

Saugus Board of Selectmen
December 16, 2009

The Saugus Board of Selectmen met on December 16, 2009 at 7:00 PM in the Town Hall auditorium, 298 Central Street. Present were: Selectmen Scott Crabtree, Stephen Horlick, Michael Kelleher, Michael Serino and the Chairman Donald Wong.

The Chair said the Manager was not present due to personal business and noted Special Counsel Ira Zaleznik was present and excused himself from the table and Vice Chair Crabtree took the Chair.

Vice Chair said he would like to combine the two hearings because the discussion will overlap and read:

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. This hearing is being held under MGL c.138 and the Town of Saugus Liquor Rules & Regulations.

7:05PM 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.

Vice Chair opened the floor for comments.

Fred Balboni Jr., 16 Clark Rd., Peabody, public relations group and representative for 13 Yards to Victory and introduced the band.

David Rossi, 22 Jasper Street, said Kowloon has been good to Saugus and should not have to close early.

Mr. Balboni explained the band found out about the meeting and wanted to come and understands the hearing is not specifically about Kowloon, but it is a fine business and believe businesses shouldn't be penalized for 2 businesses.

Vice Chair said he would like to accommodate speakers and asked they alternate comments in favor and in opposition.

Bill Kramich, 12 Emory Street, for the rollback and said other Towns have 1AM closing. Vice Chair asked about entertainment. Mr. Kramich said only on liquor.

Robert Masiero, 323 Central Street, said Kowloon has been here 59 years and they run a fine business and no benefit to our Town for the Board to take action against those establishments open after midnight and said asked they allow establishments to be open until 2AM.

Bob Davis, 8 Holden Avenue, said we are talking about public safety and said it is the Board's responsibility, we elected you to look out for their rights and safety and said offered a compromise to serve alcohol until 1AM and food until 2AM.

Peter Rossetti Jr., 6 Summit Ave., not in favor, and said you can't separate food & alcohol and noted incidents don't necessarily occur after, some occurred before 11PM and said it would be difficult for police to have closing time at a shift change and said 2 establishments are a problem and there's a process to controlling them and shouldn't penalize all.

Mr. Serino asked Special Counsel to clarify the separation of food & alcohol. Special Counsel said he thinks the Board has it within their power to have different times

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for Common Victualer's and Liquor Licenses and may be concern for enforcement. Mr. Kelleher asked if he knew of anywhere it occurs today. Special Counsel said he is not aware of any.

Vice Chair said he was presented a letter from a Town Meeting Member unable to attend and will read letters at the end for the record.

Janet Leuci, 35 Wilbur Ave., said she gave the Board a petition requesting a rollback signed by 41 Town Meeting Members and 626 residents and she did meet with the Wongs to discuss a compromise and their major concern was food not liquor or entertainment and the Board can separate and proposed food until 2AM and passed out a packet of information and read hours of other communities and only 4 licensees stay open, others have the ability and sited other communities results of rollback with reduction of 911 calls and read e-mail from Lynn Police Chief and said some thought the meals tax increase would put people out of business and has not and read some comments from Revere Police Chief and said history has shown that when a problem is eliminated the problem moves place to place and the only way to eliminate it is to treat all the same and talked of Statewide rollback and the Saugus Clergy Association supports 1AM closing, MADD supports and read portion of letter from Saugus Police Chief and said there is a public need for a rollback, endangering our citizens, violence, noise and a drain on our police resources and a rollback would help improve the reputation of the Town and said the Board must balance private interest and public interest.

Arthur Allen, POBOX, Byfield, customer of Kowloon and former Commissioner of Domestic Violence, owner of security company, said many times police on detail at Kowloon are called to other places and they have 7 paid details and Kowloon will suffer because of misinformation and said its not a drinking place and why punish them.

Laurie Campanile, 9 Tuttle Lane, said she spoke to the Board about Jin and wants a rollback for the Town.

Rick Smith, 91 Hamilton Street, asked they stop making it personal on this hearing and asked how much taxpayers paid in legal fees in 2009. Mr. Serino said he asked for that information, \$50,000, but that's all legal fees. Mr. Smith said he is in favor of a rollback and it saddens the taxpayers to spend so much money to defend the Town and compare to other Towns and agreed there are establishments with no problems, but its not about them, and said the Town is at risk with shootings, stabbings, etc. and we must honor and protect our citizens and said he understands there are good establishments in Town and thinks 2AM for food is a good idea and appreciates the action of the Board regarding Jin and all he cares about is Saugus and is sad to spend money on legal fees instead of other issues.

