

**City of Somerville  
Licensing Commission**

**Senior Center  
Tufts Administration Building  
167 Holland Street**

**Regular Meeting  
Monday  
January 26, 2009  
6:00 p.m.**

Chairman Andrew Upton called the meeting to order. Present were Commissioner John J. McKenna, Inspector Warren Chaille and Head Clerk Jenneen Pagliaro.

The minutes of December 17, 2008 were approved as presented.

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**ENTERTAINMENT LICENSE**

**The Center for Arts at the Armory  
191 Highland Ave.**

Present: Debra McLaughlin & Joseph Sata

Ms. McLaughlin came before the Commission requesting approval of an Entertainment license consisting of dancing by patrons, dance exhibition, comedy shows, floor shows, theater, lectures, debates, panel discussions, live music performances and recitals at The Center for the Arts at the Armory, 191 Highland Ave.

The establishment will also consist of a café.

The Armory will host a number of activities in the hall. The Café will be used for smaller musical performances, book readings etc.

The Center's Plan is to showcase after school art programs, adult and senior art classes and various other programs.

There are 41 conditions set to govern the use of the Armory.

The hours of the performance space will be from 7p.m.-10p.m. on weekdays and 7p.m.-11p.m. on weekends. With the exception of holiday weekends.

The Armory was purchased by Joseph Sata in 2004 and multiple community meetings have been held over the years.

A couple of community mediation sessions were also held, which have helped to refine and produce the 41 conditions that we have before us.

Professionals recommended by the City Planning Director, at that time, held the mediation sessions.

The Center is in the process of putting together a neighborhood advisory committee and has sought nominations from community meetings.

A signed lease for overflow parking is in place. currently they have 44 spaces behind the Armory and they have an additional 40 spots from the Somerville Hospital.

MJ Audio performed a sound test on Jan. 17, 2009 and they are awaiting the preliminary test reports from their findings.

Aldermen O'Donovan states he is in full support and has spoken to The Mayor and Traffic and Parking Director regarding enforcement of traffic on Hudson St. and Highland Ave. Ald. O'Donovan feels it is an exciting program for all and asks the Commission to approve this tonight.

Chairman Upton invites the public to be heard.

James Pewinsky of Hudson St. has issues with the building not being handicapped accessible. Mr. Pewinsky objects to concerts and amplified music.

Debra McLaughlin wants to make it clear that this is not a rock club and stated that they have spent a lot of money for a sound check.

Chairman Upton states that we are not here to rehear the matters that have been settled by the Planning Board or the Zoning Board. We are not going to reconsider things that have already been considered.

John L. Sullivan is concerned with live bands and amplified music. However Mr. Sullivan feels Debra has done a good job. He states he is not here to oppose the center but he has some concerns with construction, noise, traffic, hours and maintenance of property. Mr. Sullivan is concerned about the lack of handicap accessibility.

Mr. Sato states he never said he would not have amplified music.

Kathleen Klaycomb complained of loud music from Yoga studio and has notified the city.

Many people are in support of the license and speak in favor of it.

Ald. O'Donovan summarizes the whole process for the Commission. He states it was a very involved process and has more conditions than any thing he can ever remember. The Traffic and Parking Department will work with the neighborhood and the Police Department will enforce the noise ordinance.

Chairman Upton is in favor.

Commissioner McKenna is very impressed with the whole project.

Chairman Upton moves to close discussion.

Motion made to approve all licenses as indicated.

Motion seconded, but to note, that despite the excellent efforts made that there are still some people not 100percent satisfied with this and that the Commission ask to pay attention to them and remind them, that within the Zoning Board, the Noise Ordinance and the police enforcement, that they have many avenues to pursue any grievances which includes coming to this board.

On a motion duly made and seconded, it was

VOTED: to grant the Entertainment license as presented

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**ALL FORMS ALCOHOLIC BEVERAGES**  
**7 DAY RESTAURANTS**  
**CHANGE OF HOURS**

**99 Restaurant and Pub**  
**20 Cummings St.**

Present: Joanie Baldasarre

Ms. Baldasarre came before the Commission seeking approval to change the Sunday hours of operation for the 99 Restaurant and Pub at 20 Cummings St., new hours 11:am.-10p.m., requesting permission to serve alcohol at 11:a.m.

Ms. Baldasarre states that there is a customer demand for this service.

On a motion duly made and seconded, it was

VOTED: to grant the change of hours.

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**WINE AND MALT PACKAGE GOODS STORE**  
**ALTERATION TO PREMISES**

**LDDJ, Inc. d/b/a Dave's Fresh Pasta**  
**81 Holland St.**

Present: Dave Jick

Mr. Jick came before the commission seeking approval to alter the premises at 81 Holland St., by expanding into the next store at 87 Holland St. for off premise sales only.

On a motion duly made and seconded, it was

VOTED: to approve the alterations to the premises as presented.

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**COMMON VICTUALER LICENSES**

**Figaros**  
**38 Cross St.**

Present: Vicente Neto

Mr. Neto came before the Commission seeking approval of a Common Victualer license for Figaros at 38 Cross St.

Mr. Neto has experience in the restaurant business.

The restaurant has seating for ten.

Along with the application, a floor plan and menu were submitted for the Commissioner's consideration.

On a motion duly made and seconded, it was

VOTED: to approve the Common Victualer license as presented.

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**Marino's Pizzeria**  
**1293 Broadway**

Present: James Kehoe

Mr. Kehoe came before the Commission seeking approval of a Common Victualer license for Marino's Pizzeria at 1293 Broadway.

The restaurant has seating for twenty-two.

Along with the application, a floor plan and menu were submitted for the Commissioner's consideration.

On a motion duly made and seconded, it was

VOTED: to approve the Common Victualer license as presented.

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**WINE AND MALT RESTAURANT LICENSE**

**DAVIS SQUARE FOOD SERVICES, Inc.**  
**D/B/A ANTONIA'S**  
**37 DAVIS SQUARE**

Present: Charles Sillari

Mr. Sillari came before the Commission seeking approval to change the dba name to Boston Burger Company also requesting change of manager to Paul Malvone.

The business has been an Italian Restaurant since 2001.

The restaurant will have the same number of seats just changing the menu to bistro burgers.

The business will have the same floor plan.

The New manager has previous experience in the restaurant business.

On a motion duly made and seconded, it was

VOTED: to approve the changes as presented.

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**SPECIAL ALCOHOL LICENSE**

**SOMERVILLE LOCAL FIRST**

Present: Joe Grafton

Mr. Grafton came before the Commission seeking approval of a Special Alcohol license for a Valentine's theme party to be held at 255 Elm St. on February 12, 2009 between the hours of 7p.m. and 10p.m.

The expected amount of guests to be capped at ninety-nine per the fire department.

Experienced servers will dispense the alcoholic beverages.

Somerville Local First is a non-profit organization that supports Somerville businesses.

On a motion duly made and seconded, it was

VOTED: to grant the Special Alcohol license as presented.

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There being no further business, the meeting was adjourned.

Respectfully submitted

Jenneen M. Pagliaro  
Head Clerk

**City of Somerville  
Licensing Commission**

**Senior Center  
Tufts Administration Building  
167 Holland Street**

**Regular Meeting  
Monday  
February 23, 2009  
6:00 p.m.**

Chairman Andrew Upton called the meeting to order. Present were Commissioner John J. McKenna, Inspector Warren Chaille and Administrative Assistant Jenneen Pagliaro.

The minutes of January 26, 2009 were approved as presented.

**COMMUNICATION**

Present: Monica Lamboy, Director of OSPCD

Ms. Lamboy came before the Commission to discuss ways in which the Commission and the OSPCD can work together in the future. One issue of particular interest would be the new liquor licenses.

Ms. Lamboy requested to the board that OSPCD have a say in how and where the new liquor licenses are issued and would like to discuss the criteria of these new licenses.

Chairman Upton questioned the whereabouts of these new licenses.

Ms. Lamboy stated that she is still getting up to speed on the licenses, but knows they have passed.

Chairman Upton directs the question to the Assistant City Solicitor, Francis Wright.

Asst. City Solicitor Francis Wright has not come prepared to answer that question tonight.

Commissioner McKenna stated that we have various organizations that weigh in on licenses and that the SPCD can also voice their opinion.

Chairman Upton stated that it is the rule of the Commission, to consider under strict guidelines, that these licenses are heard on a case by case basis and does not see a specific role for the OSPCD Board other than offering an opinion.

Ms. Lamboy stated that they would like to hold some licenses back.

Chairman Upton suggested that if OSPCD is interested in that type of approach then they should establish policy and contact The City Solicitor and present to this board the frame work to hold back licenses.

Commissioner McKenna suggested that Ms. Lamboy communicate through e-mail with The Licensing Administrative Assistant.

### **CLUB LICENSES**

#### **Change of Manager**

Dante Club, Inc., 5 Dante Terrace requesting approval for change of manager from James Aufiero to Michael Capasso.

Mr. Capasso did not attend the meeting and plans to be at the next regularly scheduled meeting.

#### **Change of Manager**

#### **Somerville City Club, Inc., 20 Inner Belt Rd.**

Present: Michael Duncan

Mr. Duncan appeared before the Commission seeking approval for a change of manager from Daniel J. McCarthy, Jr. to himself.

Mr. Duncan has supervisory and management experience and currently runs his own business.

Mr. Duncan stated that Mr. McCarthy is leaving the management position, but is staying on as a bar tender.

Chairman Upton suggests that Mr. Duncan become tip certified.

Upon motion duly made and seconded, it was

VOTED: to approve the change of manager as presented.



**COMMON VICTUALER LICENSES**

**Pic Nic Pizza Place**  
**1 Main St.**

Present: Hernan Majano and Daniel Surian

Mr. Majano came before the Commission seeking approval of a Common Victualer license for Pic Nic Pizza Place, 1 Main St.

Mr. Majano will be taking over ownership with no other changes to the business.

Along with the application, a menu, lease and floor plan were submitted for the Commission's consideration.

On a motion duly made and seconded, it was

VOTED: to grant the Common Victualer license as presented.

**Poll Campestre, LLC**  
**dba Taqueria Tapatio**  
**82 Broadway**

Present: Manuel Morales & Edgardo Morales & Ana Morales came before the Commission seeking approval of a Common Victualer license for Taqueria Tapatio at 82 Broadway.

This establishment has been closed for the past two years due to a fire.

The restaurant will keep the same menu.

Along with the application, a menu, floor plan and lease were submitted for the Commission's consideration.

On a motion duly made and seconded, it was

VOTED: to approve the Common Victualer license as presented.

**Teele Sq. Cafe**  
**1153 Broadway**

Present: Jonathan Adelson came before the Commission seeking approval of a Common Victualer license for Teele Sq. Café at 1153 Broadway.

The restaurant is going to serve soups, salads, sandwiches and comfort food.

Mr. Adelson has an extensive culinary background and has operated a breakfast/lunch place in Cambridge for the past few years.

Along with the application, a floor plan, menu and lease have been submitted for the Commissioner's consideration.

On a motion duly made and seconded, it was

VOTED: to approve the Common Victualer license as presented.

**The Center for Arts at the Armory**  
**dba Café at the Armory**  
**191 Highland Ave.**

Present: Debra McLaughlin

Ms. McLaughlin appeared before the Commission seeking approval of a Common Victualer license for The Center for the Arts at the Armory at 191 Highland Ave.

The Café will not cooking of food in the Café.

The Café will be serving salads and sandwiches.

Any food to be served, must be served raw, cooked or prepackaged off sight and ready for direct consumption. No commercial grills or fryolators are allowed.

The café will have 50 seats and should be ready to open in April.

Along with the application a floor plan, menu and lease were submitted for the Commissioner's consideration.

On a motion duly made and seconded, it was

VOTED: to approve the Common Victualer license as presented.

**WINE AND MALT PACKAGE STORE**

**Change of Location**

**Little India,**  
**77 Bow St.**

Present: Dipti Mistri

Ms. Mistri came before the Commission requesting approval to transfer the location of its Wine and Malt Package store license from 77 Bow St. to 438 Somerville Ave.

The business will have 10 parking spots behind the building.

There has been no opposition to this license transfer.

On a motion duly made and seconded, it was

VOTED: to approve the Wine and Malt Package store location transfer as presented.

**ALL FORMS ALCOHOLIC BEVERAGES**  
**7 DAY RESTAURANTS**

**New License**

**Tir Na Nog, Inc.**  
**1 Beacon Street**

Present: Atty. Robert Allen, Robert Elliot

Attorney Allen, representing Tir Na Nog, Inc. came before the Commission seeking approval for a new All Forms Alcoholic Beverages 7 Day Restaurant license at 1 Beacon St.

Attorney Allen stated this license is a renewal and was not renewed on time for 2009. His client entered into a transfer this past November, however the paperwork was never filed with the Licensing Commission. Atty. Allen seeks to renew this license with the purpose of transferring to Service Bar, LLC.

Chairman Upton pointed out that if you didn't renew, you must apply for a new license. So this will be handled as a new license, not a renewal.

Commissioner McKenna stated that this license could have been given out to someone else seeking a new license, but since no one else has applied, they will consider this issue tonight. The Commission will come back to this matter after hearing the transfer application.

Upon hearing the transfer application a motion was made to approve the issuance of the All Forms Alcoholic Beverages 7 Day Restaurant license for Tir Na Nog.

On a motion duly made and seconded, it was

VOTED: to approve the new All Forms Alcoholic Beverages 7 Day Restaurant license as presented.

**Transfer of License and  
Entertainment License**

**Tir Na Nog, Inc.  
To  
Service Bar, LLC, dba Trina's Starlight Lounge**

Present: Attorney Ann Vigorito, Josh Childs, Trina Strum & Beau Strum

Atty. Vigorito, representing Service Bar, LLC, dba Trina's Starlight Lounge, came before the Commission seeking approval to transfer the All Forms Alcoholic Beverages 7-Day Restaurant license of Tir Na Nog, Inc. to Service Bar LLC, dba Trina's Starlight Lounge, 3 Beacon St. and for an Entertainment license consisting of one audio and one television .

This will be a family type establishment.

There will be no live music and no live bands.

A business plan was presented to the Commissioners.

The hours of operation will be 5pm-1pm.

Plans on having a brunch three days a week are in the works.

The business plans are for approximately 70% food and 30% alcohol.

Mr. John Despande of Dickinson St., had a few concerns regarding noise & litter.

Atty. Vigorito suggests that Mr. Despande call Mr. Childs with any concerns.

Chairman Upton encourages the establishment to take all appropriate measures to take care of noise & litter problems.

Alderman Trane spoke in favor of this license transfer.

On a motion duly made and seconded, it was

VOTED: to approve the transfer as presented and to approve the Entertainment license for one audio and one television.

**Violation Hearing**

**Somerville Wine & Spirits  
235 Highland Ave.**

Present: Donald J. Caprigno & Assistant City Solicitor Francis X. Wright

Mr. Caprigno appeared before the Commission to show cause why the All Forms Package Good Store License should not be modified, suspended or revoked for alleged violations of Massachusetts General Laws Chapter 138§ 34-Sale, delivery or furnishing alcoholic beverages to a person under twenty-one years of age and Somerville Licensing Commission Rules and Regulations to wit:-

Somerville Licensing Commission Rule 1.08i. -Whoever makes a sale or delivery of any alcoholic beverages or alcohol to any person under twenty-one years of age, either for his own use or for the use of his parent or any other person, or whoever, being a patron of an establishment licensed under section 12 or 15 of General Laws Chapter 138 delivers or procures to be delivered in any public room or area of such establishment any such beverages or alcohol to or for use of a person who he knows or has reason to believe to be under twenty-one years of age or whoever procures any such beverages or alcohol for a person under twenty-one years of age in any establishment licensed under section 12, or procures any such beverage or alcohol for a person under twenty-one years of age who is not his child, ward or spouse in any establishment that is a package store, shall be subject to disciplinary action by the Licensing Commission.

Assistant City Solicitor Frank X. Wright read Somerville Police Officer and Licensing Inspector Warren Chaille's report into the record. Inspector Chaille's report stated that On January 13, 2009 at approximately 6:17p.m. an underage operative entered Somerville Wine and Spirits located at 235 Highland Ave., and purchased a 40 ounce bottle of Budweiser beer for \$3.00. The underage operative was not asked for and did not furnish identification.

Mr. Caprigno stipulated to the facts as stated in Inspector Chaille's report.

Based on Inspector Chaille's report and the licensee's stipulation thereto, Assistant City Solicitor Francis X. Wright and Mr. Caprigno jointly recommended a three day suspension to be held in abeyance for one year beginning Feb. 23, 2009.

The Commission Voted to accept the recommended disposition of the City and the licensee as offered by Asst. City Solicitor Francis X. Wright and Mr. Caprigno and sanctioned the establishment with a three day suspension to be held in abeyance for one year beginning Feb. 23, 2009 and recommends Mr. Caprigno look into training for the employees.

### **Violation Hearing**

**A Courtney Company, Inc. dba O'Brien's Liquors**  
**158 Highland Ave.**

Present: Brian Courtney and Assistant City Solicitor Francis X. Wright

Mr. Courtney appeared before the Somerville Licensing, to show cause why its All Forms Package Good Store License should not be modified, suspended or revoked for alleged violations of Massachusetts General Laws Chapter 138§ 34-Sale, delivery or furnishing alcoholic beverages to a person under twenty-one years of age and Somerville Licensing Commission Rules and Regulations to wit:-

Somerville Licensing Commission Rule 1.08j. -Whoever makes a sale or delivery of any alcoholic beverages or alcohol to any person under twenty-one years of age, either for his own use or for the use of his parent or any other person, or whoever, being a patron of an establishment licensed under section 12 or 15 of General Laws Chapter 138 delivers or procures to be delivered in any public room or area of such establishment any such beverages or alcohol to or for use of a person who he knows or has reason to believe to be under twenty-one years of age or whoever procures any such beverages or alcohol for a person under twenty-one years of age in any establishment licensed under section 12, or procures any such beverage or alcohol for a person under twenty-one years of age who is not his child, ward or spouse in any establishment that is a package store, shall be subject to disciplinary action by the Licensing Commission.

Assistant City Solicitor Frank X. Wright read Somerville Police Officer and Licensing Inspector Warren Chaille's report into the record. Inspector Chaille's report stated that On January 13, 2009 at approximately 6:29p.m. an underage operative entered O'Brien's Liquors located at 158 Highland Ave., and purchased a 40 ounce bottle of Budweiser beer for \$3.00. The underage operative was not asked for and did not furnish identification.

Mr. Courtney stipulated to the facts as stated in Inspector Chaille's report.

Based on Inspector Chaille's report and the licensee's stipulation thereto, Assistant City Solicitor Francis X. Wright and Mr. Courtney jointly recommended a three day suspension to be held in abeyance for one year beginning Feb. 23, 2009.

The Commission Voted to accept the recommended disposition of the City and the licensee as offered by Asst. City Solicitor Francis X. Wright and Mr. Courtney and sanctioned the establishment with a three day suspension to be held in abeyance for one year beginning Feb. 23, 2009.

### **Violation Hearing**

#### **The Ville, Inc., dba Khoury's State Spa** **118-120 Broadway**

The Ville, Inc., dba Khoury's State Spa, 118-120 Broadway, to show cause why its All Forms Alcoholic Beverages 7-Day Restaurant license, Common Victualer license, Entertainment license and Dance license should not be modified, suspended, revoked or the hours during which sales of alcoholic beverages may be made reduced for alleged violations of Somerville Licensing Rules and Regulations to wit:-

Somerville Licensing Commission Rule 1.09.a - it shall be the obligation of licensees to ensure that a high degree of supervision is exercised over the conduct of the licensed establishment at all times. Each licensee will be held accountable for all violations that are related to the licensed premises to determine whether or not the licensee acted properly in the given circumstances.

Somerville Licensing Commission Rule 1.09.e. - When any noise, disturbance, misconduct, disorder, act or activity occurs in the licensed premises, or in the area in front of or adjacent to the licensed premises, or in any parking lot provided by the licensee for the use of its patrons, which in the judgment of the Commission adversely affects the protection, health, welfare, safety or repose of the residents of the area in which the licensed premises are located, or results in the licensed premises becoming the focal point for police attention, or is offensive to public decency, the licensee may be held in violation of the license and subject to proceedings for suspension, revocation or modification of the license.

The date of the alleged offense is January 22, 2009 as reported by Somerville Police Inspector Warren Chaille.

Present: Attorney Richard DiGirolamo, Attorney Ann Vigorito, Bankruptcy Counsel Attorney Jeffrey Frankel & Assistant City Solicitor Francis X. Wright.

Asst. City Solicitor Francis X. Wright spoke with Counsel for The Ville, Inc., Atty. DiGirolamo, Atty. Vigorito & Atty. Frankel and Would like to submit letters from Atty. Frankel and Atty. DiGirolamo's Office. they are asking for a continuance based on the representation by Counsel that the Ville, Inc. has filed for bankruptcy. The Ville, Inc. has closed its doors and will remain closed pending a hearing on this matter, should it ever come about. The Ville, Inc. has made representation that the intention is to allow the license to be sold in bankruptcy, To be continued without a finding.

Atty. DiGirolamo stated for the record, The Ville, Inc. does not intend to reopen and requested that the matter be continued until such time the establishment chooses to reopen or the license is transferred.

Asst. City Solicitor Francis X. Wright stated that the establishment will not reopen unless and until they request that this matter be put back on the agenda and have had the hearing.

Motion was made to continue this item on the agenda until such time that either there is a transfer of license before us or there is a written request to reopen the establishment and a hearing should be held. The Commissioner also requested a status report in 60 days.

**Resolution**

The Board of Aldermen, requesting that the Licensing Commission take immediate action to investigate the February 8, 2009 early morning shooting, carjacking and assault and take all necessary action, including sanctions, if warranted.  
(This item was read and placed on File).

**SPECIAL ALCOHOL LICENSES**

**St. Catherine's of Genoa**  
**179 Summer St.**

Present: Peter Regan

Peter Regan came before the Commission seeking approval of a Special Alcohol license for the purpose of dispensing and selling alcoholic beverages at an Irish Night to be held at St. Catherine's Hall, 179 Summer St. on March 15, 2009 between the hours of 4-8pm.

They will be experienced bar tenders at this function.

On a motion duly made and seconded, it was

VOTED: to grant the Special Alcohol license as presented.

