

Saugus Board of Selectmen
October 25, 2011

October 25, 2011 at 6:00 PM
Town Hall 1st floor conference room
298 Central Street

Interviews for appointment

Cable PEG Access Board of Directors

1

Applications with supporting documentation, correspondence and documents presented and discussed at the meeting are on file in the Board of Selectmen's Office and are available upon request.

Saugus Board of Selectmen
October 25, 2011

The Saugus Board of Selectmen met on October 25, 2011 at 6:00 PM in the Town Hall 1st floor conference room, 298 Central Street. Present were: Selectmen Scott Crabtree, Stephen Horlick, Michael Serino, and the Chairman Donald Wong. Absent: Selectmen Michael Kelleher. Mr. Crabtree arrived at 6:40pm.

Cable PEG Access Board of Directors

William Moschella.

Mr. Moschella gave his interests and background and Board Members asked questions.

Janice Jarosz

Ms. Jarosz gave her interests and background and Board Members asked questions.

Gary Sund

Mr. Sund gave his interests and background and Board Members asked questions.

David Savary

Not present.

Mr. Crabtree arrived at 6:40PM.

Debra Panetta

Ms. Panetta gave her interests and background and Board Members asked questions.

Roger Sacilotto

Mr. Sacilotto gave his interests and background and Board Members asked questions.

Mr. Serino moved to adjourn. Chair seconds. Vote: 4-0.
Meeting adjourned at 6:52pm.

Saugus Board of Selectmen
October 25, 2011

AGENDA

Saugus Board of Selectmen
October 25, 2011, 7:00 PM
Town Hall Auditorium, 298 Central Street

1.) Call to order.

7:00 PM Continued Hearing: Avedisian from 8/15/11; 9/13/11; 10/04/11 **TO: 10/25/11**
Atty. Miller re: notification of withdrawal as legal counsel for Avedisian.

2.) Invited Guests: Miss Madison Slane

3.) Approval of minutes: September 19, 2011 & October 4, 2011.

4.) Continued hearings: Twitters show cause from 4/5/11 & 7/12/11 **TO: 10/25/11**
Bistro One from 9/20/11; 10/04/11 **TO: 10/25/11.**

5.) PUBLIC HEARINGS:

7:45 Roller World, Inc., 425 Rear Broadway, for modification of License for coin operated devices by allowing eight additional coin operated devices.

7:55 McKay Construction Services, Inc., for Special Permit (S-2) to allow a contractor's yard at 0 Rear Pennsylvania Avenue,

8:05 T & C Restaurant, Inc., 467 Essex Street, for transfer of Common Victualer's License from Yeung De Wong d/b/a Xing Long Chinese Restaurant.

Correspondence

- 1.) Saugus Veterans' Council re: request for Parade Permit on Veterans' Day & invitation.
- 2.) Mr. Littlefield re: request for reappointment as Alternate Member of the Zoning Board of Appeals.
- 3.) Saugus VFW re: Annual Buddy Poppy Drive November 11 through 13, 2011.
- 4.) Ocean State Job Lot re: request for 1 day Extended Hours of Operation Permit, 11/25.
- 5.) Town Clerk re: proposed changes in election laws.
- 6.) Mr. Prestone re: request for reappointment as constable.
- 7.) Proposed Saugus Turbine By-Law to be inserted in next Special Town Meeting Warrant.
- 8.) Reports re: establishments licensed by the Board and request hearings be scheduled.
(Tabled 3/22/11 correspondence: Police Dept. re: Angela's liquor inspection)

Manager's Report

Member's Motions

Citizen's Forum

* The Board voted to close the 11/14/11 Special Town Meeting Warrant on 10/25/11.

Saugus Board of Selectmen
October 25, 2011

The Saugus Board of Selectmen met on October 25, 2011 at 7:00 PM in the Town Hall Auditorium, 298 Central Street. Present were: Selectmen Scott Crabtree, Stephen Horlick, Michael Serino, and the Chairman Donald Wong. Absent: Selectmen Michael Kelleher. Town Manager Andrew Bisignani was also present.

