



# BOARD OF LICENSE COMMISSIONERS

City Clerk's Office, 166 Boulder Drive

Fitchburg MA 01420

(978) 829-1820

Daniel Sarefield, Chair

Glenn Fossa

One vacancy

## MINUTES OF MEETING

*The regular meeting of the Board of License Commissioners was held on June 19, 2019 in the Fitchburg Fire Department Community Room, 33 North St., Fitchburg, and called to order by Commissioner Sarefield at 6:00PM. Commissioner Fossa, FPD liaison Lt. Howe, City Clerk Anna Farrell and Asst. City Clerk Amanda Alford were present.*

The agenda consisted of the following:

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### **I. REVIEW AND ACCEPTANCE OF MINUTES FROM PREVIOUS MEETING**

*Minutes from the last meeting were reviewed, approved and signed.*

### **II. APPLICATIONS**

#### Solicitors

##### NEW:

Ryan Handlin – Power Home Remodeling

*Approved 2/0*

Johnathan Barbetto – Power Home Remodeling

*Approved 2/0*

CONTINUED: *(Continued from May 6 and May 20, 2019 – not present)*

Dylan Kruger – Power Home Remodeling

*Approved 2/0*

Shelby DiHobile – Power Home Remodeling

*Application withdrawn. Applicant no longer works for the company.*

#### Taxi Drivers

Dwayne Sefton

*In order to discuss criminal history background, the Board unanimously entered in to Executive Session from 6:03PM until 6:18PM.*

*Application continued for a review on September 16, 2019 2/0*

#### Special One Day All Alcoholic Beverages:

Fitchburg Lions Club for a Concert/Fundraiser from 7PM – 9:30PM on June 21, 2019 for 50-150 people in O'Neil Hall at 14 Wallace Ave.

*Approved 2/0*

Fitchburg Lions Club for a Civic Day Lunch from 11:30AM – 1:30PM on June 26, 2019 for 80-100 people in O'Neil Hall at 14 Wallace Ave.

*Approved 2/0*

Fitchburg Police Athletic League for Fitchburg Civic Days Block Party from 5PM – 10PM on July 3, 2019 for 40-50 people at a time on Main St. at Central St.

*Approved 2/0*

**Special One Day Wine and Malt Beverages:**

Pat Sommala for a Buddhist Temple Fundraiser from 12PM – 7PM on August 3, 2019 for 75-100 people at 159 Richardson Rd.

*Commissioner Fossa noted that the application was completed indicating Mr. Sommala as the licensee instead of the temple. Mr. Sommala will re-submit an application for the July 1<sup>st</sup> meeting with the Wat Lao Temple as the licensee.*

*Chairman Sarefield noted that the event will require an Entertainment Permit. The Entertainment permit is not on the agenda for tonight but the City Clerk will check on the status or send another application to Mr. Sommala so that it will appear on the July 1<sup>st</sup> agenda as well.*

**III. DISCUSSION**

Steven Duvarney on behalf of The Fay Club, 658 Main Street – regarding status of Alteration of Premises application previously approved by the Commission on April 17, 2019.

Depending on status of application:

Application for Special One Day license to sell All Alcoholic Beverages at a Lobster Bake on Friday, June 28, 2019 in an outdoor area in the parking lot at The Fay Club.

*Mr. Duvarney and Mr. Ed Howard were present. Mr. Duvarney explained that The Fay Club made application in April for an Alteration of Premises to include the back parking lot for occasional outdoor events at the urging of the Commission. They had expected an ABCC approval by now but it is delayed and do not want to cancel this popular annual event.*

*Approved 2/0*

**IV. HEARINGS**

Wallace Foods, Inc. dba Fratelli's Corner Crust Pizzeria, Bia Khayung-Manager, 377 John Fitch Highway for New, Annual, On Premise, Wine and Malt Beverages Restaurant license.

*Manager, Bia Khayung and her husband Kevin Popadopoulos were present. Various errors in the application were pointed out by Commissioners. Lt. Howe stated that the FPD supports the application. There was no one in attendance wishing to make comment on the application.*

*Application approved with the condition that two identified errors be corrected prior to the Clerk forwarding it to the ABCC 2/0*

**V. CONTINUED SUMMONS HEARING**

SACF, Inc. dba Beemer's Pub, 310 Main St.