**St. Ann's Church**  
**40 Thurston St.**

Present: Peter Regan

Peter Regan came before the Commission seeking approval of a Special Alcohol license for the purpose of dispensing and selling alcoholic beverages at a Quiz Night to be Held at St. Ann's Hall, 40 Thurston St., on February 28, 2009 between the hours of 6-11p.m.

They will be experienced bar tenders at this function.

On a motion duly made and seconded, it was

VOTED: to grant the Special Alcohol license as presented.

There being no further business, the meeting was adjourned.

Respectfully submitted

Jenneen Pagliaro  
Administrative Assistant



**City of Somerville  
Licensing Commission**

**Senior Center  
Tufts Administration Building  
167 Holland Street**

**Regular Meeting  
Monday  
March 23, 2009  
6:00 p.m.**

Chairman Upton called the meeting to order. Present were Commissioner John J. McKenna, Inspector Warren Chaille and Administrative Assistant Jenneen Pagliaro

The Minutes of February 23, 2009 were approved as presented.

**CLUB LICENSE**

**Change in Manager**

**Dante Club, Inc.,  
5 Dante Terrace**

Present: Michael Capasso

Mr. Capasso came before the Commission seeking approval for a change of manager from James Aufiero to himself.

Mr. Capasso is currently the President and has been a board member for over 10 years and a member for the last 16 years.

On a motion duly made and seconded, it was

VOTED: to grant the change of manger as presented.

**COMMON VICTUALER LICENSES**

**Subway of Davis SQ.  
197 Elm St.**

Present: Dongyuan Zhang

Mr. Zhang came before the Commission seeking approval of a Common Victualer license for Subway of Davis SQ. at 197 Elm St.

Along with the application a floor plan, menu and lease were submitted for the Commissioners consideration.

Mr. Zhang has experience with food services and currently owns the Subway Restaurant on Somerville Avenue.

On a motion duly made and seconded, it was

VOTED: to approve the Common Victualer license as presented.

**Café Lola**  
**278B Highland Ave.**

Present: Lola Riveras

Ms. Riveras came before the Commission seeking approval of a Common Victualer license for Café Lola at 278B Highland Ave.

Ms. Riveras was co-owner of Café Rossini for the past 17 years and has taken full ownership of the business and is changing the name to Café Lola.

The floor plan and menu will stay the same.

On a motion duly made and seconded, it was

VOTED: to grant the Common Victualer license as presented.

**Pizza Palace**  
**222 Somerville Ave.**

Present: Cyndie Femino

Ms. Femino came before the Commission seeking approval of a Common Victualer license for Pizza Palace at 222 Somerville Ave.

Along with the application, a copy of the floor plan, menu and lease were submitted for the Commissioner's consideration.

The menu will consist of pizza and subs.

Ms. Femino had many years experience in the Restaurant business, her family owned the Ocean Reef for 18 years.

On a motion duly made and seconded, it was

VOTED: to grant the Common Victualer license as presented.

**Change in Seating Capacity**

**74 LTD d/b/a Snappy Sushi**  
**420 Highland Ave.**

Present: Attorney Adam Dash & Kazu Aotani

Adam Dash, representing 74 LTD d/b/a Snappy Sushi, came before the Commission seeking approval to increase the seating capacity from 16 to 28 seats for 74 LTD d/b/a Snappy Sushi at 420 Highland Ave.

Inspectional Services had been to this establishment and will approve the changes as long as the Licensing Commission approves this application.

On a motion duly made and seconded, it was

VOTED: to approve the increase in seating.

**BEER AND WINE RESTURANT**

**Change of D/B/A**

**The Great Thai Chef, Inc.,**  
**D/B/A The Great Thai Chef,**  
**255 Washington St.**

Present: Henry Patterson & Ronnarong Saksua

Mr. Patterson & Mr. Saksua came before the Commission requesting approval to change the D/B/A name from The Great Thai Chef to Ronnarong.

Mr. Patterson has managed the property that houses this restaurant for the past 32 years.

Mr. Saksua has been a tenant for 10 years and has renovated this establishment to give the restaurant a fresh start.

Ronnarong Saksua is the chef and they want to use his name to let people know that they are making some changes.

Chairman Upton pointed out that any renovations made to the establishment need to be approved by this board. A floor plan should be filed for approval.

On a motion duly made and seconded, it was

VOTED: to approve the d/b/a name change.

**ALL FORMS ALCOHOLIC BEVERAGES**  
**7 DAY RESTAURANT LICENSE**

**Transfer of License**

**Ashfield Pubs, Inc.**  
**To**  
**Alfred Martins d/b/a Martin's Tavern**  
**445 Somerville Ave.**

Present: Attorney, James Ferraro, Alfred Martins and Michael Martins

Attorney James Ferraro, representing the buyer, came before the Commission requesting approval to transfer the All Forms Alcoholic Beverages 7 Day Restaurant license held by Ashfield Pubs Inc., license seized by Dept. of Revenue and sold at auction to Alfred Martins, d/b/a Martin's Tavern, 445 Somerville Ave., and for an entertainment license consisting of three televisions.

Mr. Martin has restaurant experience.

The establishment will have seating for 45 patrons.

The Land and Sea Restaurant occupies part of this space and will serve food to both establishments.

Commissioner Upton states that the portion of food should typically be 70 percent food to 30 percent alcohol. The board encourages businesses and wants more restaurants, but does not need more taverns or bar rooms. The purpose of the license is to help restaurants serve food with the alcohol to make the experience better and help generate more revenue.

Mr. Martin notified the Ward Aldermen and spoke with the neighbors.

Alderman Maryann Heuston stated she spoke with the business about the rules and stated she was not aware of the shared kitchen, and had not received any call from the abutters. Alderman Heuston thinks it may be a good addition to the neighborhood and is not opposed.

On a motion made and seconded, it was

VOTED: to grant the transfer of the license as presented.

**Violation Hearing**

**Pavan Restaurant Group, D/B/A Diva**  
**246 Elm St.**

Present: Attorney Arthur Goldberg, Jaswinder Pablo & Assistant City Solicitor Francis X. Wright, Jr.

The Pavan Restaurant Group, Inc., d/b/a Diva appeared before the Somerville Licensing Commission to show cause why its All Forms Alcoholic Beverages 7 Day Restaurant license, Common Victualer License and 2a.m. Closing licensing should not be modified, suspended, revoked, or the hours during which sales of alcoholic beverages may be made reduced for alleged violation of

**Somerville Licensing Commission Rule 1.06.b.** The licensed premises shall conform to the floor plan approved by the Commission with regard to the structures and the walls at the premises, as well as with regard to all tables, chairs, booths, bars, counters, barstools, dance floors or areas, railing partitions, and other barriers at the premises. Any changes in the floor plan or any renovations of any kind may not be made without notification to the Commission and the prior approval of the Commission. The floor plan shall be drawn to scale. It shall include the location and dimensions of all equipment, fixtures and furniture and otherwise be satisfactory to the Licensing Commission.

**Somerville Licensing Commission Rule 1.09.a.** It shall be the obligation of licensees to ensure that a high degree of supervision is exercised over the conduct of the licensed establishment at all times. Each licensee will be held accountable for all violations that are related to the licensed premises to determine whether or not the licensee acted properly in the given circumstances.

**Somerville Licensing Commission Rule 1.09. c.** When any noise, disturbance, misconduct, disorder, act or activity occurs in the licensed premises, or in the area in front of or adjacent to the licensed premises, or in any parking lot provided by the licensee for the use of its patrons, which in the judgment of the Commission adversely affects the protection, health, welfare, safety or repose of the residents of the area in which the licensed premises are located, or results in the licensed premises becoming the focal point for police attention, or is offensive to public decency, the licensee may be held in violation of the license and subject to proceedings for suspension, revocation or modification of the license.

**Somerville Licensing Commission Rule 1.11.a.** No licensee may provide entertainment of any kind unless the licensee holds an entertainment license issued pursuant to the General Laws, Chapter 140, section 183A. Such license must be held in the same name, by the same owners, and with the same manager as the food or beverage licensee; provided, however, that in cases where entertainment on the premises is to be conducted

by a person or entity who is an independent contractor at the premises, the food or beverage licensee may seek the approval of the Commission for an exemption from this rule based upon a written contract with the independent contractor to book and/or to produce the entertainment. The food or beverage licensee shall be responsible for the actions of such independent contractor on the premises in addition to the responsibility held by the independent contractor pursuant to the entertainment license. The food or beverage licensee shall pay the independent contractor a fee according to the written contract, said fee to be commensurate with the market value of the services, and the independent contractor shall not be given any direct or indirect interest in the licensed premises other than the fee set out in the contract. Said fee shall not be based upon the number of patrons attending an entertainment event. The food or beverages licensee shall provide in the contract for removing the independent contractor in the event that the entertainment is poorly managed or causes violations to occur at the licensed premises. Any food or beverage licensee who permits entertainment at the licensed premises pursuant to a license held by a person in violation of this rule will be subject to disciplinary action by the Commission.

The Licensee waived the reading of the alleged violations.

Assistant City Solicitor Francis Wright, Jr. stated this hearing is a result of a shooting that took place outside the Diva Restaurant following a hip hop dance night that was held at the restaurant. This establishment did not receive the approval of the Commission to alter the floor plan, nor did it have an entertainment license. Therefore this establishment should have not been allowing entertainment or dancing. Based on the notice of hearing and a number of conversations that Asst. City Solicitor Wright had with the attorney and the client, The City and the attorney settled on the joint recommended disposition as follows:

IN RE:           THE MATTER OF  
                  Pavan Restaurant Group, Inc., d/b/a Diva

#### **JOINT RECOMMENDED DISPOSITION**

**NOW** come the City of Somerville and the licensee, Pavan Restaurant Group, Inc. d/b/a Diva, 246-248 Elm Street, and propose the following recommended disposition as to the violations alleged in the Notice of Hearing, dated March 5, 2009.

Based on the facts as set forth in the Notice of Hearing, Pavan Restaurant Group, Inc.,

- (1)           Pavan Restaurant Group, Inc.'s 2 AM Closing License shall be revoked effective immediately. Pavan Restaurant Group, Inc. may not reapply for a 2AM Closing license for one (1) year, until after March 23, 2010.

- (2) Pavan Restaurant Group, Inc. shall not conduct any dance and/or entertainment events at its establishment effective immediately. Pavan Restaurant Group, Inc. may not apply for a dance, DJ or other such entertainment license for two (2) years, until after March 23, 2011, but may apply for a license for low level background music reasonably intended to be used to enhance the dining experience and television.
- (3) Pavan Restaurant Group, Inc. shall not alter its floor plan without the prior approval of the Licensing Commission, in accordance with Rule 1.06.b
- (4) Pavan Restaurant Group, Inc. shall not apply for the Licensing Commission's approval to enter into an agreement with any independent contractor(s) to provide entertainment for two (2) year, until after March 23, 2011, in accordance with Rule 1.07.g.
- (5) Pavan Restaurant Group, Inc. shall receive a twenty (20) day rollback of its closing hour, i.e. all forms alcoholic beverage and common victualer licenses, closing its restaurant and lounge at 11:00 PM. Pavan Restaurant Group, Inc. shall serve ten (10) days immediately and ten (10) days shall be held in abeyance for one (1) year, which shall be served immediately should the licensee have been found by the Licensing Commission to have violated any of its rules and regulations, City of Somerville ordinance(s) or state statute(s) which violation(s) is found to have occurred on or before March 23, 2010.

Pavan Restaurant Group, Inc. agrees to focus increased attention on security and public safety at the premises, both inside and outside, to insure that patrons are dispersed from the front of the premises in an orderly and timely manner.

Pavan Restaurant Group, Inc. agrees that it shall comply with all applicable Massachusetts General Laws, including but not limited to Chapters 138 and 140, Code of Massachusetts Regulations, Somerville City Ordinances and Somerville Licensing Commission rules and regulations including, but not limited to, the rules and regulations referenced in the Notice of Hearing, dated March 5, 2009, being rules, 1.06.b. (floor plan), 1.09.a. and e. (environs of licensed premises) and 1.11 (entertainment).

Any costs associated hereto shall be borne by the Pavan Restaurant Group, Inc.

In accordance with rule 1.02.c. the Pavan Restaurant Group, Inc. shall have all of its employees, management and other, read the Somerville Licensing Commission Rules and Regulations and a copy shall be kept on the premises at all times and be readily available at all times in accordance with Rule 1.02.a.

Pavan Restaurant Group, Inc., as licensee, agrees that upon the Commission accepting and entering the above-recommended disposition, it waives all available appeals.

The date of the alleged offense is February 8, 2009 as reported to this office by Somerville Police Inspector Warren Chaille.

On a motion duly made and seconded it was,

VOTED: to accept the recommended disposition of the City and the licensee, as offered by Asst. City Solicitor Frank X. Wright and Attorney Arthur Goldberg for Pavan Group, Inc. dba Diva.

**SPECIAL ALCOHOL LICENSE**

**The Center for Arts at the Armory**  
**191 Highland Ave.**

Present: Debra McLaughlin, Mark Halston

Somerville Homeless Coalition requesting approval of a Special Alcohol license for the purpose of dispensing and selling alcoholic beverages at a fundraiser event to be held at The Center for Arts at the Armory, 191 Highland Ave. on April 25, 2009 between the hours of 7:00p.m. and 11p.m.

Ms. McLaughlin stated that approximately 250 are expected to attend this event.

A Police and Fire Detail have been requested.

Experienced volunteer bar tenders will be serving at this event.

Debra stated that this space will not be offered for Weddings, birthday etc. This is not a function hall. Its function is for Community Arts Related events.

John L. Sullivan, an abutter wants it noted for the record that he is in opposition of this license.

On a motion duly made and seconded, it was

VOTED: to grant the Special Alcohol license as presented.

Having no further business, the meeting was adjourned.

Respectfully submitted

Jenneen M. Pagliaro  
Administrative Assistant



**City of Somerville  
Licensing Commission**

**Senior Center  
Tufts Administration Building  
167 Holland Street**

**Regular Meeting  
Monday  
April 27, 2009  
6:00 p.m.**

Chairman Andrew Upton called the meeting to order. Present were commissioners Vito Vaccaro, John McKenna, Inspector Warren Chaille and Administrative Assistant Jenneen M. Pagliaro.

The Minutes of the preceding meeting were accepted as presented.

The following hearings were conducted:

**COMMUNICATION**

Communication from Attorney Jeffrey M. Frankel, submitting a status update on the Ville, Inc., d/b/a Khoury's State Spa.

The Board took notice that Khoury's remains closed pending bankruptcy proceedings.

**STATUS**

New Asia was requested to appear regarding the status of its All Forms Alcoholic Beverages 7-Day Restaurant license.

Present: Sally Loh

Ms. Loh stated that the business was closed due to the construction in Union Square and is currently undergoing renovations and should be open by mid summer.

**COMMON VICTUALER LICENSES**

**The Salvadorean Restaurant  
402 Mystic Ave.**

Present: Dina Posada

Ms. Posada came before the Commission requesting approval of a Common Victualer license at 402 Mystic Ave.

Along with the application, a copy of the floor plan, Menu and lease were submitted for the Commissioner's consideration.

The restaurant has been owned by Ms. Posada parents for 14 years.  
Ms. Posada is taking over the business with no changes to the menu or floor plan.

On a motion duly made and seconded, it was

VOTED: to approve the Common Victualer license as presented.

**509 Bistro & Grill**  
**89 Broadway**

Present: Edwin Joseph and Fernando Vincent

Edwin Joseph and Fernando Vincent came before the Commission seeking approval of a Common Victualer license at 89 Broadway. This business was previously operated by Minas Grill.

Along with the application, a copy of the floor plan, menu and lease were submitted for the Commissioner's consideration.

The menu will consist of American and Creole food.

Mr. Joseph & Ms. Vincent both have previous restaurant experience.

On a motion duly made and seconded, it was

VOTED: to approve the Common Victualer license as presented.

**Valentim Pizza and Grill**  
**505 Medford St.**

Present: James McCann & Lucia Tavares

Mr. McCann, representing Ms. Tavares came before the Commission seeking approval of a Common Victualer license at 505 Medford St. This business was previously operated by Pampas Buffet & Grill.

Along with the application, a copy of the floor plan, menu and lease were submitted for the Commissioner's consideration.

Ms. Tavares has restaurant experience.

On a motion duly made and seconded, it was

VOTED: to approve the Common Victualer license as presented.

**ALL FORMS ALCOHOLIC BEVERAGES**  
**7 DAY RESTAURANTS**

**Entertainment License**

**Pavan Restaurant group, Inc.**  
**d/b/a DIVA**  
**248 Elm St.**

Present: Jaswinda Pablo

Mr. Pablo came before the Commission requesting approval of an Entertainment license consisting of audio and 3 televisions at 248 Elm St.

Asst. City Solicitor Francis X Wright, Jr. stated that the licensee is allowed under section 2 of his recommended disposition agreement with Mr. Pablo's from a previous violation hearing. ACS Wright stated that Mr. Pablo is allowed to apply for an Entertainment license consisting of low level background music and television only.

On a motion made and seconded, it was

VOTED: to approve the Entertainment license as presented.

**Transfer of Stock**  
**New Officer/Director**

**Bull McCabe Corp.**  
**Db a Bull McCabe's Pub**  
**366A Somerville Ave.**

Present: Attorney William Gosz, Brian Manning, Christopher Fitzsimons & Christopher Whitney

Attorney Gosz representing Bull McCabe's Pub, 366A Somerville Ave., came before the Commission requesting approval of to transfer 100 shares of stock from Christopher Fitzsimons to Christopher Whitney and for a change of Directors.

Mr. Gosz stated that Mr. Whitney is buying out Mr. Fitzsimons and is changing officers.

The establishment plan to keep everything else the same.

On a motion duly made and seconded, it was

VOTED: to grant the Transfer of stock and the Change of Officers as presented.

**Outdoor Seating**

**Prospect Hill Properties, Inc.**  
**d/b/a The Independent,**  
**75 Union Square**

Present: Ken Kelly

Mr. Kelly came before the Commission requesting approval to extend the licensed premises at 75 Union Sq., to allow for alcoholic beverages and food to be served on the City sidewalk in the area between the Independent and the SCAT building.

Mr. Kelly stated that he also wished to cook outside with a grill and have a raw bar.

The location that Mr. Kelly wants to use is city owned property. Mr. Kelly stated that he went before the Board of Alderman and was granted and Outdoor Seating license.

Asst. City Solicitor Francis X. Wright, Jr. stated that he contacted the the ABCC regarding this issue and the ABCC was able to find a similar example from another town. And stated that Mr. Kelly would have to work with the ABCC on this.

Commissioner McKenna gives his support, but is a little concerned about use of City property and any possible interference this might have with the Farmers Market.

Mr. Kelly stated that the Farmers Market would not interfere with his business in any way.

Asst. City Solicitor Francis X. Wright, Jr. stated that Chief Kelleher asked to convey his concerns relative to the grill & seating. The Chief is concerned if a sudden rainstorm happens and overcrowding occurs what issues can come as a result of this. ACS Wright stated that Chief Kelleher is not against the idea, but the Chief felt that these are issues that need to be addressed.

Upon a motion duly made and seconded, it was

VOTED: to grant the Outdoor Seating License as presented.

**Alterations to Premises**

**Cibobella, Inc.**  
**d/b/a Sagra**  
**400 Highland Ave.**

Requesting approval to allow expansion to the second floor of the building for private parties.

\*Attorney Richard DiGiroloma requesting a continuance of this petition, until the applicant meets with the Davis Square Task Force.

Continued until next meeting.

**SPECIAL ALCOHOL LICENSES**

**St. Anthony's Church**  
**12 Properzi Way**

Present: Father Edson

Father Edson of St. Anthony's Church came before the Commission seeking approval of a Special Alcohol license for the purpose of dispensing and selling alcoholic beverages at a Mother's Day Feast to be held in the school gymnasium, 480 Somerville Ave., on May 9, 2009 from 8p.m. to 12a.m.

Approximately 400 people are expected to attend this event. Police and Fire Detail have been requested and experienced servers will be dispensing the alcoholic beverages.

On a motion duly made and seconded, it was

VOTED: to grant the Special Alcohol License as presented.

**The Center For the Arts At The Armory**  
**191 Highland Ave.**

**Alt Comedy Festival**

Present: Brian Joyce & Debra McLaughlin

Mr. Joyce came before the Commission seeking approval of a Special Alcohol license for the purpose of dispensing and selling alcoholic beverages at Alt Comedy Festival to be held at The Center for the Arts at the Armory, 191 Highland Ave., on May 10, 2009 from 8p.m. to 11p.m.

Ms. McLaughlin stated that all the events that are being held at the Armory, will have experienced servers and Police and Fire details have been requested.

Mr. Joyce stated that this event is a comedy show known as the Onion.

This show is a \$20.00 ticketed seated event.

This organization did a couple of show last year at the Somerville Theater and performs all over the country.

John L. Sullivan is opposed to a beer and wine license for this event.

Mr. Sullivan stated that this past weekend, the Armory held an event which was extremely loud and could be heard from inside his house.

Mr. Sullivan feels the Armory is operating like a function Hall and the neighbors are not happy about this. Mr. Sullivan also stated that traffic was also an issue.

Police Inspector Chaille stated he was not aware of any complaints about the show over the past weekend.

Ms. McLaughlin stated that they used a DB meter to measure the noise level. The noise level was well below the level allowed for the building.

Ms. McLaughlin stated that there were also two other neighborhood parties going on that evening as well.

Ms. McLaughlin sent an update to members of the neighborhood Advisory Committee, giving them updates about efforts to work on sound and noise, indicating that we still have some issues to work on with soundproofing.

Mr. Sullivan stated that he could still hear the noise with his windows closed.

Commissioner Upton noted that the Armory was well within the legal levels for noise.

Upon a motion duly made and seconded, it was

VOTED: 2 to 1 in favor, Commissioner Vaccaro voted in opposition

The Special Alcohol License was granted as presented.

**Voidstar Productions**

Present: David Dubson & Debra McLaughlin

Mr. Dubson came before the Commission requesting approval of a Special Alcohol license for the purpose of dispensing and selling alcoholic beverages at a Music, Video, Arts Festival to be held at the Center for the Arts at the Armory, 191 Highland Ave., on May 8, 2009 from 7p.m.-11p.m.

Mr. Dubson stated that this is a multimedia performance and will have music.

John L. Sullivan is opposed to a beer and wine license for this event.

Upon motion duly made and seconded, it was

VOTED: 2 to 1 in favor of granting the Special Alcohol License, Commissioner Vaccaro voted in opposition.

