

Saugus Board of Selectmen
June 16, 2009

The Saugus Board of Selectmen met on June 16, 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. The Town Manager Andrew Bisignani was also present.

Invited guests: Saugus Tree Committee

Nancy Prag, Chairman Saugus Tree Committee was present with Tree Committee members and thanked the Board for recognizing them and listed the programs they are involved in and thanked everyone that volunteers. The Chair read the Citation in recognition of Saugus being designated "Tree City USA" for 10 years in a row and the Board presented the Citation. Mr. Horlick thanked them. Mr. Kelleher thanked them and recognized late Selectman Christie Ciampa who was instrumental in forming the Tree Committee.

Approval of minutes

Mr. Rossetti moved to approve minutes of May 13 and May 19. Chair seconds. Vote: 5-0.

Mr. Castinetti moved to approve minutes of May 26. Chair seconds. Vote: 5-0.

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

Mr. Castinetti moved to approve minutes of June 3. Chair seconds. Vote: 5-0.

Mr. Castinetti moved to take up correspondence at this time. Mr. Horlick moved to take correspondence #7 out of order. Chair seconds. Vote: 5-0.

Correspondence

7.) Mr. Russo and Dale Street residents re: Dale Street sewer.

Michael Russo, 14 Dale Street was present and explained the issue due to design problem residents wont be able to tie in and explained and would like the Board to look into it and rectify the problem and said the second issue overall workmanship is a disaster and third issue is I/I fee they need to pay is unfair because they have been waiting 10 years for sewer and asked the Board waive the fee. Mr. Castinetti asked what would be a satisfactory resolution. Mr. Russo said a system that works, extend the line 25' so others can connect. Mr. Castinetti asked why 25'. Mr. Russo explained. Mr. Castinetti asked if the other problem was road condition are set now. Mr. Russo said they're being addressed. Mr. Castinetti said he wants to waive the I/I fee and extend the line 25'. Mr. Russo said yes. Mr. Kelleher said he feels bad this is still an issue and it was voted last year to fund this and asked Manager for update. The Manager said he did refer to the project engineer and the response was ledge and depth of sewer line and 1 home will next ejector pump and suggest they refer to project engineer to respond to discuss.

Mr. Kelleher moved to have the Town Manager refer to project engineer to come in with Mr. Russo and neighbors and submit update. Mr. Rossetti added to have DPW look at road conditions. Chair seconds. Mr. Kelleher asked the Manager to get back to them. Vote: 5-0.

Mr. Kelleher moved to have the Manager ask legal counsel regarding I/I fee. Chair seconds. Vote: 5-0.

Mr. Horlick said when this went before Town Meeting what was done is not done and if come back get engineering back not resolved. The Manager said some projects you just don't know until you dig down and try to determine and project contingency was built in contract and said its best if engineers answer the questions.

Mr. Castinetti moved to return to public hearings. Chair seconds. Vote: 5-0.

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7:45 King & Wallin, LLC, d/b/a McDonald's 127 Broadway, for transfer of Common Victualer's License from RJK & Co., LLC d/b/a McDonald's, 127 Broadway.

Lindsay Wallin, 7 Lynn Fells Parkway, Melrose was present. Mr. Kelleher asked if she was purchasing the business from her father. Ms. Wallin said yes. Mr. Castinetti asked if any changes. Ms. Wallin said no.

Any in favor or in opposition? None.

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

Mr. Kelleher moved to grant the transfer of Common Victualer's License from RJK & Co., LLC d/b/a McDonald's, 127 Broadway. Chair seconds. Mr. Kelleher speaking on the motion said he knew her father well and wished her luck. Mr. Horlick speaking on the motion thanked her and her father for all they have done and added without objection restrictions remain in effect. Vote: 5-0.

7:55 Trans Recycle Trading, LLC, d/b/a Patty's Auto Parts, 140 Salem Turnpike, for transfer of Class III Auto Dealer's License from Patty's Auto Parts, Inc., Lot 2A Salem Turnpike.

