

**City of Somerville
Licensing Commission**

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

**Regular Meeting
Wednesday
January 20, 2010
6:00 p.m.**

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

Minutes of the December 14, 2009 were approved as presented.

COMMON VICTUALER LICENSES

**Nour Alhouda. Inc.
Venus Pizza
1291-1293 Broadway**

Present: Mohamed Abouelazm

Mr. Abouelazm came before the Commission seeking approval of a Common Victualer license for Venus Pizza at 1291-1292 Broadway.

Mr. Abouelazm has restaurant experience.

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.

**Vej Naturals LLC
The Pulse Café
195 Elm St.**

Present: Robert Bouley

Mr. Bouley came before the Commission seeking approval of a Common Victualer license for The Pulse Café at 195 Elm St.

Mr. Bouley has restaurant experience.

This restaurant was operating in Malden, but is moving to Somerville.

Matt Sullivan an abutter voiced some concerns regarding the dumpsters.

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.

ENTERTAINMENT LICENSES

Caesar Pizza & Subs **401 Somerville Ave.**

Present: Louis Trotta

Mr. Trotta came before the Commission requesting approval of an Entertainment license consisting of Television and radio.

Upon a motion duly made and seconded, it was

VOTED: to approve the Entertainment license as presented.

Tacos Lupita **13 Elm St.**

Present: Leo Zuniga

Mr. Zuniga came before the Commission requesting approval of an Entertainment License consisting of Television and audio.

Upon a motion duly made and seconded, it was

VOTED: to approve the Entertainment license as presented.

Teele Square Café
1153 Broadway

Teele Sq. Cafe requesting approval of an Entertainment License consisting of an Acoustic Guitar Player. (No Show, continued until next hearing)

SPECIAL ALCOHOL LICENSES

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 purpose of dispensing and selling alcoholic beverages for a Surrealist Nite with Roger Miller on Jan. 23, 2010 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 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 Caitlin Krisko & The Broadcast with Elaine Lachica on Jan. 30, 2010 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 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 Showcase on Feb. 4,6,11,18,19,20,25,26 & 27, 2010 from 7PM-11PM. (6PM-10PM for the Thursday dates)

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 licenses.

On a motion duly made and seconded, it was

VOTED: to grant the Special Alcohol licenses 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 for the purpose of dispensing and selling alcoholic beverages for an Acoustic Showcase on Feb. 3, 2010 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 Arts at the Armory
191 Highland Ave.

Present: Debra McLaughlin

Ms. Laughlin came before the Commission requesting approval of a Special Alcohol License for the purpose of dispensing and selling alcoholic beverages for Gabrielle Agachiko & Friends on Feb. 4, 2010 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 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 Valentine Fundraiser on Feb. 14, 2010 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.

ALL FORMS ALCOHOLIC BEVERAGES
7 DAY RESTAURANT LICENSES

Change of DBA Name

Bread & Company
345 Broadway

Present: Ronaldo Maio

Mr. Maio came before the Commission requesting approval to change The DBA name from Bread & Co. to Brunello Bistro.

On a motion duly made and seconded, it was

VOTED: to grant the DBA name change.

Change of DBA Name

Paul Revere Liquors
8-10 Main St.

Present: Thinh Duc Nguyen

Mr. Nguyen came before the Commission requesting approval to change the DBA name from Paul Revere Liquors to T & T Ocean Liquors.

On a motion duly made and seconded, it was

VOTED: to grant the DBA name change as submitted.

Transfer of License

Evoo, Inc.
118 Beacon St.

Present: Keith Pooler

Mr. Pooler came before the Commission requesting approval to transfer the All Forms Alcoholic Beverages 7 Day Restaurant License from Evoo, Inc. to Beragamot, LLC and for approval of an Entertainment License consisting of audio.

Mr. Pooler has restaurant experience and plans to make some cosmetic changes to the restaurant.

On a motion duly made and seconded, it was

VOTED: to grant the Transfer of License & Entertainment License as submitted.

NEW LICENSE-CONTINUED FROM DECEMBER 14, 2009 MEETING

Ty Sun Corporation d/b/a Yoshi's, 132 College Ave., requesting approval of a New All Forms Alcoholic Beverages 7 Day Restaurant License. (Cont'd until next meeting).

NEW LICENSE-CONTINUED FROM NOVEMBER 16, 2009 MEETING

**Mariachi Foods, Inc.
d/b/a El Porto Mexican Grill
61 Union Sq.**

Present: Joseph Carriero, Evelio Portillo & Elias Interiano

Mr. Carriero 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.

El Porto Mexican Grill has been in business for four years.

Mr. Carreiro stated that a neighborhood meeting was held with the Ward Alderman, OSPCD, Union Sq. Task Force & the neighbors.

Ald. Taylor spoke in favor of this application. But stated he would prefer that they have a beer and wine license and was informed that the city has no beer and wine licenses at this time. Ald. Taylor would like a 6 month trial period and have them come back for re-evaluation. Also would like the restaurant to close at midnight, 7 days a week.

Rob May of OSPCD stated that Union Sq. Main Sts had not taken a stand on this license. And OSPCD is recommending that this license be denied.

Commissioner McKenna stated he was going along with the recommendation of OSPCD, because these licenses are for economic development.

The Community and the Alderman are in support but not the City.

Upon a motion duly made and seconded, it was

VOTED: to deny the new All Forms 7 Day Restaurant License. *without Prejudice*

El Porto Mexican Grill for Entertainment license consisting of Audio and Entertainment by performers, License was approved with conditions: No more than a three piece band and Entertainment to end at 12PM.

Upon a Motion duly made and Seconded, it was

VOTED: to approve the Entertainment license

There being no further business, the meeting was adjourned.

Respectfully submitted
Jenneen M. Pagliaro, Adm. Assistant

**City of Somerville
Licensing Commission**

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

**Regular Meeting
Wednesday
February 17, 2010
6:00 p.m.**

MINUTES

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

The minutes of January 20, 2010 were approved as presented.

COMMON VICTUALER LICENSES

**Monreve Creole Cuisine
431 Somerville Ave.**

Present: Serge Donat

Mr. Donat came before the Commission seeking approval of a Common Victualer license for Monreve Creole Cuisine at 431 Somerville Ave.

Mr. Donat has restaurant experience.

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

On a motion duly and seconded, it was

VOTED: to approve the Common Victualer license as presented.

**Yuksel-Berti, Inc.
d/b/a Istanbul' Lu
237 Holland St.**

Present: Huseyin Akgun

Mr. Akgun came before the Commission seeing approval of a Common Victualer license for Istanbul' Lu at 237 Holland St.

Mr. Akgun has restaurant experience.

The menu will consist of Turkish style food.

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.

ENTERTAINMENT LICENSES

Pho & Rice
289 Beacon St.

Present: Sumon Suwan

Mr. Suwan came before the Commission requesting approval of an Entertainment license consisting of CD and Radio.

Upon a motion duly made and seconded, it was

VOTED: to approve the Entertainment license as presented.

Dalel Corp.
d/b/a Dunkin Donuts
282 Somerville Ave.

Present: Ken Frankel

Mr. Frankel came before the Commission requesting approval of an Entertainment license consisting of a Television.

Upon a motion duly made and seconded, it was

VOTED: to approve the Entertainment license as presented.

Teele Square Café
1153 Broadway

No Show

SPECIAL ALCOHOL LICENSES

Galwegan, Inc.
d/b/a the Burren
247 Elm St.