The Special Alcohol License was granted as presented.

#### **Anthology Voices**

Present: Debra McLaughlin

Ms. McLaughlin, representing Anthology Voices came before the Commission requesting approval of a Special Alcohol license for the purpose of dispensing and selling alcoholic beverages at a Cappella Concert to be held at the Center for the Arts at the Armory, 191 Highland Ave., on May 16, 2009 from 6:30p.m-10:30p.m.

Ms. McLaughlin stated that the music will not be amplified and that they are expecting approximately 50 people at this event.

John L. Sullivan is opposed to a beer and wine license for this event.

Upon a motion duly made and seconded, it was

VOTED: to grant the Special Alcohol License as presented

#### **Tim Jackson**

Present: Debra McLaughlin

Ms. McLaughlin, representing Tim Jackson came before the Commission requesting approval of a Special Alcohol license for the purpose of dispensing and selling alcoholic beverages at a film screening & reception to be held at the Arts at the Armory, 191 Highland Ave., on May 23, 2009 from 7p.m.-11p.m.

Ms McLaughlin stated that this event is a film documentary appropriate for all ages.

A crowd of approximately 100 people are expected.

John L. Sullivan is opposed to a beer and wine license for this event.

Upon a motion duly made and seconded, it was

VOTED: to grant the Special Alcohol License as presented.

**Split Signal**

Present: Dominic Musacchio & Debra McLaughlin

Mr. Musacchio came before the Commission requesting approval of a Special Alcohol license for the purpose of dispensing and selling alcoholic beverages at a Music Video, Arts Festive to be held at the Arts at the Armory, 191 Highland Ave., on May 30, 2009 from 6p.m.-11p.m.

Mr. Musacchio stated that they would be having amplified music with silent movies.

Chairman Upton suggested that Mr. Musacchio should work with Debra and the Community to make sure this doesn't disrupt the neighbors.

John L. Sullivan is opposed to a beer and wine license for this event.

Upon a motion duly made and seconded, it was

VOTED: to grant the Special Alcohol License as presented.

**Ground Works Somerville**

Present: Jennifer Lawrence & Debra McLaughlin

Ms. Lawrence of Ground Works Somerville came before the Commission requesting approval of a Special Alcohol license for the purpose of dispensing and selling alcoholic beverages for a fundraiser to be held at the Arts at the Armory, 191 Highland Ave., on June 6, 2009 from 6:30p.m.-10:30p.m.

Ms. Lawrence stated that this is an Art auction.

The event will use an I-pod to play back ground music.

Commissioner Vacçaro questioned if the Armory has a standard fee for renting.



Ms. McLaughlin stated that it depends on the event, the Board of Directors work with the applicants to determine a fair fee.

John L. Sullivan is opposed to beer and wine at this event.

Upon a motion, duly made and seconded, it was

VOTED: to grant the Special Alcohol License as presented

**Gersher City**

Present: Debra McLaughlin

Ms. McLaughlin, representing Gersher City came before the Commission requesting approval of a Special Alcohol license for the purpose of dispensing and selling alcoholic beverages for an Artwork/Israeli Festival to be held at the Arts at the Armory, 191 Highland Ave., on June 17, 2009 from 6p.m.-10p.m.

Ms. McLaughlin stated this is an art event with no amplified music.

Commissioner Vaccaro stated that he would like the applicants to appear at these hearings themselves, so that the Commissioners can meet them.

Ms. McLaughlin stated she or Susan would be at every event.

John L. Sullivan is opposed to beer and wine at this event.

Upon a motion duly made and seconded, it was

VOTED: to grant the Special Alcohol License as presented.

**Tufts University Dining Services**  
**89-91 Curtis St.**

**Class of 1979 Reunion**

Present: Patricia Klos

Ms. Klos of Tufts University Dining Services came before the Commission requesting approval of a Special Alcohol license for the purpose of dispensing and selling alcoholic beverages for a Class Reunion Banquet, Class of 1979 to be held at Sophia Gordon Hall, 15 Talbot Ave., on May 16, 2009 from 6p.m.-11p.m.

Upon a motion duly made and seconded, it was

VOTED: to grant the Special Alcohol License as presented.

**Class of 1974 Reunion**

Ms. Klos of Tufts University Dining Services came before the Commission requesting approval of a Special Alcohol license for the purpose of dispensing and selling alcoholic beverages for a Class Reunion Banquet, Class of 1974 to be held at Alumnae Lounge, 52 Talbot Ave., on May 16, 2009 from 6p.m.-11p.m.

Upon a motion duly made and seconded, it was

VOTED: to grant the Special Alcohol License as presented.

**Class of 1964 Reunion**

Ms. Klos Tufts University Dining Services came before the Commission requesting approval of a Special Alcohol license for the purpose of dispensing and selling alcoholic beverages for a Class Reunion Banquet, Class of 1964 to be held at Granoff Music Center, 20 Talbot Ave., on May 16, 2009 from 6p.m.-11p.m.

Upon a motion duly made and seconded, it was

VOTED: to grant the Special Alcohol License as presented.

Ms. Klos stated that all of the Class Reunion events will have experienced bar tenders. And Police and Fire Details have been requested.

**Violation Hearing**

Present: Asst. City Solicitor Francis X. Wright, Befekadu Defar, Anthony Colella & Officer Alex Capobianco

B.E.E.F., Inc., d/b/a Fasika, 145-147 Broadway came before the Commission to show cause why the All Forms Alcoholic Beverages 7-Day Restaurant license, Common Victualer license, 2am license and Entertainment license of the above-referenced establishment should not be modified, suspended, revoked, or the hours during which sales of alcoholic beverages may be made reduced for alleged violation of Somerville Licensing Commission Rules and Regulations to wit: -

Somerville Licensing Commission Rule 1.09.a. - It shall be the obligation of licensees to ensure that a high degree of supervision is exercised over the conduct of the licensed establishment at all times. Each licensee will be held accountable for all violations that are related to the licensed premises to determine whether or not the licensee acted properly in the given circumstances.

Somerville Licensing Commission Rule 1.09.e. - When any noise, disturbance, misconduct, disorder, act or activity occurs in the licensed premises, or in the area in front of or adjacent to the licensed premises, or in any parking lot provided by the licensee for the use of its patrons, which in the judgment of the Commission adversely affects the protection, health, welfare, safety or repose of the residents of the area in which the licensed premises are located, or results in the licensed premises becoming the focal point for

Police attention, or is offensive to public decency, the licensee may be held in violation of the license and subject to proceedings for suspension, revocation or modification of the license.

Somerville Licensing Commission Rule 1.13(a)(5)-(a) Licensees shall make all reasonable and diligent efforts to ensure that illegal activities do not occur at the licensed premises. Such efforts may include, but are not limited to:

(5)calling for police assistance as necessary to protect patrons against injury or to evict unruly patrons or to uncover unlawful conduct or to give medical assistance and providing police with requested information;

Somerville Licensing Commission Rule 1.14a. Licensees shall instruct their employees and security personnel that they are not to make bodily contact with a patron unless to protect other patrons or themselves from being subjected to body blows or other harm from an unruly patron. In all other circumstances employees and security personnel are to call the police to have patrons removed from the premises when such patrons are being disruptive and they are unable to convince the patron to leave the premises voluntarily.

Somerville Licensing Commission Rule 1.14.b. Licensees shall call the police and an ambulance and take all other reasonable steps to assist patrons and persons who are injured in or on the licensed premises or whose injuries have occurred outside the premises but have been brought to the attention of the licensee.

The date of the alleged offense was February 27, 2009 as reported by Somerville Police Inspector Warren Chaille.

Asst. City Solicitor Wright asked Somerville Police Officer Capobianco if he responded to a call in the area of the Fasika Restaurant. Officer Capobianco stated he did not personally respond to the call. Officer Capobianco stated that the Somerville Police Department did respond to a call from a gentleman named Mahbub Chawdhury. Officer Capobianco read Mr. Chawdhury statement into the record. Mr. Chawdhury stated that he had gotten out of work at 11:30 in Boston and took the train to Sullivan Square and had missed the bus, so he decided to walk home. On the way home Mr. Chawdhury decided to stop for a drink in Fasika's. Mr. Chawdhury claimed that he has never entered this establishment before that evening. Upon entering Fasika's Mr. Chawdhury claimed that three gentlemen were laughing at him and he asked them what was so funny. Mr. Chawdhury claimed he was threatened with bodily harm. Mr. Colella, the bar tender that night came around the bar to escort Mr. Chawdhury out of the establishment and Mr. Chawdhury said was shoved out the door. Mr. Chawdhury reentered the establishment

and asked the bartender to call the police but the bartender refused. Mr. Chawdhury stated that Mr. Colella punched him in the face and kicked him in the head and he stated that he lost consciousness and woke up in a snow bank. The Somerville Police Dept. did respond to the scene and they found no evidence of blood inside the establishment. An ambulance was called for the victim and he was taken to the Somerville Hospital. Officer Capobianco interviewed Mr. Colella and Mr. Colella stated at no time did he touch the victim. Two patrons at the bar that night stated that Mr. Chawdhury was intoxicated and Mr. Colella did escorted the victim out of the bar without incident.

Asst. City Solicitor Francis X. Wright stated that it is unlikely that this patron was highly intoxicated if he got out of work just 1 hour & 7 minutes after he left his place of employment in Boston. ACS Wright stated that it is the concern of the City that this is the 2<sup>nd</sup> incident that has been reported to this Commission. A similar incident was reported one year ago. Mr. Defar was very cooperative at that time. Mr. Defar stated last year that the first incident did not occur.

Mr. Defar left the restaurant early the night of this incident.

Mr. Defar stated that he had closed circuit cameras but the tapes were erased before anyone thought to check them, The cameras automatically erase every ten days.

Mr. Defar stated he did not know the victim.

Mr. Colella, the bar tender, came before the Commission and stated that Mr. Chawdhury entered the establishment and seemed intoxicated. Mr. Chawdhury stated to Mr. Colella that the customers were laughing at him. Mr. Chawdhury then asked for a drink, Mr. Colella stated that he refused him service and escorted him to the door. About ten minutes later a couple of police officers show up to question him. Mr. Colella stated that he would never get into a physical confrontation with anyone, at 69 years old he would be afraid he would have a heart attack.

Commissioner McKenna commented that this incident is almost identical to last year's incident.

Commissioner McKenna motions that Mr. Defar be required to maintain this closed circuit system, so the City can check the recordings if any future incident were to happen.

Chairman Upton questions if the victim has filed a complaint.

Officer Chaille stated that the victim did file a complaint and is awaiting a hearing.

Motion made to continue this matter to next meeting, pending further updates from the City Solicitor.

**Late Item**

**Communication**

Present: OSPCD Executive Director, Monica Lamboy and Rob May

Monica Lamboy and Rob May came to address the Commission regarding the new citywide Alcohol Licenses.

Ms. Lamboy Suggest prioritizing licenses for economical development and suggests that specific area of the city would benefit from doing so. Ms. Lamboy also discussed possibly changing existing beer and wine licenses to all forms licenses.

Commissioner Vaccaro stated that he felt that the City already has enough liquor licenses.

Commissioner Vaccaro speaks about the quick turn around sale of liquor licenses and questions as to why the City is not making a profit on the resale of licenses.

Ms. Lamboy states that these new licenses are going to be treated like the beer and wine licenses and they will come back to the City when the establishment is done using them.

Commissioner McKenna pointed out that he is in support of neighborhood restaurants and feels they can do well even without parking, stating that neighbors could walk to the establishments.

Ken Kelly stated for the record that he is in favor of development in Union Square.

Ms. Lamboy also discussed having fee changes.

Commissioner Upton suggested that OSPCD come back with a proposal on the fees and how their input will be directed.

Having no further business, the meeting was adjourned.

Respectfully submitted  
Jenneen M. Pagliaro  
Administrative Assistant

**City of Somerville  
Licensing Commission**

**Senior Center  
Tufts Administration Building  
167 Holland Street**

**Regular Meeting  
Monday  
May 18, 2009  
6:00 p.m.**

Chairman Andrew Upton called the meeting to order. Present were Commissioners Vito Vaccaro, John J. McKenna, Inspector Warren Chaille and Administrative Assistant Jenneen M. Pagliaro.

The following hearings were conducted:

**SPECIAL ALCOHOL LICENSES**

**Portuguese American Civic League  
26 Springfield St.**

Present: Izidro Medonca

Mr. Medonca came before the Commission requesting approval of a Special Alcohol license for the purpose of dispensing and selling alcoholic beverages at The Feast of the Holy Spirit to be held in parking lot across from the club at 26 Springfield St. on July 10, 2009 and July 11, 2009 from 7:00PM to 12:00AM and July 12, from 3:30PM to 12:00AM.

This event will have experienced bar tenders and Police and Fire Detail will be obtained.

On a motion duly made and seconded, it was

VOTED: to grant the Special Alcohol License as presented.

**St. Anthony's Church**  
**12 Properzi Way**

Present: Father Balen

Father Balen came before the Commission requesting approval of a Special Alcohol license for the purpose of dispensing and selling alcoholic beverages at The Feast of St. John to be held in St. Anthony's School yard on June 27, 2009 from 7:00PM to 12:00AM.

Approximately 5000 people are expected to attend this event. Police and Fire details have been requested and experienced servers will be dispensing the alcoholic beverages.

On a motion duly made and seconded, it was

VOTED: to grant the Special Alcohol License as presented.

**Mayor Joseph Curtatone**  
**City of Somerville**

Present: Susan Fiedler

Susan Fiedler came before the Commission requesting approval of a Special Alcohol license for the Purpose of dispensing and selling alcoholic beverages at Joe's Jazz & Blues Fest to be held at The Center for the Arts at the Armory, 191 Highland Ave. on June 25, 2009 from 8:00PM to 10:30PM.

Ms. Fiedler stated that all the previous events have been a success and no official complaints were filed.

On a motion duly made and seconded, it was

VOTED: to grant the Special Alcohol License as presented.

**Redbones**  
**55 Chester St.**

Present: Robert Gregory

Robert Gregory came before the Commission requesting approval of a Special Alcohol license for the purpose of dispensing and selling alcoholic beverages at Redbones Annual Bike Party & Benefit to be held on Chester St. on June 8, 2009 from 5:00PM to 10:00PM (raindate June 15, 2009).

Approximately 500 people are expected at this event.

This is the first application under the new Ordinance for service of alcohol beverage at outdoor festivals, which was recently passed by the Board of Aldermen.

The Mayor still needs to sign off on the new Outdoor Seating Ordinance before it takes effect.

On a motion duly made and seconded, it was

VOTED: to grant the Special Alcohol License as presented, Contingent upon the Mayor's signature on the new Ordinance.

**ALL FORMS ALCOHOLIC BEVERAGES**  
**7 DAY RESTAURANT**

**Viz, Inc. d/b/a Choices**  
**379-381 Somerville Ave.**

Present: Victor Ortiz

Mr. Ortiz came before the Commission for review of the status of the 2AM license that was rolled back in November.

Choices and is currently operating on Fridays & Saturdays to 1PM and Sundays until 12AM.

Mr. Ortiz stated that he currently is holding Latin nights and Comedy nights at his establishment and also has a new menu.

Mr. Ortiz stated that he has lost a lot of his business due to the change in hours and feels that the extra hour will help keep him in business.

Mr. Ortiz stated he had a meeting to address the concerns of the neighbors.

Commissioner McKenna questioned Mr. Ortiz about the police detail situation.

Mr. Ortiz responded that he has been obtaining police details as needed and the Chief of Police has no problem with that.

Inspector Chaille stated that the Police have not had any recent problem with Choices.

Mr. Ortiz stated that parking is not allowed in Market Basket and he makes sure that the patrons are aware if this.



Commissioner Vaccaro has a hard time believing that extending the hours will make a big difference.

Mr. Ortiz feels the people should have the option to stay until 2AM. Or they will choose to go elsewhere.

Alderman Taylor stated for the record that he is opposed to the 2AM license and also stated that Ald. Heuston, who could not be at the meeting is opposed to the 2AM license as well.

Mr. Ortiz stated that his business is located in the Central Business district.

Alderman Taylor stated that this still abutts the neighborhood and that is the problem and that giving back the 2AM license would be a disaterous move.

Leo Oliveira of Bow St. spoke in opposition to the 2AM license.

Mr. Oliveira feels that since the last meeting with the Licensing Commission, things were fine but the past two weeks parking has become a problem.

Mr. Ortiz feels he doesn't have enough customers to support Mr. Oliveira's statement regarding parking.

Many people spoke in favor of the 2AM license.

Chairman Upton noted that Mr. Ortiz has a lot of support at this meeting as opposed to the last meeting.

Alderman Taylor remarks that notification process could have been bit better.

Chairman Upton suggested a compromise, to give back the 2AM license for one or two nights on a trial basis.

Alderman Taylor is not opposed to a trial period.

On a motion duly made and seconded, it was

VOTED: to allow 2AM service on Friday & Saturdays for a Period of two months and for Sunday to remain the same and when Mr. Ortiz comes back the Board would like to see some type of documentation of increased revenue, ratio of alcohol to food and communications with the neighbors along the way. Mr. Ortiz must come back to the before the Licensing Commission in two months.

Commissioner Vaccaro voted in opposition

**ALTERATIONS TO PREMISES**

**Cibobella Inc., d/b/a Sagra**  
**400 Highland Ave.**

Present: Rafael Beamud & Attorney DiGirolomo

Attorney DiGirolomo came before the Commission on behalf of Cibobella, Inc. dba Sagra requesting approval to alter the premises located 400 Highland Ave., to allow for an expansion to the second floor of the building for use of private parties.

The second floor of this establishment has been vacant since 2007.

Sagra has entered into an agreement with the owner to use this space for private parties and functions.

There are 60 seats and a bar.

The owner has meet with The Davis Square Task Force and has their support.

Inspector Chaille notes that this business has had no complaints or issues to his knowledge.

Noted: that the Chamber of Commerce is in favor of the expansion.

On a motion duly made and seconded, it was

VOTED: to grant the alterations to the premises as presented.

**BEER AND WINE RESTAURANT**

**ENTERTAINMENT LICENSE**

**Namaskar, Inc.,**  
**d/b/a Namaskar Fine Indian Cuisine**  
**236 Elm St.**

Present: Anveri Sheikh

Mr. Sheikh came before the Commission requesting approval of an Entertainment license consisting Live Music and Belly Dancing on the premises situated at 236 Elm St.

Mr. Sheikh stated they would be having a 2-3 person band playing slow background music.

The establishment has been in business for 6 years.

Mr. Sheikh stated that business has been slow and feels some music may help the business.

They plan to have belly dancing with a c.d. player.

On a motion duly made and seconded, it was

VOTED: to grant the Entertainment License as presented.

**VIOLATION**

**International Soccer Club, Inc.**  
**5 Marshall St.**

(COUNSEL FOR THE CLUB REQUESTED A CONTINUANCE, THIS MATTER TO BE HEARD AT THE JUNE 15, 2009 MEETING)

International Soccer Club, Inc., 5 Marshall St. to show cause why its Common Victualer License and Entertainment License(s) of the above-referenced establishment should not be modified, suspended, revoked or forfeited, for alleged violation of Somerville Licensing Commission Rules and Regulations and Massachusetts General Laws, to wit:

**MGL c138,§41** – The delivery of alcoholic beverages in or from a building, booth, stand or other place, except a private dwelling house, or in or from a private dwelling house if any part thereof or its dependencies is used as an inn, eating house or shop of any kind, or other place of common resort, such delivery in either case being to a person not a resident therein, shall be prima facie evidence that such delivery is a sale.

**MGL c138,§61** – All buildings or places used by clubs for the purpose of selling, distributing or dispensing alcoholic beverages to their members or others shall be deemed common nuisances unless duly licensed under this chapter. Whoever keeps or maintains, or assists in keeping or maintaining, such a common nuisance shall be punished by a fine of not less than fifty nor more than five hundred dollars or by imprisonment for not less than three months nor more than one year, or both.

**Somerville Licensing Commission Rule 1.08.e.** Licensees shall not permit alcoholic beverages to be brought onto the licensed premises for consumption by patrons or employees.

**Somerville Licensing Commission Rule 2.02.a** - Patrons are not permitted to bring alcoholic beverages on the premises for their own consumption. Licensees are not permitted to keep alcoholic beverages on the premises except for a reasonably small quantity that is used in the preparation of certain specialty foods. The Commission will, In its discretion, determine what is reasonable for this purpose and whether it is customary in the preparation of such specialty foods.

The date of the alleged offense is April 16, 2009 as reported by Somerville Police Inspector Warren Chaille.

This matter to be continued until the June 15, 2009 meeting.

There being no further business the meeting was adjourned.

**City of Somerville  
Licensing Commission**

**Senior Center  
Tufts Administration Building  
167 Holland Street**

**Regular Meeting  
Monday  
June 15, 2009  
6:00 p.m.**

Chairman Andrew Upton called the meeting to order. Present were Commissioners Vito Vaccaro, John J. McKenna, Inspector Warren Chaille and Administrative Assistant Jenneen M. Pagliaro.

**MINUTES**

The Minutes of the April 27 & May 18, 2009 meetings were accepted as presented.

**COMMUNICATIONS**

Ordinance regarding service of Alcoholic Beverages in Public Places, received and placed on file.

Submitting for consideration proposed Licensing Fee increases. The Commission will hear debate and vote at next months Licensing Commission meeting.

The following hearings were conducted:

**STATUS**

B.EE.F., Inc. dba Fasika, 145-147 Broadway for a status update on the pending violation from the incident of February 27, 2009.

Assistant City Solicitor Francis X. Wright, Jr. stated that the case is pending before district court and ASC Wright recommends that this matter be held over until more information is available from the district court. The Commission request status updates on this matter.

**SPECIAL ALCOHOL LICENSES**

**The Center for the Arts at the Armory  
191 Highland Ave.**

Present: Freedy Johnston & Debra McLaughlin

Mr. Johnston & Ms McLaughlin came before the Commission seeking approval of a Special Alcohol License for the purpose of dispensing and selling alcoholic beverages for a concert to be held by Freedy Johnston with Mike Fiore at The Arts at the Armory, 191 Highland Ave, on June 17, 2009 from 7:00PM-10:00PM.

Ms. McLaughlin stated that this concert would be a single performer with a guitar and no other musical instruments.

Mr. John L. Sullivan stated that he is opposed to this license.

Mr. Sullivan feels the noise is still an issue at the Armory.

