

Saugus Board of Selectmen
June 18, 2009

The Saugus Board of Selectmen met on June 18, 2009 at 7:00 PM in the Town Hall Auditorium, 298 Central Street. Present were: Selectmen Stephen Castinetti, Stephen Horlick, Peter Rossetti Jr. and the Chairman Donald Wong. Michael Kelleher was not present.

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

7:00 PM Show Cause Hearing for the purpose of the possible suspension, modification, revocation and / or cancellation of the All Alcoholic Common Victualer's License of Saugus Wings, LLC d/b/a Hooters Restaurant, Jason Yarnell, manager, 1143 Broadway. Said action is based on police reports submitted to the Saugus Board of Selectmen alleging a violation of the Town of Saugus Liquor Rules & Regulations on 5/4/2009.

Town Counsel John Vasapoli was present and called Police Chief Domenic DiMella to testify. The Police Chief answered questions as follows: Domenic DiMella, employed by Saugus Police for 19 ½ years and has been Chief of Police since August 1. The Chief read police report of possible stabbing and read and said it appeared he had a gun and the victim had blood and minor laceration and the victim was not cooperative. Town Counsel asked as a result of investigation was there a gun involved. Chief said no. Town Counsel asked if criminal charges were charged. Chief said no. Town Counsel asked as a result of the victim being uncooperative. Chief said correct. Town Counsel asked if he was contacted by Atty. Gregson and had a conversation. Chief said yes. Town Counsel asked he relay the nature of the conversation. Chief said security plan. Town Counsel asked if he spoke with the manager. Chief said yes to review the plan. Town Counsel asked if Selectmen received copy. The Chief said yes. Town Counsel asked what the security plan had that provides for and protects the public. The Chief explained the plan and read. Town Counsel asked in respect to public safety what the distinction this business than other types. Chief said this is a restaurant, not 400-500 people coming out all at once in parking lot and don't condone violence and will not tolerate it, but this place doesn't have a pattern of violence. Town Counsel asked in his opinion if security plan is adequate to protect inside and outside. Chief said it is comprehensive and believe if followed, yes. Town Counsel asked his recommendation to the Board regarding action. The Chief said for the sake of progressive discipline he would request a security plan and work with the manager closely.

Vice Chair said Mr. Kelleher had a work conflict and unable to attend and sends his apologies for his absence.

Attorney George Gregson, 325 Central Street was present representing Hooters and called Marc Phaneuf. Mr. Phaneuf explained his ownership of Hooters and 3 other locations in Connecticut and it's a restaurant and don't have a following regarding entertainment. Atty. Gregson asked if serve food is main operation. Mr. Phaneuf said yes about 65% food sales and predominately beer and explained a casual dining. Atty. asked about lighting in parking lot. Mr. Phaneuf said they have 18 high sodium lights and are not in a residential area. Atty. asked about police involvement. Mr. Phaneuf said they called police immediately and said in his 16 year experience he can't recall any incident inside and if anything, usually outside. Atty. asked about wait staff instruction. Mr. Phaneuf explained. Atty. asked of other incident with phony driver's license. Mr. Phaneuf

Saugus Board of Selectmen

June 18, 2009

explained the ID reader and had it repaired and they train all the time. Atty. asked if its safe to go there. Mr. Phaneuf said yes. Atty. asked how many served. Mr. Phaneuf said 600-800 on week days and 1,400-1,600 on weekends.

Vice Chair asked if they have doormen or bouncers. Mr. Phaneuf said no. Vice Chair said police report statement that victim appeared to be intoxicated and asked how he contribute the assessment. Mr. Phaneuf said if he was hit in the head, he could have been disoriented and said he would be surprised if he became that intoxicated in his establishment.

Mr. Rossetti asked if staff is primarily male or female. Mr. Phaneuf said 15 staff members, 7-8 females and explained ratio on different nights. Mr. Rossetti asked if an issue in the parking lot how would they know. Mr. Phaneuf said staff go to the dumpsters, the manager periodically checks outside, hostess is in front and rely on customers or employee.

Mr. Horlick read Lt. Coogan's statement in report regarding smell of alcohol. Mr. Phaneuf said he can't account for that. Mr. Horlick asked food to beverage for a party and how determined. Mr. Phaneuf said a pitcher is served to 2 or more and explained it holds about four 12oz servings. Mr. Horlick asked if any altercation inside. Mr. Phaneuf said no and said they talked inside and no indication. Mr. Horlick said the people involved in the incident left the establishment and an assault occurred and read, type weapon described may have weapon on them. Mr. Phaneuf said no, the report says he went to his vehicle first. Mr. Horlick asked if anything in security plan or any way to ensure patrons don't come in with anything like this. Atty. Gregson read page 3 of report.

Vice Chair asked the Police Chief if there was anything the restaurant could have done to prevent this. Chief said he doesn't think so, it could happen anywhere and said he doesn't know any restaurant on Rte. 1 with metal detectors and said this is serious, but doesn't believe the establishment did anything wrong.

Mr. Rossetti asked if he feels metal detectors are not necessary. Chief said if you do 1, do all restaurants and said there is no pattern of violence and they close early, last call is at 11:45.

Mr. Horlick asked if cameras were in security plan. Chief said not outside. Mr. Horlick asked if he thought it a good idea. Chief said no, only for police investigations.

Mr. Rossetti moved the matter be closed and accept the Chief's recommendation any future events be reviewed by the Chief. Vice Chair seconds.

Mr. Horlick moved a substitute motion to adopt the Chief's recommendation that the Chief meet with the manager and do install security cameras and because of the incident regarding alcohol, a one day suspension be held in abeyance if no further incidents for 90 days which the Board has done in the past. Vice Chair seconds.

Vice Chair Castinetti said reading the report he thinks even the Chief feels the person was intoxicated and said something happened outside and will not support the substitute motion. Mr. Rossetti agreed and said if it was demonstrated they over served he would support it, but in this case nothing indicated that and with progressive discipline they will meet with the Chief and develop a plan. Mr. Horlick said the show cause hearing the other night had same thing and the others said they are not responsible for incidents in parking lot and feels 90 days in abeyance and said this is not the first incident the Board has brought them in on.

Vote on substitute motion: 1-2 with Mr. Rossetti and Mr. Castinetti voting in opposition.

Saugus Board of Selectmen

June 18, 2009

Vote on main motion: 2-1 with Mr. Horlick voting in opposition.

Vice Chair asked they please continue to work with the Chief.

Mr. Rossetti said Special Counsel has drafted the Board's decision regarding Tabu hearing and read finding and order as follows: Based upon the foregoing findings and conclusions, the Board orders the following: 1.) That the all alcoholic beverages licenses and the entertainment licenses for JLMT Enterprises, Inc. d/b/a Tabu be, and hereby are, suspended for four days: June 26, June 27, July 17 and July 18; 2.) Tabu is further directed to have its chief of security meet with the Chief of Police to reduce his proposed new security plans in writing, to be approved by the Chief. If approved by the Chief, the plan shall be submitted to the Board. Upon submission to the Board, the new security plan shall become a condition of the licenses, and shall not be changed without the consent of the Board.

Mr. Rossetti moved the Board vote to adopt the findings and order. Vice Chair Castinetti seconds. Vote: 2-0 with 1 abstention by Mr. Horlick.

Mr. Rossetti moved to adjourn. Vice Chair Castinetti seconds. Vote: 3-0.
Meeting adjourned at 7:40 PM.

Respectfully submitted,
Wendy Reed, Clerk