Present: Ben Sawyer

Mr. Sawyer came before the Commission requesting approval of a Special Alcohol license for the purpose of dispensing and selling alcoholic beverages at an Outdoor Music Festival to be held in the Grove Street Parking lot behind the Burren on March 14, 2010 from 12:00PM-6:00PM.

Experienced servers will be dispensing the alcoholic beverages.

Police and Fire Details have been requested.

The Chamber of Commerce is in support of this application.

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: Susan Fiedler

Ms. Fiedler came before the Commission requesting approval of a Special Alcohol license for the purpose of dispensing and selling alcoholic beverages for Prevention of Violence Against Women Fundraiser to be held on Feb. 21, 2010 from 6:00PM-10:00PM.

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: Susan Fiedler

Ms. Fiedler came before the Commission requesting approval of a Special Alcohol license for the purpose of dispensing and selling alcoholic beverages for Rock & Romp to be held on Feb. 28, 2010 from 12:00PM-6:00PM.

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: Susan Fiedler

Ms. Fiedler came before the Commission requesting approval of a Special Alcohol license for the purpose of dispensing and selling alcoholic beverages for Velvet Underground Tribute to be held on March 12, 2010 from 7:00PM-11:00PM.

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: Susan Fiedler

Ms. Fiedler came before the Commission requesting approval of a Special Alcohol license for the purpose of dispensing and selling alcoholic beverages for Tyrone Wells Acoustic Show to be held on March 15, 2010 from 6:00PM-10:00PM.

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.

NEW LICENSE-CONTINUED FROM JANUARY 20, 2010 MEETING

Ty Sun Corporation d/b/a Yoshi's, 132 College Ave., requesting approval of a New All Forms Alcoholic Beverages 7 Day Restaurant License. (Cont'd until next meeting).

VIOLATION HEARINGS

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

Present: Asst. City Solicitor Francis X. Wright & Victor Ortiz

VIZ, Inc., d/b/a Choices came before the Commission to show cause why the All Forms Alcoholic Beverages 7-Day Restaurant license, Common Victualer, Entertainment License and 2AM Closing 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.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 1.14.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.

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: (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.

The date of the alleged offense was January 4, 2010.

ASC Wright stated that the incident occurred January 3 into January 4, 2010. The Whidden Hospital contacted the Somerville Police and stated they had a patient that had been stabbed. The victim stated he was a patron at Choices. The victim was transported over to the Massachusetts General Hospital in Boston. Officers were dispatched to MGH and reports were taken. The reports indicate that an individual had been removed from the Club and was escorted out of the area by the police detail. At some point the person was stabbed. He returned to the front of the club. The licensee became aware of this and checked the wound and said there wasn't any blood but offered to call an ambulance. The victim refused the help and said he would go to the hospital with a friend. We have a similar report submitted by the detail officer. ASC Wright read Alderman Taylor's e-mail into the record. Ald. Taylor was unable to attend the meeting and is concerned with public safety issues and would advocate that the 2AM license be revoked and Sunday evenings be rolled back to 11:00PM. ASC Wright stated that it is the City's position that anytime we have an act of violence that we bring the matter before the Commission. Because other information has come about after the violation was mailed, calling Police or Medical attention can be set aside. (Detail Officers report was submitted later).

ASC Wright took a recess to speak with The licensee, Mr. Ortiz and came up with a joint recommendation. Based on the reports the Commission found Choices in violation of Somerville Licensing Commission Rule 109.e only.

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 Francis X. Wright and Mr. Victor Ortiz and sanctioned the establishment with a 90 day roll back to 12midnight on Sundays. 45 days to be served beginning February 17, 2010 and 45 days to be held in abeyance for one year with no violations for that period of time. (to end last Sunday in March).

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

Present: Assistant City Solicitor Francis X. Wright & Attorney Richard DiGirolamo

Attorney DiGirolamo representing Cibobella, Inc., d/b/a Sagra came before the Commission to show cause why the All Forms Alcoholic Beverages 7-Day Restaurant license, Common Victualer, Entertainment License and 2AM Closing 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 the above referenced General Laws, Code of Massachusetts Regulations and the Somerville Licensing Commission Rules and Regulations to wit:-

1. On December 31, 2009 the licensee did sell, offer to sell or deliver to any person an unlimited number of drinks during any set period of time for a fixed price in violation of the following:

204 Code of Massachusetts Regulations, Section 4.03

(1) No licensee or employee or agent of a licensee shall:

(d) sell, offer to sell or deliver to any person an unlimited number of drinks during any set period of time for a fixed price, except at private functions not open to the public;

(2) No licensee shall advertise or promote in any way, whether within or without the licensed premises, any of the practices prohibited under 204 CMR 4.03.e.

2. On January 1, 2010 the Licensee did not contact the police about a fight outside its premises involving patrons of its establishment. A patron of the establishment was thereafter stabbed. The licensee's failure to contact the police is a violation of the following:

Somerville Licensing Commission Rule 1.13.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.

3. The licensed establishment has become a focal point of police attention, to wit:-

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.

4. The licensee has an ongoing arrangement with independent contractor(s) who manage and offer entertainment at the establishment and has failed to maintain written contracts of such arrangements in violation of the following:

Somerville Licensing Commission Rule 1.07.g. - No licensee shall enter into an agreement with an independent contractor to provide beverages or food or entertainment or management at the premises without the prior approval of the Commission.

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.

5. The licensee has not conformed to the floor plan approved by the Licensing Commission, in violation of the following:

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.

The reading of the alleged violations was waived.

Assistant City Solicitor Francis X. Wright and Attorney Richard DiGirolamo, representing the Licensee settled on a joint recommended disposition as follows:

Based on the facts as set forth in the Notice of Hearing, Cibobella, Inc. and the City of Somerville, agree as follows:

- (1) Cibobella, Inc.'s 2 AM Closing License shall be suspended effective Saturday, February 20, 2010 until and including May 28, 2010. The period April 25, 2010 until and including May 28, 2010 may be held in abeyance upon the review and approval of the Somerville Licensing Commission at its meeting on or about April 26, 2010 so long as the licensee so petitions the Licensing Commission. Failing same, the suspension shall remain in effect until and including May 28, 2010.
- (2) Cibobella, Inc. shall receive a thirty (30) day rollback of its closing hour, i.e. all forms alcoholic beverage and common victualler licenses, closing its business at 11:00 PM. Cibobella, Inc. shall serve ten (10) days effective Monday, February 22, 2010 and twenty (20) 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) or regulations, which violation(s) is found to have occurred on or before February 17, 2011.
- (3) Cibobella, Inc.'s Entertainment License as to dancing and/or entertainment events shall immediately be modified so as to restrict entertainment on Thursday evenings to 12:00 midnight, until and including May 22, 2010. The period April 25, 2010 until and including May 22, 2010 may be held in abeyance upon the review and approval of the Somerville Licensing Commission at its meeting on or about April 26, 2010 if the licensee so petitions so long as the licensee so petitions the Licensing Commission. Failing same, the modification shall remain in effect until and including May 22, 2010.
- (4) Effective immediately Cibobella, Inc. shall have a Thursday, Friday and Saturday night police detail at the establishment for the last four hours of business each Thursday, Friday and Saturday evening on which it offers entertainment, including but not limited to music and dancing. But for low level background music which licensee may have.
- (5) Cibobella, Inc. shall not alter its floor plan in any manner without the prior approval of the Licensing Commission, in accordance with Rule 1.06.b.
- (6) 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 cellphones, as cellphone calls to 911 are directed to the State Police rather than the Somerville Police. As a reminder, the Somerville Police telephone number shall be clearly posted at all telephones in the establishment.