The Chairman called the meeting to order and excused himself from the table and Vice Chair Crabtree took the Chair.

7:00 PM Continued Hearing: Avedisian from 8/15/11; 9/13/11; 10/04/11 **TO: 10/25/11**

Atty. Miller re: notification of withdrawal as legal counsel for Avedisian.

Pamela Avedisian, 60 Salem Turnpike, 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.

No representative for the License holder was present. The Vice Chair noted Special Counsel Ira Zaleznik was present and said the Board did receive a letter addressed to Special Counsel and dated October 6, 2011 from Atty. Miller withdrawing as counsel for Avedisian and read and suggested the Board continue the hearing to November 2 which is more than 21 days and asked Counsel if he has had any communication with them. Special Counsel said he has not and noted that Mr. Miller promised documents in 7 days after filing appeal with ABCC and has not produced the important financial documents and feels it was a critical omission and is concerned they didn't send representation this evening. Vice Chair said this Board is in tune with strategy of endless continuances requests, changing counsel, last minute purchase & sales agreement, and based on what they have the Board can take up the hearing on November 2. Special Counsel said the Board has given ample time to produce the documents and the non-use issue and cancelation was appealed to the ABCC and the ABCC had a hearing scheduled for October 19th and Mr. Miller letter withdrawing as counsel requested that hearing be continued and the ABCC granted and said this Board has followed every requirement to cancel the license and doesn't see any argument for appeal and the withdrawal of counsel in the 11th hour makes you think. Vice Chair said the Board's intent is to have the license used to benefit the community and asked Lt. Giorgetti if he had comment.

Lt. Ronald Giorgetti, Saugus Police, was present said when he filed 1st letter of demand the majority of documents were provided but there was some outstanding and he sent a 2nd letter of demand and as of today has yet to receive documents outstanding from initial demand and 2nd demand. Vice Chair asked if it was fair to say this is a stall or something he is not unfoamiliar

Saugus Board of Selectmen
October 25, 2011

with. Lt. said this has happened in the past and he may possibly request another hearing. Vice Chair said he suggests they have given reasonable time to produce documents and not showing up or having any representation here this evening he suggests counsel send a letter with strong language that this will be taken up on November 2nd and strongly urge them be present. Mr. Serino agreed that would be the best course of action.

Mr. Serino moved to continue the hearing to November 2, 2011 at 7:00 PM. Vice Chair seconds. Vote: 3-0.

Invited Guests: Miss Madison Slane

Madison Slane was present and read a statement explaining her Girl Scout service project of raising funds and the purchase of a stab-proof bullet-proof vest for Canine Bruin. Lt. Ronald Giorgetti was also present and thanked her on behalf of the Saugus Police Department. Officer Timothy Fawcett was also present with Canine Bruin and thanked Ms. Slane, her family, the Town Manager, Police Chief, Mr. Wong, his wife and family and Kathy Hinds from Vest-a-Dog Program. The Chair read citation and the Board presented and congratulated her. Mr. Wong read citation from State House and presented it. Kathy Hinds, President of Vest-a-Dog was present and presented Miss Slane with a plaque. The Chair said the Town of Saugus is proud of her and thanked her. Mr. Horlick said it's the high point of being a Selectman when they can recognize citizens for going above and beyond. Mr. Crabtree thanked her and her family and said she has a bright future. Mr. Serino also congratulated and thanked her and said she is an extraordinary young lady and an asset to the community.

Approval of minutes: September 19, 2011 & October 4, 2011

Mr. Horlick moved to approve the 9/19/11 minutes. Chair seconds. Vote: 4-0.

Mr. Serino moved to approve the 10/4/11 minutes. Chair seconds. Vote: 4-0.

Mr. Wong excused himself from the table and Vice Chair Crabtree took the Chair.

Continued hearings: Twitters show cause from 4/5/11 & 7/12/11 TO: 10/25/11

Notice is hereby given that the Saugus Board of Selectmen will conduct a "Show Cause" Hearing for the purpose of the possible suspension, revocation and / or cancellation of the All Alcoholic Common Victualer's License and Entertainment License of Twitters Bar & Grille, LLC, 1201 Broadway, Square One Mall, for violation of laws, rules, and regulations and condition of license for failure to exercise the license and failure to notify the licensing Board.