Atty. Isaac Peres was present with applicant Toan Tran and Atty. Christine Faro representing owner Christine Pike. Mr. Rossetti explained the transfer was done prior and financing was a problem and the Board did hold a hearing. Atty. Faro explained the closing is June 22 and financing is in place. Mr. Horlick read police recommendation and asked if scrap metal area. Mr. Tran said yes. Their clerk said this is a straight transfer with no changes to the business.

Any in favor or in opposition? None.

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

Mr. Castinetti moved to grant the transfer of Class III Auto Dealer's License from Patty's Auto Parts, Inc., Lot 2A Salem Turnpike. Mr. Horlick added all recommendations of Fire, police, Inspectional Services and money owed to be paid. Chair seconds. Mr. Horlick asked they please limit trucking access on Ballard Street. Mr. Tran agreed. Vote: 5-0.

8:05 JIN Restaurant Group, LLC d/b/a JIN Asian Cuisine, 20 Frank Bennett Highway, for change in description of licensed premises of All Alcoholic Common Victualer's License and Entertainment License by allowing the reopening of the 3rd Floor; and to modify conditions to include the revised business plan.

Mr. Castinetti said the Board has request to continue.

Mr. Castinetti moved to continue the hearing. Chair seconds. Mr. Horlick speaking on the motion said the Board has letter from Collector/Treasurer that Jin is in arrears \$193,000 and defaulted on payment agreement. The Chair said detail money is owed. Their clerk said that is paid. Vote: 5-0.

Correspondence, continued

1.) Review of Schedule of Fees.

Mr. Rossetti said the Board is to review fees every June and no requests have been made to increase.

Mr. Rossetti moved to take no action. Chair seconds. Vote: 5-0.

2.) Town Clerk re: request for appointment of Poll Workers.

Mr. Castinetti moved to appoint attached list as Poll Workers. Chair seconds. Vote: 5-0.

3.) Wheelabrator re: request of acceptance of gift to the Saugus Police.

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Mr. Rossetti moved the Board vote to accept the gift of \$2,500 from Wheelabrator to Saugus Police Department to purchase a criminal booking desk. Chair seconds. Vote: 5-0.

4.) MBTA re: request for change of bus stop on Lincoln Ave., Clifftondale Square.

Mr. Rossetti said he spoke with MBTA Rep. Mr. Serino and his recommendation is not to change and said MAPC did a study of the area and don't want to lose 2-4 parking spaces and the bus stop has not been a problem.

Mr. Rossetti moved the recommendation of Saugus MBTA Representative. Chair seconds. Mr. Castinetti speaking on the motion agreed and feels it would be more disruptive to move the bus stop and will support the motion. Mr. Kelleher said he will support the motion to deny request. Mr. Horlick said parking is a premium and on record not support move. Vote: 5-0.

5.) Recycling Coordinator re: request for resolution in support of updating Bottle Bill.

Mr. Rossetti moved to support the resolution. Chair seconds. Vote: 5-0.

6.) Police Dept. recommendation re: Jackson Street parking.

Mr. Kelleher moved Lt. Swezey's recommendation. Chair seconds. Mr. Castinetti asked about signs put back. Lt. Swezey said they are going to be shortly. Vote: 5-0.

8.) Mobile Home Assoc. re: request to insert Article into Special Town Meeting Warrant

Mr. Castinetti moved per petitioner's request to refer to July 14 agenda. Chair seconds. Vote: 5-0.

9.) Mr. Cox re: request for functioning traffic light on Essex St. at Felton St.

Mr. Kelleher moved to refer to police for recommendation. Chair seconds. Vote: 5-0.

Mr. Kelleher said the Board has continue show cause hearing is a cost to the Town and asked the Board to agree to suspend the Manager's report and Member's motions. Mr. Horlick said the manager has appointments to make and said they discussed this last week and said would allow 10 minutes. Mr. Kelleher said the discussion was held at meeting conclusion and am not asking to suspend citizen's forum and asked he do after the hearing. Mr. Horlick agreed.

Mr. Kelleher moved to suspend member's motions to conclusion of hearing. Chair seconds. Vote: 5-0.

Mr. Castinetti moved recess. Chair seconds. Vote: 5-0.

The Chair called recess at 8:24 PM.

The Chair called the meeting back to order at 8:30 PM.