Cibobella, Inc. agrees to focus increased attention on security and public safety both inside the premises and in the surrounding area outside the premises, to insure that patrons are dispersed from the area around the restaurant in a safe, orderly and timely manner.

Cibobella, Inc. agrees that it shall review and 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 February 3, 2010, being 204 CMR 4.03 (prohibit "all you can drink" offers) rules, 1.06.b. (floor plan), 1.07.g. (Licensing Commission approval of all independent contractors) and 1.11 (entertainment).

Any costs associated herewith shall be borne exclusively by Cibobella, Inc.

In accordance with rule 1.02.c. the Cibobella, 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.

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

On a motion duly made and seconded it was,

VOTED: to accept the joint recommended disposition of the City and the licensee, as offered by Asst. City Solicitor Francis X. Wright and Attorney Richard DiGirolamo for Cibobella, Inc. d/b/a Sagra

STATUS

Attorney Richard DiGirolamo representing Good Times was requested to give a Status update on Good Time License. (60 days expired 2/11/2010, not contacted the City with regards to sale of license)

Attorney DiGirolamo requested an extension, stating they have been unable to come up with a buyer for the license.

Voted to hold over until next months meeting.

Having no further business, the meeting was adjourned.

For the Commission
Jenneen M. Pagliaro
Administrative Assistant

**City of Somerville
Licensing Commission**

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

**Regular Meeting
Monday
March 29, 2010
6:00 p.m.**

MINUTES

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.

COMMUNICATIONS

Massachusetts State Lottery Commission re: Keno-To-Go. The Commission took administrative notice.

Attorney Nicholas A. Iannuzzi, Jr., representing Patrick Buben d/b/a Deco 425 LLC notifying the Board that the application for the transfer of the Kirkland Café License will be heard at the May 17, 2010 meeting. The Commission took administrative notice.

James Ward of Nutter McLennen & Fish LLP on behalf of Demoulos Super Markets, Inc. in regards to transfer of Wine and Malt Package store license for 438 Somerville Ave. that took place back in February of 2009. The Commission made a motion to designate the Chairman as the contact for legal matters in this situation and to appoint the City Solicitor to respond to the complaint from Demoulos. Motion was seconded and approved.

COMMON VICTUALER LICENSES

**DIV Pizza Corp., d/b/a Primo's Pizza
284 Broadway**

Present: Steven Rasetta

Mr. Rasetta came before the Commission requesting approval of a change of d/b/a from Primo's Pizza to Prima Pizza.

Mr. Rasetta is a new owner and is wants to have his own name and start fresh.

On a motion duly made and seconded, it was

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

SPECIAL ALCOHOL LICENSES

Cantina La Mexicana
241-249 Washington St.

Present: Robert Rendon

Mr. Rendon came before the Commission requesting approval of a Special Alcohol license for the purpose of dispensing and selling alcoholic beverages at a Cinco de Mayo Festival to be held in the parking lot area on May 5, 2010 from 6PM-10PM.

This is the third year for this festival.

Police and Fire Details have been requested and experienced 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.

Trustees of Tufts College
52 Talbot Ave.

Present: Patty Klos

Ms. Klos came before the Commission requesting approval of a Special Alcohol license for the purpose of dispensing and selling alcoholic beverages for Office of Campus Life/ Assoc. of Latin American Students Reception to be held in the Alumnae Lounge, 52 Talbot Ave. on April 23, 2010 from 8PM-12AM.

Police and Fire Details have been requested and experienced 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.

Trustees of Tufts College
52 Talbot Ave.

Present: Patty Klos

Ms. Klos came before the Commission requesting approval of a Special Alcohol license for the purpose of dispensing and selling alcoholic beverages for Alumni Relations/Chi Omega Sorority Cocktail Reception to be held in the Alumnae Lounge, 52 Talbot Ave., on April 10, 2010 from 6PM-8PM.

Police and Fire Details have been requested and experienced 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.

St. Ann Parish
50 Thurston St.

Present: Peter Regan

Mr. Regan came before the Commission requesting approval of a Special Alcohol license for the purpose of dispensing and selling alcoholic beverages for a Quiz Night at St. Ann's School Gym, 50 Thurston St. on April 24, 2010 from 7PM-9PM.

Police and Fire Details have been requested and experienced 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.

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 purpose of dispensing and selling alcoholic beverages for Indigo Dance Performance on April 2, 2010 from 7PM-11PM.

Police and Fire Details have been requested and experienced bar tenders will be dispensing the alcoholic beverages.

John L. Sullivan is opposed 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 for the purpose of dispensing and selling alcoholic beverages for Justin Nozuka Concert on April 19, 2010 from 6PM-10PM.

Police and Fire Details have been requested and experienced bar tenders will be dispensing the alcoholic beverages.

John L. Sullivan is opposed 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 for the purpose of dispensing and selling alcoholic beverages for "The Church" on April 21, 2010 from 6PM-10PM.

Police and Fire Details have been requested and experienced bar tenders will be dispensing the alcoholic beverages.

John L. Sullivan is opposed 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 for the purpose of dispensing and selling alcoholic beverages for Sara Watkin of NickleCreek on April 22, 2010 from 6PM-10PM.

Police and Fire Details have been requested and experienced bar tenders will be dispensing the alcoholic beverages.

John L. Sullivan is opposed 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 New Center for Arts & Culture
Ian Mogavero

Present: Ian Mogavero

Mr. Mogavero came before the Commission requesting approval of a Special Alcohol license for the purpose of dispensing and selling alcoholic beverages at The Center for Arts at the Armory, 191 Highland Ave. for Mimouna Event on April 10, 2010 from 7PM-11PM.

Police and Fire Details have been requested and experienced bar tenders will be dispensing the alcoholic beverages.

John L. Sullivan is opposed 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 Somerville Homeless Coalition
Warren McManus

Present: Warren McManus

Mr. McManus came before the Commission requesting approval of a Special Alcohol license for the purpose of dispensing and selling alcoholic beverages at The Center for Arts at the Armory, 191 Highland Ave. for Annual Fundraiser on April 24, 2010 from 6PM-11PM.

Police and Fire Details have been requested and experienced bar tenders will be dispensing the alcoholic beverages.

John L. Sullivan is opposed to the beer and wine license.

On a motion duly made and seconded, it was

VOTED: to grant the Special Alcohol License as presented.

NEW LICENSE-CONTINUED FROM FEBRUARY 17, 2010 MEETING

Ty Sun Corporation d/b/a Yoshi's, 132 College Ave., requesting approval of a New All Forms Alcoholic Beverages 7 Day Restaurant License. (Cont'd until next meeting).

WINE AND MALT PACKAGE STORE

Transfer of Stock

Reliable Market, Inc.
45 Union Sq.

Present: Attorney Robert Joyce & Young S. Park

Attorney Joyce, representing Reliable Market, Inc. came before the Commission requesting approval to transfer 100 shares of stock held by the Estate of Chung Chin Park to Young Sook Park.

Attorney Joyce stated that the transfer of stock will be the only change to the license.

On a motion duly made and seconded. It was

VOTED: To approve the transfer of stock as submitted.

ALL FORMS ALCOHOLIC BEVERAGES
7 DAY RESTAURANT

Transfer of License
Change of Location

Good Times
Daniel Hayes

Present: Attorney Richard DiGirolamo, Joseph Carreira, Elias Interiano & Evelio Portillo

Attorney DiGirolamo, representing Good Times came before the Commission requesting approval to transfer Good Times All Forms Alcoholic Beverages 7-Day Restaurant license to Mariachi Foods, Inc., d/b/a El Potro Mexican Grill, 61 Union Square.