John Carlino, 21 Pinetree Drive, Malden was present. Vice Chair asked his position. Mr. Carlino said manager. Vice Chair said the Board did vote to transfer the license and are awaiting ABCC approval and can dispose of the hearing at that time.

Mr. Horlick moved to continue the hearing to November 29. Vice Chair seconds. Vote: 3-0.

Continued Hearings: Bistro One from 9/20/11; 10/04/11 TO: 10/25/11.

Roma Restaurant Group, LLC d/b/a Bistro One, 114 Broadway, for transfer of All Alcoholic Common Victualer's License; and Entertainment License FROM: PAM, Inc. d/b/a LAVO Ristorante, 114 Broadway. Application is also being made for change of manager TO: Anthony Oliviero; and application for alteration of premises; and application for Pledge of the All Alcoholic Common Victualer's License; and for Pledge of inventory.

Attorney Bill Gardiner, 40 Broad St., Boston was present. Vice Chair noted Special Counsel Ira Zaleznik was present and asked for update. Special Counsel said the bankruptcy judge concluded the hearing and the Board is free to conduct / conclude disciplinary hearing on

Saugus Board of Selectmen
October 25, 2011

PAM, Inc. and said Jordan Shapiro was present representing the investors, North 5 Development and have agreed to be here and answer questions to put the matter to rest and said he contacted counsel for PAM, Inc. and they have disclaimed any interest in this hearing and only represent in bankruptcy and did notify all principals of PAM, Inc. and suggested the Board proceed to get clarifications and said they do have a pending application for transfer to Bistro One and noted Attorney Jeff Loeb was present representing the landlords. Vice Chair said to summarize the motion was for clarification on taxes & money owed the Town and the pending court action regarding appeals and also pending lawsuit with investors and other issue the Board's concern of possible improper investors without notifying the Board or seeking approval. Special Counsel said regarding the lawsuits there's no final word and sees no reason why they would not be dismissed, the bankruptcy trustee will abandon claim. But would depend on a ruling of the court and said there may not be any money at all if the transaction doesn't go through. Vice Chair said certain claims the Town involved with and said his primary concern is there are 2 and possibly 3 individuals that took an interest without prior approval and are investigating the matter and want findings documented and said by not having record in 3-5 years the individuals could seek interest in a license. Atty. Shapiro was present with his clients Joseph Mazzochia and Joshua Spitaleri and passed out copy of Mazzochia affidavit and explained and had copy of checks and said it was a deposit on a P&S agreement and what was supposed to happen did not happen and said PAM, Inc. took the money and spent it and said his clients were not running the business. Vice Chair asked if Frank Amato is his client or PAM, Inc. Atty. Shapiro said he represents the investors. Vice Chair said there were reports that Amato was locking up and opening operation and said when the renovations were being done he represented himself to police that he was running it and wants to understand how some kind of transfer of authority or consideration happens without the Board or ABCC approval happens. Atty. Shapiro said they never closed. Vice Chair said they used the money for operating costs and his clients represented they were running the place and he has issues with it. Atty. Shapiro said they deny the allegations. Vice Chair said money was spent. Atty. Shapiro agreed appearances are there but it was represented that PAM was being shut down for non-payment of taxes and were deep in debt so it was obvious they wouldn't be able to transfer quickly. Vice Chair asked who has an ownership interest in North 5. Joseph Mazzochia, 5 Dolan Dr., Milton was present and said he is a managing member. Vice Chair asked who the shareholders are. Mr. Mazzochia said himself and Frank Amato. Special Counsel asked if the name is North 5 Development & Construction. Mr. Mazzochia said yes and said there are 2 different LLC's. Special Counsel asked if they were involved in renovations of LAVO. Mr. Mazzochia said yes. Special Counsel asked they claim to have done \$50,000 in renovations. Mr. Mazzochia said they only paid half. Special Counsel asked if it was fair to say the purpose of renovations was to change from restaurant to more mixed restaurant nightclub. Mr. Mazzochia said he only did renovations. Special Counsel asked if he made a new DJ booth. Mr. Mazzochia said yes and said no structural work and believes it was the same. Vice Chair asked about electrical work and wall removed and new bar installed. Mr. Mazzochia said there was electrical work and the wall was not a structural wall and they built a buffet on wheels. Special Counsel asked as a result of renovations if there was an area for dancing. Mr. Mazzochia said yes, before and after renovations and said he believed it was the same size. Vice Chair suggested they table for time to get information. Mr. Horlick requested copy on Sec. of State website also.