The Chair said he will abstain and passed the Chair to Vice Chair Castinetti and excused himself from the table.

Show Cause Hearing under MGL c.138 Section 12 & MGL c. 140 Section 183A and the Town of Saugus Liquor and Entertainment Rules & Regulations, for the purpose of the possible suspension, modification, revocation and / or cancellation of the of the Entertainment License and the All Alcoholic Beverages License of JLMT Enterprises, Inc. d/b/a Tabu Ultra Lounge and Nightclub, Carl Amato, manager, 168 Broadway and / or any such other action the Board deems necessary or appropriate. Said action is based on police reports submitted to the Saugus Board of Selectmen alleging potential violations of the laws, rules and regulations applicable to the licenses. Full reports and the complete notice of hearing are on file in the Board of Selectmen's Office. The Board will

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also hear evidence pursuant to the provisions of MGL c. 138, Section 12, sixth paragraph, as to the public need for the licensed premises to remain open until 2:00 AM.

Vice Chair said same ground rules established at last session apply both counsels have 15 minutes per witness and swore in those to testify.

Atty. Frank Russell was present and called Joseph Lewis. Joseph Lewis, President of JLMT Enterprises, Inc. said he has run Tabu for 1 year and 4 months. Atty. asked what changes he has made to the business. Mr. Lewis said they have more food and have a menu. Atty. asked menu be marked as "Exhibit 4" and asked any other changes. Mr. Lewis said Sunday entertainment discontinued because the overall attitude of the crowd. Atty. asked if incidents were on Sunday. Mr. Lewis said yes on March 2, 8, 15 and February 16. Atty. asked if he noticed a pattern. Mr. Lewis said the general attitude the promoter and promotions and March 16 was fired because he was bad for the club. Atty. asked what they have on Sunday. Mr. Lewis said nothing, they haven't found the right promoter. Atty. asked about security plan. Mr. Lewis said illumination. Atty. said in your area and you have no control over use of other structures and is up to the landlord and asked about barring admission and staggered closing. Mr. Lewis said yes and at 1:25 they stop serving at 1:30 lights up and music off and patrons out and security in the parking lot. Atty. asked about nightclub side. Mr. Lewis said alcohol stops at 1:30 and lights up at 1:35 and music stops at 1:40. Atty. asked if he continues to consult with police chief and security consultant. Mr. Lewis said yes they met and went over parking lot issues and introduced to police chief. Atty. showed documents to identify. Mr. Lewis said they are floor sheets that show the number of people and their stationed assignments. Atty. asked about details. Mr. Lewis said 50%-60%. Atty. said details aren't mandated and asked if increased security. Mr. Lewis said yes 10 to 12 Thursday and 14-16 Fridays and Saturdays 16-18 and said he employs 25-30 per night plus 5 food service. Atty. presented documents and copy of 2009 license.

Special Counsel Ira Zaleznik was present and asked Mr. Lewis why he was unhappy with promoter. Mr. Lewis said the crowd change depends. Counsel asked how promotes Sundays. Mr. Lewis said flyers, radio. Counsel asked about website. Mr. Lewis said no, he posts it on their (Tabu) website. Counsel said he mentioned Caribbean entertainment. Mr. Lewis said sometimes. Counsel asked young / old matter. Mr. Lewis said age doesn't matter. Counsel asked if gang related activity. Mr. Lewis said no. Counsel said he expressed concern and ultimately terminated promoter and asked what it was. Mr. Lewis said in the parking lot they didn't want to leave.

Mr. Castinetti asked what time they open. Mr. Lewis said 10PM. Mr. Castinetti said he testified they have menu available in the club. Mr. Lewis said not in club. Mr. Castinetti asked if the entertainment was not what he wanted. Mr. Lewis said it wasn't the entertainment it was the type of crowd the promoter attracted. Mr. Castinetti asked if he was now closed on Sunday. Mr. Lewis said not closed, no regular booking for something. Mr. Castinetti said it is apparent they're trying to do things and asked with all improvements incidents reduced at all getting worse than or better. Mr. Lewis said its not a problem inside and clear the lot by 2:05 and feel the new security will make a big difference a plan in place. Mr. Castinetti said going through reports apparent majority arrested are traveling distance and asked in his opinion what draws to Tabu. Mr. Lewis said the promoter. Mr. Castinetti asked if different than other clubs offer. Mr. Lewis said

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no. Mr. Castinetti asked with all the changes made in his opinion why does violence continue. Mr. Lewis said they have a better plan now.