Mr. Carreira stated that El Potro was before this Board in January for one of the City Owned All Forms Alcohol Licenses. However they were denied one of those Economic Development licenses. The establishment was able to locate a privately owned license for sale and decided to purchase the license.

Alderman Taylor stated he was in support of a Beer and Wine license and is comfortable with this establishment but is not sure about a full liquor license.

Chamber of Commerce is in favor of this application.

On a motion duly made and seconded, it was

VOTED: to approve the All Forms Alcoholic Beverages 7-Day Restaurant license
As presented.

Change of Manager
New Flex Floor Plan

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

Present: Attorney Richard DiGirolamo

Atty. DiGirolamo came before the Commission requesting approval for change of manager from Rafael Beamud to George Tavares and to implement a flex floor plan.

The floor plan calls for moving 8 tables from the middle of the establishment to permit a dance floor.

On a motion duly made and seconded, it was

VOTED: to approve the flex floor plan and change of Manager as presented.

Review of New 2AM License

DEV Corp.
d/b/a Orleans Restaurant
59-65 Holland St.

Present: Attorney Richard DiGirolamo

Attorney DiGirolamo came before the Commission for 90 day review of 2AM license as part of the conditions for license.

There have been no complaints or reports filed on this establishment.

On a motion duly made and seconded, it was

VOTED: Orleans is to come back in 90 days for another review.

Common Victualer License

Aroma Cafe
278-B Highland Ave.

Present: Olga Gerakis

This establishment was formerly Café Lola.

This menu will be similar to the old place.

Ms. Gerakis has 20 years culinary 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 grant the Common Victualer license as presented.

Non-Renewed Common Victualer Licenses for 2010

Buddy's, 113 Washington St.- Did not show up at the meeting.

The Commission would request that the Board of Health visit this establishment and if this issue is not resolved the owner should appear before the Commission at the next meeting.

Vicentino's Bakery and Restaurant, 99 Broadway

The owner stated that a new water meter was installed recently and the business has an outstanding water bill which is keeping them from having the certificate of good standing completed. The owner of the business and the landlord are working on a payment agreement to resolve this issue. This should be cleared up within the next couple of weeks.

A motion to resolve this issue or comeback to next months meeting.

Motion seconded & Approved.

SPUN, 860 Broadway

The owner from Spun stated that this was an oversight and he didn't realize that the license had expired.

The Commission requested that the owner come to the City Clerks Office and file the paperwork on Tuesday.

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
April 26, 2010
6:00 p.m.**

MINUTES

Minutes of the preceding meeting were accepted as submitted.

COMMUNICATIONS

Alcoholic Beverage Control Commission regarding purported Appeal/Complaint to M.G.L.c 138 §67 by Demoulas Super Markets, Inc. regarding application by Little India. The Board took administrative notice.

Attorney Nicholas A. Iannuzzi, Jr., representing Patrick Buben d/b/a Deco 425 LLC notifying the Board that the application for the transfer of the Kirkland Café License will be heard at the June 21, 2010 meeting. The Board took administrative notice.

COMMON VICTUALER LICENSES

**Yak & Yeti Café
719 Broadway**

Present: Attorney William Goldberg & Chandra Pun

Atty. Goldberg, representing Yak & Yeti Café came before the Commission seeking approval of a Common Victualer license at 719 Broadway.

Mr. Pun has restaurant experience.

Along with the application, a menu, floor plan 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.

Mix Flavor Brazilian Grill, Inc.
443 Somerville Ave.

Present: Marcos Lima

Mr. Lima came before the Commission seeking approval of a Common Victualer license at 443 Somerville Ave.

Mr. Lima has restaurant experience and the menu will consist of Brazilian food and pizza.

Along with the application, a menu, floor plan 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.

Daikichi Japanese Restaurant
132 College Ave.

Present: Attorney Chung Lee and John Yan

Atty. Lee representing Daikichi Japanese Restaurant came before the Commission seeking approval of a Common Victualer license at 132 College Ave.

Atty. Lee stated this would be a Japanese restaurant presently operating as Yoshi's.

Mr. Yan has restaurant experience.

Along with the application, a menu, floor plan 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.

SPECIAL ALCOHOL LICENSES

St. Anthony Parish
12 Properzi Way

Present: Father Ademir Guerini

Father Guerini came before the Commission requesting approval of a Special Alcohol license for the purpose of dispensing and selling alcoholic beverages for a Mother's Day Feast to be held in the school gymnasium on May 8, 2010 from 8:00PM-1:00AM.

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
Dormition of the Virgin Mary Greek Church
29 Central St.

Present: Attorney Michael 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 Birthday Party on May 29, 2010 from 7:00PM to 11:00PM.

This event will have approximately 70 people.

Experienced servers will be dispensing the alcoholic beverages.

A fire detail has been requested.

On a motion duly made and seconded, it was

VOTED: to grant the Special Alcohol license as presented.

Trustees of Tufts College
Tufts Catering

Present: Patty Klos

Ms. Klos came before the Commission requesting approval of a Special Alcohol license for the purpose of dispensing and selling alcoholic beverages for an Art Gallery Open House Reception at Remis Sculpture Court, 15 Lower Campus Rd. on May 11, 2010 from 7:30PM-10:00PM.

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.

Trustees of Tufts College
Tufts Catering

Present: Patty Klos

Ms. Klos came before the Commission requesting approval of a Special Alcohol license for the purpose of dispensing and selling alcoholic beverages for The Fletcher School BBQ, Professor's Row (Parcel 10A1) on May 21, 2010 from 7:00-10:00PM.

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.

Trustees of Tufts College
Tufts Catering

Present: Patty Klos

Ms. Klos came before the Commission requesting approval of a Special Alcohol license for the purpose of dispensing and selling alcoholic beverages for Class of 1970, 40th Reunion Reception & Dinner at the Granoff Music Center, 20 Talbot Ave. on May 22, 2010 from 6:00PM-11:30PM.

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.

Trustees of Tufts College
Tufts Catering

Present: Patty Klos

Ms. Klos came before the Commission requesting approval of a Special Alcohol license for the purpose of dispensing and selling alcoholic beverages for Class of 1975, 35th Reunion Reception & Dinner at Sophia Gordon Hall, 15 Talbot Ave. on May 22, 2010 from 6:00PM-11:30PM.

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 Welcome Project

Present: Warren Goldstein

Mr. Goldstein came before the Commission requesting approval of a Special Alcohol license for the purpose of dispensing and selling alcoholic beverages at the Center for Arts at the Armory, 191 Highland Ave. for YUM: Taste of Immigrant City on April 30, 2010 from 7:00PM-11:00PM.

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 Elizabeth Peabody House

Present: Maura Gold

Ms. Gold Came before the Commission requesting approval of a Special Alcohol license for the purpose of dispensing and selling alcoholic beverages at the Center for Arts at the Armory, 191 Highland Ave. for a Community Fundraiser on May 7, 2010 from 7:00PM-11:00PM.

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.

Ground Works Somerville

Present: Jennifer Lawrence

Ms. Lawrence came before the Commission requesting approval of a Special Alcohol license for the purpose of dispensing and selling alcoholic beverages at the Center for Arts at the Armory, 191 Highland Ave. for Annual Fundraiser on May 8, 2010 from 7:00PM-11:00PM.

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.

Community Servings

Present: Susan Fielder

Ms. Fielder came before the Commission requesting approval of a Special Alcohol license for the purpose of dispensing and selling alcoholic beverages at the Center for Arts at the Armory, 191 Highland Ave. for North East Belt Sanders Racing Competition on May 22, 2010 from 1PM-9PM

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.