Saugus Board of Selectmen
October 25, 2011

Mr. Horlick moved recess. Vice Chair seconds. Vote: 3-0.

Meeting recessed at 8:16pm.

Vice Chair called the meeting back to order at 8:35pm.

Mr. Horlick moved to take up public hearings at this time. Vice Chair seconds. Vote: 3-0.

Mr. Wong returned to the table and resumed the Chair.

7:45 Roller World, Inc., 425 Rear Broadway, for modification of License for coin operated devices by allowing eight additional coin operated devices.

Attorney Al Farese was present with owner Jerry Breen and explained they have license for 10 and would like to add 8 more for a total of 18 coin operated devices. Mr. Horlick said a list of games with approval numbers was submitted. Mr. Serino asked where they would be located. Mr. Breen said in the old racquetball club area.

Any comments? None.

Mr. Horlick moved to close the hearing. Chair seconds. Vote: 4-0.

Mr. Horlick moved to grant the modification by allowing 8 additional coin operated devices with a total of 18. Chair seconds. Vote: 4-0.

7:55 McKay Construction Services, Inc., for Special Permit (S-2) to allow a contractor's yard at 0 Rear Pennsylvania Avenue.

Attorney Richard Magnan was present and said based on comments submitted by the Building Inspector and Board of Health and Conservation meeting scheduled for tomorrow he would rather introduce testimony at a later hearing date and requested the Board continue the hearing. Mr. Horlick said this piece of property has had several issues and would like a site visit.

Mr. Serino moved to continue the hearing to November 15. Chair seconds. Vote: 4-0.

8:05 T & C Restaurant, Inc., 467 Essex Street, for transfer of Common Victualer's License from Yeung De Wong d/b/a Xing Long Chinese Restaurant.

Thomas Xie was present. Mr. Horlick asked hours of operation. Mr. Xie said Monday – Thursday 11am to 10pm, Friday & Saturday 11am to 11pm and Sunday 12 noon to 10pm. Mr. Serino said the current license has 7 days a week 11am to 11pm and may be better to grant that and if he wants to close earlier he may.

Any comments? None.

Mr. Serino moved to close the hearing. Chair seconds. Vote: 4-0.

Mr. Serino moved to grant transfer of Common Victualer's License with the same conditions: hours of operation 11am to 11pm 7 days a week; and total of eight seats. Mr. Horlick added: recommendation of depts. Chair seconds. Vote: 4-0.

Correspondence

1.) Saugus Veterans' Council re: request for Parade Permit on Veterans' Day & invitation.

Mr. Horlick moved to accept the invitation and grant Parade Permit. Chair seconds. Vote: 4-0.

2.) Mr. Littlefield re: request for reappointment as Alternate Member of the Zoning Board of Appeals.

Mr. Serino moved to reappoint Keith Littlefield as Alternate Member on the Zoning Board of Appeals. Chair seconds. Vote: 4-0.

3.) Saugus VFW re: Annual Buddy Poppy Drive November 11 through 13, 2011.

Mr. Horlick moved to grant request. Chair seconds. Vote: 4-0.

4.) Ocean State Job Lot re: request for 1 day Extended Hours of Operation Permit, 11/25.

Saugus Board of Selectmen
October 25, 2011

Jerry Ballard, general manager was present and explained "Black Friday" event.

Mr. Serino moved to grant the request. Chair seconds. Vote: 4-0.