George Moriello, 6 Cliftdale Ave., TMMP6, and owner of the oldest business in Town, said anything they do that hurts a business is wrong and said he has been here for years and there are a couple of places causing problems and said the petition was in response to a problem, but should leave others alone and is here tonight to talk about establishments that deserve a rollback, do that, but leave the others alone.

Trish Johnson, 18 Cedar Glen Circle, said she signed the petition and has been back and forth on it and right now she is opposed and thanked Ms. Leuci for all her work, but don't feel it's the right thing to do and believe the Board can handle those that are a problem.

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Marg Strong, 141 Essex Street, in favor said the reputation of Saugus is deplorable and said they should do it for the safety of the people and police officers.

Steve Castinetti, 3 Laura Lee Circle, said he has prepared comments and said sitting on hearings on Jin and Tabu with shootings and stabbings, etc. said that Jin is gone for good and asked the Board not to entertain a rollback because it amounts to punishment and said Jin is out of business and that's a huge step that gave rise to this movement and other places have done nothing wrong but because of 2 that can't control their clientele and said he sat on the Board and entertainment is what causes problems and said the past 2 years the economy has effected businesses, water rates were raised, meals tax and adoption of local option meals tax, commercial is taxed at 175% of residential rate, trash removal, snow removal, they subsidize services they don't use and said some information given was not accurate stating Rte. 1 Lynnfield establishment open after 1AM and that Malden adopted by they have grandfathered existing, and said he was on the Board when neighbors of Jin and Tabu came and said a rollback wont solve the problems and said incidents occur at locations with no alcohol and before midnight and doesn't support rollback and said they should punish the offenders and patronize the rest.

Bob Cox, 5 Byfield Rd., TMMP4, lifelong resident, said he lives near Rte. 1 and there are late night issues and concern and said they are talking about 4 businesses rolling back 1 hour and said the revenue loss vs. public safety and the cost of responding to problems and said they need to establish conformity with those that have a 2AM license because there is nothing the Town can do to stop them and could cause problems and would like 12:30 and food until 2AM, profit of 4 over safety of 30,000 and said how long to close a place down and said the State closed Jin not the Board. Vice Chair noted the Police Chief brought that investigation on.

Ron Surabian, 57 Essex Street, said he doesn't remember problem establishments until recently and asked they not do a blanket rollback.

Ann Devlin, TMMP1, 36 Pleasant At., said 600 signatures are on a petition and when gathering signatures she did not talk to 1 person who was against and said this is not about Kowloon but problems that can turn up and there is no reason why they went in the future and looks to the Board to do the right thing.

Pat Derrigo, 11 Highland Ave., said its unfair and agrees with Mr. Castinetti.

Peter Maher, 11 Holden Ave., said he used to drink and drive and used to seek out establishments open. Vice Chair asked if in favor of liquor or entertainment. Mr. Maher said in favor of rollback of alcohol.

Ed Palladino, 19 Overlea Ave., said in this fiscal climate we're in what will happen to establishments if they rollback effecting employees and with local aid shrinking and tax revenue shrinking and think singling out 4 establishments to take care of 2 bad ones is wrong and said public safety will always be an issue on Rte.1 no matter 1AM or 2AM.

Al DiNardo, 199 Essex St., reminded the Board they supported the meals tax because of the outcry for police and about the overall image of the Town and was asked to a meeting with the Wongs and does feel Kowloon is doing what they are asked to. Vice Chair said this hearing is not about Kowloon, its about the Board setting policy and to hear the needs of the Town. Mr. DiNardo said they need to establish hours for future club that may come to Saugus and recommend the Board support it.

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Bob Grande, 42 Main St., TMMP9, is against rollback and said there are great arguments on both sides, but establishments have cooperated with the Town and the Board has done a fantastic job on past establishments.

Fae Saulenas, 26 Beachview Ave., asked the Board set policy and that is different than punishment and said its not about an individual business, but about a community need and safety of citizens and said her observation is the Board takes care of a problem reactive, but policy is another matter and community vision of quality of life and to feel safe and asked they do the right thing for the citizens of Saugus.

Joseph F., 3 Ila Rd., opposed to rollback.

Peter Manoogian, 50 Ballard St., TMMP10, said a creative solution to the problem to balance correct and accurate information and hopes that the community can come together for a solution and said the cost to the Town is not just legal fees and said as a Town Meeting Member Precinct 10 has 10% of 2AM licenses, vacant that may attract 10:30-2AM nightclub and history has shown a tremendous amount of resources spent and said he is looking for a creative solution and suggest the Board talk more and look for a creative solution.