NEW LICENSE-CONTINUED FROM March 29, 2010 MEETING

Ty Sun Corporation d/b/a Yoshi's, 132 College Ave., requesting approval of a New All Forms Alcoholic Beverages 7 Day Restaurant License. This item will be stricken from this agenda if and when the sale of the business to Daikichi Japanese Restaurant closes on the Common Victualer license.

ALL FORMS ALCOHOLIC BEVERAGES
7 DAY RESTAURANT

DEV Corp., d/b/a Orleans

59-65 Holland St.

Present: Attorney Richard DiGirolamo

Atty. DiGirolamo, representing Orleans came before the Commission requesting a review of the necessity of having a detail officer for their 2AM closing license.

Atty. DiGirolamo stated that having the detail has been a financial burden to the business. The establishment has not had enough business to require a police detail.

Atty. DiGirolamo requested for a probationary period of time without the detail and the Board could review this at the 90 day review hearing in June.

On a motion duly made and seconded, it was

VOTED: to suspend the required Police Detail until next schedule 90 day review at the June meeting.

Ciobella, Inc.
d/b/a Sagra Restaurant
499 Highland Ave.

Present: Attorney Richard DiGirolamo

Atty. DiGirolamo came before the Commission, representing Sagra Restaurant requesting review of the Feb. 22, 2010 decision to suspend their 2AM closing license.

Atty. DiGirolamo stated that this request is in relation to a violation hearing decision from February 2010. The decision was to hold the final 30 days of the suspension in abeyance and that the applicant can petition the Board to suspend the last 30 days.

The establishment has suffered financially because of the findings.

Atty. DiGirolamo request the Board suspend the remaining 30 days of the suspension.

Atty. DiGirolamo stated that they will have police details for any big events that are held from Thurs-Sunday as needed.

Inspector Chaille noted that the establishment has been incident free.

On a motion duly made and seconded, it was

VOTED: to grant the request to waive the remaining 30 days of the suspension of the 2AM license, being held in abeyance.

NEW LICENSES

True Bistro, LLC
1153 Broadway

Present: Linda Harrison

Ms. Harrison came before the Commission requesting approval of a New All Forms Alcoholic Beverages 7 Day Restaurant license and Common Victualer license for True Bristro at 1153 Broadway.

This will be a vegan restaurant serving healthy food.

Ms. Harrison has financial experience and is studying for the safe serve certification.

The restaurant will close at 10PM.

Ms. Harrison stated she tried to contact Ald. Trane by phone and certified mail, however he did not get back to her.

Commissioner McKenna does not see this place as special.

Rob May of OSPCD recommends approval.

Two e-mails were submitted supporting this application.

Three people spoke in favor of this application.

The Chamber of Commerce spoke in support of this application.

Upon motion duly made and seconded, it was

VOTED: to grant the New All Forms Alcoholic Beverages 7 Day Restaurant license and Common Victualer license.

Las Brisas, Inc.
561 McGrath Highway

Present: Attorney Richard DiGirolamo & Roland Romero

Atty. DiGirolamo, representing Las Brisas, Inc. came before the Commission requesting approval of a New All Forms Alcoholic Beverages 7 Day Restaurant license and Common Victualer license at 561 McGrath Highway.

Mr. Romero has restaurant & construction experience.

Atty. DiGirolamo feels this is a unique concept and this area needs economical development.

Atty. DiGirolamo stated this restaurant plans to open with or without the liquor license.

Rob May of OSPCD, Not recommending approval, feels this application does not meet any of the qualifications.

The Chamber of Commerce is in support of this application.

Six people spoke in support of this application.

Commissioner McKenna inclined to go against OSPCD recommendations.

An e-mail from Ald. Roche was submitted opposing this license, however he is not opposed to a beer and wine license.

Commissioner McKenna motioned to approve this license.

No one seconded, Motion failed.

All Forms Alcoholic Beverages 7-Day License was DENIED.

On a motion duly made and seconded, it was

VOTED: to approve the Common Victualer license.

Coffees Without Compromise Inc.
d/b/a Union Sutler
253 Washington St.

Present: Henry Patterson & Brian Roof

Mr. Roof came be requesting approval of a New All Forms Alcoholic Beverages 7 Day Restaurant license, Common Victualer license & Entertainment license consisting of audio for Union Sutler at 253 Washington St.

Mr. Roof has restaurant experience and a culinary degree.

This would be a Tapas concept of Spanish cuisine.

Commissioner Vaccaro visited this establishment and feels it is too small.

Union Square Main Sts are in support.

Rob May of OSPCD recommends approval.

Commissioner Vaccaro feels this place is too small and they have too many licenses are in that block.

Alderman Taylor suggested a neighborhood meeting and is not ready to support this application just yet.

Alderman Taylor requested the Commission to delay this application.

On a motion duly made and seconded, it was

VOTED: to continue this hearing until the next meeting.

(Ald. Taylor requested this be continued until the June meeting via an e-mail on May 17, 2010).

WINE AND MALT RESTAURANT

Tamario Inc. **d/b/a Dali Restaurant**

Present: Debra McLaughlin

Ms. McLaughlin came before the Commission requesting approval for the transfer of the wine & malt license of Tamario, Inc., d/b/a Dali Restaurant to The Center for Arts at the Armory, 191 Highland Ave.

Ms. McLaughlin stated that she is working with the neighbors to address any concerns they may have.

A Petition with 383 signatures was submitted.

Rob May of OSPCD recommends approval.

Chamber of Commerce is in support of this application.

Alderman Taylor is in support but suggests we address any issues immediately.

Alderman O'Donovan sent a communication in favor of this application.

Greg Jenkins of Somerville Arts Council is in favor.
State Representative Provost sent a letter in support.

Twenty people spoke in support and Twenty people spoke in opposition.

Ms. McLaughlin stated that they have been working to better things and have volunteers to inform people of parking and to make sure they are exiting in an orderly manner afterwards.

We received 49 letters in favor

We received a petition with 76 signatures in opposition and 7 letters in opposition.

Commissioner Upton stated for the record that the Board takes into consideration the character and public need of each applicant and weigh the options.

Ald. Taylor suggests that the Board put conditions on the license.

Commissioner Upton stated that the Board has not power to roll back hours.

On a motion duly made and seconded, it was

VOTED: to grant the transfer of the Wine and Malt License from Dali to The Center For Arts at the Armory.

VIOLATION

New Asia Chinese Restaurant **324-328 Somerville Ave.**

Present: Attorney Richard DiGirolamo & Sally Loh

Atty. DiGirolamo representing New Asia came before the Commission regarding the status of its All Forms Alcoholic Beverages 7 Day Restaurant license. The Licensing Commission has been informed of the following:

1. You have (a) not taken any action relative to the reconstruction and re-opening of this restaurant, according to information obtained from the Inspectional Service Department, and (b) you have ceased to be engaged in the business you are licensed to pursue, in that you do not offer food and beverages, in accordance with G.L. c. 140, s.9 and (c) failed to operate the licensed premises on the days and at the location authorized under the license to serve alcoholic beverages in accordance with G.L. c 138, s. 77.

2. You are no longer on the City payment plan with the City Treasurer-Collector as to past due taxes. According to section 8-3 of the Somerville Code of Ordinances the City may revoke or suspend your license for non payment of taxes.

Atty. DiGirolamo stated that Ms. Loh has taken steps to re-open soon.

A Certificate of good standing was provided to the Commission.