5.) Town Clerk re: proposed changes in election laws.

Mr. Serino moved to refer the correspondence to the Town Clerk and request input / recommendation on the legislation. Chair seconds. Vote: 4-0.

6.) Mr. Prestone re: request for reappointment as constable.

Dana Prestone, Salem St., Revere was present. Mr. Serino asked if fees have been paid. Mr. Prestone said he has never served in Saugus yet.

Mr. Serino moved to reappoint Dana Prestone as constable. Chair seconds. Vote: 4-0.

7.) Proposed Saugus Turbine By-Law to be inserted in next Special Town Meeting Warrant.

Joanne Vannah, Alternative Energy Committee was present.

Mr. Serino moved to insert the Article into the next Special Town Meeting Warrant.

Chair seconds. Vote: 4-0.

8.) Reports re: establishments licensed by the Board and request hearings be scheduled.

Mr. Serino moved the Board vote to schedule a show cause hearing on November 29, 2011 on all establishments licensed by the Board of Selectmen that are twelve months or more in arrears on any taxes or fees owed the Town. Chair seconds. Vote: 4-0.

Mr. Wong excused himself from the table and Vice Chair Crabtree took the Chair.

Mr. Horlick moved to take the hearing off the table. Vice Chair seconds. Vote: 3-0.

Continued Hearings: Bistro One from 9/20/11; 10/04/11 TO: 10/25/11.

Attorney Shapiro explained his clients, Mr. Mazzochia and Mr. Spitaleri may be partners in North 5 with Mr. Amato, but there was no intent in this business to have Mr. Amato as an investor or share holder. Vice Chair swore in those to testify. Special Counsel said he would like to hear Lt. Giorgetti and asked if he conducted an investigation regarding the renovations. Lt. Ron Giorgetti, Saugus Police was present and said he did. Special Counsel asked when. Lt. said regarding the ownership investigation he sent demand letter and did receive response and sent a 2nd demand for additional information. Special Counsel asked if he went their prior to demand. Lt. said yes and he spoke with Paul Cucinatti, Michael Reppucci, Chris Rossi and Frank Amato. Special Counsel asked what role Frank Amato appeared to have. Lt. said he assisted him with contacting principal owners. Special Counsel asked if Frank Amato was able to provide answers to his questions. Lt. said yes. Special Counsel asked if he looked into corporate interest. Lt. said he did and sent additional demand and still have not provided documents requested in demand letter. Vice Chair asked if Joseph Mazzochia was same part owner of liquor establishment at Godfried's Plaza with Frank Amato. Lt. said documents indicated Frank Amato and Joseph Mazzochia were partners in North 5 & Dolce. Special Counsel asked if he saw any advertisement for the restaurant that named the owner. Lt. said there was a website for the establishment that was opened by Frank Amato in May 2010. Special Counsel said the demand was after. Lt. said yes. Special Counsel asked what he observed when he visited regarding renovations. Lt. said relocation of sound system, new DJ booth, rear bar change, some seating, painting, televisions. Special Counsel asked if changes were in operation plan. Lt. said as a result of the investigation he found no plan on file with the Board and that permits were not pulled and asked for financial documents. Special Counsel asked if he received them and his conclusion. Lt. said he did receive them but had additional questions on deposits and written explanation but did not receive a response and they filed for bankruptcy and that suspended the investigation. Special Counsel