Regarding the following:

1. That on March 31, 2019 Fitchburg Police Department were investigating a disturbance outside of the establishment of Beemer's Pub (in the Beemer's parking lot and another disturbance across the street from Beemer's parking lot) (Fitchburg Police Report Number 19-11659 and Commonwealth v. Javier Cruz Docket No 1916CR0419 Fitchburg District Court). Said police report is available at the Fitchburg Police Department as the case is closed, if the Licensee wishes to have a copy for the hearing;

Officer Hiram Velazquez spoke with Peter Cote who informed Officer Velazquez that:

2. The establishment was not full to capacity as there were approximately 20 vacancies open at the time of the incident outside; (which the License Commission wishes to verify via video);
3. There was another disturbance at the establishment that evening. No report was made to the Fitchburg Police about this disturbance in violation of City of Fitchburg Regulations and Guidelines of the Fitchburg Board of License Commission 3.17 for failing to notify the police

department; and further

4. A request was made for the videos inside of the establishment on the date in question. Mr. Cote indicated he would provide the video and has failed to do so in violation of Regulations and Guidelines 3.17.

*Mr. Peter Cote and Attorney Roy Pastor were present. FPD Officer Hiram Velazquez was present and read aloud his police report #19-11659. Attorney Pastor stated that the FPD refused to pick up the requested video but that Mr. Cote brought it to the License Commission office. The Clerk showed the Board that the video was received as stated. Chairman Sarefield stated he was unaware the video had been produced. He explained that the Board is in a state of transition, that a former member of the License Commission had the video and that it was recently returned. Lt. Howe noted that Mr. Cote stated to the police officer that a disturbance occurred at the establishment earlier in the evening and that he handled it himself despite being instructed numerous times to contact the police for any disturbance. Lt. Howe expressed concern that a public safety issue could have occurred during the course of Mr. Cote handling the disturbance which is why he has been instructed to call the police. Attorney Pastor asked the Board to terminate the hearing because none of the disturbances were alcohol related and that no mention was made in the police report of intoxication.*

*Commissioner Fossa stated that over the last few months there have been several disturbances and that the common denominator is that they occurred after 1AM. Attorney Pastor stated again that the incidents are not alcohol related. Lt. Howe noted a list of multiple reports of disturbances that have occurred at Beemer's Pub after 1AM.*

*Attorney Pastor verbally made a public records request for the report referenced by Lt. Howe as well as all police reports of every incident for which his client has been summoned to a hearing by the Board.*

*The City Clerk made a note of the public records request. The Commissioners assured Attorney Pastor that he will have access to the records prior to their next meeting. Lt. Howe noted for the record that any police report for any licensed establishment is forwarded to the License Commission.*

**Hearing continued to July 1, 2019 2/0**

*Note: at the end of the meeting prior to adjournment the City Clerk stated that she will seek guidance from the City Solicitor on the appropriate response to Attorney Pastor's public records request.*

## **VI. CORRESPONDENCE**

1.FPD Report #19-18925-OF – Major's Café  
**Continued to July 1, 2019**

2.FPD Report #19-18935-OF – Major's Cafe  
**Continued to July 1, 2019**

## **VII. CONTINUED CORRESPONDENCE**

1.Notice of Violation on 04/05/2019 - Tryst Lounge FPD Report #19-12564-AR  
(Continued from April 17, 2019 to give Commissioners time to review the video and decide if a Summons Hearing is necessary)  
**Continued to July 1, 2019**

2.Notice of Violation on 04/06/2019 – Tryst Lounge FPD Report #19-12573  
(Continued from April 17, 2019 to give Commissioners time to review the video and decide if a Summons Hearing is necessary)  
**Continued to July 1, 2019**

3.FPD Report #19-14401-OF – Beemer's Pub and Grill, 310 Main St.  
(Continued from May 6, 2019)  
**Continued to July 1, 2019**

4.FPD Report #19-16043-OF – Major’s Café

(Continued from May 6, 2019)

*Manager Ellen Griffen was present. She asked to approach the Board and explained that, since the last incident at the bar, she has instituted new policies as follows:*

- 1. Security detail on Fridays and Saturdays;*
- 2. No new patrons allowed in after 12:30AM;*
- 3. Anyone leaving to go outside and smoke after last call is not re-admitted.*

***After hearing the above statements Commissioner Fossa motioned to find that there was no violation perpetrated by the licensee. Motion approved and the matter is closed 2/0***

5.FPD Report #19-17043-OF – Major’s Café

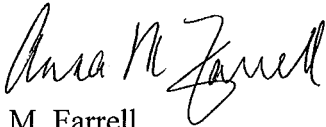
(Continued from May 20, 2019)

*As above.*

***After hearing the above statements Commissioner Fossa motioned to find that there was no violation perpetrated by the licensee. Motion approved and the matter is closed 2/0***

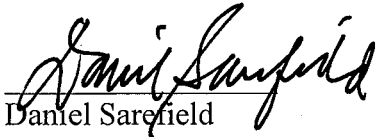

The meeting adjourned at 8:15 PM

Respectfully submitted,



Anna M. Farrell  
City Clerk

Approved:

  
Daniel Sarefield  
Glenn Fossa