The Board of Health will be inspecting soon and the place should be ready to open in 30 days.

On a motion duly made and seconded, it was

VOTED: To grant New Asia 30 days to re-open and come back before the Commission.

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
May 17, 2010
6:00 p.m.**

MINUTES

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.

COMMUNICATIONS

Massachusetts State Lottery Commission re: Keno-To-Go. The Commission took administrative notice.

Attorney Richard DiGirolamo requesting that New Asia status update on re-opening be heard at the June 21, 2010 meeting instead of the May meeting, (30 days have not elapsed between meetings). The Commission took administrative notice.

SPECIAL ALCOHOL LICENSES

City of Somerville Arts Council

Present: Gregory Jenkins

Mr. Jenkins came before the Commission requesting approval of a Special Alcohol license for the purpose of dispensing and selling alcoholic beverages for an Art Prom with a DJ to be held at the Center for Arts at the Armory, 191 Highland Ave. on June 5, 2010 from 7PM-11PM.

Police and Fire Details have been requested and experienced bar tenders will be dispensing the alcoholic beverages.

John L. Sullivan is opposed to the beer and wine license.

On a motion duly made and seconded, it was

VOTED: to grant the Special Alcohol License as presented.

Redbones Barbecue
23 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 for Annual Bike Party & Benefit to be held in front of the establishment on June 7, 2010 from 5PM-10PM, raindate June 14, 2010.

Mr. Gregory stated they will use wristbands.

Police and Fire Details have been requested and experienced 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.

Hellenic Association of Somerville
Dormition of the Virgin Mary Greek Church
29 Central St.

Present: Michael Veveris

Atty. Veveris came before the Commission requesting approval of a Special Alcohol license for the purpose of dispensing and selling alcoholic beverages for Annual Church Festival to be held on Sept. 10, 11 & 12, 2010 from 12PM-1AM.

Police and Fire Details have been requested and experienced 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.

The Mark Sandman Music Project

Present: Susan Fiedler

Ms. Fiedler came before the Commission requesting approval of a Special Alcohol license for the purpose of dispensing and selling alcoholic beverages for a Tribute to Neil McGee to be held on June 19, 2010 from 6PM-11PM.

John L. Sullivan Spoke in opposition to the issuance of a beer and wine license. Mr. Sullivan feels the board is not following the rules.

Chairman Upton clarified that it is legal to license an individual LICENSEE. We do not license the premises while an application for a liquor license is pending with the ABCC.

Police and Fire Details have been requested and experienced 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.

Portuguese American Civic League

Present: Izidro Mendoza

Mr. Mendoza came before the Commission requesting approval of a Special Alcohol license for the purpose of dispensing and selling alcoholic beverages for The Annual Feast to the Holy Spirit to be held in parking lot across from the club at 26 Springfield St. on July 9 & July 10 from 7PM-12AM and July 11, 2010 from 3PM-12AM.

Police and Fire Details have been requested and experienced 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

Caprese Pizza N Grill
516B Medford St.

Present: Thanas Gjerzi

Mr. Gjerzi came before the Commission requesting approval of a Common Victualer License for Caprese Pizza N Grill at 516B Medford St.

Mr. Gjerzi is the new owner of business, everything else will remain the same.

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.

ALL FORMS ALCOHOLIC BEVERAGES
7 DAY RESTAURANT

ENTERTAINMENT LICENSE

Johnny D's Uptown Lounge
17 Holland St.

Present: Dominic Forte & Carla Delellis

Dominic Forte came before the Commission on behalf of Johnny D's Uptown Lounge requesting approval for an Entertainment license consisting of Free Poker Tournaments.

Mr. Forte runs the poker tournaments.

These are free poker tournaments, no money on the tables. You must sign up to be a member of this poker league and follow the rules.

This company has not received any licenses from any other towns as of yet.

The company will charge the establishment a flat fee for services.

The weekly prizes will be paid by the establishment owner. However no Cash prizes will be given out. The bigger prizes will be paid by the Company running the tournaments.

Chairman Upton stated for the record that the Attorney General has issued an advisory opinion on Poker Tournament and what you have to do to make them allowable. Our City Solicitor has reviewed that paperwork and concluded that an Entertainment License can be granted with no charge to participants.

Commissioner Vaccaro is concerned with being the first City to approve this.

Commissioner McKenna likes the concept and would like to give this a chance.

The Chamber of Commerce spoke in favor of this application.

On a motion duly made and seconded, it was

VOTED: to grant the Entertainment license as submitted.
Commissioner Vaccaro voted in opposition.

Having no further business, the meeting was adjourned.

For the Commission

Jenneen M. Pagliaro
Administrative Assistant

**City of Somerville
Licensing Commission**

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

**Regular Meeting
Monday
June 21, 2010
6:00 p.m.**

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

Minutes of the April 26 & May 17, 2010 meetings were accepted as submitted.

COMMUNICATIONS

Massachusetts State Lottery Commission re: Keno-To-Go. The Board took Administrative Notice and placed the communication on file.

Henry Patterson, regarding Union Sutler, 256 Washington St. Notifying the Board that he is withdrawing the New All Forms Alcohol application (continued from the April 26, 2010 hearing). The Board took administrative notice and placed the communication on file.

Attorney Nicholas A. Iannuzzi, Jr., representing Patrick Buben d/b/a Deco 425 LLC notifying the Board that the application for the transfer of the Kirkland Café License will be heard at the July 19, 2010 meeting. The Board took administrative notice and placed the communication on file.

Tip Top Thai notifying the Board that they have closed the business as of June 1, 2010 and have returned the Beer and Wine license. The Board took administrative notice and placed the communication on file.

Razzy's, 585 Somerville Ave. notifying the Board that they have closed their business as of May 31, 2010. The Board requests Razzy's to send a letter of intention regarding the status of the license for the July meeting.

SPECIAL ALCOHOL LICENSES

Anthony's Parish

12 Properzi Way

Present: Father Guerini

Father Guerini came before the Commission requesting approval of a Special Alcohol license for the purpose of dispensing and selling alcoholic beverages for St. John's Feast to be held in the school yard at St. Anthony's on June 26, 2010 from 7:00PM-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.

Redbones Barbecue
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 for Annual Block Party to be held outdoors at Chester to Herbert St. Intersection on August 2, 2010 from 5PM-10PM, rain date August 9, 2010.

The Chamber of Commerce is in support.

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
d/b/a Dormition of the Virgin Mary Greek Orthodox Church
29 Central St.

Present: Michael 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 Reception sit down dinner to be held on July 3, 2010 from 7PM-12AM.

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.

VDA, Inc.

Present: Robert Russo

Mr. Russo came before the Commission requesting approval of a Special Alcohol license for the purpose of dispensing and selling alcoholic beverages at The Center for Arts at the Armory, 191 Highland Ave., for the 25th Anniversary Gala on July 29, 2010 from 6PM-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 grant the Special Alcohol license as presented.

Review of 2AM license

Dev. Corp. d/b/a Orleans Restaurant
59-65 Holland St.

Present: Attorney Richard DiGirolamo

Atty. DiGirolamo, representing Orleans, came before the Commission for the 90 day review of the 2AM license as part of the conditions on the extended hours license.

No issues have been reported at this establishment.

On a motion duly made and seconded, it was

VOTED: Orleans is to come back in 90 days for another review.

VIOLATION HEARING CONT'D FROM MAY 17, 2010

Present: Attorney Richard DiGirolamo

Atty. DiGirolamo, representing New Asia, 328 Somerville came before the Commission regarding the status of the re-opening.(The Commission gave the establishment 30 days to re-open).

