote to adopt the updated Open Space & Recreation Plan for the Town of Saugus. Chair seconds. Vote: 5-0.

Member's Motions

Mr. Horlick: congratulated SHS Seniors and middle school 8th grade on their graduations and wished them all the best.

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- asked about brook cleaning on Lynn Fells Parkway. The Manager said we expended \$70,000 on brook cleaning outside appropriation and said they will come up with a priority plan for next year and said he wants long term planning and be able to buy the proper equipment. Mr. Horlick said he is an advocate for buying more equipment and using our own manpower.

7:50PM Yogurt 101, Inc. d/b/a Yo Passion, for Common Victualer's License and for Entertainment License for televisions to be located in space #111 in Square One Mall, 1201 Broadway.

Attorney Christopher Coleman was present with applicant Ying Lin. The Chair asked hours. Atty. Coleman said Monday – Saturday 10AM to 9PM and Sunday 11AM to 6PM with 19 seats. The Chair asked if entertainment will be only 2 televisions. Atty. Coleman said correct.

Any in favor or in opposition? None.

Ms. Panetta asked if they are a chain restaurant. Atty. Coleman said there's a chain but this location will be sole proprietor.

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

Mr. Castinetti moved to grant the Common Victualer's License and Entertainment License for 2 televisions to Yogurt 101, Inc. d/b/a Yo Passion, to be located in space #111 in Square One Mall, 1201 Broadway. The Chair added: hours of operation Monday through Saturday 10AM to 9PM, Sunday 11AM to 6PM; and seating for 19. Chair seconds. Vote: 5-0.

Member's Motions, continued

Ms. Mitchell: wanted to address information in a newspaper article that said the Selectmen voted to eliminate Youth & Rec., library and senior center and explained the Board voted to cut the budgets but not close them.

Ms. Mitchell moved to invite the girl's golf team in for citation in recognition of their accomplishments of making it to the State 5 out of 6 years. Chair seconds. Vote: 5-0.

8:00PM "Show Cause" hearing for the purpose of the possible suspension, modification, revocation and/or cancellation of the All Alcoholic Beverages Common Victualer's License and Entertainment License of, BW – Saugus, LLC d/b/a Buffalo Wild Wings Grill & Bar located at 180 Main Street and/or to decrease the hours during which alcoholic beverages may be sold or take any other action deemed appropriate; based on police reports submitted alleging violations.

The Chair swore in those to testify. The Chair recognized Officer Wing and asked he give his report. Officer Daniel Wing was present and read his report of incident that occurred on April 22, 2012 and alleged the establishment was open and patrons and employees were on premises and patrons and employees were consuming alcohol after 2:00AM. The Chair noted Town Counsel John Vasapolli was present and asked the officer if half the people were employees. Officer Wing said he believed so. Mr. Horlick asked if there have been any other incidents at this location to his knowledge. Officer Wing said some minor altercations and a couple of verbal warnings. Joel Dover, regional manager for Buffalo Wild Wings was present with general manager Art Thomas and manager of record Brad Hodgson and recognized one of the owners, Pat Lennox in attendance and said they came from Michigan for the hearing and explained he is the regional manager and flies in frequently and explained he has been before the Board three times and said the first was for transfer of license to Buffalo Wild Wings and second time was request extending hours to 2AM and said he feels strongly they offer a lot to the community and do certify staff training and take this seriously and said when he heard about the incident he flew out and watched the surveillance tapes and explained action steps taken including moving last call to 1:15AM and that has helped for additional time for patrons to finish their food & drinks and passed out signed acknowledgements that staff have read and understand the Town's Rules that they incorporated into their own employee handbook and said he will take responsibility. The Chair thanked him for stepping up and taking responsibility and asked if the same manager is employed. Mr. Dover said yes. Ms. Panetta asked if the same manager and bartender were still employed. Mr. Dover said there were no terminations, but it was documented and explained performance counseling and if happen again, there will be terminations. Ms. Panetta said it's sad it has been 6 months since the extended hours were granted and it was to be reviewed. Mr. Dover said he did find the staff having a hard time getting customers to leave and moving last call has shown it helps. Mr. Horlick asked if the staff was having problems why they didn't call the

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police and said the officer testified that there were 2 verbal warnings. Ms. Panetta asked clarification on hours. Mr. Dover explained and said he is confident with the adjustment of last call it has been addressed. Mr. Castinetti asked if he is saying the issue is function of time and not personnel. Mr. Dover said yes. The Chair asked if anyone had any questions. The Chair asked if anyone wanted to speak and said any comments are subject to cross examination.

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

Mr. Castinetti said the report is troubling and has looked at the history of the establishment and considered corrective action and suggested a one day suspension held in abeyance for a period of time and said he would like to give them a shot with corrective actions. The Chair thanked them for stepping up and agreed with Selectman Castinetti. Ms. Panetta said the situation occurred during probationary period and noted verbal warnings were given and then a violation and said the Board needs to send a message it is unlawful and wrong. The Chair said he couldn't recall any establishment with violation during a probationary period. Mr. Horlick suggested rolling back hours to 1:15AM on Friday & Saturday and said he agrees with Selectman Panetta and feels a two day suspension held in abeyance or 1 day served suspension. Mr. Castinetti said if they hadn't taken corrective actions he would feel the same way and feel 1 day held in abeyance is appropriate. Ms. Mitchell agreed with Selectman Castinetti. Mr. Horlick said this is not a one-time incident and had happened over a period of months and a constant issue. Mr. Castinetti said he did not get the same impression and said there was a violation. Ms. Panetta said she could go with a one day not in abeyance or two days in abeyance and said it happened three times that we know of. Mr. Horlick said one day in abeyance is for non-alcohol violation and said this is an alcohol violation and should have last call at 1:15AM.