Mr. Rossetti asked if any type entertainment does better than another. Mr. Lewis said its tough to say. Mr. Rossetti asked if there's a cover charge on all nights. Mr. Lewis said it varies. Mr. Rossetti asked about choosing entertainment. Mr. Lewis said they have a resident DJ sometimes guest DJ and promoters.

Mr. Horlick said he increased security but not install cameras. Mr. Lewis said he didn't agree to it. Mr. Horlick read one incident started inside was moved outside. Mr. Lewis said sometimes people argue inside they move them outside. Mr. Horlick said on 5/8/09 read a person intoxicated and explained it started inside.

Atty. Russell called John Orlen. John Orlen, Rochester, NH operates Goodfellaz since 2002, said he met with owners and observed operation and conducted a risk analysis and gave his background and training and said he found inside doing what they should and said the parking lot there was a lack of organization and described and came to solution to divide the lot into zones for staff to cover the whole night, to wear identifying jackets, and keep the flow of traffic leaving by directing traffic. Atty. asked if they could reconfigure lot because its up to the landlord. Mr. Orlen said yes. Atty. asked if he met with the Chief. Mr. Orlen said yes. Atty. asked if any other recommendations. Mr. Orlen said training of staff and said they implemented plan last weekend and said they added staff and it was a definite improvement and explained the different approach that before they were yelling at patrons to leave and now they are on site to assist in each zone. Atty. asked if he is on site. Mr. Orlen said yes when they're open. Atty. asked if he saw reports. Mr. Orlen said briefly. Atty. asked if plan will handle it. Mr. Orlen said yes, but handle on case by case the main function to defuse situations.

Special Counsel asked where he became a certified protection specialist. Mr. Orlen said Omni Institute and Amhearst Academy. Counsel asked number of zones. Mr. Orlen said 5 with 3 employees per zone, 2 there all evening. Counsel asked when he was hired. Mr. Orlen said 2 weeks ago. Counsel asked about staff turnover. Mr. Orlen said keep as is now and added to but evaluations are ongoing, not add any inside. Counsel asked in his opinion if capable of control by security staff at club. Mr. Orlen said yes. Counsel noted to Mr. Horlick the agreement doesn't mention cameras and asked Mr. Orlen if they would help. Mr. Orlen said it would help, but wont control and is satisfied with level of illumination. Counsel asked about cruiser with lights. Mr. Orlen said helps and may be a deterrent but if they want to cause trouble they'll do it with them there or not. Counsel asked about medal detectors. Mr. Orlen said yes, pat down and said if someone has a gun in their car they can't prevent that, but can stop from coming into the club. Counsel asked if he sanctions use of pepper / mace. Mr. Orlen said if trained although inside it can spread and personal injury and said in his professional opinion he doesn't carry weapons.

Mr. Castinetti said he stated if something happens inside the club to get them outside and asked if responsibility of staff. Atty. objected. Mr. Orlen said its their responsibility to be safe get him a ride home or call taxi once outside. Mr. Castinetti said if outdoor its your responsibility to make sure. Atty. objected. Mr. Orlen said to try to defuse if outside.

Mr. Rossetti said he mentioned training. Mr. Orlen said yes "Team" training "TIPPS" "TOSS" etc. Mr. Rossetti asked if staff has qualities he's looking for. Mr. Orlen

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said well rounded. Mr. Rossetti asked pat down if have female security. Mr. Orlen said yes.

Mr. Horlick asked procedure / policy regarding weapons. Mr. Orlen said take it away and must leave and if a pistol its taken away and police notified. Mr. Horlick asked how he deals with those gathering outside waiting for those inside. Mr. Orlen said his rule is to talk to them and ask they go to their vehicle. Mr. Horlick asked if staff will be drug tested. Mr. Orlen said yes.