The Licensing Commission was informed of the following:

1. You have (a) not taken any action relative to the reconstruction and re-opening of this restaurant, according to information obtained from the Inspectional Service Department, and (b) you have ceased to be engaged in the business you are licensed to pursue, in that you do not offer food and beverages, in accordance with G.L. c. 140, s.9 and (c) failed to operate the licensed premises on the days and at the location authorized under the license to serve alcoholic beverages in accordance with G.L. c 138, s. 77.

Atty. DiGirolamo stated that the business is waiting for final signoffs from the Health Inspector.

On a motion duly made and seconded. It was

VOTED: to Hold hearing over for another 30 days.

ENTERTAINMENT LICENSES

MCDA Inc., d/b/a The Paddock Restaurant **249 Pearl St.**

Present: Michael & Colleen DaCova

Mr. & Mrs. DaCova came before the Commission requesting approval for an Entertainment license consisting of Karaoke & Dancing by patrons at 249 Pearl St.

Mr. DaCova stated that they would move the tables out to make room for dancing.

The Commission recommends that a flex floor plan be submitted to the Board at the next meeting for approval.

On a motion duly and seconded, it was

VOTED: To continue until next month's hearing.

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

Present: Marianna Buonopane

Ms. Buonopane came before the Commission requesting approval for an Entertainment license consisting of audio and television.

Upon a motion duly made and seconded, it was

VOTED: to approve the Entertainment License as presented.

OUTDOOR SERVICE OF ALCOHOLIC BEVERAGES

Present: Attorney Adam Dash

Atty. Dash, representing Alpine Restaurant Group, Inc., d/b/a Pizzeria Posto, 187 Elm St. came before the Commission requesting approval for service of alcoholic beverages in the outdoor seating area, also requesting to increase the indoor seating capacity from 50 to 98 seats.

Atty. Dash submitted a Petition of 960 signatures in favor of this request.

A parking study was done and it has concluded that the lot is not being utilized.

A zoning hearing will be held on July 14, 2010.

The Chamber of Commerce spoke in support.

David Cosack, neighbor was originally in favor of this liquor license but is disappointed that they would want to serve alcohol outdoors. Mr. Cosack feels that the sidewalk is too narrow.

Matthew Sullivan, neighbor is against the increase in number of seats. Mr. Sullivan feels this could create a parking problem.

Atty. Dash stated that the ratio of food to alcohol is 70-30.

Two separate motions were made and are as follows:.

Upon motion dully made and seconded, it was

VOTED: to approve the indoor seating change, subject to zoning approval.

Regarding the service of Alcohol outdoors,

Upon a motion duly made and seconded, it was

VOTED: to approve service of Alcohol outside with the condition that last service will be no later than 10PM unless otherwise approved.

Commissioner Vaccaro voted against service of alcohol outdoors.

EXTENDED HOURS

Present: Attorney Arthur Goldberg & Jazwinder Pablo

Atty. Goldberg, representing, Pavan Restaurant Group, Inc., d/b/a Diva, 246-248 Elm St. Came before the Commission requesting approval to extend its official closing hour from 1AM-2AM.

Atty. Goldberg stated that he met with Ald. Connolly, Ald. Gerwitz and the Davis Sq. Task force. The major concerns they had with this petition was that Diva was not involved with the Community. However, Atty. Goldberg submitted a list of all the events that Diva has contributed and been involved with over the years.

Inspector Chaille stated that no complaints have been filed at this establishment.

On a motion duly made and seconded, it was

VOTED: to approve the extended hours license as presented.

Wine and Malt Restaurants (Two Licenses available, 6 applicants)

For the Record Take out should be less than 25% of total sales.

A & C Food Co., Inc.
d/b/a Zoe's Gourmet Chinese Cuisine
296-298 Beacon St.

Present: Attorney Ann Vigorito

Atty. Vigorito, representing Zoe's came before the Commission requesting approval of a Wine and Malt Restaurant License at 296-298 Beacon St. Atty. Vigorito stated that this is a family run business. The family has been at this location for 10 years. The establishment has 30 seats and 12 tables. Zoe's has had numerous write up in the newspaper. They feel a Beer and Wine license will enhance the dining experience. Five people spoke in support of this application and no one spoke in opposition.

Commissioner McKenna made a motion to deny the Beer and Wine License. Motion was seconded by Commissioner Vaccaro.

Upon Motion duly made and seconded, it was

VOTED: To deny the Beer and Wine Restaurant License.

Attorney Vigorito moved to withdraw the application,
Motion failed.

Masala
1127 Broadway

Present: Attorney Ann Vigorito

Atty. Vigorito, representing Masala came before the Commission requesting approval of a Common Victualer License and a Wine and Malt Restaurant License and Common Victualer License at 1127 Broadway. Atty. Vigorito stated this establishment was formerly Tip Top Thai. The owner has restaurant experience. No one spoke in opposition of the application and two people spoke in support. A Petition with forty signatures in support was submitted for the record.

On a motion duly made and seconded, it was

VOTED: To grant the Common Victualer License as presented.

With Regards to the application for a Beer and Wine License for Masala

Commissioner McKenna made a motion to approve, however no second, motion failed

Attorney Vigorito moves to withdraw the application,

.

Las Brisas
561 McGrath Highway

Present: Attorney Richard DiGirolamo

Atty. DiGirolamo, representing Las Brisas came before the Commission requesting approval of a Wine and Malt Restaurant License and an Entertainment License consisting of Entertainment by Performers, Patrons and Devices.

Atty. DiGirolamo stated this establishment has 28 seats. Three people spoke in favor and a petition with thirty signatures in support was submitted for the record. The Chamber of Commerce spoke in support of this application.

On a motion duly made and seconded, it was

VOTED: To grant the Entertainment License as presented.

With Regards to the Beer and Wine license for Las Brisas

Commissioner Vaccaro made a motion to deny the Beer and Wine License.
Motion was seconded by Commissioner McKenna.

Upon Motion duly made and seconded, it was

VOTED: To deny the Beer and Wine Restaurant License.

Attorney Vigorito moves to withdraw this application,

Motion fails

Sweet Ginger
22 Bow St.

Present: John Smith

Mr. Smith came before the Commission requesting approval of a Wine and Malt Restaurant License at 22 Bow St.

Mr. Smith submitted two letters in support. This establishment has 30 seats. No one spoke in opposition. One neighbor spoke in support.

Rob May, OSPCD recommends approval of this application.

Commissioner Vaccaro makes a motion to approve, Chairman Upton seconds the motion.

Upon motion duly made and seconded, it was

VOTED: to grant the Beer and Wine Restaurant license as presented.

Pho & Rice
289 Beacon St.

Present: Sumon Suwan, Assistant City Solicitor David Shapiro

Mr. Suwan came before the Commission requesting approval of a Wine and Malt Restaurant License at 22 Bow St.

Mr. Suwan has 20 years restaurant experience.

ASC Shapiro spoke on behalf of Alderman Heuston. Ald. Heuston is opposed to the license because of the health code violations that have recently occurred at this establishment. The Board is in receipt of an e-mail expressing strong opposition from Ald. Heuston.

Commissioner McKenna made a motion to deny the Beer and Wine License. Motion was seconded by Commissioner Vaccaro.

Upon Motion duly made and seconded, it was

VOTED: To deny the Beer and Wine Restaurant License.

Mr. Suwan moves to withdraw the application

Motion failed

Daikichi Japanese Restaurant
132 College Ave.