Robert Wong, owner of Kowloon said on behalf of his family and employees, and said he respects the "pro" opinion, but feels the rollback is unfair and said they have operated for 59 years and never had a major problem and if they vote for the rollback it will be the 2nd rollback for them and feels they are targeted because it only effects them and explained expenses and said they can't compare a 200 seat establishment to their 1200 seats and they give back to the community and said hours are not the problem, and said they can't compare to other communities and said they have 3,000 signatures and suggested they limit new licenses to 12-1AM. Mr. Serino said it's his understanding the alcohol and food could not be split and asked when his last call and entertainment end. Mr. Wong said 1AM policy for new customers, however if in the restaurant before 1:15 they will serve 1:15-1:30 and out by 2AM. Mr. Serino asked about entertainment. Mr. Wong said it varies depending on function, but public areas stop at 1AM.

Special Counsel said he would like to check into the separation of alcohol and food. Mr. Kelleher said he has more questions now than when they started and noted the Police Chief is present and would like to hear from him.

Maureen Dever, 3 Atherton St., TMMP3, said this hearing is not suppose to be about Kowloon and its most unfortunate a policy decision is being driven by it and said they have history and they have data and asked they look at the information and what the Police Chief's from other communities have to say and said the Board has received and heard a lot of information tonight and they have a couple of options, but asked they not vote tonight and asked they take time to confer with the Police Chief and to get data and make a decision based on data, or they can place a ballot question and noted a lot of options before them. Mr. Kelleher said a common thread on yes and no is they got to do the right thing and said he has more questions now and asked if there is any deadline for decision. Ms. Dever noted that the Hours of Operation By-Law presented by a former Chair of the Board of Selectmen and voted by Town Meeting is in place and no one is shut out. Mr. Horlick asked out of 1,800 calls how many were between 1AM & 9AM and how many were related to alcohol. Ms. Dever said it was difficult to get the data. Mr. Horlick asked how many were at other closed establishments and if there were no

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nightclubs would there be no incidents of violence would there still be a public need to rollback. Ms. Dever said alcohol combined with late night last call will be a problem.

Mr. Kelleher moved a recess. Vice Chair seconds. Vote: 4-0.

Meeting recessed at 9:27PM

Vice Chair called the meeting back to order at 9:47PM.

John Truesdale, 3 Apple Lane, said he's not sure where their going tonight and this is not a black & white issue, but what most bothers him is something could come out of this that's not the consensus and asked the Board not to rush, noting they have the villains under control and they should take time.

Barbara Malone, 21 Myrtle St., TMMP2, in favor, and said she doesn't think the intention is to punish but to be proactive rather than reactive and wont have to worry about people running to Saugus for last call.

Al Guavara, manager of Angela's Coal Fired Pizza, said he is confused, because he is not aware of incidents and it's hard to control atmosphere but in a restaurant its different because people are sitting at tables eating and 1 hours makes a difference and said he loves being on Rte. 1, it's a transient highway but is concerned with a roll back where it will end.

Bob Long, 26 Bennett Ave., TMMP9, said the problem is multifaceted and said there has been more talk recently about types of business and type of entertainment and the Town needs protection from the possibility it happen again and said something needs to be done and asked the take time.

Police Chief Domenic DiMella said his first priority is public safety and officers' safety and said he lives in Town and has 2 daughters and doesn't like to see Saugus on the front page and said he can't build a case in one day and usually mutual investigations with other agencies and said he doesn't care when they close, but if there's a level of violence, they need to go after them and said the entertainment offered attracts and causes problems and he has met with establishments in the past that say they will change but it seems they never do and believes the new Board can bring them in and with progressive discipline they wont tolerate the violence and explained his comments about overtime has nothing to do with this issue and they are understaffed and have a minimum manning clause and because of staffing levels there will be overtime. Vice Chair thanked him and offered his gratitude for his actions working with the ABCC to deal with Jin. Chief said on 8/14/08 the Board asked his recommendation on rollback and they did a study from 1-2007 to 1-2008 and the majority of calls 1:30-2AM and there were 6 calls and most calls came at 1AM. Mr. Serino asked for copy. Chief said yes. Mr. Kelleher said it was mentioned last call at 1:15 and close at 2AM and asked if that is consistent with others. The Chief said he didn't know other than everyone off premise by 2AM. Mr. Kelleher asked if nightclubs are later last call. Chief said he thinks so. Mr. Kelleher asked his thoughts on entertainment time. Chief said he was here to report on alcohol. Mr. Kelleher said a nightclub is different than a restaurant and said some communities try to control by requiring food with alcohol purchase. Chief said he spoke with Chiefs' of neighboring communities who felt neighborhood bars were the major complaint. Mr. Horlick said back in time Oasis was a restaurant that changed its concept and it seems 1 particular group / clubs started to go up the highway and may come back. Chief said anyone could try to come in as a nightclub, the Board could limit their hours. Mr. Horlick said people are worried things could come back into Town and asked if he believed he was on top of