Ms. McLaughlin stated that they are currently working aggressively on sound issues and better sound proofing measures for the Armory.

On a motion duly made and seconded, it was

VOTED: to grant the Special Alcohol license as presented.

**The Center for the Arts at the Armory**  
**191 Highland Ave.**

Present: Debra McLaughlin

Ms. McLaughlin came before the Commission seeking approval of a Special Alcohol license for the purpose of dispensing and selling alcoholic beverages for Joe's Blues & Jazz Fest-Torch Songs concert to be held at the Center for the Arts at the Armory, 191 Highland Ave., on June 27, 2009 from 7:00PM-11:00PM.

Ms. McLaughlin stated that this concert would be made up of local musicians.

John L. Sullivan is opposed to this event.

On a motion duly made and seconded, it was

VOTED: to grant the Special Alcohol license as presented.

**Common Victualer Licenses**

**Friend's Pizzeria**  
**38 Cross St**

Present: Asif Lodhi

Mr. Lodhi came before the Commission seeking the approval of a Common Victualer license for Friend's Pizzeria, 38 Cross St.

Mr. Lodhi has experience in the restaurant business.

Along with the application, a floor plan, menu and lease were submitted for the Commissioner's consideration.

On a motion duly made and seconded, it was

VOTED: to approve the Common Victualer license as presented.

**Thai Hut Restaurant**  
**93 Beacon St.**

Present: Nut Thanakhun

Ms. Thanakhun came before the Commission seeking approval of a Common Victualer for Thai Hut Restaurant, 93 Beacon St.

Along with the application, a floor plan, menu and lease were submitted for the Commissioner's consideration.

On a motion duly made and seconded, it was

VOTED: to approve the Common Victualer license as presented.

**BEER AND WINE RESTAURANT**

**Alterations to Premises**  
**& Outdoor Seating**

**The Great Thai Chef, Inc.**  
**dba Ronnarong**  
**255 Washington St.**

Present: Ronnarong Saksua & Henry Patterson

Mr. Ronnarong & Mr. Patterson, The Great Thai Chef, Inc. dba Ronnarong, 255 Washington St., came before the Commission seeing approval to alter the premises inside and to serve alcoholic beverages in the outdoor patio area.

Mr. Patterson stated that the seating area is on private property.

Some changes to the menu have been made.

A letter of support was submitted by the Union Sq. Main Streets.

On a motion duly made and seconded, it was

VOTED: to approve the alterations to the inside of the premises and to approve service of alcohol in the outdoor patio area in accordance with established guidelines.

**ALL FORMS PACKAGE STORES**

**Change of DBA**

**Transfer of Stock**

**Change of officers**

**Neighborhood Liquors, Inc.**  
**dba Neighborhood Liquor**  
**163 Washington St.**

Present: Atty William Goldberg, Aman Kalia & Gurdeep Saini

Atty. Goldberg came before the Commission representing Neighborhood Liquors, Inc., dba Neighborhood liquor seeking approval to change the dba name to Liquor Zone and for the transfer of 1000 shares of stock from Aman Kalia to Gurdeep Singh Saini and to appoint Gurdeep Singh Saini to Treasurer.

On a motion duly made and seconded, it was

VOTED: to approve the name change, transfer of stock and change of officer.

**Violation**

**Somerville Wine and Spirits**  
**235 Highland Ave.**

Present: Assistant City Solicitor Francis X. Wright, Jr. & Donald Caprigno, Jr.



Mr. Caprigno came before the Commission to show cause why the All Forms Package Good Store license should not be modified, suspended or revoked for alleged violation of Massachusetts General Laws Chapter 138 §22-Transporting alcoholic beverages without a permit.

The date of the alleged offense is April 11, 2009 as reported by Somerville Police Inspector Warren Chaille.

Mr. Caprigno waived the reading of Notice of Hearing.

ASC Wright and Mr. Caprigno jointly recommended a 7 day suspension in addition to serving three day that were being held in abeyance, effective immediately.

Mr. Caprigno apologized for the incident.

Upon a motion duly made and seconded, it was

VOTED: to accept the recommended disposition of the City and the licensee, as offered by Asst. City Solicitor Francis X. Wright, Jr. and Mr. Donald Caprigno, Jr.

**Transfer of License**

**Donald J. Caprigno**  
**dba Somerville Wine and Spirits**  
**235A Highland Ave.**

Present: Attorney Arthur Pearlman

Atty. Pearlman representing Hansawati Patel came before the Commission seeking approval to transfer the All Forms Package Store license from Donald J. Caprigno, dba Somerville Wine and Spirits, 235A Highland Ave., to Hansawati Patel., H & M Spirits, Inc.

Ms. Patel was unable to attend the hearing due to a family emergency.

Atty. Pearlman stated that Ms. Patel has business experience and currently owns a convenience store in Stoughton with a beer in wine license.

This will be a family business.

The hours will remain the same as well as the layout of the store.

On a motion duly made and seconded, it was

VOTED to approve the All Forms Package Store license transfer as presented.

**Violation**

**Orleans Restaurant**  
**59-65 Holland St.**

Present: Assistant City Solicitor Francis X. Wright, Jr. & Attorney Ann Vigorito  
and The manager Tom Devlin

Orleans Restaurant came before the Commission to show cause why the All Forms Alcoholic Beverages 7-Day Restaurant license, Common Victualer license and Entertainment license should not be modified, suspended, revoked, or the hours during which sales of alcoholic beverages may be made reduced for alleged violation of Somerville Licensing Commission Rules and Regulations and Massachusetts Fire Codes to wit:-

Somerville Licensing Commission Rule 1.06.a. No licenses shall be issued or shall be considered in good standing unless licensed premises comply with all statutory requirements, including all applicable building codes, and fire, health, safety, trash, and other government regulations and laws.

Somerville Licensing Commission Rule 1.09.a It shall be the obligation of licensees to ensure that a high degree of supervision is exercised over the conduct of the licensed establishment at all times. Each licensee will be held accountable for all violations that are related to the licensed premises to determine whether or not the licensee acted properly in the given circumstances.

Fire Code, 527 CMR 1.06(2)-Failure to obtain permit to disconnect F/A protection system

Fire Code, 527 CMR 1.06(4)-Failure to evacuate premises in violation of order by head of Fire Department.

The date of the alleged offense was May 22, 2009 as reported by The Somerville Fire Department.

Asst. City Solicitor Francis X. Wright, Jr. stated that this matter is relative to a non criminal ticket that was issued by the Fire Department for a fire alarm that was activated at this establishment. When the Fire Dept. responded the patrons were still seated and the alarm was not sounding. A written warning was issued by the Fire Dept. The Chief of Police believes there was no intent to avoid fire laws, it was ignorance not arrogance. The City is recommending a Warning and the Attorney for Orleans is in agreement.

ASC Wright also stated that the Fire Department takes these violations very seriously and stated that the Fire Department is comfortable with the Commission issuing a Warning.

VOTED: to accept to accept Assistant City Solicitor Wright's recommendation and issued a Warning.

**International Soccer Club, Inc.**  
**5 Marshall St.**

Present: Assistant City Solicitor Francis X. Wright, Jr., Attorney Richard Kendall & Mr. Mario DaSilva

Attorney Kendall came before the Commission on behalf of International Soccer Club, 5 Marshall St. to show cause why the Common Victualer License and Entertainment License should not be modified, suspended, revoked or forfeited, for alleged violation of Somerville Licensing Commission Rules and Regulations and Massachusetts General Laws, to wit:

**MGL c138,§41** – The delivery of alcoholic beverages in or from a building, booth, stand or other place, except a private dwelling house, or in or from a private dwelling house if any part thereof or its dependencies is used as an inn, eating house or shop of any kind, or other place of common resort, such delivery in either case being to a person not a resident therein, shall be prima facie evidence that such delivery is a sale.

**MGL c138,§61** – All buildings or places used by clubs for the purpose of selling, distributing or dispensing alcoholic beverages to their members or others shall be deemed common nuisances unless duly licensed under this chapter. Whoever keeps or maintains, or assists in keeping or maintaining, such a common nuisance shall be punished by a fine of not less than fifty nor more than five hundred dollars or by imprisonment for not less than three months nor more than one year, or both.

**Somerville Licensing Commission Rule 1.08.e.** Licensees shall not permit alcoholic beverages to be brought onto the licensed premises for consumption by patrons or employees.

**Somerville Licensing Commission Rule 2.02.a** - Patrons are not permitted to bring alcoholic beverages on the premises for their own consumption. Licensees are not permitted to keep alcoholic beverages on the premises except for a reasonably small quantity that is used in the preparation of certain specialty foods. The Commission will, In its discretion, determine what is reasonable for this purpose and whether it is customary in the preparation of such specialty foods.

Attorney Kendall stated for the record that on April 16, 2009, Mr. DaSilva was in his establishment when a Police Officer came by, Mr. DaSilva was hanging out with 4 of his friends having a couple of drinks. He stated that this is a private club and you have to be buzzed in to enter the club. Mr. DaSilva stated that this was just drinks among friends and

no money was exchanged. Mr. DaSilva stated that some of the alcohol found on the scene was used for cooking.

Somerville Police Officer and Licensing Commission Inspector Warren Chaille read the Police report into the record.

Officer Chaille stated that on April 16, 2009 he received information that Mr. DaSilva was serving alcohol at the International Soccer Club. Officer Chaille stated that at approximately 9:00PM he and some other Police Officers entered the club and found Mr. DaSilva and three other men standing at the bar drinking out of plastic cups that appeared to be beer. Officer Chaille asked the gentlemen what they were served and they all stated bud light. Officer Chaille spotted one of the guys with \$20.00 bill in front of him on the bar. Officer Chaille seized twenty-three cans of Budlight in a thirty pack carton, 8 Heineken bottles from a twelve pack carton, 5 liter box of Chablis, 4 liter bottle of burgundy, 18 litre box of burgundy along with a few other bottles and 2 kegs. Which Mr. DaSilva said he was holding for a friend.

No food was observed at the establishment.

Chairman Upton points out to Atty Kendall that this establishment does not hold a liquor license and they are storing and selling liquor and the violations are piling up. This is the 3 or 4<sup>th</sup> time this type of situation with the International Soccer Club has come before the board.

Mr. Silva stated that the corporation is in his wife name and wants to know why the violation came in his name.

Mr. DaSilva stated he wasn't hiding any thing from anybody. Mr. DaSilva feels that in the past he was advised by the wrong people and wants another chance. Mr. DaSilva feels that he is being picked on.

Atty. Kendall stated that Mrs. DaSilva was not notified and that is why she couldn't be here tonight.

The Board noted for the record that Mrs. DaSilva signed for the letter at the Post Office and that Mr. DaSilva's name is on some of the licenses.

ASC Wright stated he doesn't have any recommendations to offer due to the fact that this has happened many time before and feels that the Board will make the right decision.

ASC Wright stated that the rules and regulations are clear and apply to all licenses.

Officer Chaille stated he could have brought Mr. DaSilva into court but choose to bring them before the board instead.

Noted for the Record, Attorney Kendall is a Melrose Police Officer.

On a motion made and duly seconded, it was

VOTED: to suspend the Common Victualer License and the Entertainment License for a period of three months and that Mr. DaSilva shall be allowed to hold any events that have been previously scheduled at this establishment as long a he provides proof of formal contracts to the City Clerks Office by the end of the week. Mr. DaSilva should come back in three months time to make his case.

There being no further business, the meeting was adjourned.

Respectfully submitted

Jenneen M. Pagliaro  
Administrative Assistant

**City of Somerville  
Licensing Commission**

**Senior Center  
Tufts Administration Building  
167 Holland Street**

**Regular Meeting  
Monday  
July 20, 2009  
6:00 p.m.**

Chairman Andrew Upton called the meeting to order. Present were Commissioners Vito Vaccaro, John J. McKenna, Inspector Warren Chaille and Administrative Assistant Jenneen Pagliaro.

The minutes of the previous meeting were accepted as presented.

**COMMUNICATIONS**

Ordinance amending the Somerville Zoning Ordinance to include a new Historic Bed and Breakfast Use City-Wide.

Noted and Placed on File.

**Continuation from June 15, 2009 Meeting**

Proposed Licensing Fee increases

Present: City Clerk John Long and Assistant City Solicitor Francis X. Wright.

City Clerk John Long made a presentation for fee increases.

Mr. Long stated he was asked by the Board of Alderman to review the Licensing Commission Fees.

Mr. Long stated that the fees have not been increased since 2002.

Mr. Long did a survey of other cities and towns fees and found that Somerville was on the lower end.

Mr. Long proposed a one time fee for a new or transfer of a liquor licenses. The additional fee would cover the expense of the processing and the investigating that would go in to the paperwork.

Ron Zongetti questioned the fee comparisons.

Chairman Upton stated that the City did research to determine the fees of the surrounding Cities and towns.

Chairman Upton noted an error in the fee increases for Inn Holder Licenses.

Mr. Long stated he will correct this error on the paperwork.

On a motion duly made and seconded, it was

Voted: To adopt this proposal as written. A correction to the fee to Inn Holder License, 10 plus bedroom will be made.

**SPECIAL ALCOHOL LICENSE**

**Redbones**  
**55 Chester St.**

Present: Robert Gregory

Mr. Gregory came before the Commission requesting approval of a Special Alcohol license for the purpose of dispensing and selling alcoholic beverages at Redbones Annual Pig-Pickin & Benefit for the Somerville Homeless Coalition to be held on Chester St. on August 10, 2009 from 5:00PM-10:00PM (rain date August 17, 2009).

The Chamber of Commerce spoke in support of this application.

Approximately 300 people are expected to attend this event. Police and Fire Details have been requested.

On a motion duly made and seconded, it was

Voted: to grant the Special Alcohol license as presented.

**Prospect Hill Properties, Inc.**  
**dba The Independent**  
**75 Union Sq.**

Present: Ken Kelly

Mr. Kelly came before the Commission requesting approval of a Special Alcohol license for the purpose of dispensing and selling alcoholic beverages at The Fluff Festival to be held in front of 75 Union Sq. on Sept. 26, 4:00PM-8:00PM. (rain date Sept. 27).

Approximately 90 people are expected to attend this event. A Fire detail has been requested.

The festival will be held in a fenced off area using 6 parking spaces.

The Chamber of Commerce spoke in favor of this application.

On a motion duly made and seconded, it was

VOTED: to grant the Special Alcohol license as presented.

**Union Square Group, Inc.**  
**dba The Precinct**  
**70 Union Sq.**

Present: Ken Kelly

Mr. Kelly came before the Commission requesting approval of a Special Alcohol license for the purpose of dispensing and selling alcoholic beverages at a Music Festival to be held outside at 70 Union Sq. on Sept. 13, 2009 from 3:30PM-9:30PM (rain date Sept. 20).

Mr. Kelly past out flyers in the neighborhood regarding this event.

The event will take place in the back parking lot.

The Chamber of Commerce spoke in favor of this application.

On a motion duly made and seconded, it was

VOTED: to grant the Special Alcohol license as presented.

**COMMON VICTUALER LICENSE**

**Somerville Fugoo Subway, Inc.**  
**197 Elm St.**

Present: Fugen Li



Mr. Li came before the Commission seeking approval of a Common Victualer license for Somerville Fugoo Subway, Inc. at 197 Elm St.

Mr. Li has experience in the restaurant business.

Along with an application a floor plan and menu were filed.

On a motion duly made and seconded, it was

VOTED: to grant the Common Victualer license as presented.

**L.J.'s Famous Roast Beef & Pizza**  
**Brian Botelho**  
**516B Medford St.**

NO SHOW

**ALL FORMS ALCOHOLIC BEVERAGES**  
**7 DAY RESTAURANT**

**Extension of Premises**

**KB Investments, Inc.**  
**d/b/a PJ Ryan's,**  
**239 Holland St.**

Present: Conor Brennan

Mr. Brennan came before the Commission requesting approval for an extension of premises at 239 Holland St., to serve alcoholic beverages in the outdoor patio area.

Mr. Brennan stated that the area will be roped in and he will take it down by 10PM each evening.

The Chamber of Commerce spoke in support of this application.

Al Ferrone of Hill St. also spoke in support of this application.

On a motion duly made and seconded, it was

VOTED: to grant the extension to premises as presented.

**Status**

**Viz, Inc.**  
**dba Choices**  
**379-381 Somerville Ave.**

Present: Victor Ortiz

Mr. Ortiz came before the Commission to review the status of the hours of operation. Choices has been operating on a two month trial basis with the 2am license. The license was rolled back in November 2008.

Mr. Ortiz stated that his business has improved since he has had the 2AM license re-instated for the trial period.

Mr. Ortiz stated that Sunday is not doing well with the 12AM closing time.

Mr. Ortiz stated he would like to stay open until 1AM on Sundays.

No neighbors came in opposition.

On a motion duly made and seconded, it was

VOTED: To re-instate the 2AM license for three months, Friday and Saturdays until 2AM and Sunday until 1PM. Beginning tonight and for Viz Inc. to come back before the Commission for a hearing in three months time.

**New License**

**Bread & Co., Inc.**  
**349 Broadway**

Present: Ronaldo Maia

Mr. Maia came before the Commission requesting approval of a new All Forms Alcoholic Beverages 7 Day Restaurant license and for an Entertainment License consisting of audio, one musician & 3 televisions.

Commissioner Vacarro feels this place does not warrant a full license and would be willing to give out a beer and wine.

No beer and wine License are available at this time.

Chairman Upton explains that the City has twelve New All forms Licenses available, however by the terms of the legislation state that these licenses can not be down graded to beer and wine. Also noted, there are ten All Forms Licenses available for Assembly Sq. Area.

For the record, these new license are owned by the City and will come back to the City when the licensee is done using them.

Alderman Pero spoke in favor of this licensee.

Mr. Maia stated he had no plans to become a bar and would like the license to enhance the dining and would not be a night club.

Commissioner Vacarro has some reservations with these new licenses being full liquor licenses.

Chairman Upton stated that the Board considers applicants on public need of license in the locations and character of the licensee. Under the law anyone can apply. The Commission will take the applications on a case by case basis.

Mr. Maia has 300 plus signatures in favor of this application.

Mr. Steven Mackey is in favor of this license.

The Chamber of Commerce spoke in favor of this license.

James Rogers a neighbor of the restaurant spoke in favor.

Ann Dolly, owner of the apartment building behind the restaurant voiced some concerns about outdoor tables and noise.

Chairman Upton stated that Mr. Maia would need a separate permit to serve alcohol outdoor and would need to come back before the board at another time for another hearing.

Mr. Maia stated his is not planning on extending the hours of operation.

Mr. Maia stated he is going to have a small bar area for people to wait for available tables.

Motion duly made and seconded, it was

VOTED: to grant the All Forms Alcoholic Beverages 7 Day Restaurant license subject to service with meals only and no alcohol service after 11PM. Also the Entertainment License was granted as presented.

There being no further business, the meeting was adjourned.

Respectfully Submitted

Jenneen M. Pagliaro  
Administrative Assistant

**City of Somerville  
Licensing Commission**

**Senior Center  
Tufts Administration Building  
167 Holland Street**

**Regular Meeting  
Monday  
August 17, 2009  
6:00 p.m.**

Chairman Andrew Upton called the meeting to order, Present were Commissioners Vito Vaccaro, John J. McKenna, Inspector Warren Chaille and Administrative Assistant Jenneen M. Pagliaro.

The minutes of the previous meeting were accepted as presented.

**COMMUNICATION**

Request for reconsideration on the wine and malt beverage restaurant license fees. Due to administrative error and a miscommunication with the City Clerk and the Mayor's Office, The Commission mistakenly adopted a raised fee for wine and malt beverage restaurant licenses.

Chairman Upton motions to revert back to old license fees.

The Motion was seconded and approved.

**SPECIAL ALCOHOL LICENSES**

**Hellenic Associates of Somerville  
29 Central Street**

Present: Paul Loutraris

Mr. Loutraris came before the Commission seeking approval of a Special Alcohol license for the Hellenic Association of Somerville for the purpose of dispensing and selling alcoholic beverages for their Annual Festival to be held at the Greek Orthodox Church Grounds, 29 Central St. on Sept. 11, 12Noon-10PM, Sept. 12, 12Noon-12Midnight & Sept. 13, 2009 12Noon-9PM.

The proceeds from this event will go to the Church. A Police and Fire Detail have been requested and experience bar tenders will be dispensing the alcoholic beverages.

On a motion duly made and seconded, it was

VOTED: to grant the Special Alcohol license as presented.

**COMMON VICTUALER LICENSES**

**SPUN**  
**860 Broadway**

Present: Jon Staff

Mr. Staff came before the Commission seeking approval of a Common Victualer license for SPUN at 860 Broadway.

Mr. Staff has food service experience.

The Chamber of Commerce is in favor of this application.

Along with the application, a copy of the lease, floor plan and menu were submitted for the Commission's consideration.

On a motion duly made and seconded, it was

VOTED: to approve the Common Victualer license as presented.

**Capresse Pizza N Grill**  
**516B Medford St.**

Present: Mariyan Valchev & Kalin Frangulev

Mr. Valchev & Mr. Frangulev came before the Commission seeking approval of a Common Victualer license for Capresse Pizza N Grill at 516B Medford St.

Along with the application, a copy of the lease, floor plan and menu were submitted for the Commission's consideration.

On a motion duly made and seconded, it was

VOTED: to approve the Common Victualer license as presented.

**ALL FORMS ALCOHOLIC BEVERAGES**  
**7 DAY RESTAURANT LICENSES**

**Extension of Premises**

**Bread & Co., Inc.**  
**349 Broadway**

Present: Ronaldo Maio

Mr. Maio came before the Commission requesting approval to serve alcoholic beverages in the outdoor patio area at Bread & Co., Inc., 349 Broadway.

Alderman Pero is in favor of this application.

James Rogers, a neighbor of Bread & Co., Inc. spoke in favor of this application.

The Chamber of Commerce also spoke in favor of this application.

Upon motion duly made and seconded, it was

VOTED: to grant the Extension to Premises.

**New Licenses**

**74 LTD Inc.**  
**d/b/a Snappy Sushi**  
**420 Highland Ave.**

Present: Attorney Robert Costello, Katie Janik & Kazuhiro Aotani

Attorney Costello representing 74 LTD Inc., d/b/a Snappy Sushi came before the Commission requesting approval of a new All Forms Alcoholic Beverages 7 Day Restaurant License and for an Entertainment License consisting of audio.