Mr. Kelleher said this is not a complex issue and not trying to minimize incidents and he specializes in nightclub security and believe its possible can control incidents and you identify problem and address it and asked contract length. Mr. Orlen said 1 year.

The Vice Chair called recess at 10:05 PM.

The Vice Chair called the meeting back to order at 10:13PM.

Atty. Russell presented exhibits and requested they be included in the record: 1.) calls at same time as incidents that shows no other calls were at same time period. Counsel asked purpose of document. Atty. said testimony of chief that the department couldn't respond to other incidents because they were all at Tabu. Document marked as "Exhibit 8". Atty. said next document regarding gun shots. Counsel objected. Vice Chair said he doesn't see relevance. Atty. noted his objection. Atty. presented other reports for other establishments involve serious incidents with no hearing, emergency meetings. Vice Chair will accept for consideration.

Mr. Kelleher expressed concern time of last witness and they talk of the future and ask they are dealing with past incidents. Atty. said he has 2 people to testify to clarify incidents.

Katie Miele called Jose Pereyra. Jose Pereyra, 489 Washington St., West Roxbury was present and stated his occupation as promoter and has been at Tabu, not e4mployed by them, and was present on April 12 and witnessed altercation and described people that host walk around and one patron in the club was walking through the crowd, bump, not welcome attitude and was asked to leave and he was with 2 other people, one became extremely aggressive and broke the door and was outside and was surprised tried to keep it from escalating and was told to go home and said these individuals were aggressors not security staff.

Special Counsel said he spoke of individuals that were asked to leave and asked if they were asked in Spanish. Mr. Pereyra said no it was a separate conversation and that they could speak English he just tried to help by speaking to them in Spanish. Counsel asked questions about VIP area and Mr. Pereyra explained there is a host to check who can go into the area and it is located behind the stage, raised off the dance floor and must have reservations and he left the VIP area to see if staff needed assistance. Counsel asked if he volunteered, not his responsibility but because he was Latin. Mr. Pereyra said to see if they needed help. Counsel asked if he noticed the individual before security. Mr. Pereyra said after security.

Mr. Castinetti asked how long he has been a promoter / VIP host at Tabu. Mr. Pereyra said 2 months. Mr. Castinetti asked if it was fair to say there were different stages of intoxication. Mr. Pereyra said any club, yes. Mr. Castinetti asked if he saw any that night. Mr. Pereyra said not in Tabu and he didn't see him drink he was just angry. Mr. Castinetti asked why he was angry. Mr. Pereyra said because he was asked to leave. Mr. Rossetti asked if he was a promoter and not an employee. Mr. Pereyra said yes every

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Saturday. Mr. Horlick asked if in the VIP area if you can see the rest of the place. Mr. Pereyra said the dance floor. Mr. Horlick said he didn't see anyone intoxicated. Mr. Pereyra said correct.

Atty. called Thomas Donahue. Thomas Donohue, Burlington was present and said he has worked at Tabu for 5 ½ years as a floorman providing security inside the club and lounge and was working on April 12 and was involved in witnessed altercation and said he did not see, he was outside and heard altercation, in front noticed door kicked in, jammed and couldn't open and Carl and Joe asked them what happened and a guy came and kicked and came back a 3rd time and he sprayed him and he is licensed. Atty. asked why. Mr. Donohue said he felt threatened when he kicked the door 2nd time and then 3rd time he was coming right at him out of control and they were outside and explained the police did ask and he told them he didn't and about 30-40 seconds later told the officer he did do it. Atty. asked if he ever used it before. Mr. Donohue said no he never felt the need to. Atty. asked if he feels safe. Mr. Donohue said it has got much safer since he started there.

Special Counsel asked if there's a difference between mace and pepper spray. Mr. Donohue said it was pepper, but no difference on FID. Counsel asked if trained. Mr. Donohue said no and said it was issued by Burlington police for reason of self protection and applied for license June 2005. Counsel asked at the time of incident on April 12 who was head of security. Mr. Donohue said they were in between. Counsel asked if owners were aware he had spray. Mr. Donohue said he doesn't believe so. Counsel asked what precautions he took. Mr. Donohue said no one was in the lot behind him. Counsel asked if police were called or was there a police presence when he sprayed. Mr. Donohue said he didn't see police at that time. Counsel asked what happened after. Mr. Donohue said he went toward car and it didn't have a lot of effect on him. Counsel asked if suggests level of intoxication. Mr. Donohue said no and before he sprayed him he didn't seem intoxicated, just agitated and when he was coming toward him he asked him to please stop and go back to his car and didn't believe there was a language barrier.

