

Saugus Board of Selectmen  
August 15, 2011

\*\*\*\*\*MEETING MINUTES\*\*\*\*\*

AGENDA  
SAUGUS BOARD OF SELECTMEN  
August 15, 2011 at 7:30 PM  
Town Hall Auditorium, 298 Central Street

- 1.) Call to order.
- 2.) Invited guests: 0
- 3.) Approval of minutes: 0
- 4.) Continued Hearings: 0
  - (Avedisian from 11/30 & 12/7/10, 3/1 & 6/7/11 TO: 8/16/11)
  - (Verizon from 6/7/11 TO: 8/16/11.)
  - (Tweets show cause from 4/5/11 & 7/12/11 TO: 10/25/11)

5.) PUBLIC HEARINGS:

NOTICE IS HEREBY GIVEN that the Board of Selectmen for the Town of Saugus, the licensing authority under Massachusetts General Laws Chapter 138, Section 12, and Chapter 140, Section 183A, will conduct a hearing on Monday, August 15, 2011, at 7:30 pm in the Saugus Town Hall Auditorium, 298 Central Street in Saugus. At the hearing, the above referenced licensee is hereby directed to show cause as to why its licenses issued pursuant to G.L. c. 138, Section 12, and G.L. c. 140, Section 183A, the All Alcoholic Common Victualer's Licenses and Entertainment License, should not be revoked, suspended, modified, canceled, or why additional conditions upon the exercise of the licenses ought not to be imposed. The licensee is directed to show cause that she did not change or transfer any ownership interest in the licenses or any management responsibility over the in violation of M.G.L.c. 138, Sections 12 and 15A, Sections 1.08(b) and 1.12(a)(1) through (4) of the Alcoholic License Rules and Regulations of the Town of Saugus and M.G.L.c. 140, Section 183A and Sections 1.12 (a)(4) and (5) of the Entertainment License Rules and Regulations of the Town of Saugus.

The Board of Selectmen has scheduled this hearing based on reports submitted to the Board from the police department raising the issue that another party may have secured an ownership interest and/or a management position in the licensed premises, property, and/or business with your knowledge and without the prior approval of the Board of Selectmen or the Alcoholic Beverages Control Commission.

Correspondence

0

(tabled 3/22/11 correspondence: Police Dept. re: Angela's liquor inspection)

Saugus Board of Selectmen  
August 15, 2011

The Saugus Board of Selectmen met on August 15, 2011 at 7:30pm in the Town Hall Auditorium, 298 Central Street. Present were: Selectmen Scott Crabtree, Stephen Horlick, Michael Serino and the Chairman Donald Wong. Absent: Michael Kelleher.

The Chairman called the meeting to order at 7:59pm.

Mr. Wong excused himself from the table and left the meeting at 8:05pm. Vice Chair Crabtree took the Chair.

7:45PM Show Cause Hearing re: Pamela Avedisian.

The Vice Chair read the notice as follows: *NOTICE IS HEREBY GIVEN that the Board of Selectmen for the Town of Saugus, the licensing authority under Massachusetts General Laws Chapter 138, Section 12, and Chapter 140, Section 183A, will conduct a hearing on Monday, August 15, 2011, at 7:30 pm in the Saugus Town Hall Auditorium, 298 Central Street in Saugus. At the hearing, the above referenced licensee is hereby directed to show cause as to why its licenses issued pursuant to G.L. c. 138, Section 12, and G.L. c. 140, Section 183A, the All Alcoholic Common Victualer's Licenses and Entertainment License, should not be revoked, suspended, modified, canceled, or why additional conditions upon the exercise of the licenses ought not to be imposed. The licensee is directed to show cause that she did not change or transfer any ownership interest in the licenses or any management responsibility over the in violation of M.G.L.c. 138, Sections 12 and 15A, Sections 1.08(b) and 1.12(a)(1) through (4) of the Alcoholic License Rules and Regulations of the Town of Saugus and M.G.L.c. 140, Section 183A and Sections 1.12 (a)(4) and (5) of the Entertainment License Rules and Regulations of the Town of Saugus.*

*The Board of Selectmen has scheduled this hearing based on reports submitted to the Board from the police department raising the issue that another party may have secured an ownership interest and/or a management position in the licensed premises, property, and/or business with your knowledge and without the prior approval of the Board of Selectmen or the Alcoholic Beverages Control Commission.*

The Vice Chair recognized Special Counsel Ira Zaleznik was present. Attorney Jamy Medeja, Buchanan & Associates was present and explained Ms. Avedisian could not be present as planned due to a personal issue and respectfully requested the Board not inquire further. Attorney Stephen Miller, of McDermott, Quilty & Miller, was present. Special Counsel said the Board received report from Lt. Giorgetti regarding information gathered during investigation of ownership interest and he is present if the Board wishes to proceed. Atty. Miller said he has some documents to present and has some questions for the detective and explained he is compiling a packet of information for him by August 31. Special Counsel asked if he anticipated it would be ready by 8/31. Atty. Miller said it's his understanding it will be. The Vice Chair said if he has the documents it would be helpful to forward them to the Board for review.

The Vice Chair swore in those to testify.