Atty. Costello stated that this license will greatly enhance the restaurant.

Ms. Janik feels that Snappy Sushi offers a unique menu and dining experience and feels that a drink would go nice with the food.

Atty. Costello stated that the business was losing customers due to lack of an alcohol license.

Commissioner McKenna requested that Atty. Costello read into the record the recommendations from the OSPCD.

Atty. Costello read the recommendations from OSPCD expressing its reservations with this establishment having an All Forms Alcoholic Beverages 7 Day Restaurant license.

The Chamber of Commerce is in support of this application.

Alderman Connolly sent a letter of support.

Jim Capano is opposed to all the new liquor licenses and stated that he is not opposed to Snappy Sushi, per say just doesn't want any more bars in the city.

Lee Auspitz, member of The Davis Square Task Force, submitted an overall complaint for the record. Mr. Auspitz also noted that OSPCD did not contact any of the City residents and Questioned what qualifications OSPCD have for giving an opinion on these licenses.

On a motion duly made and seconded, it was

VOTED: to approve the New All Forms Alcoholic Beverages 7 Day Restaurant contingent upon Alcohol service with Food and hours of closing, 10PM weekdays and 11PM on the weekends.

**East Bridge International, Inc.**  
**d/b/a Taipei Tokyo**  
**7 Holland St.**

Present: Attorney Adam Dash & Jan Huei Lin

Atty. Dash, representing East Bridge International, Inc., d/b/a Taipei Tokyo came before the Commission requesting approval of a new All Forms Alcoholic Beverages 7 Day Restaurant License.

Atty. Dash stated that Taipei Tokyo came before this Commission last year for one of the available Beer & Wine licenses, but was not fortunate enough to receive one.

Atty. Dash stated this establishment has 28 seats. The restaurant closes at 11PM and is not looking to be any thing but a restaurant selling mostly food and also stated that it is tough to compete in Davis Square with all the other places having liquor licenses. Mr. Lin has held a Liquor License at a prior establishment in another town for five years.

Ald. Dash Stated that he spoke with Ald. Gerwitz and that she is in support of this license and also noted that he has spoken with the Davis Sq. Task Force.

Also noted Ald. Connolly sent a letter of support.



The Chamber of Commerce spoke in favor of this license.

Commissioner Vaccaro visited this establishment recently and feels that a larger percentage of this restaurant is take-out.

Mr. Lin Stated that only 25-30 percent of the business is takeout and most of the take out is during lunch time.

Chairman Upton read into the record, the recommendations from OSPCD expressing its reservations with the All Forms 7 Day Restaurant License.

Commissioner Vaccaro motioned to vote no on this application due to the amount of take out the restaurant does and the amount of liquor licenses in Davis Sq.

Chairman Upton motions to approve and Commissioner McKenna seconds the motion,

Commissioner Vaccaro votes No.

On a motion duly made and seconded, it was

VOTED: to approve the New All Forms Alcoholic Beverages 7 Day Restaurant License contingent upon Alcohol service with Food and the hours of closing to remain at 11:00PM.

**A & C Food Corp.**  
**d/b/a Zoe's Chinese Restaurant**  
**296-298 Beacon St.**

Present: Lee Sue & Jun Yang

Ms. Sue and Mr. Yang came before the Commission requesting approval of a new All Forms Alcoholic Beverages 7 Day Restaurant License and for an Entertainment License consisting of audio and two televisions.

Ms. Sue stated that the restaurant has been calling the City for months looking for a beer & wine license and were told their were none available.

Ms. Sue stated that Zoe's Chinese Restaurant offers authentic Northern style Chinese food.

Ms. Sue stated that she had a liquor license in Brookline in the past.

The business has been open for 10 years.

Commissioner Vaccaro and Inspector Chaille stated that they visited Zoe's last week and noticed wine sitting on one of the tables.

Commissioner Vaccaro stated that he was diverted towards the kitchen as a way to distract him from the wine on the table.

Inspector Chaille saw the waitress remove the wine glasses and the alcohol.

Commissioner Vaccaro stated that the Inspector has given this establishment warnings about this issue in the past.

Commissioner Vaccaro feels that they have broken the rules and he is going to vote no.

Ms. Lin states that they ask the waitress to make sure no one bring in their own alcohol, but stated that is somewhat hard to enforce.

Ms. Lin apologizes for the incident and stated that she has made changed to the staff.

Chairman Upton commented that this is a nice restaurant and good location, but based on Commissioner Vaccaro's experience Chairman Upton motioned to table this item and have the applicant's come back in 30 days and an have inspection to clear this is. It is also recommended that they have communication with the Aldermen and OSPCD and do not let anyone bring alcohol into this establishment.

On a motion duly made and seconded, it was

VOTED: to have Zoe's come back before the Commission in 30 days.

**Out of The Blue Restaurant, Inc.**  
**215 Elm St.**

Present: Attorney Issac Machado & Steve Liakos

Atty. Machado, representing Out of the Blue Restaurant came before the Commission requesting approval of a new All Forms Alcoholic Beverages 7 Day Restaurant License. (Currently hold a beer and wine license with cordials and will surrender upon approval of a new All Forms License).

Atty. Machado mentioned that Ald. Gerwitz is in support of this application.

Atty. Machado submitted some 3 letters of support for the record.

Ald. Connolly sent a letter of support for this application.

Atty Machado stated that Out of The Blue Restaurant has been in business since 2000.

Atty Machado feels that the business finds it hard to compete with just a beer and wine license and would like an All-Forms License in order to maintain its viability.

Commissioner Vaccaro stated that he recently visited the establishment and was impressed.

The Chamber of Commerce spoke in favor of this application.

Chairman Upton read into the record, the recommendations from OSPCD and expressing its support with the All Forms 7 Day Restaurant License.

On a motion duly made and seconded, it was

VOTED: to approve the All Forms 7 Day Restaurant License and upon final approval return the Beer and Wine license to the City.

**Flatbread Somerville, Inc.**  
**d/b/a Flatbread Company at Sacco's Bowl Haven**  
**45 Day St.**

Present: Attorney Richard DiGirolamo & John Meehan

Atty. DiGirolamo representing Flatbread Company at Sacco's Bowl haven came before the Commission requesting approval for a new All Forms Alcoholic Beverages 7 Day Restaurant License and a New Common Victualer License.

Atty. DiGirolamo stated that this location is presently Sacco's Bowl Haven.

Atty. DiGirolamo stated that Flatbread Somerville, Inc., has entered into a 20 year lease with the option to purchase the realstate.

The plan is to have 140 seat restaurant with 10 bowling lanes and a bar area.

This will be a family oriented restaurant with a ratio of 80-20 percent food to alcohol.

Atty DiGirolamo stated that Flatbread is looking for a 12AM closing time.

They restaurant will employ approximately 50 people, 80-90 percent locally hired and will have tip trained employees.

Atty DiGirolamo stated that they have appeared before the Davis Square Task force and has their support and the support of Ald. Gerwartz.

Mr. Meehan stated that the business will serve mostly organic/healthy food.

Flatbread plans to open in December 2009.

Commissioner Vaccaro stated that he likes this concept and feels this is what the new licenses were meant for.

Mr. Meehan stated that he wants to continue the bowling leagues.

The Chamber of Commerce is in favor of this application.

Diane Ricardo & Kathy Sarno speak in favor of this application.

Ersin Dur has concerns with the crowds and speeding vehicles and is concerned that the number of incidents will increase in this area. Mr. Dur stated he is not against the business opening, just the amount of alcohol licenses in the area.

Chairman Upton read into the record, the recommendation from OSPCD expressing its support with the All Forms 7 Day Restaurant License.

On a motion duly made and seconded, it was

VOTED: to approve the All Forms 7 Day Restaurant License & Common Victualer license with conditions: Open until Midnight, Kitchen remains open until 11:30PM and wait staff service of alcohol at the lanes.

### **VIOLATION HEARINGS**

**H.I.O. Restaurant, Inc.**  
**d/b/a Café Belo**  
**120 Washington St.**

Present: Assistant City Solicitor Francis X. Wright & Hildo DaCosta

Hildo DaCosta came before the Commission to show cause why the All Forms Alcoholic Beverages 7-Day Restaurant license, Common Victualer license and Entertainment license should not be modified, suspended or revoked or the hours during which sales of alcoholic beverages may be made reduced for alleged violation of the following, to wit:-

**MASSACHUSETTS GENERAL LAWS CHAPTER 138, SECTION 12** (in pertinent part) - The hours during which sales of such alcoholic beverages may be made by any licensee as aforesaid shall be fixed by the local licensing authorities either generally or specially for each licensee; provided, however, that no such sale shall be made on any secular day between the hours of two and eight o'clock antemeridian ...

**MASSACHUSETTS GENERAL LAWS CHAPTER 138, SECTION 41.** The delivery of alcoholic beverages in or from a building, booth, stand or other place, except a private

dwelling house, or in or from a private dwelling house if any part thereof or its dependencies is used as an inn, eating house or shop of any kind, or other place of common resort, such delivery in either case being to a person not a resident therein, shall be prima facie evidence that such delivery is a sale.

SOMERVILLE LICENSING COMMISSION RULE 1.04.j. Licensees are not permitted to allow any patron or any guest or any employee who is not working that shift to enter the premises after the official closing hour posted on the license or prior to the official opening hour posted on the license.

SOMERVILLE LICENSING COMMISSION RULE 1.05.a. Licensees may have persons, including employees, on the premises only during the following hours:  
(1) The hours on the license, except that patrons who are already on the premises prior to the official closing hour may remain on the premises and consume food and beverage served before the official closing hour for up to one-half hour after the official closing hour; provided, however, that no new patrons are admitted after the official closing hour and that no beverages are served after the official closing hour and that no food is served after the official closing hour. No employee or owner shall serve any alcoholic beverages before the official opening hour or after the official closing hour, provided, however, that any alcoholic beverages served prior to the official closing hour must be consumed no later than one-half hour after the official closing hour; (2) Personnel may be on the premises after the official closing hour and prior to the official opening hour but only if they are actively engaged in cleaning, making repairs to, or providing security for such premises or preparing food for the day's business or opening or closing the business in an orderly manner. No other persons, friends, or relatives may be on the premises with the owners, managers or employees of licensed premises during the hours when the public is excluded from the premises;

The date of the alleged offense is July 27, 2009 as reported to this commission by Somerville Police Inspector Warren Chaille.

**H.I.O. Restaurant Inc.**  
**d/b/a Café Belo**  
**120 Washington St.**

Hildo DaCosta came before the Commission to show cause why the All Forms Alcoholic Beverages 7-Day Restaurant license, Common Victualer license and Entertainment license of the above-referenced establishment should not be modified, suspended or revoked or the hours during which sales of alcoholic beverages may be made reduced for alleged violation of the following, to wit:-

G.L. Chapter 138, §34-Sale, Delivery or Furnishing Alcoholic Beverages to a person under 21. No person shall receive a license or permit under this chapter who is under 21 years of age. Whoever makes a sale or delivery of any alcoholic beverage or alcohol to any person under 21 years of age, either for his own use or for the use of his parent or any

other person, or whoever, being a patron of an establishment licensed under section 12 or 15, delivers or procures to be delivered in any public room or area of such establishment if licensed under section 12, 15, 19B, 19C or 19D or in any area of such establishment if licensed under said section 15, 19B, 19C or 19D any such beverages or alcohol to or for use by a person who he knows or has reason to believe is under 21 years of age or whoever procures any such beverage or alcohol for a person under 21 years of age in any establishment licensed under section 12 or procures any such beverage or alcohol for a person under 21 years of age who is not his child, ward or spouse in any establishment licensed under said section 15, 19B, 19C or 19D or whoever furnishes any such beverage or alcohol for a person under 21 years of age shall be punished by a fine of not more than \$2,000 or by imprisonment for not more than one year or both. For the purpose of this section the word "furnish" shall mean to knowingly or intentionally supply, give, or provide to or allow a person under 21 years of age except for the children and grandchildren of the person being charged to possess alcoholic beverages on premises or property owned or controlled by the person charged. Nothing in this section shall be construed to prohibit any person licensed under this chapter from employing any person 18 years of age or older for the direct handling or selling of alcoholic beverages or alcohol.

Notwithstanding the provisions of clause (14) of section 62 of chapter 149, a licensee under this chapter may employ a person under the age of 18 who does not directly handle, sell, mix or serve alcohol or alcoholic beverages.

Somerville Licensing Commission Rule 108.i.- Whoever makes a sale or delivery of any alcoholic beverages or alcohol to any person under twenty-one years of age, either for his own use or for the use of his parent or any other person, or whoever, being a patron of an establishment licensed under section 12 or 15 of General Laws Chapter 138 delivers or procures to be delivered in any public room or area of such establishment any such beverages or alcohol to or for use of a person who he knows or has reason to believe to be under twenty-one years of age or whoever procures any such beverages or alcohol for a person under twenty-one years of age in any establishment licensed under section 12, or procures any such beverage or alcohol for a person under twenty-one years of age who is not his child, ward or spouse in any establishment that is a package store, shall be subject to disciplinary action by the Licensing Commission.

The date of the alleged offense is July 31, 2009 as reported to this commission by Somerville Police Inspector Warren Chaille.

ACS Wright stated that the Commission will hear both violations together.  
Mr. DaCosta waived the reading of the two violation letters from the City.

ACS Wright stated that on July 22, 2009 at 2:54AM Somerville Police noticed activity at Café Belo.

Earlier that evening, one of the Employees of Café Belo having been at an event where there was a professional soccer player and the employee made an error in judgment when he invited the soccer player and a group of people back to the restaurant. Mr.Hildo has

indicated to ACS Wright that he is going to under take training of his employees and make any necessary changes in the staff. As a result of this, the City is going to recommend a two day roll back of hours, closing at 11:00PM.

The second Violation was one that involved the ABCC. On Friday July 31, 2008 Investigator Chaille went out with an ABCC Investigator to conduct a compliance check and as a result Café Belo sold alcohol to a 16 year old.

ACS Wright made a joint recommendation with Mr. DaCosta for a 5 day roll back for this incident.

The total for the two incidents will be a seven day roll back to 11:00PM.

Mr. DaCosta apologized and stated he will do whatever it takes to improve the situation.

ACS Wright stated that these are two violations tonight and if they get another one it would be considered a third offense.

ACS Wright recommends 7 consecutive days.

Commissioner McKenna feels this recommendation is too light.

ACS Wright explains that he took into consideration that these two offenses took place so close together. ACS expressed to Mr. DaCosta the need for training and he needs to be on the premises.

Commissioner McKenna would like to hear an articulated plan that will upgrade the quality of the staff and would like to have it be part of the record tonight. If you can't provide it then you should inform this Board by the next meeting, the steps they are taking to improve the professionalism of this operation.

Chairman Upton moves to accept the recommendation for the roll back, However the roll back to be served Thursday, Friday, Saturday and subsequent Thursday, Friday, Saturday & Sunday, combined with the implementation of some type of private monitoring and compliance, approved by the City Solicitor and approved by the Board at the next Licensing Commission meeting. This is to be at the expense of the licensee. The monitoring should be for a minimum of 30-90 days. ACS Wright and Mr. Hildo DaCosta are to report back before this board at the next meeting.

Motion seconded and approved.

There being no further business, the meeting was adjourned.

**City of Somerville  
Licensing Commission**

**Senior Center  
Tufts Administration Building  
167 Holland Street**

**Regular Meeting  
Monday  
September 21, 2009  
6:00 p.m.**

Chairman Andrew Upton called the meeting to order. Present were Commissioners Vito Vaccaro, John J. McKenna and Administrative Assistant Jenneen M. Pagliaro.

**MINUTES**

The Minutes of the August 17, 2009 meetings were accepted as presented.

**COMMON VICTUALER LICENSES**

**Red Peppers  
65 Summer St.**

Present: Jose Araujo

Mr. Araujo came before the Commission seeking the approval of a Common Victualer license for Red Peppers, 65 Summer St.

Mr. Araujo has experience in the restaurant business.

Along with the application, a floor plan, menu and lease were submitted for the Commissioner's review and consideration.

On a motion duly made and seconded, it was

VOTED: to approve the Common Victualer license as presented.

**Bom De Boca Grill, Inc.  
3 Washington St.**



Present: Luciane Tavares

Ms. Tavares came before the Commission requesting approval of a Common Victualer license for Bom De Boca Grill, Inc. at 3 Washington St.

Ms. Tavares has restaurant experience and is taking over as owner of the corporation with no changes to the menu.

Along with the application, a copy of the floor plan, menu and lease were submitted for the Commissioner's review and consideration.

On a motion duly made and seconded, it was

VOTED: to approve the Common Victualer license as presented.

**SPECIAL ALCOHOL LICENSES**

**St. Anthony's Church**  
**12 Properzi Way**

Present: Father Balen

Father Balen came before the Commission requesting approval of a Special alcohol license for the purpose of dispensing and selling alcoholic beverages at a Sertaneja Dance to be held at the school gymnasium, 12 Properzi Way on September 26, 2009 between the hours of 8:00PM and 12:00AM.

Experienced servers will be dispensing the alcoholic beverages. Police and Fire Details have been requested.

On a motion duly made and seconded, it was

VOTED: to grant the Special Alcohol license as presented.

**Hellenic Association of Somerville**  
**29 Central St.**

Present: Attorney Mike Veveris

Atty. Veveris came before the Commission requesting approval of a Special Alcohol license for the purpose of dispensing and selling alcoholic beverages for a Wedding Anniversary Party at Dormition of the Virgin Mary Greek Church, 29 Central St. on October 3, 2009 between the hours of 7:00PM to 12:00AM.

Approximately 150 people are expected to attend this event.

Experienced servers will be dispensing the alcoholic beverages. Police and Fire Details have been requested.

On a motion duly made and seconded, it was

VOTED: to grant the Special Alcohol license as presented.

**Hellenic Association of Somerville**  
**29 Central St.**

Present: Attorney Mike Veveris

Atty. Veveris came before the Commission requesting approval of a Special Alcohol license for the purpose of dispensing and selling alcoholic beverages for a Sweet 15 party at Dormition of the Virgin Mary Greek Church, 29 Central St. on October 10, 2009 between the hours of 6:00PM to 12:00AM.

Approximately 200 people are expected to attend this event.

Experienced servers will be dispensing the alcoholic beverages. Police and Fire Details have been requested.

On a motion duly made and seconded, it was

VOTED: to grant the Special Alcohol license as presented.

**Hellenic Association of Somerville**  
**29 Central St.**

Present: Attorney Mike Veveris

Atty. Veveris came before the Commission requesting approval of a Special Alcohol license for the purpose of dispensing and selling alcoholic beverages for a Church Fundraiser/Night of Comedy at Dormition of the Virgin Mary Greek Church, 29 Central St. on November 14, 2009 between the hours of 8:00PM to 12:00AM.

Approximately 300 people are expected to attend this event.

Experienced servers will be dispensing the alcoholic beverages. Police and Fire Details have been requested.

On a motion duly made and seconded, it was

VOTED: to grant the Special Alcohol license as presented.

**Red Bones**  
**55 Chester St.**

Present: Robert Gregory

Mr. Gregory came before the Commission requesting approval of a Special Alcohol license for the purpose of dispensing and selling alcoholic beverages at a Fall Festival Party to be held on Chester St. on October 4, 2009 between the hours of 12Noon and 6:00PM. (rain date October 18, 2009).

This is an outdoor festival being held in conjunction with the Chamber of Commerce.

Experienced servers will be dispensing the alcoholic beverages. Police and Fire Details have been requested.

On a motion duly made and seconded, it was

VOTED: to grant the Special Alcohol license as presented.

**ArtsSomerville-Nave Gallery**

Present: Maureen Liberatore & Susan Berstler

Ms. Liberatore & Ms. Berstler came before the Commission requesting approval of a Special Alcohol license for the purpose of dispensing and selling alcoholic beverages at a fundraising event to be held at the Clarendon Hill Presbyterian Church, 155 Powderhouse Blvd. On October 15, 2009 between the hours of 7:00PM and 10:00PM.

Approximately 150 people are expected to attend this event.

Experienced servers will be dispensing the alcoholic beverages. Police and Fire Details have been requested.

On a motion duly made and seconded, it was

VOTED: to grant the Special Alcohol license as presented.

**Cambridge Portuguese Credit Union**

Present: Carlos DaSilva

Mr. DaSilva came before the Commission requesting approval of a Special Alcohol license for the purpose of dispensing and selling alcoholic beverages at the 3<sup>rd</sup> annual Passport to Possibilities-Community Appreciation Event to be held at St. Anthony's Parish Hall, 12 Properzi Way on October 16, 2009 between the hours of 3:30PM and 7:30PM.

Approximately 400 people are expected to attend this event.

Experienced servers will be dispensing the alcoholic beverages. Police and Fire Details have been requested.

On a motion duly made and seconded, it was

VOTED: to grant the Special Alcohol license as presented.

**The Center for Arts at the Armory**  
**191 Highland Ave.**

Present: Debra McLaughlin

Ms. McLaughlin came before the Commission requesting approval of a Special Alcohol license on behalf of VoidStar Production, David Dobson for the purpose of dispensing and selling alcoholic beverages for an Ordnance-Multi-Media Dance Performance to be held on September 27, 2009 between the hours of 5:00PM and 10:00PM.

Approximately 150 people are expected to attend this event.

Experienced servers will be dispensing the alcoholic beverages. Police and Fire Details have been requested.

John L. Sullivan spoke in opposition to the beer and wine license.

On a motion duly made and seconded, it was

VOTED: to grant the Special Alcohol license as presented.

**The Center for Arts at the Armory**  
**191 Highland Ave.**

Present: Debra McLaughlin

Ms. McLaughlin came before the Commission requesting approval of a Special Alcohol license on behalf of VoidStar Production, David Dobson for the purpose of dispensing

and selling alcoholic beverages for an Ordnance-Multi-Media Dance Performance to be held on October 10, 2009 between the hours of 6:00PM and 11:00PM.

Approximately 50 people are expected to attend this event.

Experienced servers will be dispensing the alcoholic beverages. A Fire Detail has been requested.

John L. Sullivan spoke in opposition to the beer and wine license.

On a motion duly made and seconded, it was

VOTED: to grant the Special Alcohol license as presented.

**Joe Grafton, Somerville Local First  
and Downtown Wine & Spirits**

Present: Joe Grafton

Mr. Grafton came before the Commission requesting approval of a Special Alcohol license for the purpose of dispensing and selling alcoholic beverages at a Harvest Fest to be held at The Center for Arts at the Armory, 191 Highland Ave. on October 3, 2009 between the hours of 12Noon and 8:00PM.

