

BOARD OF LICENSE COMMISSIONERS

City Clerk's Office, 166 Boulder Drive

Fitchburg MA 01420

(978) 829-1820

Daniel Sarefield, Chair

Donna Pawlak

Glenn Fossa

MINUTES OF MEETING

The regular meeting of the Board of License Commissioners was held on April 1, 2019 in the Fitchburg Fire Department Community Room, 33 North St., Fitchburg, and called to order by Commissioner Sarefield at 6:04PM. Commissioners Fossa and Pawlak were present. FPD liaison Lt. Howe was present.

The agenda consisted of the following:

I. APPLICATIONS

Special One Day Wine and Malt Beverages:

Beers for Good for Brewers Festival from 1P – 6P on June 29, 2019 for 1000 people at Riverfront Park.

Mr. Trevor Bonilla was present. He stated that everything will be handled the same as it has been for the past eleven years.

Approved 3/0

II. HEARING

The Fay Club, Inc., 658 Main St. for Alteration of Premises – extending the licensed premise to encompass the entire premises including the parking lot, front lawn as well as the exterior porches for a total exterior space of 23, 803 square feet +/- . This is in addition to the interior of the club building which is currently licensed.

Donna Pawlak recused herself from the meeting and left the room because she is a member of the Fay Club.

Fay Club President Steve Duvarney and Attorney Ed Howard were present. Commissioner Sarefield noted that the name "Duvarney" was misspelled on the first page of the application. Atty. Howard stated he would make the correction and bring in the new page to the clerk tomorrow.

Application reviewed with little discussion as it had been explained in detail at the time the application was originally accepted. No one spoke in favor of or in opposition to the application.

Approved 3/0

III. SUMMONS HEARING

Tryst Lounge, 320 Main St. regarding FPD report #19-8537-OF on 03/08/2019 and, regarding referenced police report, lack of cooperation with police investigation.

Owners Carlos Silvera and Heather Silvera and Manager of Record Vilma D'Arcangelo were present. Officer FPD Polanco-Diaz was present. Officer Polanco-Diaz gave a brief overview of the police report. She stated that the owners told her that everything happened outside but a particular patron who had been forced to leave the building quickly and left her purse inside told the police officer that the incident happened inside also she said one of the bouncers told her the incident happened inside. Officer Polanco-Diaz stated that she was brushed off by the owners and manager, they did not cooperate and they would not answer any further questions about the incident. Ms.

D'Arcangelo, the manager, stated that everything happened outside. Officer Polanco-Diaz said that the next day her supervisor went to Tryst and requested a copy of the building surveillance video but was told by D'Arcangelo that she didn't have access to the tapes. D'Arcangelo said the PD

Supervisor told her he would come back later for the video but never did. Lt. Howe asked if the video was preserved and both owners and manager stated no because no one ever came back for it and it was taped over.

Commissioner Pawlak stated that the owners and manager are obligated to assist the PD.

Commissioner Fossa stated that establishments should always ensure that the PD and the License Commission receive what they need to investigate any incident and that they should develop internal protocols so that this obligation will be met.

Commissioner Pawlak stated that when they are asked to "preserve" the video it means they should make a copy and that if they don't the Commission will presume non-cooperation. She stated further that she will remember this incident moving forward, they must cooperate with the PD to secure the viability of the license and should not create a pattern of non-compliance.

Owners stated that, since the incident, they have created an incident report that employees must fill out as necessary and that the manager will be trained on the use of the video equipment.

DECISION

By vote of 3 in favor and 0 opposed the Board issued a Formal Warning to be placed on file referencing License Commission regulation 3.17.

IV. CONTINUED MATTERS

1. Proposed amendment to Taxi Regulations: Requiring the taxi companies to notify the Commission if a taxi driver is let go due to unsafe driving practices.

(Continued from September 17, 2018)

Concerns expressed during prior discussion were reiterated e.g. overly intrusive in to the employee/employer relationship.

DECISION

By vote of 3 in favor and 0 opposed the proposal was given leave to withdraw.

2. Lodging House licensing procedure

(Continued from June 2017)

Commissioner Pawlak stated that she will review her records and send the updated regulations to the Clerk in anticipation of voting on them at the next meeting.

By vote of 3 in favor and 0 opposed the matter was continued to April 17, 2019.

V. CORRESPONDENCE

1. From ABCC noting withdrawal letter from The Local Spot and cancellation of hearing on manager character and fitness.

Clerk explained to the Board that Mr. Lappas has withdrawn his application for Change of Manager and Alteration of Premises after receiving further information on the proposed manager.

Commissioners questioned the existing premise being used, Clerk stated she would forward the Information to Commissioner Sarefield for review.

No Action – correspondence placed on file.

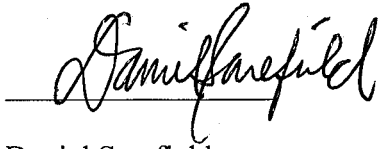
Lt. Howe brought forward a new police report regarding a disturbance at Beemer's Pub. The Board voted 3/0 to have the FPD deliver a Notice of Violation to Beemer's Pub ordering them to preserve the video from the night in question. Once the police report is made available to the Board, it will be reviewed and they will discuss issuing a Summons to a hearing on the matter.

The meeting adjourned at 7:45 PM

Respectfully submitted,

Anna M. Farrell
City Clerk

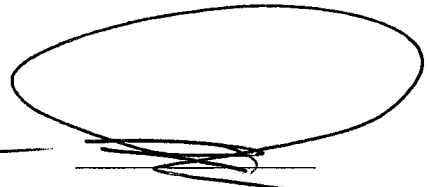
Approved:

A handwritten signature in cursive script, appearing to read "Daniel Sarefield", written over a horizontal line.

Daniel Sarefield

A handwritten signature in cursive script, appearing to read "Glenn Fossa", written over a horizontal line.

Glenn Fossa

A handwritten signature in cursive script, appearing to read "Donna Pawlak", written over a horizontal line. The signature features a large, prominent oval loop.

Donna Pawlak