Mr. Castinetti said if he has been around for 5 ½ years he is more familiar with levels of intoxication and asked the level of intoxication at the time. Mr. Donohue said there was no time to assess, it happened in seconds, he walked by and kicked the doors and walked away then came back and he was about 3-3 ½' away and didn't notice odor of alcohol. Mr. Castinetti asked if he used up spray. Mr. Donohue said no. Mr. Castinetti asked if he still carries. Mr. Donohue said no, he was asked not to.

Mr. Horlick said he stated he feels Tabu is safer than in the past and said incidents in 2005, 2006, 2007 and over the 5 ½ years it seems to keep piling up and asked how he can state it is safer. Mr. Donohue said it was not uncommon incidents insider, but not any more and level of staffing increased and no punch policy. Mr. Horlick said it seems the previous owner and the manager is still there, that there are still incidents and asked in his opinion when there's not going to be any more. Mr. Donohue said some you consider incidents, but police are called there not in his opinion and said the police want them to call and some you must look at as different level of incidents. Mr. Horlick said he's not looking at detail calling for assistance to clear the lot, and look at some that are just part of closing, but some numerous still here with same question, always coming back on some type of incident and asked what its going to take. Mr. Donohue said he's not sure and said they are trying to make it work.

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Mr. Castinetti said incident of May 8 he failed to mention "too intoxicated" to be served and the staff needs to understand. Mr. Donohue said they do take the bracelet if can't drink. Mr. Horlick asked if it would be possible for someone to buy for them. Mr. Donohue said anything is possible, but they are watched.

Atty. Russell said he has no more witnesses.

Mr. Castinetti asked Board's preference. Mr. Kelleher suggested they wrap it up tonight. Mr. Castinetti asked if motion or discussion. Mr. Rossetti asked Members if they wanted to meet with counsel or motion to proceed. Special Counsel recommended they debate and deliberate in open session and then vote, and will draft decision and then vote to adopt it. Mr. Kelleher said not in executive session, and asked if they need to reconvene to conclude draft. Counsel said they should adopt at a meeting. Mr. Kelleher said in an open portion of meeting. Mr. Castinetti said 11 incidents were noticed and some after questioning, of February 16 & March 8 were before agreement of March 10 and additional incident was no more than a domestic and 2 other combined into 1 incident, so the Board has 6 incidents that fall under consideration this evening. Mr. Horlick said his opinion differs and feel they should all be on the table showing a pattern of incidents and service of alcohol. Mr. Castinetti said its not how many, his concern is the level of violence with gun shots etc. and the club's responsibility for anything tied to inside and is responsibility of manager of establishment and what hasn't been accomplished outside. Mr. Rossetti said they did say new security and is impressed, and seems to be good ideas, but can they work, but do agree the level of incidents increased level of violence and if they work hard enough it will work and the Board talked of progressive discipline to pressure toward solution. Mr. Kelleher said personally the number is irrelevant and agree where will it end and came here with concern incidents, was also impressed with security person and whatever assesses and if there's a penalty he believes it will be challenged in court and he is most interested in plan. Mr. Horlick said he believes the testimony of officers were credible and accurate and do believe Tabu failed to protect patrons and employees and pattern going every 3 months and said Mr. Donohue has been here at past show cause hearing and the former owner, now manager is still there and incidents continue and said he feels the incidents before 3/10 agreement were 2 incidents involving alcohol and other incidents and read, involved alcohol and said its up to Tabu and staff to make sure and know when someone is served too much and in his opinion they should have stopped serving.

Mr. Horlick moved the Board vote to suspend all licenses held on June 18, 19, 20, 21, 26, 27 & 28 and further vote to roll back closing to 1AM, last call at 12:30AM and to have entertainment cease at 12:00 AM.