Mr. Grafton stated that this event will have food & wine sampling.

Experienced servers will be dispensing the alcoholic beverages. Police and Fire Details have been requested.

Rob May of OSPCD spoke in favor of the application.

John L. Sullivan spoke in opposition to the beer and wine license.

On a motion duly made and seconded, it was

VOTED: to grant the Special Alcohol license as presented.

**City of Somerville – Mayor's Office**

Present: Assistant City Solicitor Francis X. Wright

ASC Wright came before the Commission requesting approval of a Special Alcohol license for the purpose of dispensing and selling alcoholic beverages at the All American City Award Celebration to be held at The Center for Arts at the Armory, 191 Highland Ave. on October 17, 2009 between the hours of 6:00PM and 11:00PM.

Experienced servers will be dispensing the alcoholic beverages. Police and Fire Details have been requested.

John L. Sullivan spoke in opposition to the beer and wine license.

On a motion duly made and seconded, it was

VOTED: to grant the Special Alcohol license as presented.

## **STATUS REPORT**

### **Continuation from August 17, 2009 Meeting**

Present: Assistant City Solicitor Francis X. Wright & Hildo DaCosta

H.I.O. Restaurant, Inc., d/b/a Café Belo, 120 Washington St. came back before the Commission regarding the violation hearing from the August 17, 2009 meeting. Mr. DaCosta reported back to the Board his monitoring plan as requested at the last meeting.

ASC Wright stated that Mr. DaCosta has made arrangements with an outside firm (Affiliated Monitors, Inc.) that will be doing the monitoring program, which the Commission had ordered at the last meeting. ASC Wright presented the proposal to the Commissioners. ASC Wright stated that this will include in-house training for ownership and staff and will include a monitor who will appear at Café Belo for unscheduled monitoring and will continue as long as it is agreed to with the City of Somerville. It will include oversight, and implementation and appearance of City's Alcohol regulation and alcohol sales restrictions of the Commonwealth.

ASC Wright stated that the Commission had requested a 30 day minimum of this program.

Mr. DaCosta stated that he has made changes to his staff.

ASC Wright asked that the Commission vote to have Mr. DaCosta return next month with a report from Affiliated Monitors, Inc. and if the Commission finds the report satisfactory at that point the monitoring program can be discontinued.

Chairman Upton motions to approve

Motion seconded.

Voted: to approve monitoring plan for Café Belo subject to Mr. DaCosta returning in 30 days to have reports be satisfactory to the Commission.

**VIOLATION HEARINGS**

**Armur, Inc.**  
**d/b/a The Joshua Tree**  
**256 Elm St.**

Present: Assistant City Solicitor Francis X. Wright, Mark Murphy, General Manager & Robert Ames, Manager

Mr. Murphy and Mr. Ames came before the Commission to show cause why its All Forms Alcoholic Beverages 7 Day Restaurant License, 2AM Closing, Common Victualer License, Entertainment License and Dance License should not be revoked or the hours during which alcoholic beverages made be made reduced for alleged violation of Somerville Licensing Commission Rules and Regulations to wit:-

Somerville Licensing Commission Rule 1.09.a -It shall be the obligation of licensees to ensure that a high degree of supervision is exercised over the conduct of the licensed establishment at all times. Each licensee will be held accountable for all violations that are related to the licensed premises to determine whether or not the licensee acted properly in the given circumstances.

Somerville Licensing Commission Rule 1.09.e. -When any noise, disturbance, misconduct, disorder, act or activity occurs in the licensed premises, or in the area in front of or adjacent to the licensed premises, or in any parking lot provided by the licensee for the use of its patrons, which in the judgment of the Commission adversely affects the protection, health, welfare, safety or repose of the residents of the area in which the licensed premises are located, or results in the licensed premises becoming the focal point for police attention, or is offensive to public decency, the licensee may be held in violation of the license and subject to proceedings for suspension, revocation or modification of the license.

Somerville Licensing Commission Rule 1.13.a (5) - Licensees shall make all reasonable and diligent efforts to ensure that illegal activities do not occur at the licensed premises. Such efforts may include, but are not limited to: calling for police assistance as necessary to protect patrons against injury or to evict unruly patrons or to uncover unlawful conduct or to give medical assistance and providing police with requested information;

Somerville Licensing Commission Rule 1.14.a. -Licensees shall instruct their employees and security personnel that they are not to make bodily contact with a patron unless to protect other patrons or themselves from being subjected to body blows or other harm from an unruly patron. In all other circumstances employees and security personnel are to call the police to have patrons removed from the premises when such patrons are being disruptive and they are unable to convince the patron to leave the premises voluntarily.

Somerville Licensing Commission Rule 1.14.b- Licensees shall call the police and an ambulance and take all other reasonable steps to assist patrons and persons who are injured in or on the licensed premises or whose injuries have occurred outside the premises but have been brought to the attention of the licensee.

The date of the alleged offense was July 18, 2009.

Assistant City Solicitor Francis X. Wright stated that this matter comes before the Commission on the complaint of Mr. Beckstead.

Mr. Beckstead was notified by certified and regular mail of this hearing, however he has failed to appear.

ASC Wright left it up to the Commission on how to proceed.

Chairman Upton would like to hold this over until the next meeting and if Mr. Beckstead doesn't show up this matter will be dismissed.

Chairman Upton allowed the Joshua Tree to make a short statement regarding the incident.

Mr. Murphy stated that Mr. Beckstead was at the establishment on Friday night. Two female patrons were made to feel uncomfortable by Mr. Beckstead and they reported this to the doorman. The doorman asked Mr. Beckstead to leave, which he did without incident. On Saturday night, different staff was working at the door and Mr. Beckstead entered without notice. Mr. Beckstead went outside for a bit around 12Midnight and upon his return the doorman from the night before spotted him entering and asked him to leave. Mr. Beckstead got upset and swung at the doorman. Mr. Beckstead was restrained and escorted out and left the establishment.

The Joshua Tree stated they have installed security camera's since this incident has happened.

Chairman Upton motions to hold this hearing over until next month, should Mr. Beckstead come forward to make his case.

If Mr. Beckstead fails to show up despite the good faith efforts of the Board to contact him, the Board will be inclined to dismiss this matter.

Motion seconded, and it was

VOTED: to continue this hearing at the October 19, 2009 meeting.

**A & C Food Corp.**  
**d/b/a Zoe's Chinese Restaurant**



**296-298 Beacon St.**

Present: Assistant City Solicitor Francis X. Wright, Jun Yang & Li Sue & Dr. David Christiani.

Mr. Yang came before the Commission to show cause why its Common Victualer License should not be modified, suspended, revoked or forfeited, for alleged violation of Somerville Licensing Commission Rules and Regulations and Massachusetts General Laws, to wit:

Somerville Licensing Commission Rule 2.02.a - Patrons are not permitted to bring alcoholic beverages on the premises for their own consumption. Licensees are not permitted to keep alcoholic beverages on the premises except for a reasonably small quantity that is used in the preparation of certain specialty foods. The Commission will, in its discretion, determine what is reasonable for this purpose and whether it is customary in the preparation of such specialty foods.

The date of the alleged offense is August 12, 2009.

ASC Wright asked Commissioner Vito Vaccaro to recuse himself from this hearing, due to fact he was present at the investigation that led to this violation.

ASC Wright stated that on August 12, 2009 Police Officer Chaille and Commissioner Vaccaro visited the above establishment with regards to the pending All Forms Alcoholic Beverages 7 Day Restaurant application before this Commission. Officer Chaille witnessed alcohol being consumed in the restaurant. Officer Chaille advised the establishment that this was a violation of the rules and regulations of the City of Somerville Licensing Commission.

ASC Wright and Zoe's have come to a recommended disposition of a 4 day suspension of the Common Victualer license, 3 days to be held in abeyance and 1 day to be served on a Wednesday, the day the offense took place. The 3 days held in abeyance to be served if another violation of any kind were to occur within a year.

Commissioner Upton stated that under the rules you cannot apply for a liquor license if you had a violation in the last six months. If Zoe's agrees to this recommended disposition the Commission can not hear the next item on the agenda, which is an application for a liquor license for Zoe's. The applicant will have to wait six month to come back to reapply.

Dr. Christiani stated that the applicants misunderstood the disposition.

ASC Wright stated that the report speaks for itself and this is not the 1<sup>st</sup> time that they have been spoken to by officer Chaille regarding this issue.

ASC Wright asked if they applicants wanted to withdraw the disposition.

The Applicants took a short recess for discussion and decided to accept the terms of the recommended disposition.

On a motion duly made and seconded, it was

VOTED: to accept the joint recommendation of the City and the licensee.

**ALL FORMS ALCOHOLIC BEVERAGES**  
**7 DAY RESTAURANT LICENSE**

**NEW LICENSE**

**CONTINUED FROM AUGUST 17, 2009 MEETING**

A & C Food Corp., d/b/a Zoe's Chinese Restaurant, 296-298 Beacon St. requesting approval of a new All Forms Alcoholic Beverages 7 Day Restaurant License and for an Entertainment License consisting of audio and two televisions. This item has been struck from the agenda due to the above violation.

**COMMUNICATION FROM MAYOR'S OFFICE**

Submitting for consideration and approval a draft of proposed guidelines for All-Forms Restaurant Licenses (MGL Ch. 138, §12) issued on or after September 21, 2009.

Assistant City Solicitor Francis X. Wright stated that these are guidelines that the Mayor Has forwarded to the Commissioners and has asked for consideration. The Mayor believes That the public need in the City of Somerville will be best served if the Commission would take into consideration these guideline with regards to the issuance of the recently awarded New All Forms Alcohol license that remain. The Mayor is looking to have the licenses work with the on going community development and redevelopment.

ASC Wright stated that OSPCD will be presenting more specific recommendations with regards to individual applications as they determine necessary on behalf of the administration.

Commissioner McKenna thanked the Mayor's Office and OSPCD for putting this together and feels these are the kind of guideline that the Commission has been looking for.

Commissioner Vaccaro would like Rob May to come to all future meetings to speak on the OSPCD recommendations.

Chairman Upton feels that this is good first step and should the City Solicitor feel that we need to transform these into regulations at some time in the future, that may be a good idea, but such as they are it makes sense to adopt them tonight and keep things moving.

ASC Wright stated that these are not proposed as regulations because of the nature of the licenses as compared to beer and wine regulations.

A Motion was duly made and seconded, and it was

VOTED: to accept the guideline proposal as presented.

**SPECIAL ALCOHOL LICENSE**

**The Center for Arts at the Armory**  
**191 Highland Ave.**

Present: Debra McLaughlin

Ms. McLaughlin came before the Commission requesting approval of a Special Alcohol license for the Boston Palestinian Film Festival for the purpose of dispensing and selling alcoholic beverages for Film Screening to be held on October 16, 2009 between the hours of 7PM and 11PM.

Approximately 350 people are expected to attend this event.

Experienced servers will be dispensing the alcoholic beverages. Police and Fire Details have been requested.

John L. Sullivan spoke in opposition to the beer and wine license.

On a motion duly made and seconded, it was

VOTED: to grant the Special Alcohol license as presented.

There being no further business, the meeting was adjourned.

Respectfully submitted

Jenneen M. Pagliaro  
Administrative Assistant

**City of Somerville  
Licensing Commission**

**Senior Center  
Tufts Administration Building  
167 Holland Street**

**Special Meeting  
Wednesday  
September 30, 2009  
6:00 p.m.**

Chairman Andrew Upton called the meeting to order. Present were Commissioner Vito Vaccaro, Inspector Warren Chaille and Administrative Assistant Jenneen M. Pagliaro.

The following hearings were conducted:

**COMMON VICTUALER LICENSE**

**Laz Café, Inc.  
d/b/a Mr. B's  
142 Cross St.**

Present: Attorney Richard DiGirolamo & Mehmet Bakirci

Attorney DiGirolamo representing the applicant came before the Commission seeking approval of a Common Victualer License for Laz Café, Inc. d/b/a Mr. B's, 142 Cross St.

Mr. Bakirci has restaurant experience.

Along with the application, a menu, lease and floor plan were submitted for the Commission's review and consideration.

The Chamber of Commerce spoke in favor of this application.

Upon a motion duly made and seconded, it was

VOTED: to grant the Common Victualer License as presented.

**WINE AND MALT RESTAURANT**

**ENTERTAINMENT LICENSE**

**Amelia's Kitchen  
1137 Broadway**

Present: Delio Susio

Mr. Susio came before the Commission seeking approval of an Entertainment license consisting of a 1-3 piece band on the premises situated at 1137 Broadway.

Mr. Susio stated that this license would consist of someone playing a guitar about once a week without amplified music.

Ald. Sullivan spoke in favor of this application.

Bill Tauro is also in favor of this application.

Along with the application a floor plan was submitted for the Commissioner's review and consideration.

On a motion duly made and seconded, it was

VOTED: to approve the Entertainment License as presented.

#### **WINE AND MALT PACKAGE STORE**

#### **TRANSFER OF LICENSE AND LOCATION**

**New Bombay Market**  
**359 Somerville Ave.**

Present: Attorney William Goldberg, Ram Selhi & Ruby Selhi

Atty. Goldberg came before the Commission representing New Bombay Market requesting approval to transfer the Wine and Malt Package Goods Store License to Fauji Corporation d/b/a Farmer's Bounty, 234 Elm St.

Atty. Goldberg stated that alcohol would be a compliment to the food items sold at the Farmer's Bounty.

Atty. Goldberg presented a petition in support for the record.

Nancy Ward and Ann Mancini spoke in support of this application.

Ald. Gerwitz is not in support of another liquor license in Davis Square.

Steven Kwang, neighbor had some concerns and is not in favor of another license in the square.

Matthew Sperber & Everett Laboria also spoke in opposition of this application.

Commissioner Vaccaro motions to postpone this transfer until the next Licensing Hearing, so Mr. Mohammad Nurpasha, the owner of New Bombay Market can be present to answer questions about the license.

On a motion duly made and seconded, it was

VOTED: To hold this matter over until the October 19, 2009 meeting.

**ALL FORMS ALCOHOLIC BEVERAGES**  
**7 DAY RESTAURANTS**

**ALTERATION OF PREMISES**

Mirabella, Inc.  
d/b/a Pescatore Restaurant  
158 Boston Ave.

Present: Attorney Richard DiGirolamo, Marianna Buonopane & Luigi Buonopane

Attorney DiGirolamo representing the applicant came before the Commission requesting approval for an expansion of the premises from 24 seats to 48 seats.

Alderman O'Donovan is in favor of this application

The Chamber of Commerce spoke in favor of this application.

Along with the application a floor plan was submitted for the Commissioner's review and consideration.

On a motion duly made and seconded, it was

VOTED: to grant the alteration of premises as presented.

**New Licenses**

**Alpine Restaurant Group, Inc.**  
**d/b/a Pizzeria Posto**  
**187 Elm St.**

Present: Attorney Adam Dash & Joe Castinelli

Attorney Dash representing the applicant came before the Commission requesting approval of a new All Forms Alcoholic Beverages 7 Day Restaurant License, Common Victualer License and for an Entertainment License consisting of audio, movie projector and screen and 3 televisions.

Mr. Castinelli has restaurant experience.

Atty. Dash stated that the Aldermen and the Davis Sq. Task Force have been notified of this application.

Atty. Dash stated that the opening of this restaurant is contingent upon getting the liquor license.

Many letters of support were submitted for the record and two letters in opposition were also submitted for the record.

The hours of operation would be 11AM-11PM.

The establishment will have a small bar and a private meeting room.

Commissioner Vaccaro commented that we have too many pizza places in the City and feels that this establishment does not warrant a full liquor license. These licenses are to enhance the dining experience.

Atty. Dash stated this isn't a pizza place it has a full menu with silverware and dishes and will offer a unique concept in fine dining and noted that name is a bit misleading.

OSPCD recommends approval of this application.

Alderman Connolly & Ald. Sullivan are in support of this application.

Alderman Gerwirtz is in support of this application however is not in favor of any Outdoor Seating License.

The Chamber of Commerce spoke in support of this application.

Monica Lamboy of OSPCD stated that the applicant is waiting on a zoning permit.

Mr. Sullivan submitted a letter in opposition, he has concerns with traffic & noise.

On a motion duly made and seconded, it was

VOTED: to approve the All Forms 7 Day Restaurant, Common Victualer & Entertainment License with conditions that the Hours of operation be 11AM-11PM.

**Ty Sun Corporation**  
**d/b/a Yoshi's**  
**132 College Ave.**

Present: Attorney David Sokol & James Na

Atty. Sokol representing the applicant came before the Commission requesting approval Of a New All Forms Alcoholic Beverages 7 Day Restaurant License.

Atty. Sokol stated that Yoshi's came before the Commission 18 months ago for a beer and Wine license along with a few other establishments. Yoshi's was not chosen for one of the two licenses given out.

Atty. Sokol stated that Yoshi's is suffering due to the lack of an alcoholic beverage license. New licenses have been granted to two other establishments similar establishment in the area, who are Yoshi's main competition.

Ald. Gerwitz is in support of this application.

Ald. Sullivan is in support of this application, but would prefer them to have a beer and wine license.

OSPCD is not in favor of this application.

Ray Zonghetti of the Chamber of Commerce stated that the City has no beer and wine licenses available at this time and Mr. Zonghetti suggests the Board postpone this application so the Chamber of Commerce can work with them on figuring out some way to secure a license.

Atty. Sokol suggest granting them a license on the contingency that when a beer and wine license comes available they can trade it in.

On a motion duly made and seconded, it was

VOTED: To hold his matter over until the October 16, 2009 meeting so the applicant can work with the Community and the Chamber of Commerce.

There being no further business, the meeting was adjourned.

Respectfully submitted

Jenneen M. Pagliaro  
Administrative Assistant



**City of Somerville  
Licensing Commission**

**Senior Center  
Tufts Administration Building  
167 Holland Street**

**Regular Meeting  
Monday  
October 19, 2009  
6:00 p.m.**

Chairman Andrew Upton called the meeting to order. Present were Commissioners Vito Vaccaro, John J. McKenna, Inspector Warren Chaille and Administrative Assistant Jenneen M. Pagliaro.

**MINUTES**

The Minutes of the September 21, 2009 meeting were accepted as presented.

**COMMUNICATION**

Massachusetts State Lottery notice of Keno to Go applicants. This was noted for the record and is available for review.

**COMMON VICTUALER LICENSES**

**Los Paisano  
62 Broadway**

Present: Morris Lopez

Mr. Lopez came before the Commission seeking approval of a Common Victualer license at 62 Broadway.

Mr. Lopez has 8 years of restaurant experience.

Along with the application, a copy of the floor plan, menu and lease were submitted for the Commissioner's consideration.

On a motion duly made and seconded, it was

VOTED: to approve the Common Victualer license as presented.

**Martsa on Elm**  
**233A Elm St.**

Present: Dawa Thoulutsang

Ms. Thoulutsang came before the Commission requesting approval of a Common Victualer license at 233A Elm St.

Ms. Thoulutsang is purchasing the restaurant from the current owner.

The menu will stay the same.

Ms. Thoulutsang has restaurant experience.

Along with the application a copy of the lease, menu and floor plan were submitted for the Commissioner's consideration.

On a motion duly made and seconded, it was

VOTED: to approve the Common Victualer license as presented.

**Jimmys Café**  
**300 Beacon St.**

Present: Oscar Escobar

Mr. Escobar came before the Commission Requesting approval of a Common Victualer license at 300 Beacon St.

Mr. Escobar has restaurant experience.

Along with the application a copy of the lease, menu and floor plan were submitted for the Commissioner's consideration.

On a motion duly made and seconded, it was

VOTED: to approve the Common Victualer license as presented.

**Rodizio Brazilian Steakhouse**  
**129 Broadway**

Present: Ernesto Perez & Ariel Alarcon

Mr. Alarcon came before the Commission requesting approval of a Common Victualer license at 129 Broadway.

Mr. Alarcon has restaurant experience.

Along with the application a copy of the lease, menu and floor plan were submitted for the Commissioner's consideration.

On a motion duly made and seconded, it was

VOTED: to approve the Common Victualer license as presented.

**SPECIAL ALCOHOL LICENSES**

**The Center for the Arts at the Armory**  
**191 Highland Ave.**

Present: Debra McLaughlin

Ms. McLaughlin came before the Commission requesting approval of a Special Alcohol license for the purpose of dispensing and selling alcoholic beverages for a Silent Film screening of Phantom of the Opera with Alloy Orchestra on Oct. 30, 2009 from 5PM-11PM.

Experienced servers will be dispensing the alcoholic beverages. Police and Fire Details have been requested.

John L. Sullivan spoke in opposition to the beer and wine license.

On a motion duly made and seconded, it was

VOTED: to grant the Special Alcohol license as presented.

**The Center for the Arts at the Armory**  
**191 Highland Ave.**

Present: Debra McLaughlin

Ms. McLaughlin came before the Commission requesting approval of a Special Alcohol license for the purpose of dispensing and selling alcoholic beverages for a Halloween Week-end silent film screening with live music on Oct. 31, 2009 from 5PM-11PM.

Experienced servers will be dispensing the alcoholic beverages. Police and Fire Details have been requested.

John L. Sullivan spoke in opposition to the beer and wine license.

On a motion duly made and seconded, it was

VOTED: to grant the Special Alcohol license as presented.

**The Center for the Arts at the Armory**  
**191 Highland Ave.**

Present: Debra McLaughlin

Ms. McLaughlin came before the Commission requesting approval of a Special Alcohol license for the purpose of dispensing and selling alcoholic beverages for an acoustic concert, Andy Dunlop & Fran Healy of Travis, on Nov. 1, 2009 from 6PM-10PM.

Experienced servers will be dispensing the alcoholic beverages. Police and Fire Details have been requested.

John L. Sullivan spoke in opposition to the beer and wine license

On a motion duly made and seconded, it was

VOTED: to grant the Special Alcohol license as presented.

**The Center for the Arts at the Armory**  
**191 Highland Ave.**

Present: Debra McLaughlin

Ms. McLaughlin came before the Commission requesting approval of a Special Alcohol license for the purpose of dispensing and selling alcoholic beverages for acoustic concerts, Dan Blakeslee on Nov. 5, Nov. 12 & Nov. 19, 2009 from 6PM-10PM.

Experienced servers will be dispensing the alcoholic beverages. Police and Fire Details have been requested.

