

Saugus Board of Selectmen  
October 1, 2008

The Saugus Board of Selectmen met on October 1, 2008 at 7:00 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 Chairman called the meeting to order and said the Manager could not attend and said Town Counsel John Vasapolli was present.

The Chairman announced November 4, 2008 Presidential Election and encouraged all to go out and vote.

The Chairman said the Town Manager submitted a memo requesting a the Board call a Special Town Meeting and read.

Mr. Castinetti moved to call a Special Town Meeting on Monday, October 27, 2008 and to leave the Warrant open until October 10<sup>th</sup> for the Town Manager's Articles. Chair seconds. Mr. Kelleher speaking on the motion commented that the Board inserts Articles brought before them and several Articles involve spending and appreciates this, but the Town is not in a financially positive position and asked Town Meeting be prudent and the Board to join him in asking Town Meeting to show restraint and only approve spending on needs because we need to build reserves. The Chair agreed and said the Town may not get State Aide we have received in the past. Mr. Kelleher said at budget time we did not fund the Senior Center and Youth & Rec. Mr. Rossetti explained the purpose the Manager requested the Warrant remain open is he is waiting for report / additional information for monetary figures and to delay calling a Special would not be good.

Mr. Horlick moved the Board take two votes. Chair seconds. Vote: 5-0.

Mr. Castinetti moved to call a Special Town Meeting on October 27, 2008. Chair seconds. Vote: 5-0.

Mr. Castinetti moved to hold open the Warrant for the Town Manager's Articles until October 10, 2008. Mr. Horlick speaking on the motion said the last 4 or 5 times he has asked the Manager to submit his Articles to the Board and he would like to see the Articles before they are inserted and will not support leaving the Warrant open. Mr. Castinetti said there are two issues awaiting outside information and explained. Mr. Kelleher requested the Manager forward his Articles once finalized. Mr. Rossetti said to delay the Special Town Meeting will run into scheduling issues and said the verbiage is available. Mr. Kelleher said as clarification that the alternative is we will miss this date for a Special Town Meeting and will need to call another one soon after.

Mr. Horlick moved a substitute motion for the Board to meet on October 10<sup>th</sup> to insert the Articles and close the Warrant. (The substitute motion was not seconded.)

Mr. Castinetti moved the question. Vote: 4-1 with Mr. Horlick voting in opposition.

Mr. Rossetti said he has spoken to the Town Manager and Police Chief regarding the "dog issue" at Breakheart and explained and said he would like to grant two DCR employees the authorization to issue tickets and act of enforcement issues in Breakheart.

Mr. Rossetti moved to appoint Anthony Guthro and William Dalton as part time Canine Officers for the Town of Saugus for the purpose of enforcement of Town By-Laws relative to canine control, specifically leash law requirements and removal and clean-up of waste from animals within the confines of Breakheart Reservation, a Department of Conservation and Recreation Facility primarily in Saugus. The duties will be non-ruminative, neither party appointed shall become a Town of Saugus employee;

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and all fines imposed shall be for the benefit of the Town of Saugus. Citations will be Town of Saugus Citations in the amount set by the By-Laws of Saugus for offenses cited. Chair seconds. Mr. Horlick asked if there is approval on this from DCR. Mr. Rossetti said no, but will get a letter from them. Mr. Kelleher said on DCR land only. Mr. Rossetti said yes. Mr. Kelleher asked if the Chief has approved this. Mr. Rossetti said yes. Vote: 5-0.

The Chair excused himself from the hearing and passed the Chair to Vice Chair Castinetti and left the table.

7:00 PM Show Cause Hearing being held under MGL c.138 Section 12 and 64 & MGL c. 140 Section 183A and the Town of Saugus Liquor Rules & Regulations and the Town of Saugus 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 **Alwadi, LLC d/b/a The Oasis, Maribel Abdel-Hadi, manager, 24 Frank Bennett Highway** 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 violations of MGL c. 138 section 64 and MGL c. 140 section 183D, violation of Sections 1.12(a) (1), (2), (3) & (5); and Section 1.04(a) of the Town of Saugus Liquor Rules & Regulations and Sections 1.12(a) (2) & (4) and Section 1.04(a) of the Town of Saugus Entertainment Rules & Regulations. Full reports are on file in the Board of Selectmen's Office. The Board will 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.

The Vice Chair stated this is a public hearing and the Board will hear from both sides, the Police Dept. will present first and then they may be questioned by Oasis, then Oasis will present and explain their point of view and what they have done to correct problems and commented that Saugus has a reputation of being anti-business and it is incumbent on the Board to work with businesses in Town and when issues happen he would prefer corrective not punitive actions and said the Town has rules and regulations that must be complied with and cannot ignore public safety and will take corrective action when necessary.

Police Chief Domenic DiMella, was present and said he was requested by the Board to look at incidents at Oasis from January 1, 2008 to July 31, 2008 and read report he submitted to the Board and explained his main concerns are for safety and in his opinion Oasis has not shown improvements and recommended a comprehensive security plan and read.