Saugus Board of Selectmen
October 25, 2011

asked if there were any complaints regarding the facility. Lt. said yes noise complaints. Vice Chair asked about representation of ownership. Lt. said but doesn't have the documents with him. Vice Chair asked if he felt comfortable to testify on general information. Special Counsel asked what he remembers. Lt. said he was requested to conduct an investigation of the licensed establishment regarding complaints on the noise levels and believes in the majority of reports the officer spoke with Frank Amato or Chris Rossi. Vice Chair asked if he recalls observing Frank Amato closing the business. Lt. said yes he did personally observe him close and when asked he was told he was just doing a favor. Mr. Horlick asked if there was an incident that was reported Mr. Amato there when the business was closed. Lt. said he believes there was but doesn't have the report. Mr. Horlick asked if it was unusual for a patron to have a key. Lt. said highly unusual. Mr. Horlick said there was document of campaign donation listing Frank Amato as owner of LAVO. Lt. said both Amato & Mazzochia were listed on that campaign donation report as owners of LAVO. Mr. Horlick asked if that was an offence. Lt. said he couldn't speak to that, but was his understanding it was information provided by people that make the donation. Vice Chair asked during the investigation in the fall of 2010 if he was aware of the documents at that time. Lt. said no. Atty. Shapiro said the Lt. spoke with Mr. Amato and others and asked if the owners answered his questions. Lt. said yes, but then he learned about the website indicating ownership had changed. Atty. Shapiro asked when he investigated the renovations at PAM is when he noticed business changes. Lt. said correct. Atty. Shapiro asked regarding the campaign contribution if the person that received the donation changed the forms. Lt. said he made a request and received no response. Mr. Horlick said at another show cause hearing there were deposits in question. Atty. Shapiro explained the checks deposited were down payment. Vice Chair said the drawer PAM to and from PAM and noted a check from Spitaleri endorsed by Spitaleri, a check from Amato to Mazzochia, and another check to Mazzochia with memo "Deposit Zaza Restaurant", and a check from Spitaleri to PAM, Inc. Atty. Shapiro explained the deposits. Vice Chair asked if any other investors. Mr. Spitaleri said only he and Mazzocchia and said they wanted to come to the Board but they held them back. Vice Chair asked why they held them back. Mr. Spitaleri said word / rumor of Frank Amato involvement. Vice Chair asked if he was involved. Mr. Spitaleri said it's his belief he was only helping out. Vice Chair said they entered into a P&S for \$75,000 but can't produce \$15,000. Atty. Shapiro said they only had a few days to research. Vice Chair asked if they filed that information / documentation with the bankruptcy court. Atty. Shapiro said they filed the P&S and didn't need the checks. Mr. Horlick said businessmen should be more organized. Atty. Shapiro said all original information / documents were given to Atty. Frank Russell. Vice Chair asked Lt. if he recalled if they produced documents on bank accounts. Lt. said he recalls that documents were provided and there were two accounts at two different banks. Vice Chair asked if the second account was opened around the time of the P&S.

Mr. Horlick moved recess. Vice Chair seconds. Vote: 3-0.

Meeting recessed at 9:41pm.

Vice Chair called the meeting back to order at 9:50pm.

Vice Chair asked if he questioned the account. Lt. said the 2nd account was opened April 2010 and May deposits of \$55,000 and as of June 3, 2010 total of \$72,000. Vice Chair said you could conclude that around the time of the P&S a brand new bank account was opened as PAM, Inc. and asked the reason. Lt. said they did not give an explanation at that time. Mr. Horlick said in

Saugus Board of Selectmen
October 25, 2011

the affidavit it references \$53,000. Atty. Shapiro said the balance of work done at the location. Mr. Horlick said North 5 Development LLC has Frank Amato listed as real property. Atty. Shapiro said that means he can sign deeds. Mr. Horlick asked the address of LAVA. Their clerk said 114 Broadway. Vice Chair asked where 168 Broadway is. Their clerk said Godfried's Plaza, old Tabu location. Special Counsel said there are two: North 5 Development & Construction, LLC and North Five, LLC and said North 5 Dev. Filed proof of claim indicating money owed for work and labor and account April / May 2010 and shows on May 20 a payment to PAM, Inc. \$72,000 purchase loan and indicates on May 20 it went from 1 PAM Inc. account to another. Atty. Shapiro said yes. Vice Chair asked who Atty. Russell represents. Atty. Shapiro said Spitaleri & Mazzochia. Special Counsel said a stock purchase agreement which was risky and stuck with the liability and said there isn't any way to conclusively answer questions almost a year old. Vice Chair said that was a reason why he wanted to move forward last spring but feels they can infer and conclude certain things. Special Counsel said based on the evidence presented it should have been presented for approval and were prevented from so they understood the rules and you're not allowed to have undisclosed interest in liquor licenses in the state of Massachusetts and said he believes the Board can make findings grounded in fact not speculation and encouraged the Board to do so noting the pending transfer. Atty. Shapiro said the bankruptcy judge expressed that the creditors could be affected if the transfer application isn't approved and said if the applicant is suitable she would like to see an innocent person not hold against a 3rd party. Vice Chair said the Board is here to protect the interest of the Town of Saugus.