Mr. Horlick moved the Board vote a two day suspension held in abeyance for one year. Chair seconds.

Roll call vote: Mr. Castinetti, yes; Mr. Horlick, yes; Ms. Mitchell, yes; Ms. Panetta, yes; Mr. Serino, yes. 8:10PM Edd's Auto Exchange, Inc., for modification of conditions on Special Permit (S-2) & Class II Auto Dealer's License voted on 09/28/10 to allow a used car lot BY allowing a total of fifty vehicle limit and to amend hours of operation at 961 Broadway.

Ed Brown, 414 Main Street was present and explained request. The Chair said he viewed the site and there is plenty of parking there. Ms. Panetta asked clarification on number of vehicles and hours he is requesting. Mr. Brown said he is allowed 7 now and would like 50 and hours the same and add Sunday. Mr. Horlick said the Building Inspector asked him get modification because of the number of vehicles on site. Mr. Brown said he did this on his own. Mr. Horlick said in the future he should call their clerk if he has questions. The Chair said there's no repairs allowed on site and he will need to provide a letter within 7 days on where the cars will be repaired. Mr. Brown said he has several places he uses and will get letters.

Any in favor or in opposition? None.

Mr. Brown passed out copy of an article about his business receiving the "CarGurus Best Deals" Award.

Ms. Panetta moved to close the hearing. Chair seconds. Vote: 5-0.

Ms. Panetta moved to allow the modification of conditions on Special Permit (S-2) & Class II Auto Dealer's License of Edd's Auto Exchange, Inc. located at 961 Broadway by allowing a limit of fifty vehicles; and hours of operation 10am to 5pm and Sunday 12 noon to 5pm; and condition no repairs at the location and a letter from repair service be provided within seven days. Chair seconds. Mr. Horlick speaking on the motion said he cannot support the motion for fifty cars and could agree to 30 or 40 but not support 50 and said he would like to see how it runs and if there are any issues.

Roll call vote: Mr. Castinetti, yes; Mr. Horlick, no; Ms. Mitchell, yes; Ms. Panetta, yes; Mr. Serino, yes. 8:15PM Kelly's Roast Beef of Saugus, located at 595 Broadway, 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 until 3:00 AM.

Dean Murphy, 100 Kirkwood Road, Danvers, was present and explained he would like to have the drive through window open until 3am and said the restaurant will close at 1am. Mr. Horlick said the

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store closes at 1am and asked if he wanted this for drive through only. Mr. Murphy said yes. Ms. Panetta asked revenue expected. Mr. Murphy said \$2-4,000 per week. Ms. Panetta said he sent letters to his neighbors and asked if there was any feedback. Mr. Murphy said no and said there are no residential, all commercial abutters.

Any in favor or in opposition? None.

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

Mr. Horlick moved to grant the Extended Hours of Operation Permit to Kelly's Roast Beef of Saugus, located at 595 Broadway; to be allowed to be open until 3:00am; drive through only. Chair added the building to remain same and close at 1:00am. Chair seconds.

Roll call vote: Mr. Castinetti, yes; Mr. Horlick, yes; Ms. Mitchell, yes; Ms. Panetta, yes; Mr. Serino, yes.
Member's Motions, continued

Mr. Castinetti: thanked everyone involved in the Memorial Day Parade and said this was a special year and said the past President of the Veterans Council, Doug Cooper was having health issues but wanted to march in the parade and said Mr. Cooper passed away, but his son carried his ashes in the parade, and thanked those for two fly-over's and everything else and said it was a great day.

- announced Thursday is Flag Day and the ceremony will be held at Veterans School at 1:30pm and the public is invited.

Ms. Mitchell said a lot of work goes into the parades and thanked Mr. Castinetti for all his work.

Ms. Panetta: congratulated high school graduates and the middle school graduates and said there's great things happening at the schools and wished them luck.

- requested the double poles on Lily Pond Road be addressed. Their clerk said she will look into it and get status.

- announced Saugus River Watershed Council annual picnic at Ironworks on June 27th and said it's a great family event.

The Chair said it was a busy week and said the Boosters Awards Night was held and high school academic awards night was held and graduation and wished them all luck. The Chair thanked Mr. Castinetti for his work on the parade and said it's a highlight of the year.

Mr. Castinetti asked for update on Bike to the Sea. The Chair said they went before Conservation and Conservation will make determination and after that they will start removing tracks in July and thanked Steve Agganis for offering boulders for the project. The Manager thanked him also.

Citizen's Forum

Bill Cross, 12 Pearson Street said he is a resident and firefighter and expressed his disappointment with reading in the newspaper the Essex Street Station will be closed.

Fire Chief James Blanchard said he doesn't understand funding the budget on the back of the fire dept. and said the second reason he came to speak is he doesn't have the budget, but a reporter that called him did.

Jeff Moses (firefighter, TMM) said he is a resident and said he thought public safety was a priority.

Al DiNardo, 199 Essex Street, TMMP4, said it's an unprecedented budget cycle and noted two incidents near his home and the need for Essex St. station.

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

Meeting adjourned at 10:00PM.

Respectfully submitted,

Wendy Reed, Clerk