John L. Sullivan spoke in opposition to the beer and wine license

On a motion duly made and seconded, it was

VOTED: to grant the Special Alcohol license as presented.

**The Center for the Arts at the Armory**  
**191 Highland Ave.**

Present: Debra McLaughlin

Ms. McLaughlin came before the Commission requesting approval of a Special Alcohol license for the purpose of dispensing and selling alcoholic beverages for Somerville Community Corp. 40<sup>th</sup> Anniversary fundraiser on Nov. 13, 2009 from 5PM-11PM.

Experienced servers will be dispensing the alcoholic beverages. Police and Fire Details have been requested.

John L. Sullivan spoke in opposition to the beer and wine license.

On a motion duly made and seconded, it was

VOTED: to grant the Special Alcohol license as presented.

**The Center for the Arts at the Armory**  
**191 Highland Ave.**

Present: Debra McLaughlin

Ms. McLaughlin came before the Commission requesting approval of a Special Alcohol license for the purpose of dispensing and selling alcoholic beverages for Somerville Writers Festival on Nov. 14, 2009 from 1PM-11PM.

Experienced servers will be dispensing the alcoholic beverages. Police and Fire Details have been requested.

John L. Sullivan spoke in opposition to the beer and wine license.

On a motion duly made and seconded, it was

VOTED: to grant the Special Alcohol license as presented.

**The Center for the Arts at the Armory**  
**191 Highland Ave.**

Present: Debra McLaughlin

Ms. McLaughlin came before the Commission requesting approval of a Special Alcohol license for the purpose of dispensing and selling alcoholic beverages for a Music Concert, Pete Sutton on November 20, 2009 from 6PM-11PM.

Experienced servers will be dispensing the alcoholic beverages. Police and Fire Details have been requested.

John L. Sullivan spoke in opposition to the beer and wine license

On a motion duly made and seconded, it was

VOTED: to grant the Special Alcohol license as presented.

**CLUB LICENSE**

**CHANGE IN MANAGER**

**Nucleo Sportinguista**  
**282-284 McGrath Highway**

Present: Paulo Bizzaria & Miguel Correia

Mr. Bizarria came before the Commission requesting approval for change of manager from Miguel Correia to himself.

Chairman Upton suggested Mr. Bizarria become tip certified.

Upon motion duly made and seconded, it was

VOTED: to approve the change of manager as presented.

**ALL FORMS PACKAGE GOODS STORE**

**TRANSFER OF LICENSE**

**M.B. Market, Inc.**  
**d/b/a Paul Revere Beverage**  
**8-10 Main St.**

Present: Attorney Joseph Devlin, Tin Duc Nguyen & Barry Jaffe

Atty. Devlin came before the Commission on behalf of T & T Ocean, Inc. requesting approval to transfer the All Forms Alcoholic Beverage Package Goods Store license from M.B. Market, Inc., d/b/a Paul Revere Beverage to T & T Ocean, Inc., d/b/a Paul Revere Beverage, Thinh Duc Nguyen, 8-10 Main St.

Att. Devlin stated they will make no changes to the premises.

Mr. Nguyen had been a clerk for 10 years and has service training scheduled for tomorrow.

Mr. Jaffe stated he wanted to move on and is selling his business.

On a motion duly made and seconded, it was

Voted: to grant the transfer of license as presented.

**TRANSFER OF LICENSE AND LOCATION**  
**CONTINUED FROM SEPT. 30, 2009 MEETING**

**New Bombay Market**  
**359 Somerville Ave.**

Present: Attorney William Goldberg, Mohammad Nepasha & Mr. Selhi

Atty. Goldberg came before the Commission on behalf of New Bombay Market requesting approval to transfer the Wine and Malt Package Goods Store License to Fauji Corporation d/b/a Farmer's Bounty, 234 Elm St.

Mr. Nepasha was not in attendance at last months meeting. It was requested that he appear tonight to answer any questions regarding this license.

Commissioner Vaccaro questioned how long New Bombay Market has been closed.

Mr. Nepasha responded that they have been closed about a year. He also stated that they tried to sell the license last year but the Commission did not approve the transfer. Mr. Nepasha has held the license for three years.

Commissioner Vaccaro voiced his concerns that the store was too very close to another liquor store.

Atty. Goldberg stated that this license will serve the public need of the people who shop at this establishment.

Atty. Goldberg stated that they have the support of the Community and need the license to stay in business.

Many neighbors spoke in support of this business.

Rob May of OSPCD stated that OSPCD has concerns with what the store could become and wants to know if the license can be conditioned.

Mr. May suggested a condition to limit the amount of square footage that they can use to hold the alcohol.

Commissioner McKenna was concerned with the sale of alcohol getting out of control, stating that it has happened in another situation like this.

Commissioner McKenna motions that they come up with a footprint of how many cases and where they would be located in the store and come back before the Commission at the next meeting.

Motion seconded

Voted: To continue until next meeting.

**ALL FORMS ALCOHOLIC BEVERAGES**  
**7 DAY RESTAURANT LICENSE**

**NEW LICENSE**

**Tamario Inc.**  
**d/b/a Dali Restaurant**  
**415 Washington St.**

Present: Mario Leone

Mr. Leon came before the Commission requesting approval of a new All Forms Alcoholic Beverages 7 Day Restaurant License (currently hold a Wine and Malt Restaurant License)

Mr. Leone stated that he has had this business for 20 years.

Rob May of OSPCD stated that they are in support of this application.

The Chamber of Commerce is in support.

Mr. Leone stated that he owns this license but will give it back to the City, instead of selling it.

Upon a motion duly made and seconded, it was

VOTED: to approve the new All Forms 7 Day Restaurant license and upon final approval return the Beer and Wine license to the City.



**NEW LICENSE-CONTINUED FROM SEPT. 30, 2009 MEETING**

**Ty Sun Corporation d/b/a Yoshi's**  
**132 College Ave.**

Present: Attorney David Sokol & James Na

Atty. Sokol came before the Commission on behalf of Yoshi's requesting approval of a New All Forms Alcoholic Beverages 7 Day Restaurant License.

Atty. Sokol questioned whether the license could be restricted to beer and wine or maybe they could have the next beer and wine license when it comes back from the State.

Chairman Upton stated that they could not condition a license to just beer and wine and the Commission does not enter into contracts with people.

Chairman Upton suggested that Atty. Sokol try working with the City and the Chamber of Commerce to come up with some solution and the Board will keep the hearing open.

Motion to keep hearing open if the applicant can work out some sort of arrangement with the City and they can come back to the next meeting.

Motion seconded, continued until next meeting.

**STATUS REPORT-CONTINUED FROM SEPT. 21, 2009 MEETING**

**H.I.O. Restaurant Inc.**  
**d/b/a Café Belo**  
**120 Washington St.**

Present: Assistant City Solicitor Francis X. Wright & Hildo Costa

Mr. Costa came back before the Board with the report from Affiliated Monitors, Inc.

ASC stated that he spoke with Mr. Costa earlier tonight and Mr. DaCosta informed him that he has been closed for renovations and that the monitoring system was suppose to contact the License Commission with that information. ASC Wright stated that Mr. DaCosta should have contacted the City with this information sooner.

ASC Wright recommends that the monitoring continue for 60 days and come back with the report. Mr. DaCosta is to send ASC Wright a copy of the agreement that he has entered into with Affiliated Monitors, Inc. by Oct. 30<sup>th</sup> and come to the November meeting with the report.

**STATUS REPORT**

**VIZ Inc.**  
**d/b/a Choices**  
**379-381 Somerville Ave.**

Present: Victor Ortiz

Mr. Ortiz came before the Commission for a hearing on the hours of operation. (Currently on three month trial of Fridays and Saturdays until 2AM and Sundays until 1AM).

Mr. Ortiz stated that things have been quiet at his business. Officer Chaille confirms this statement.

Ald Taylor stated that he is opposed to Choices having the extended hours back but since he has had no complaints and he is willing to wait for the 2AM review to come up. Three people spoke in support of this licensee, No neighbors spoke in opposition.

Motion to continue current status until renewal comes up.

Upon a Motion duly made and Seconded, it was

VOTED: to continue hours until renewal time.

**VIOLATION HEARING CONTINUED FROM SEPT. 21, 2009 MEETING**

**Armur, Inc.**  
**d/b/a The Joshua Tree**  
**256 Elm St.**

Present: Assistant City Solicitor Francis X. Wright, Mark Murphy, Robert Ames & Shane Beckstead

The Joshua Tree Came before the Commission to show cause why its All Forms Alcoholic Beverages 7 Day Restaurant License, 2AM Closing, Common Victualer License, Entertainment License and Dance License should not be revoked or the hours during which alcoholic beverages made be made reduced for alleged violation of Somerville Licensing Commission Rules and Regulations to wit:-

Somerville Licensing Commission Rule 1.09.a -It shall be the obligation of licensees to ensure that a high degree of supervision is exercised over the conduct of the licensed establishment at all times. Each licensee will be held accountable for all violations that are related to the licensed premises to determine whether or not the licensee acted properly in the given circumstances.

Somerville Licensing Commission Rule 1.09.e. -When any noise, disturbance, misconduct, disorder, act or activity occurs in the licensed premises, or in the area in front of or adjacent to the licensed premises, or in any parking lot provided by the licensee for the use of its patrons, which in the judgment of the Commission adversely affects the protection, health, welfare, safety or repose of the residents of the area in which the licensed premises are located, or results in the licensed premises becoming the focal point for police attention, or is offensive to public decency, the licensee may be held in violation of the license and subject to proceedings for suspension, revocation or modification of the license.

Somerville Licensing Commission Rule 1.13.a (5) - Licensees shall make all reasonable and diligent efforts to ensure that illegal activities do not occur at the licensed premises. Such efforts may include, but are not limited to: calling for police assistance as necessary to protect patrons against injury or to evict unruly patrons or to uncover unlawful conduct or to give medical assistance and providing police with requested information;

Somerville Licensing Commission Rule 1.14.a. -Licensees shall instruct their employees and security personnel that they are not to make bodily contact with a patron unless to protect other patrons or themselves from being subjected to body blows or other harm from an unruly patron. In all other circumstances employees and security personnel are to call the police to have patrons removed from the premises when such patrons are being disruptive and they are unable to convince the patron to leave the premises voluntarily.

Somerville Licensing Commission Rule 1.14.b- Licensees shall call the police and an ambulance and take all other reasonable steps to assist patrons and persons who are injured in or on the licensed premises or whose injuries have occurred outside the premises but have been brought to the attention of the licensee.

The date of the alleged offense was July 18, 2009.

A complaint was filed by Mr. Beckstead regarding an incident that he claims to have happened on July 18, 2009 at the Joshua Tree. Mr. Beckstead stated that he was beat up by the bouncer from the Joshua Tree outside the establishment.

Chairman Upton stated that Mr. Beckstead needs to bring some material evidence to the meeting to back up his story.

Mr. Ames, the manager remember Mr. Beckstead being there and stated that Mr. Beckstead was assaulted down the street by someone unknown to him.

The Bank next store has a tape. ASC Wright stated that he can get a copy of the tape from the bank for viewing.

Chairman Upton motions to continue hearing pending production of materials as described by ASC Wright and come back to the meeting next month.

Motion seconded, continued until next meeting.

**COMMON VICTUALER LICENSE**

**Café Belo Restaurant, Inc.**  
**445 Somerville Ave.**

Present: Alexander Akira Inove

Mr. Inove came before the Commission seeking approval of a Common Victualer license For Café Belo, 445 Somerville Ave.

Mr. Inove has restaurant experience.

Along with the application, a copy of the floor plan, menu and lease were submitted for the Commissioner's consideration.

On a motion duly made and seconded, it was

VOTED: to approve the Common Victualer license as presented.

There being no further business, the meeting was adjourned.

Respectfully submitted

Jenneen M. Pagliaro  
Administrative Assistant

**City of Somerville  
Licensing Commission**

**Senior Center  
Tufts Administration Building  
167 Holland Street**

**Regular Meeting  
Monday  
November 16, 2009  
6:00 p.m.**

Chairman Andrew Upton called the meeting to order. Present were Commissioners Vito Vaccaro, John McKenna, Inspector Warren Chaille and Administrative Assistants Jenneen M. Pagliaro & Jo-Ann DePrizio.

The Minutes of the September 30, 2009 meeting were accepted.

The Following hearings were conducted:

**EXTENDED HOURS REVIEW**

The following licensees appeared before the Commission for annual review of their extension of hour until 2AM.

Choices  
On the Hill Tavern  
The Independent  
Casey's  
PJ Ryan's  
Precinct  
Olde Magoun Saloon  
The Burren  
Fasika  
The Joshua Tree  
Sagra

Each licensee's file was reviewed for incidents/complaints and all were found to be suitable to continue with their extended hours.

**COMMON VICTUALER LICENSE**

**Red Peppers  
67 Summer St.**

Red Peppers will be heard at the December 14, 2009 meeting.

**Los Paisanos Restaurant**  
**62 Broadway**

Present Jose Aldana

Mr. Aldana came before the Commission requesting approval of a Common Victualer license for Los Paisanos Restaurant, 62 Broadway.

Mr. Aldana has restaurant experience.

Along with the application, a floor plan, menu and lease were submitted for the Commissioner's consideration.

On a motion duly made and seconded, it was

VOTED: to grant the Common Victualer license as presented.

**ENTERTAINMENT LICENSE**

Bloc 11 Café  
11 Bow St.

Present: Jennifer Clark & Tucker Lewis

Jennifer Clark came before the Commission requesting approval of an Entertainment license consisting of Audio and Entertainment by performers.

Ms. Clark stated that they would have open mic two nights a week. & acoustic music.

Ald. Taylor supports this license.

On a motion duly made and seconded, it was

VOTED: to grant the Entertainment license as presented.

**SPECIAL ALCOHOL LICENSES**

**Hellenic Association of Somerville**  
**29 Central St.**

Present: Michael Ververis

Mr. Ververis came before the Commission requesting approval of a Special Alcohol license for the purpose of dispensing and selling alcoholic beverages for a New Year's Eve Party on December 31, 2009 from 7PM-2AM.

Mr. Ververis stated approximately 200 people will be in attendance.

Police and Fire Details have been requested and experienced servers will be dispensing the alcoholic beverages.

On a motion duly made and seconded, it was

VOTED: to grant the Special Alcohol License as presented.

**The Center for the Arts at the Armory**  
**191 Highland Ave.**

Present: Debra McLaughlin

Ms. McLaughlin came before the Commission requesting approval of a Special Alcohol license for the purpose of dispensing and selling alcoholic beverages for a Holiday Fundraiser on December 4, 2009 from 7PM-11PM.

Experienced servers will be dispensing the alcoholic beverages. Police and Fire Details have been requested.

John L. Sullivan spoke in opposition to the beer and wine license.

On a motion duly made and seconded, it was

VOTED: to grant the Special Alcohol license as presented.

**The Center for the Arts at the Armory**  
**191 Highland Ave.**

Present: Debra McLaughlin

Ms. McLaughlin came before the Commission requesting approval of a Special Alcohol license for the purpose of dispensing and selling alcoholic beverages for Armory Venue Showcase on December 7, 2009 from 6PM-10PM.

Experienced servers will be dispensing the alcoholic beverages. Police and Fire Details have been requested.

John L. Sullivan spoke in opposition to the beer and wine license.

On a motion duly made and seconded, it was

VOTED: to grant the Special Alcohol license as presented.

**The Center for the Arts at the Armory**  
**191 Highland Ave.**

Present: Debra McLaughlin

Ms. McLaughlin came before the Commission requesting approval of a Special Alcohol license for the purpose of dispensing and selling alcoholic beverages for a fundraiser for Calling All Crows on December 11 & December 12, 2009 from 6PM-11PM.

Experienced servers will be dispensing the alcoholic beverages. Police and Fire Details have been requested.

John L. Sullivan spoke in opposition to the beer and wine license.

On a motion duly made and seconded, it was

VOTED: to grant the Special Alcohol licenses as presented.

**ALL FORMS PACKAGE GOODS STORE**

**TRANSFER OF LICENSE AND LOCATION**  
**CONTINUED FROM OCT. 19, 2009 MEETING**

**New Bombay Market**  
**359 Somerville Ave.**

Present: Attorney William Goldberg, Mohammad Nurpasha & Ruby Sehli

Atty. Goldberg, representing Farmer's Bounty came before the Commission requesting approval to transfer the Wine and Malt Package Goods Store License from New Bombay Market to Fauji Corporation d/b/a Farmer's Bounty, 234 Elm St.

Atty. Goldberg stated that he had met with Rob May of OSPCD recently and they inspected the premises at 234 Elm St. together.

Rob May stated that he did take a tour of the building and had a meeting with the internal staff at OSPCD. They decided that they would not support the transfer of this license at this time.



Atty. Goldberg was very surprised by this decision. Atty. Goldberg stated that he was disappointed with the lack of communication with Rob May since that meeting.

Commissioner McKenna questioned as to where the floor plan was, that was requested at the last meeting.

Atty. Goldberg stated he showed the floor plan to Rob May and was under the impression that Rob May was going to make up a floor plan from the visit & bring it before the Board.

Atty. Goldberg stated that if this transfer does not occur the owner will have to pay the renewal fee for 2010.

Dan Parson, Owner of Downtown Liquors stated he was not notified of this hearing, but is not opposed to competition.

Atty. Goldberg stated that they are not opposed to the license being conditioned.

Chairman Upton stated that he was inclined to oppose this transfer, due to lack of government support.

A five minute recess was called to get the floor plan in order.

Chairman Upton stated that any changes to the floor plan must be approved by the Board.

Commissioner McKenna motions to allow transfer subject to 60sq. feet as outlined in plan submitted.

Commissioner Vaccaro seconds the motion

Chairman Upton votes in Opposition

Upon motion duly made and seconded,

VOTED: To allow transfer of license & change of location.

**STATUS REPORT-CONTINUED FROM OCT. 19, 2009 MEETING**

H.I.O. Restaurant, Inc.  
d/b/a Café Belo  
120 Washington St.

Present: Assistant City Solicitor Francis X. Wright

ASC Submits plan from Affiliated Monitors, Inc., Mr. DaCosta did not show up for the meeting.

Mr. DaCosta will be contacted to appear before the Commission at the December meeting.

This matter to be Continued until December 14, 2009

**NEW LICENSE-CONTINUED FROM OCT 19, 2009 MEETING**

Ty Sun Corporation  
d/b/a Yoshi's  
132 College Ave.

Present: James Na

Mr. Na came before the Board to state that he is still interested in pursuing a New All Forms Alcoholic Beverages 7 Day Restaurant License. He is still working with his attorney and the City.

This matter to be continued until the next Licensing meeting

**VIOLATION HEARING CONTINUED FROM OCT 19, 2009 MEETING**

**Armur Inc.**  
**d/b/a The Joshua Tree**  
**256 Elm St.**

Present: Assistant City Solicitor Francis X. Wright, Attorney Richard DiGirolamo, Attorney Ann Vigorito, Robert Ames, Martin Murphy & Shane Beckstead.

Atty. DiGirolamo came before the Commission representing The Joshua Tree, to show cause why its All Forms Alcoholic Beverages 7 Day Restaurant License, 2AM Closing, Common Victualer License, Entertainment License and Dance License should not be revoked or the hours during which alcoholic beverages made be made reduced for alleged violation of Somerville Licensing Commission Rules and Regulations to wit:-

Somerville Licensing Commission Rule 1.09.a -It shall be the obligation of licensees to ensure that a high degree of supervision is exercised over the conduct of the licensed establishment at all times. Each licensee will be held accountable for all violations that are related to the licensed premises to determine whether or not the licensee acted properly in the given circumstances.

Somerville Licensing Commission Rule 1.09.e. -When any noise, disturbance, misconduct, disorder, act or activity occurs in the licensed premises, or in the area in front of or adjacent to the licensed premises, or in any parking lot provided by the licensee for the use of its patrons, which in the judgment of the Commission adversely affects the protection, health, welfare, safety or repose of the residents of the area in

which the licensed premises are located, or results in the licensed premises becoming the focal point for police attention, or is offensive to public decency, the licensee may be held in violation of the license and subject to proceedings for suspension, revocation or modification of the license.

Somerville Licensing Commission Rule 1.13.a (5) - Licensees shall make all reasonable and diligent efforts to ensure that illegal activities do not occur at the licensed premises. Such efforts may include, but are not limited to: calling for police assistance as necessary to protect patrons against injury or to evict unruly patrons or to uncover unlawful conduct or to give medical assistance and providing police with requested information;

Somerville Licensing Commission Rule 1.14.a. -Licensees shall instruct their employees and security personnel that they are not to make bodily contact with a patron unless to protect other patrons or themselves from being subjected to body blows or other harm from an unruly patron. In all other circumstances employees and security personnel are to call the police to have patrons removed from the premises when such patrons are being disruptive and they are unable to convince the patron to leave the premises voluntarily.

Somerville Licensing Commission Rule 1.14.b- Licensees shall call the police and an ambulance and take all other reasonable steps to assist patrons and persons who are injured in or on the licensed premises or whose injuries have occurred outside the premises but have been brought to the attention of the licensee.

The date of the alleged offense was July 18, 2009.

Atty. Vigorito stated that their Law Office had just become involved with this matter and would like some time to get more familiar with the case. Atty. Vigorito requests the hearing be continued until next meeting so they can meet with the clients to get more facts and view the bank video tape.

ASC Wright and Mr. Beckstead stated they had no problem with that.

Motion to continue matter until the December 14<sup>th</sup> meeting.

Motion seconded.

### **VIOLATION**

Armur Inc.  
d/b/a The Joshua Tree  
256 Elm St.

Present: Assistant City Solicitor Francis X. Wright, Robert Ames, Martin Murphy & Attorney Richard DiGirolamo

Atty. DiGirolamo came before the Commission, representing The Joshua Tree to show cause why the All Forms Alcoholic Beverages 7-Day Restaurant license, 2 AM Closing, Common Victualer License, Entertainment License and Dance License of the above establishment should not be modified, suspended, revoked, or the hours during which sales of alcoholic beverages may be made reduced for alleged violation of Somerville Licensing Commission Rules and Regulations to wit:-

Somerville Licensing Commission Rule 1.06. b. The licensed premises shall conform to the floor plan approved by the Commission with regard to the structures and the walls at the premises, as well as with regard to all tables, chairs, booths, bars, counters, barstools, dance floors or areas, railing partitions, and other barriers at the premises. Any changes in the floor plan or any renovations of any kind may not be made without notification to the Commission and the prior approval of the Commission. The floor plan shall be drawn to scale. It shall include the location and dimensions of all equipment, fixtures and furniture and otherwise be satisfactory to the Licensing Commission.