No questions for the Chief at this time.

Saher "Sam" Abel-Hadi and Mirabel Abdel-Hadi, owners were present. The Vice Chair asked he explain what has been done to correct problems. Mr. Abdel-Hadi thanked the Police Chief and agreed they should be complying with the rules and thinks the security plan is fair and said he thinks the reports presented were miscommunications and explained in one incident he was upset with his employee for calling the police and explained he was not upset he called police, but was upset he was sitting with him and didn't tell him he called and didn't tell him there was a gun and said he was drinking and explained the altercation with police officer and he did apologize and said he has films and no one was drinking after hours and said he didn't know he needed a sign for the cover charge and he had one made and he didn't know he needed to give receipt and he

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has made those and explained the incidents on “hip-hop” nights and he did say he wasn’t going to have it any more, but it was listed with other things on the flyer by mistake and said he is trying to make the place a nice place and need more security and more organized and said there was a fire at the building and he has talked to a new security company for when he re-opens and said in the beginning he was not in control and thanked the Chief for his recommendation.

The Vice Chair said this is Saugus and we don’t have shootings and fights and that cannot continue and stressed public safety is the key importance and cannot afford to commit our police resources to Oasis or any other business and said there were 21 issues in 7 months. Mr. Abdel-Hadi said some were alarm calls and has learned that hip-hop means shooting and means violence and will never exist again no matter what and said maybe the lack of experience in a multi-cultural market – promoters. Vice Chair asked if most incidents occurred outside at closing time. Mr. Abdel-Hadi said yes and only 2 incidents inside and it does help keep peace when police are in the lot at closing time.

Mr. Kelleher said he does not hear solutions and is not prepared to discuss a security plan.

The Police Chief said to make one thing clear regarding the debate on hip-hop, that the police are not singling that out, only stated because in an e-mail to the Board’s clerk Mr. Abdel-Hadi stated he would no longer offer it and he still advertise. Mr. Horlick asked the Chief when incidents happen if he feels there is a chance his officers will be put in harms way. The Chief said yes there is always a chance. Mr. Horlick asked if he saw a pattern of incidents. The Chief said 21 incidents in 7 months.

Lt. Leonard Campanello, was present and explained he visited Oasis when they first opened and offered police services if needed and said when you can’t control incidents you must look at management and stressed his concern was the police did not have cooperation from the license holder. Mr. Kelleher said he read the reports and they are clear, guns on the premises, fired on the premises and under the law the parking lot is part of the premises and asked in his opinion have they not controlled their setting. Lt. Campanello said yes.

Mr. Horlick asked Mr. Abdel-Hadi that earlier he stated the employees should call police, but got upset when 1 did. Mr. Abdel-Hadi explained he was not upset he called, but he was sitting right with him and didn’t tell him he called. Mr. Horlick said if he offered free drinks, if he was drinking while manager is violation of the law and asked the Lt. if that is a concern if the manager is drinking. Lt. Campanello said yes because they may not be able to receive information. Mr. Horlick asked if drinking after closing is a concern. Lt. Campanello said yes.

Mr. Kelleher asked Mr. Abdel-Hadi if he agrees this is serious and said it is unfortunate they aren’t open due to the fire and asked status. Mr. Abdel-Hadi explained the insurance has not paid yet and explained damage and said when fixed he wants to apply for hookah to attract other patrons. Mr. Kelleher asked when he expected to re-open. Mr. Abdel-Hadi said a few weeks from now.

Mr. Kelleher said at the end of the hearing the Board as a whole will discuss the best way to proceed and recommended he not open until certificate of occupancy is issued again. The Vice Chair said he doesn’t disagree. Mr. Rossetti said he would like them back before the Board before they re-open. The Vice Chair said he would like to see the Police Chief meet with license holder to plan to address the issues before coming

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back. Mr. Kelleher said he would like to work things out and move forward and strongly recommended he move forward with counsel.

Mr. Horlick asked Town Counsel in the past the Board has deliberated in executive session and asked if the Board can hold off until occupancy permit is issued. Town Counsel said all past cases, the business was not closed, but the Board can vote to make it condition they come back before the Board. Mr. Horlick asked if not open at license renewal, do they renew. Town Counsel said they would need to be brought back before the Board and clarified that there is no basis for executive session and explained in the past there was pending litigation. Mr. Kelleher asked if the best way to go is to continue. Town Counsel said that's a way to go also.

Mr. Kelleher moved to continue with instruction to Oasis not to open until such time they have a certificate of occupancy and must come before the Board and to meet with the Police Chief on security plan prior to coming before the Board. Vice Chair seconds. Vote 4-0.

The Vice Chair said the hearing will be continued until Oasis is in possession of certificate of occupancy and must meet with the Police Chief to develop a security plan to address deficiencies.

The Chairman returned to the table.

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

Meeting adjourned at 8:20 PM.

Respectfully submitted,

Wendy Reed, Clerk