Vice Chair Castinetti expressed his concern and said progressive discipline and in the penalty assessed and not assured it would stick and think the Board should do something in line with steps of discipline. Mr. Kelleher said he understands, it's a late hour and the public outcry and agree to be careful and the Board has to show responsible move forward and have to be progressive and cannot support the motion. Mr. Horlick said the ABCC issued 5 day suspension and feels the entertainment must be rolled back because its not working and need an earlier closing time and said when the new owners came they had never run a nightclub and how to get a handle on it. Mr. Castinetti said he knows there's an outcry to shut them down and he is tired of the headlines and tired of police involvement, but is not looking to shut them down, but to succeed in the confines

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of what it is and said he knows there's a problem and we want productive businesses to contribute to the Town and said if its entertainment, then change it, if its clientele, get rid of them and said they see and they know and need to show they are willing and said he's not in favor of the motion and said he's not excited over gun shots in Saugus and will not put up with it and said he knows they are trying but asked they take a good hard look.

Mr. Rossetti moved a substitute motion for four day suspension on June 26 & 27 and on July 17 & 18. Mr. Rossetti speaking on the motion said they need to understand how serious this is and said they can fix the problem if they have the will to do it. Mr. Kelleher speaking on the motion said he understands and felt the best 3 testified and comments on new security company they may pull closer to resolving it. Mr. Rossetti said the reason he spaced out time is he didn't want to impact employees and said if Board wants to suggest different dates he's willing to, but not July 4th. Mr. Kelleher said he asked the question voluntary suspension. Special Counsel said it's within their power to impose additional conditions and are free to question and offer to opposing counsel. Mr. Castinetti asked if there was anything they would like to propose. Atty. Russell asked for a moment to speak to his clients.

The Vice Chair called recess at 11:24 PM.

The Vice Chair called the meeting back to order at 11:28 PM.

Atty. Russell thanked the Board for opportunity and they are mindful of recommendation and will discuss improvements in security and will meet to further refine, but feel they have handled inside and he is not able to offer anything greater than a voluntary 1 day suspension and revised security plan because the facts are incidents occurred outside and the best they will do voluntarily. Mr. Castinetti said appreciate that problems still plague the parking lot. Mr. Horlick said on his motion to include the Chief to redo security plan with new security. Mr. Rossetti said the Chief can do that at any point.

Mr. Horlick moved a substitute motion for 7 day suspension on June 19, 20, 21 & on July 9, 10, 11, 12; to include roll back of hours to 1:00 AM closing with patrons off the premises by 1:30AM; and entertainment to stop at 12:30AM. Mr. Kelleher speaking on the motion said he did not see anything that a roll back that would reduce incidents and said he will support Mr. Rossetti's substitute motion. Mr. Horlick said the hours of operation have been the same for years and still same hours and his point is the roll back will get everyone off the premises. Mr. Kelleher said they asked the Chief and the previous Chief and they don't see it that way.

Vote on Mr. Rossetti's substitute motion: Mr. Kelleher added with no objection security plan to be reviewed by the Police Chief.

Roll call vote: Mr. Horlick, no; Mr. Kelleher, yes; Mr. Rossetti, yes; Mr. Castinetti, yes. Vote: 4-1.

Vice Chair asked Special Counsel to prepare the document for the Board to adopt at their 6/18 meeting. Special Counsel said for clarification that before deliberations the evidentiary portion was closed.

Member's motions

Mr. Horlick: said the Board received report that JIN is in violation of payment agreement.

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Mr. Horlick moved the Board call show cause hearing on defaulting on payment agreement and to have Town Counsel prepare that. Vice Chair seconds. Mr. Kelleher asked for clarification to get Town Counsel's opinion. Mr. Horlick said yes. Vote: 4-0.

Mr. Horlick moved to have Police Chief review incident reports and get back to the Board. Vice Chair seconds. Vote: 4-0.

Mr. Horlick moved the Board vote to appoint Janette Fasano as Saugus Representative to MAPC for a three year term. And paperwork be submitted. Vice Chair seconds. Vote: 4-0.

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

Meeting adjourned at 11:14 PM.

Respectfully submitted,

Wendy Reed, Clerk