Any from the public to speak? None.

Mr. Serino moved to close the record. Vice Chair seconds. Vote: 3-0.

Mr. Serino said it is clear ownership was trying to be withheld from the Board. Special Counsel said the Board has the ability to issue findings and conclude action and in the past the Board has authorized him to draft. Vice Chair said they have the ability to revoke the license and rescind the vote for transfer. Special Counsel said for the purpose of having record. Mr. Serino said the purpose of revoking is to have a record so people that want to hold a license could not if they were not in good standing. Vice Chair said the Board has discussed the purpose of the hearing to have a record on individuals that are in violation by having an undisclosed interest and that is what the Board is trying to prevent and will have record and basis to deny any future request for interest in or manager of a license. Mr. Horlick said in the past 3 years issues have had individuals come back like at Orchid and this is the way to go, like Jin, Tabu and said in his opinion having a record of individuals that violate rules will help determine if those individuals should be involved. Vice Chair said based on the evidence and testimony and documents, there was an ownership interest by North 5, Joseph Mazzochia and Joshua Spitaleri as well as Frank Amato and said the checks, accounts, website and Amato was there at the establishment and he has an interest in the LLC, money was exchanged and used for operation of the establishment and the Board didn't find out about the P&S, actually it was represented here that there was no ownership undisclosed and said there was an asserted effort to deceive the Board and information was withheld.

Mr. Horlick moved to authorize Special Counsel to draft findings for the Board to adopt at the Nov. 2 meeting. Special Counsel said he senses the Board feels the violations would be worthy of revocation. Vice Chair said he would include that in the findings. Vice Chair seconds the motion. Vote: 3-0.

Saugus Board of Selectmen
October 25, 2011

Continued Hearings: Bistro One from 9/20/11; 10/04/11 TO: 10/25/11.

Roma Restaurant Group, LLC d/b/a Bistro One, 114 Broadway, for transfer of All Alcoholic Common Victualer's License; and Entertainment License FROM: PAM, Inc. d/b/a LAVO Ristorante, 114 Broadway. Application is also being made for change of manager TO: Anthony Oliviero; and application for alteration of premises; and application for Pledge of the All Alcoholic Common Victualer's License; and for Pledge of inventory.

Atty. Gardiner said this is the third time they have been here and outlined the application and business plan at first meeting with the Board and said he would like to have the patio reinstated and asked if they had any questions. Vice Chair said any renovations need approval of the Board. Atty. Jeff Loeb, 176 Federal St., Boston was present representing the landlords, Luongo Family, said he understands the Town concern for money lost and noted his client hasn't been paid rent since last June and said they are loaning money to satisfy the bankruptcy trustee out of the transaction \$60,000 and in order to fund this, the transfer must go through and asked the pledge be approved and his clients are willing to reduce the pledge to 1 year.

Any in favor or in opposition? None.

Mr. Serino moved to close the hearing. Vice Chair seconds. Vote: 3-0.

Mr. Serino moved to grant the All Alcoholic Common Victualer's License and Entertainment License with the following conditions: capacity 170; seating 147; closing time 1AM; grant change of manager to Anthony Oliviero; and grant pledge. Vice Chair seconds. Mr. Horlick said he's willing to take a chance with this. Vice Chair said he has serious concern going down a path they have never practiced and it's a slippery road to allow a pledge to a non-financial institution and is willing to support the transfer, but the pledge would put the Town at a disadvantage and open the door in the wrong direction. Special Counsel said as clarification the revocation of the patio was for alcohol only, not food and asked if their intention was for alcohol as well. Atty. Gardiner said yes. Vice Chair asked they consider the pledge and said he is really concerned with it. Atty. Loeb said as it relates to the landlord, they are not in the business and if there were to be changes it would come back to the Board for approval and said his clients just want to get paid. Vice Chair said he understands but they are asking the Town to get involved and now his client has an interest in the license. Mr. Serino said he is willing to withdraw pledge approval.

