

Saugus Board of Selectmen
October 30, 2009

The Saugus Board of Selectmen met on October 30, 2009 at 7:0 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 Board held a moment of silence for Clayton Trefry.

The Chairman said the Board received information that Ms. Emma Matthews Forward will be celebrating her 99th birthday on October 31.

Mr. Rossetti moved the Board issue citation. Chair seconds. Vote: 5-0.

The Chair excused himself from the table. Vice Chair Castinetti took the Chair.

7:00 PM public hearing to amend the Town's Liquor Rules & Regulations 1.05 HOURS OF OPERATION for consideration of "roll back" to 1:00AM closing time; and for consideration of amending the Town's Liquor Rules & Regulations by amending section 1.12 to include a new section "Guidelines for Progressive Discipline, or any other action thereto.

7:30 PM public hearing to amend the Town's Entertainment Rules & Regulations 1.05 HOURS OF OPERATION for consideration of "roll back" to 1:00AM closing time; and for consideration of amending the Town's Entertainment Rules & Regulations by amending section 1.12 to include a new section "Guidelines for Progressive Discipline, or any other action thereto.

The Vice Chair explained the Board received letter from Special Counsel and read and said Special Counsel was unable to attend and requested additional time to research some issues including a pending lawsuit and how any action of the Board may effect it and said as a result the hearings will be postponed until they have the information they need and the Board will not be taking any testimony so they do not prejudice their decision and the hearings will be rescheduled.

The Vice Chair gave update regarding JIN and said the ABCC has suspended their License for 30 days, until November 29 and cannot pay a fine in lieu of.

The Chair said the Board received report with list of establishments that are 12 months or more in arrears. The Board discussed show cause date. Mr. Kelleher said they should let the next Board decide after the election.

The Vice Chair said the Board received request from the Police for temporary barriers at Main St. & Essex St. overpass for the holidays.

Mr. Rossetti moved to approve the request. Vice Chair seconds. Vote: 4-0.

Mr. Horlick said they should allow people to speak. Vice Chair said upon advice of Counsel they should not. Mr. Horlick asked why. The Vice Chair said he does not want to prejudice the hearing. Mr. Horlick said the Board allowed it in the past and asked why different now. Mr. Castinetti said upon request of Special Counsel and Town Counsel and said there is too much at stake to prejudice the hearing. Mr. Horlick said if people want to speak they should be allowed to and asked if they will vote to continue it.

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Vice Chair said he has called for continuance. Mr. Horlick said he read the letter and the law states the Licensing Authority sets hours and it doesn't make sense and would like the Board to vote to continue the hearing. Mr. Rossetti said Special Counsel is paid to give advice and attorneys tend to be cautious. Mr. Horlick said he knows the Board uses him a lot, but he personally feels the Board has authority and he would feel better with a motion to continue. Mr. Kelleher said he had conversation with Town Counsel and he knows people present want to speak, but Town Counsel insisted that it might prejudice the hearing and said the issue will be heard. Mr. Castinetti said it is an emotional issue and asked they put emotion aside and look at what might happen and said he doesn't think anyone in the room wants to put the Town in jeopardy. Mr. Kelleher said he sees experienced people present and doesn't think anything wrong with them speaking. Mr. Rossetti said he's going down a slippery slope and cautioned and said the reason behind this there will be nothing happening there for 30 days and think it's a mistake. Mr. Castinetti asked they please don't speak on the hearing.

Maureen Dever, TMMP3, said she read the opinion and has 2 questions, and asked this is a posted advertised public hearing and they are not allowing anyone to speak and asked regarding the million dollar lawsuit that to the best of her knowledge they have not amended the suit since 2003. Vice Chair said he doesn't know. Mr. Rossetti said law suits can be amended and can have an effect.

Mr. Horlick moved the Board allow public to speak. Vice Chair seconds. The Vice Chair said he will not support the motion out of respect of Counsel's opinion and said they need to be sure we protect the Town. Mr. Horlick said the lawsuit is from 2003 and nothing to do with this. Mr. Kelleher said Town Counsel called him and stressed the importance of not prejudicing the hearing. Mr. Rossetti said the Board received clear direction from counsel. Mr. Horlick withdrew his motion.

Peter Manoogian TMMP10, said he is sensitive to the situation, but Roller World doesn't have a liquor license and said the other action is under Chapter 140 and they are separate matters. The Vice Chair said their attorney is telling them not to go forward at this time and he has postponed the hearings and he asked their clerk to contact Ms. Leuci and Board Members to be aware and said many didn't come and it would be unfair to go into it. Mr. Manoogian said he is mixing the two issues and they are separate issues and said he wished Town Counsel was here. The Vice Chair said the feeling was to have this as soon as possible and scheduled 10/30 and tried to get it accomplished tonight.

Janet Leuci, TMMP4, said on behalf of the Town Meeting Members and residents that signed the petition and read. The Vice Chair said they will continue to pursue it.

Mr. Horlick moved to continue the hearing tonight on the alcohol. Vice Chair seconds. Vote: 2-2 with Mr. Castinetti and Mr. Rossetti voting in opposition. Motion does not pass.

Mr. Kelleher said he read the letter and had questions for legal counsel and that's why he called Town Counsel and he questioned why their attorney brings this up now and was told he learned on Monday and said he will vote again because not because he doesn't want to go forward, but because he was a member of the board that rolled back their hours after public outcry and is concerned with legal opinion but can't support the motion at this time. Mr. Horlick said they are clearly separate issues. The Vice Chair said they are all good questions for the attorney. Vote: 1-3 with Mr. Kelleher, Mr. Rossetti and Mr. Castinetti voting in opposition.

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Mr. Rossetti asked about the JIN suspension and asked if they are closed. The Vice Chair said he has not seen the order yet, but they should be closed. Mr. Horlick said they should be closed.

Mr. Rossetti moved to adjourn. Vice Chair seconds. Vote: 4-0.
Meeting adjourned at 7:42 PM.
Respectfully submitted,
Wendy Reed, Clerk