Detective Lieutenant Ronald Giorgetti, Saugus Police Department, was present and Counsel if he had occasion to investigate the status of the All Alcoholic License of Pamela Avedisian. Lt. said yes, a request from the Board came through the Chief and explained he was provided documents by the Board. Counsel went over the documents with the Lt. and the Lt. explained the License renewal documents had inconsistent statements regarding the manager and could not find any approved changes from the Board or ABCC and said payments received for license renewal were drawn by Gary Diccico, GDC Construction LLC and is not aware of role regarding this license and seeks a clarification on the issue and explained the 2010 renewal check was drawn by Gary Diccico and is not aware of any approved relationship with the license and explained his investigation of 60 Salem Turnpike, LLC and found others had interest in the property and did request documents for clarification, Special Counsel showed him a copy of the deed and asked if he recognized it. Lt. said yes. Special Counsel said it is dated January 5, 2011 and believed it was included with the notice of hearing and entered packet of documents

Saugus Board of Selectmen  
August 15, 2011

submitted with notice as "Exhibit #1". Special Counsel asked regarding request for documents if he has heard anything. Lt. said not as of this date but the attorney received the request. Vice Chair asked if he ever met or spoke with Mr. Diccico. Lt. said yes, on unrelated matters and explained after the second fire on the property Mr. Diccico identified himself as the owner twice and after pressed he said he represents the owner. Mr. Horlick asked how long he has been an officer. Lt. said 17 years. Mr. Horlick asked if it was fair to say he excelled as a police officer and is why he is a Lt. Detective today. Lt. agreed. Vice Chair asked attorney if he had received copy of all the documents received as evidence. Attorney Miller said he will assume it's the same but would want to review. Vice Chair asked if he had questions for the Lt. Atty. Miller said he did.

Attorney Miller asked regarding the license renewal schedule of fees if the signature of applicant was Pamela Avedisian and manager as Dustin DeNunzio and asked if anywhere on the page indicates it is signed under penalties of perjury. Lt. agreed it does not. Atty. Miller said the next page is the ABCC License renewal form signed by Pamela Avedisian also listed as manager. Lt. agreed. Atty. Asked date he spoke with Mr. Diccico. Lt. said he doesn't recall the date, but it was after the second fire. Atty. Said he represented himself as the property owner and when pressed he stated he represented the property owner. Lt. said correct. Atty. Asked if he determined who the partners of GDC Construction were. Lt. said only Gary Diccico. Atty. Asked if he had opportunity to speak with him since the investigation. Lt. said no. Atty. Asked if he has spoken with Mr. DiNunzio. Lt. said he has not. Atty. Said he doesn't think he has any other questions. Vice Chair asked counsel and Board Members if they had any questions.

Attorney Miller apologized his client couldn't be here and said he had several documents to present and presented and introduced as evidence and marked as follows: Affidavit of Pamela Avedisian "Exhibit #2"; Affidavit of Anthony DeLuca "Exhibit #3"; Affidavit of Sharare Soleymani "Exhibit #4"; Affidavit of Dustin DeNunzio "Exhibit #5"; Commercial lease agreement "Exhibit #6"; and Affidavit of Gary DiCicco "Exhibit #7";

Vice Chair asked if they have any record of reimbursement for license fees. Atty. Miller said he will and it was requested by the Lt. as part of the documents request. Special Counsel asked if payment was with interest. Atty. Miller said he had no idea. Special Counsel asked how long after was it repaid. Atty. Miller said does not know. Special Counsel asked if there was any explanation. Atty. Miller said it's his understanding it was the last day to file, but does not want to testify for his client. Special Counsel asked if he had the capacity to say if the Board continues the hearing the documents will be produced and his client would appear. Atty. Said he could request. Counsel said the Board can Subpoena. Atty. Said he will request and requested the request in writing.

Attorney Miller said a purchase & sales agreement was signed this morning with Phillip Franco, DP Purveyors, Inc. and wanted it on record for tomorrow night's hearing. Mr. Serino asked the sale price. Atty. Said \$150,000. Special Counsel marked Purchase & Sales agreement "Exhibit #8".

Special Counsel said one exhibit was the property deed and asked if there was an explanation on why the transaction occurred. Atty. Miller said she took 3 minority investors and he doesn't personally know. Counsel asked status of lot. Atty. Said in process of settlement with AG. Counsel asked as of this moment if cease & desist or any outstanding order. Atty. Jamy Medeja said with all due respect a cease & desist was never ordered there was a verbal request from DEP to stop work and it has taken a long time to reach an agreement which includes restorative maintenance and salt marsh restoration and said the property has been profoundly burned. Mr. Serino asked if restoration was on his client's land or state.

Saugus Board of Selectmen  
August 15, 2011

Atty. Medeja said the LLC property. Special Counsel asked if they anticipated filing with Conservation Commission and Inspectional Services. Atty. Medeja said she is not aware, but they may rebuild by right. Special Counsel said they plan to rebuild, but have a P&S and asked if they plan to go forward without the license. Atty. Miller said he wants to talk with his client and said it was clear at last Board meeting she should use or sell the license and the timing to rebuild but they are going forward with rebuild. Mr. Horlick said the attorney presented four owners in LLC but the Secretary of State has only two listed. Atty. Miller said there's no requirement to disclose all. Mr. Horlick referenced another that listed all. Attorney Miller said they are not hiding anything and did provide the information. Mr. Horlick said the names didn't come up. Attorney Miller said he recalls he was not aware the property was sold. Vice Chair said they are expressing frustration and are trying to sort out who owns what. Atty. Miller apologized and said they are trying to correct for the record.

Special Counsel asked if he presented all materials and said in light of that he suggested the Board continue the hearing to September because the document request is due the end of this month and the investigation can continue and gives time for the Board to digest information presented tonight and will rely on counsel to provide an appearance. Vice Chair agreed.

Mr. Serino moved to continue the hearing to September 13, 2011. Vice Chair seconds. Vote: 3-0.

Mr. Serino moved to adjourn. Vice Chair seconds. Vote: 3-0.

Meeting adjourned at 9:11pm.

Respectfully submitted,  
Wendy L. Reed, Clerk