Mr. Horlick moved recess. Vice Chair seconds. Vote: 3-0.

Meeting recessed at 10:59PM.

Vice Chair called the meeting back to order at 11:13PM.

Atty. Loeb said he consulted with his clients and they are amicable to waive the pledge. Vice Chair thanked them.

Mr. Serino moved approval of transfer of All Alcoholic Common Victualer's and Entertainment License with following conditions: seating 147 including 20 seats on the patio; patio hours of operation 12 midnight & serve alcohol until 11:30pm; change of manager to Anthony Oliviero; Alcohol may be served until 12:30am and close at 1AM; 170 capacity; seating 147 including 20 on patio. Mr. Crabtree added with no objection: contingent on release of civil actions. Vice Chair seconds. Vote: 3-0.

Mr. Wong returned to the table and resumed the Chair.

Manager's Report

Saugus Board of Selectmen
October 25, 2011

- passed out and explained grant application for brownsfields community wide assessment and said he would like a letter of support from the Board.

Mr. Serino moved to issue a letter of support. Chair seconds. Vote: 4-0.

- said he submitted response regarding 43 Jackson Street.

Mr. Horlick thanked him and said they finally have what they need.

- said there has been a series of thefts of manhole covers and catch basin covers and they are expensive to replace and dangerous if open and asked the public to be aware.

- said he submitted Articles for Special Town Meeting.

Mr. Serino asked if MWRA sewer was for FY12 or FY13. The Manager said FY13. Mr. Serino asked if final phase. The Manager said they have several years to go. Mr. Horlick asked about vehicle and if we purchase from in Town. The Manager said it's an open competitive bid, public bidding process. Vice Chair asked about snow & ice that Mr. Horlick raised and said he is willing to support it. The Manager commented that the deficit was paid in FY11 and covered under the special assessment and this year we only appropriated \$600,000 and ask funding be put aside for this fiscal year and deducing the assessment doesn't serve a purpose and will be pushing a problem to next year. Mr. Horlick said this won't be the last time we go back to the people for more money. The Manager said it would be best to put it in stabilization account, if it's the wish of the Board he will carry it out, and said there will be a deficit and was looking to minimize it. Mr. Horlick said if we have a surplus like sewer we don't raise the rate.

Mr. Horlick moved to take \$100,000 off the initial special assessment for snow & ice deficit. Chair seconds. Mr. Serino asked for clarification. Mr. Crabtree said it's a policy motion. The Chair said the people voted for the assessment and asked you are now asking to put it back. Vote: 3-0 with 1 abstention by Mr. Wong.

Mr. Serino moved to insert the Articles into the Special Town Meeting Warrant and to close the Special Town Meeting Warrant. Chair seconds. Vote: 4-0.

Member's Motions

Mr. Crabtree: Thanked the Manager for addressing the pole issue.

Mr. Serino: Nothing this evening.

Mr. Horlick: Thanked the Manager & Board of Health for the flu clinic.

- Asked the Manager to look into Hamilton Street hydroseeding because it looks spotty and asked if he could get the final cost for next meeting.

The Chair thanked Madison Slane for raising money and said this might be his last meeting as Chair and thanked the voters for the opportunity to serve and said when he was elected State Rep. he promised to serve out his term as Selectman and will be full time Rep. and wished candidates the best of luck and announced a unity party will be held as he did 2 years ago because we all need to work together. Mr. Serino said its been a pleasure working with him and wished him luck. Mr. Crabtree thanked him.

Citizen's forum: None.

Mr. Horlick moved to adjourn. Chair seconds. Vote: 4-0. Meeting adjourned at 11:51PM.

Respectfully Submitted,

Wendy Reed, Clerk