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it. Chief said we learn from the past they can't let incidents stack up and they will bring them in every time with progressive discipline. Mr. Horlick asked if he could list all alcohol restaurant problems. Chief said there is no high level of violence or constant problem. Mr. Horlick read letter to Town Meeting Members and asked if no nightclubs in Town does he believe there is a different atmosphere. Chief said from a public safety standpoint he doesn't think there would be an issue. Mr. Kelleher asked if they missed anyone that wanted to speak. Vice Chair said there are and said the Board is being proactive and are working on rewriting the Rules & Regulations and set policy and to have more tools. Chief agreed and said statistics sent to the Finance Committee showed crime is up overall. Vice Chair said they have discussed ideas from a policy standpoint that when they apply a business plan with entertainment types and incorporated into licenses. Chief said the problem in the past cannot change without Board and he believes they have solved it. Vice Chair said this Board and police are working on changing the way we handle it. Mr. Kelleher said a while back they went through a lengthy process and there is a lot of work to do.

Mr. Serino asked Special Counsel regarding public hearing if the Board may consider options. Special Counsel said the notice states any other action and feels it couldn't be greater than what is in the notice.

Chris Peatridge, 66 Denver Street, former police officer said he has seen many a brawl over the years and said if anyone is afraid they should pony up money to give the Chief for the resources needed because the issue is police having a public presence.

Michael Rapucci, part owner, ZAZA, said he has no incidents for 7 years great crowd 30-60 year olds dining and they are responsible owners.

Bill Leuci, 35 Wilbur Ave., said people have come out because of the violence on Rte. 1 and nightclubs and said a while back it was the Palace and every time they went to court and the same with Jin and said they need to look at separating alcohol and entertainment and common Victualer's by putting different times and said police force is thin and want the Town to be a good place. Mr. Horlick said if the Town decided a 1AM closing and all nightclubs go out of business, should they put it back at 2AM. Mr. Leuci said they should see what the entertainment is. Mr. Horlick asked the type entertainment. Mr. Leuci said they have seen the type of entertainment that draws the wrong type of people.

Vice Chair asked if anyone else wanted to speak.

Mr. Kelleher said seeing none, said Saugus has community spirit, but he has more questions now than when he came in and feels it would be wise thing to continue the hearing and have a few meetings.

Mr. Kelleher moved to continue the hearing. Vice Chair seconds. Vote: 4-0.

Mr. Kelleher moved to continue to February 2. Vice Chair seconds. Mr. Horlick asked if notice is still valid. Special Counsel said yes. Mr. Horlick said he will support the motion and said he needs more information and asked the Chief if he could provide additional information. The Chief asked timeframe. Vice Chair said before February. Mr. Kelleher said he wants to gather information and meet. Mr. Serino said he is prepared to go forward tonight and the key may be the entertainment license and is ready to go forward, but if his colleges need more time he will support the motion. Vice Chair said this is a larger issue than 1 establishment and said he's not convinced the majority of the public want this and said he needs to look at the public need and public safety. Mr.

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Kelleher said they are working on it and on the Rules & Regs. Vice Chair said he's a big supporter of a business plan. Mr. Kelleher agreed and said problems happen when changes are made. Vice Chair said they need strategic plans and meet with Special Counsel and Chief and try to be more proactive. Mr. Horlick said a lot of placers don't have problems with alcohol and entertainment and asked if there was no violence would they still have signed petition and said people signed because they were outraged at what was occurring, but a blanket rollback he is not in favor of but will continue to work on the Rules & Regs.

Vote: 4-0.

Mr. Kelleher moved to adjourn. Vice Chair seconds. Vote: 4-0.

Meeting adjourned at 10:54PM.

Respectfully submitted,
Wendy Reed, Clerk