Somerville Licensing Commission Rule 1.09.a -It shall be the obligation of licensees to ensure that a high degree of supervision is exercised over the conduct of the licensed establishment at all times. Each licensee will be held accountable for all violations that are related to the licensed premises to determine whether or not the licensee acted properly in the given circumstances.

Somerville Licensing Commission Rule 1.13.a (5) - Licensees shall make all reasonable and diligent efforts to ensure that illegal activities do not occur at the licensed premises. Such efforts may include, but are not limited to: calling for police assistance as necessary to protect patrons against injury or to evict unruly patrons or to uncover unlawful conduct or to give medical assistance and providing police with requested information;

Somerville Licensing Commission Rule 1.14.b- Licensees shall call the police and an ambulance and take all other reasonable steps to assist patrons and persons who are injured in or on the licensed premises or whose injuries have occurred outside the premises but have been brought to the attention of the licensee.

The date of the alleged offense was October 17, 2009

The Joshua Tree recently installed video cameras at their establishment.

ASC Wright stated that the incident Joshua Tree has video of the incident that occurred on Oct. 17, 2009.

ASC Wright showed a 4 minute tape.

ASC is concerned with the changing of the floor plan as the night goes on, also notes that is hard to identify who the staff is.

Police Officer Nardone was on the scene before the business called the police.

ASC Wright recommended a disposition:

- 1) Friday and Saturday night police detail inside the establishment-10PM-2AM, after 90 days the licensee may request the Licensing Commission review whether the police detail should be maintained.
- 2) Submit floor plan to Licensing Commission
- 3) In order to promptly summon Somerville Police for assistance, the establishment shall direct all staff to program the direct Somerville Police Department telephone number, (617) 625-1212, into their cell phones, as cell phone calls to 911 are directed to the State Police rather than the Somerville Police. The Somerville Police telephone number shall also be posted at all phones in the establishment as a reminder.
- 4) All staff shall wear matching shirts/blouses that read STAFF or SECURITY in block letters on their back, so as to be readily identifiable to patrons.

Atty. DiGirolamo submitted a floor plan.

Chairman motions to accept the floor plan tonight and take it out of the recommended disposition, rule 106B-Accepted and placed on file

On a motion duly made and seconded, it was

VOTED: to accept the recommended disposition of the Assistant City Solicitor Francis X. Wright.

**ALL FORMS ALCOHOLIC BEVERAGES**  
**7 DAY RESTAURANT LICENSES**

**Change of Manager**

**Neighborhood Liquor, Inc.**  
**163 Washington St.**

Present: Attorney DiGirolamo, Aman Kalia & Isabella Kalia

Atty. DiGirolamo, representing Neighborhood Liquor, Inc. came be the Commission requesting approval for a change of manager from Aman Kalia to Izabella Kalia.

Ms. Kalia works at the store and has experience.

On a motion duly made and seconded, it was

VOTED: to grant the change of manager as presented.

**Change of Hours**

**Bread & Company**  
**345 Broadway**

Present: Renaldo Maio

Mr. Maio came before the Commission requesting approval to extend the closing hours from 11PM to 1PM.

Mr. Maio stated that longer hours will help his business and plans to keep full menu until closing time.

Alderman Pero is in support of this application as well as is the Chamber of Commerce.

Mr. Maio submitted a petition of support for the record.

On a motion duly made and seconded, it was

VOTED: to grant the change of hours.

**New Licenses**

**Vinny's At Night**  
**76 Broadway**

Present: Attorney Richard DiGirolamo, Vincent Magliore

Atty. DiGirolamo, representing Vinny's At Night, came before the Commission requesting approval of a new All Forms Alcoholic Beverages 7 Day Restaurant License.

Vinny's At Night has been in business since 1984 and currently hold a beer and wine license.

Alderman Roche is in support of this application

Rob May of OSPCD is also in support.

Mr. Magliore feels different kinds of drinks would improve the business.

The Chamber of Commerce is in support.

On a motion duly made and seconded, it was

VOTED: to approve the All Forms 7 Day Restaurant License and upon final approval return the Beer and Wine license to the City.

**The Center for Arts at the Armory**  
**191 Highland Ave.**

requesting approval of a New All Forms Alcoholic Beverages 7 Day License –  
(**withdrawn**)

**Mariachi Foods, Inc.**  
**d/b/a El Porto Mexican Grill**  
**61 Union Sq.**

Present: Evelio Portillo

Mr. Portillo came before the Commission requesting approval of a New All Forms Alcoholic Beverages 7 Day License and Entertainment License consisting of Audio and Entertainment by performers.

Alderman Taylor requested that the hearing be postponed until the February meeting, so that he can meet with the neighborhood.

Chairman Upton motions to hold the meeting over until the January meeting.

On motion duly made and seconded, it was

VOTED: To hold hearing at the January meeting.

**COMMUNICATIONS**

Resolution from the Board of Alderman, requesting the Licensing Commission change its meeting venue to a location that is equipped with microphones and that allows attendees to better hear the deliberations and decisions of the Commission. The Board will study this resolution and come up with a solution.

Resolution to the City Solicitor to find out why our licenses are being held up so long at the state.

There being no further business, the meeting was adjourned.

Respectfully submitted

Jenneen M. Pagliaro  
Administrative Assistant





**City of Somerville  
Licensing Commission**

**Senior Center  
Tufts Administration Building  
167 Holland Street**

**Regular Meeting  
Monday  
December 14, 2009  
6:00 p.m.**

Chairman Andrew Upton called the meeting to order. Present were Commissioners Vito Vaccaro, John J. McKenna, Inspector Warren Chaille and Administrative Assistant Jenneen M. Pagliaro.

Approval of Extension of hours until 2:00AM on New Years Eve for All Forms Restaurants.

**COMMON VICTUALER LICENSE**

**Red Peppers Convenience & Pizza  
67 Summer St.**

Present: Jamilson Conceicao

Mr. Conceicao came before the Commission seeking approval of a Common Victualer License for Red Peppers at 65 Summer St.

Along with the application, a floor plan, menu and copy of lease were submitted for the Commissioner's review and consideration.

On a motion duly made and seconded, it was

VOTED: to approve the Common Victualer License as presented.

**Blessing Caribbean Restaurant  
89 Broadway**

Present: Fritz Richard

Mr. Richard came before the Commission seeking approval of a Common Victualer License for Blessing Caribbean Restaurant at 89 Broadway.

Mr. Richard has restaurant experience.

Along with the application, a floor plan, menu and copy of lease were submitted for the Commissioner's review and consideration.

On a motion duly made and seconded, it was

VOTED: to approve the Common Victualer License as presented.

**Primo's Pizza**  
**284 Broadway**

Present: Stephen Rasetta

Mr. Rasetta came before the Commission seeking approval of a Common Victualer License for Primo's Pizza at 284 Broadway.

Mr. Rasetta stated he is reopening this business. The business originally belonged to family but they had some financial issues so he is taking over.

There will be no structural changes to the building.

Mr. Rasetta is waiting for to sign the new lease on the building.

Along with the application, a floor plan and menu were submitted for the Commissioner's review and consideration.

On a motion duly made and seconded, it was

VOTED: to approve the Common Victualer License as presented.

**SPECIAL ALCOHOL LICENSES**

**St. Anthony's Church**  
**12 Properzi Way**

Present: Father Balen

Father Balen came before the Commission requesting approval of a Special Alcohol license for the purpose of dispensing and selling alcoholic beverages for a Reveillon Feast to be held at the school gymnasium, 12 Properzi Way on December 19, 2009 from 9PM-1AM.

Experienced servers will be dispensing the alcoholic beverages.

Police and Fire Details have been requested.

On a motion duly made and seconded, it was

VOTED: to approve the Special Alcohol License as presented.

**The Center for the Arts at the Armory**  
**191 Highland Ave.**

Present: Debra McLaughlin

Ms. McLaughlin came before the Commission requesting approval of a Special Alcohol license for the purpose of dispensing and selling alcoholic beverages at an Acoustic Music Showcase on January 8, 9, 15 & 16, 2010 from 7PM-11PM.

Experienced servers will be dispensing the alcoholic beverages.

Police and Fire Details have been requested.

On a motion duly made and seconded, it was

VOTED: to approve the Special Alcohol License as presented.

**B.E.E.F, Inc.**  
**d/b/a Fasika**  
**145-147**

Present: Assistant City Solicitor Francis Wright & Befekadu Defar

Mr. Defar reported back on violation that occurred on Feb. 27, 2009

ASC stated that this was a violation that went to criminal court & Mr. Defar reported back the status to the Commission.

Mr. DeFar stated that the charges were dismissed. Inspector Chaille concluded this to be true and a motion was made to place this matter on file.

Upon motion duly made and seconded, it was

VOTED: To place this matter on file.

**STATUS REPORT-CONTINUED FROM NOVEMBER 16, 2009 MEETING**

**H.I.O. Restaurant, Inc.**  
**d/b/a Café Belo**  
**120 Washington St.**

Present: Assistant City Solicitor Francis Wright & Hildo DaCosta

Mr. DaCosta stated for the record that he was confused as to the meeting date for last months hearing and that is why he was not in attendance.

Mr. DaCosta came before the Board Regarding the report from Affiliated Monitors Systems, Inc.

Mr. DaCosta stated that Affiliated Monitoring Systems, Inc. did the training with his workers and he had sent the report to ASC Wright.

ASC noted that noted that all employees were not trained and that they all need to be trained.

ASC Wright stated that Affiliated Monitoring Systems, Inc. will visit Café Belo every other month and report the results to the City.

Motion that copies of the reports be sent to the Commission to be POF and this matter will not require a further hearing.

Motion seconded and approved

**NEW LICENSE-CONTINUED FROM NOVEMBER 16, 2009 MEETING**

**Ty Sun Corporation**  
**d/b/a Yoshi's**  
**132 College Ave.**

Present: Attorney David Sokol & James Na

Attorney Sokol, representing Yoshi's came before the Board requesting approval of a New All Forms Alcoholic Beverages 7 Day Restaurant License.

Atty. Sokol had appeared before the Commission three times for this application.

Mr. Sokol stated that Yoshi's is looking for a beer & Wine license.

The City does not have any beer & wine licenses available at this time.

Chairman Upton stated that the City is not supporting Yoshi's for an All Forms License.

Chairman Upton motioned to keep door open so that the applicant can work with the City to resolve this issue.

Motion seconded and moved.

**VIOLATION HEARING CONTINUED FROM NOVEMBER 16, 2009 MEETING**

**Armur, Inc.**  
**d/b/a The Joshua Tree**  
**256 Elm St.**

Present: Assistant City Solicitor Francis Wright, Atty. Ann Vigorito, Atty. Richard DiGirolamo, Martin Murphy & Shane Beckstead.

Atty. DiGirolamo representing Armur, Inc. came before the Commission to show cause why its All Forms Alcoholic Beverages 7 Day Restaurant License, 2AM Closing, Common Victualer License, Entertainment License and Dance License should not be revoked or the hours during which alcoholic beverages made be made reduced for alleged violation of Somerville Licensing Commission Rules and Regulations to wit:-

Somerville Licensing Commission Rule 1.09.a -It shall be the obligation of licensees to ensure that a high degree of supervision is exercised over the conduct of the licensed establishment at all times. Each licensee will be held accountable for all violations that are related to the licensed premises to determine whether or not the licensee acted properly in the given circumstances.

Somerville Licensing Commission Rule 1.09.e. -When any noise, disturbance, misconduct, disorder, act or activity occurs in the licensed premises, or in the area in front of or adjacent to the licensed premises, or in any parking lot provided by the licensee for the use of its patrons, which in the judgment of the Commission adversely affects the protection, health, welfare, safety or repose of the residents of the area in which the licensed premises are located, or results in the licensed premises becoming the focal point for police attention, or is offensive to public decency, the licensee may be held in violation of the license and subject to proceedings for suspension, revocation or modification of the license.

Somerville Licensing Commission Rule 1.13.a (5) - Licensees shall make all reasonable and diligent efforts to ensure that illegal activities do not occur at the licensed premises. Such efforts may include, but are not limited to: calling for police assistance as necessary to protect patrons against injury or to evict unruly patrons or to uncover unlawful conduct or to give medical assistance and providing police with requested information;

Somerville Licensing Commission Rule 1.14.a. -Licensees shall instruct their employees and security personnel that they are not to make bodily contact with a patron unless to protect other patrons or themselves from being subjected to body blows or other harm from an unruly patron. In all other circumstances employees and security personnel are to call the police to have patrons removed from the premises when such patrons are being disruptive and they are unable to convince the patron to leave the premises voluntarily.

Somerville Licensing Commission Rule 1.14.b- Licensees shall call the police and an ambulance and take all other reasonable steps to assist patrons and persons who are injured in or on the licensed premises or whose injuries have occurred outside the premises but have been brought to the attention of the licensee.

The date of the alleged offense was July 18, 2009.

ASC Wright stated that both parties viewed the video tape.

Atty. DiGirolamo stated that they did view the tape and saw nothing related to this issue and also stated that The Joshua Tree has been doing everything that was asked of them at the last Licensing Hearing.

Mr. Beckstead stated that the call regarding the incident came from The Joshua Tree.

Atty. DiGirolamo stated that this is not true, the call came from someone outside the establishment.

Atty. DiGirolamo stated he has a letter from a woman who stated she was at the Joshua Tree the night before and being harassed by Mr. Beckstead.

Chairman Upton stated that Mr. Beckstead needs to have some evidence to prove he was assaulted by someone from the establishment.

Commissioner Vaccaro suggested that Mr. Beckstead should take them to court, there is not enough evidence here.

ASC Wright stated that we know Mr. Beckstead was assaulted by someone, but does not know where else to go with this and Mr. Beckstead does have other ways to pursue this matter.

Mr. Beckstead stated that he has proven his case and the Joshua Tree are liars. He Also stated that he has lost respect for the Commission.

Atty. DiGirolamo requested that Mr. Beckstead have no contact with the two individuals that made statements.

Commissioner McKenna motions, no evidence to help case and request this complaint be Place on File.

Upon Motion duly made and seconded, it was

VOTED: Place this complaint on file.

Also VOTED: to Renew the Joshua Tree 2AM License.

**ALL FORMS ALCOHOLIC BEVERAGES**  
**7 DAY RESTAURANT LICENSE**

**Orleans Restaurant**  
**59-65 Holland St.**

Present: Attorney DiGirolamo & Tom Devlin

Atty. DiGirolamo came before the Commission representing Orleans Restaurant, 59-65 Holland St., requesting approval to extend its official closing hour from 1AM to 2AM.

Atty. DiGirolamo stated that the establish is run in an efficient manner but would like a 2AM license due to the competition of places that already hold 2AM in the area.

Atty. DiGirolamo stated that they did meet with the Davis Sq. Task Force also spoke with Alderman Gerwirtz and the abutters.

Mr. Devlin agreed that they need to address the parking situation.

Mr. Devlin owns the Comcast lot and decided that they would have no parking allowed after 10PM 7 days a week.

Atty. DiGirolamo stated that Mr. Devlin has come up with a number of restrictions that they think would help the situation.

Ald. Gerwirtz thought this may work if they have certain requirements on the license.

Ald. Trane was not against the license but had some concerns with the parking issues.

The Chamber of Commerce are in support.

A few neighbors spoke in support of the license.

A few other neighbors had concerns with noise.

Ald. Trane stated he would like to work with Mr. Devlin on working out the parking issues.

Motion to approve 2AM license with the following conditions:

1. 2AM Trial period, come back before the Commission every 90 days for one year.
2. No One allowed to enter the establishment after 1AM
3. Outdoor Space to be closed at 10AM, 7 nights a week.
4. Police Detail 10:30-2:30 on Friday and Sat. nights.
5. Food to be served until 1:30AM
6. Work out an acceptable parking plan with the Alderman.
7. Staff to monitor the noise and make sure customer leave quietly.

On a motion duly made and seconded, it was

VOTED: To grant the 2AM License

Commissioner Vaccaro voted in opposition  
To 2AM license.

**Transfer, Change of Location and Change of License Type**

**Michael Pergantis**  
**d/b/a Greek American Social Construction Club, Inc.**  
**79 Bow St.**

Present: Attorney Richard DiGirolamo & Michael Pergantis

Atty. DiGirolamo came before the Commission representing Greek American Social Construction Club, Inc., 79 Bow St., requesting approval of the transfer of All Forms Alcoholic Beverages 7 Day Restaurant license (bought at auction, formerly held by Khoury's State Spa) and a Common Victualer License. Also requesting approval to change the license type to a Club License.

Atty. DiGirolamo stated that this club is a non-profit organization that was formed earlier this year for members of the Construction Industries.



Mr. Pergantis owns the building.

Atty. DiGirolamo stated that he spoke with Ald. Taylor and he is in favor on a trial basis.

Ald. Taylor was not present at this meeting.

A few people spoke in support and no one spoke in opposition.

On a motion duly made and seconded, it was

VOTED: to grant the transfer, change of location and license type.

### **NEW LICENSES**

Rockwell Restaurant Group, LLC  
d/b/a Davis Square Theater, Restaurant & Lounge  
255 Elm St.

Present: Attorney Richard DiGirolamo & Ken Kelly

Atty. DiGirolamo representing Rockwell Restaurant Group, LLC came before the Commission requesting approval of a new All Forms Alcoholic Beverages 7 Day Restaurant license. Common Victualer License and an Entertainment license consisting of shows, plays, music performances, televisions and a juke box.

Atty. DiGirolamo stated this will be a theater, restaurant on 1<sup>st</sup> level and a lounge.

Mr. Kelly stated that there is good foot traffic in Davis Sq. and this would offer neighbors something that they would not have to go outside the square to enjoy.

This will be a neighborhood restaurant with good prices.

OSPCD is in support of the license.

Ald. Gerwitz is in support, Union Sq. Main Sts and Chamber of Commerce are also in support.

On a motion duly made and seconded, it was

VOTED: to approve the All Forms Alcoholic Beverages 7 Day License, Common Victualer License and the Entertainment License.

**Dina A. Posada**  
**d/b/a The Salvadorean Restaurant**  
**402 Mystic Ave.**

Present: Attorney Richard DiGirolamo & Dina Posada

Atty DiGirolamo representing The Salvadorean Restaurant, 402 Mystic Ave., came before the Commission requesting approval of a new All Forms Alcoholic Beverages 7 Day Restaurant license.

Atty. DiGirolamo stated that this is a family business that has been in operation for the past 16 years.

This is an area that is in need of economical development.

16 people spoke in favor of this application.

OSPCD is not in support of this application.

Chairman Upton was inclined to defer to the City's view of economic development of license.

Rob May of OSPCD stated that the City would not be opposed to a Beer & Wine license at this establishment.

Upon a motion duly made and seconded, it was

VOTED: to deny the new All Forms 7 Day Restaurant License.

**Federal Wine & Spirits Belmont, Inc.**  
**d/b/a Journeyman Restaurant**  
**9 Sanborn Court**

Present: Leonard Rothenberg, Tse Wei Lim & Diana Kudajarova

Mr. Rothenberg of Federal Wine & Spirits Belmont, Inc., d/b/a Journeyman Restaurant came before the Commission requesting approval of a new All Forms Alcoholic Beverages 7 Day Restaurant license, a Common Victualer license and an entertainment license consisting of audio.

Mr. Rothenberg owns Federal Wine & Spirits and has restaurant experience.

The establishment will be 1470 sq. feet with seating for 36.

Some construction will be needed.

Mimi Graney of Union Sq. Main Sts. is in support.

Many spoke in support of this application, no one opposed.

Licensing Commission received 22 e-mails in support.

Upon a motion duly made and seconded, it was

VOTED: to approve the new All Forms 7 Day Restaurant License, Common Victualer & Entertainment License.

### **VIOLATIONS**

Robbat's Villa Capri, Inc.d/b/a The Genoa-Withdrawn (**Not Renewing**)

Kirkland Café d/b/a Studley-Being transferred to a new owner

Good Times Billiard, Inc.-Has 60 Days to sell license & file paperwork with the Commission.

New Asia Chinese Restaurant- Has 10 days to renew license

All of the above establishments are here before the Board for a hearing pursuant to the provision of G.L. Chapter 138, §77, see below, and G.L. c. 140, §9, see below, and Somerville Licensing Commission Rules and Regulations, Rule 1.15.a.(1) and (2), see below, to show cause why the All Forms Alcoholic Beverages 7-Day Restaurant license and Common Victualler license of the above establishment should not be revoked, or not renewed;  
to wit:-

G.L. c. 138, Section 77. The licensing authorities may, after hearing or reasonable opportunity therefor, cancel any license issued under this chapter if the licensee ceases to conduct the licensed business. If the local licensing authorities determine that a license should be cancelled as aforesaid the licensee may appeal to the commission as if such authorities had refused to grant the license upon an original application therefor, and the decision of the commission upon such appeal shall be final.

Chapter 140: Section 9. If, in the opinion of the licensing authorities, a licensee as an innholder or a common victualler ceases to be engaged in the business he is licensed to pursue, or fails to maintain upon his premises the implements and facilities required by this chapter, they shall immediately revoke his license. If a licensee at any time conducts his licensed business in an improper manner, the licensing authorities, after notice to the licensee and reasonable opportunity for a hearing, may upon satisfactory proof thereof suspend or revoke his license. An innholder who violates section seven shall forfeit his license. A licensee who is convicted a second time of the violation of any of the provisions of sections six to eighteen, inclusive, shall forfeit his license.

Somerville Licensing Commission Rule 1.15.a.(1) and (2) a. Any license issued pursuant to General Laws Chapter 138 and Chapter 140 for the service of food or

beverages to the public may be modified, suspended, revoked, or have their operating hours reduced for any of the following causes:

- (1) fraud, misrepresentation, false material statement, concealment or suppression of facts by the licensee in connection with an application for a license or permit or for renewal thereof or in connection with an application for the removal of the licensed premises or the alteration of the premises or in connection with any other petition affecting the rights of the licensee or in any interview or hearing held by the Commission in connection with such petition, request, or application affecting the rights of the licensee;
- (2) failure to operate the premises covered by the license.

### **Minutes**

The Minutes of the October 19 & November 16, 2009 meetings were accepted as presented.