Daikichi Japanese Restaurant requesting approval of a Wine and Malt Restaurant License. **(Application was Withdrawn prior to meeting)**

Martsa on Elm
233A Elm St.

Present: Dawa Thoulutsang

Ms. Thoulutsang came before the Commission requesting approval of a Wine and Malt Restaurant License and an Entertainment License consisting of audio and television.

A letter of support from Ald. Heuston, Gerwartz and Sullivan was submitted for the record.

Rob May, OSPCD recommends approval of this application.

Commissioner McKenna makes a motion to approve, Chairman Upton seconds the motion.

Upon motion duly made and seconded, it was

VOTED: to grant the Beer and Wine Restaurant license as presented.

COMMON VICTUALER LICENSE

Acai Juice Bar, Inc.

415 Broadway

Paula Arruda

Present: Paula Arruda

Ms. Arruda came before the Commission requesting approval of a Common Victualer license for Acai Juice Bar, Inc. at 415 Broadway.

Ms. Arruda stated this is a natural juice bar which will have 8 seats.

Along with the application, a floor plan, copy of 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.

Having no further business, the meeting was adjourned.

Respectfully

Jenneen M. Pagliaro
Administrative Assistant

**City of Somerville
Licensing Commission**

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

**Regular Meeting
TUESDAY
July 27, 2010
6:00 p.m.**

MINUTES

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

COMMUNICATIONS

Licensing Commission recommending a change to Ordinance, 2-219 regarding The three week newspaper advertisements. (Recommending to change from three consecutive weeks to two consecutive weeks for ads). The Commission voted to send a communication to the Board of Aldermen to request a change to the current Ordinance.

Razzy's, 585 Somerville Ave. notifying Board they are actively looking for an alternative location for the license and will keep the Board updated as to the status of the license. The Commission voted to request the owner of Razzy's appear before the Licensing Commission at the August 16, 2010 hearing for a license status update.

COMMON VICTUALER LICENSES

Salvadorean Restaurant, 402 Mystic Ave., requesting approval for change in hours of operation. Currently operating from 10AM-12AM. New hours would be 7AM-9PM. No show, continued until next meeting.

**Dial A Pizza
147 Beacon St.**

Present: Leone Mesquita & Mr. Ward

Mr. Ward stated he has 6 years experience and no changes will be made to the 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.

ENTERTAINMENT LICENSES

The Paddock Restaurant
249 Pearl St.

Present: Colleen DaCova

Ms. DaCova submitting a flex floor plan for approval. This matter was continued from the June 21, 2010 meeting. A floor plan was requested by the Commission for approval.

Ms. DaCova stated they would be moving two tables of six for dancing, between the hours of 10-12:30pm.

On motion duly made and seconded, it was

VOTED: to approve the flex floor plan as submitted.

ALL FORMS ALCOHOLIC BEVERAGES
7 DAY RESTAURANT

PLEDGE OF LICENSE

Bergamot, LLC,
118 Beacon St.

Present: Attorney Anthony McGuinness

Atty. McGuinness, representing Bergamot, came before the Commission requesting approval for a pledge of license.

Atty. McGuinness stated that the original pledge to Brookline Bank did not take place. The new pledge will be with Evoo, the former owner of this license.

On a motion duly made and seconded it was

VOTED: to rescind the original pledge.

With regards to the new pledge:

On a motion duly made and seconded, it was

VOTED: to approve the new pledge of license.

VIOLATION HEARING CONT'D FROM June 21, 2010

New Asia
324-328 Somerville Ave.

Present: Attorney Ann Vigorito & Sally Loh

Atty. Vigorito representing New Asia reporting back to the Board regarding status of the re-opening of New Asia Restaurant.

(The Commission gave the establishment 30 days to re-open)

New Asia came before the Commission regarding the status of its All Forms Alcoholic Beverages 7 Day Restaurant license on April 26, 2010. The Licensing Commission was informed of the following:

1. You have (a) not taken any action relative to the reconstruction and re-opening of this restaurant, according to information obtained from the Inspectional Service Department, and (b) you have ceased to be engaged in the business you are licensed to pursue, in that you do not offer food and beverages, in accordance with G.L. c. 140, s.9 and (c) failed to operate the licensed premises on the days and at the location authorized under the license to serve alcoholic beverages in accordance with G.L. c 138, s. 77.

On April 26, 2010 the Commission voted to give New Asia 30 days to open the business and to come back before the Commission at the May 17, 2010 meeting for a status update. However 30 days would not have elapsed between meetings, so New Asia appeared at the June 21, 2010 hearing. New Asia was given another 30 days to re-open and was requested to appear on July 27, 2010 as to the status.

On July 27, 2010 Atty. Vigorito & Ms. Loh appeared before the Commission and stated that the Health inspector had visited her establishment that morning. Atty. Vigorito presented the compliance paperwork from the Health Inspector to the Commission. Atty. Vigorito stated that Ms. Loh is scheduled to appear before the Board of Health on Thursday July 29, 2010 to determine the conditions of the license, if any before the Health Inspector would sign the paperwork.

The Commission found the licensee in violation of the aforementioned Somerville Licensing Commission Rules and Regulations.

On a motion duly made and seconded, it was

VOTED:

To allow New Asia 30 days to open the business. New Asia is allowed to serve alcoholic beverages on opening day only. The Commission also voted to sanction the establishment with a 10 day suspension of the Liquor license beginning on day two of the opening. Ms Loh is requested to contact Jenneen Pagliaro at the Somerville Licensing Commission as to what date the business is set to open. Ms. Loh is requested to appear before the Commission at the August 16, 2010 Somerville Licensing Commission hearing held at the Senior Center, Tufts Administration Building, 167 Holland St., Somerville, MA at 6:00PM for an update on this matter.

VIOLATION

**(THIS VIOLATION WILL HEARD AT THE SEPT. 20, 2010 MEETING
BEING CONTINUED FOR PERSONAL REASONS)**

B.EEF., Inc., d/b/a Fasika, 145-147 Broadway 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, 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 1.08.1. Alcoholic beverages licensees are forbidden to make a sale or delivery of alcoholic beverages or alcohol to a person who is intoxicated

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 1.14.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 offenses are April 24, 2010 (2:23 AM) see Somerville Police Department Incident Report #10012938, May 7, 2010, see Somerville Police Department Incident Report 10014712, and May 15, 2010 (2:40 AM), see Somerville Police Department Incident Report 10015637.

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 16, 2010
6:00 p.m.**

MINUTES

Minutes of the June 21, & July 27, 2010 meetings were accepted as submitted.

COMMUNICATION

Communication from Brian Courtney of O'Brien's Liquors, notifying The Board of the temporary closing of the store at 158 Highland Ave. The Board took administrative notice and placed this item on file.

STATUS UPDATE

Present: Nancy Maulinari

Razzy's, 585 Somerville Ave., regarding the status of the All Forms Alcoholic Beverages 7-Day Restaurant license. Ms. Maulinari stated the establishment has been closed for two months. The lease is not being renewed. Ms. Maulinari is actively looking to relocate or sell the license.

A motion was made and seconded to continue this matter until the November meeting for an updated status report.

SPECIAL ALCOHOL LICENSES

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

Present: Kenneth Kelly

Mr. Kelly Came before the Commission requesting approval of a Special Alcohol license for the purpose of dispensing and selling alcoholic beverages for the Fluff Festival to be

held outdoors in the parking lot on Sept. 25, 2010 from 3PM-9PM (rain date Sept. 26, 2010).

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

Alderman Taylor spoke in support of this application.

On a motion duly made and seconded, it was

VOTED: to grant the Special Alcohol license as presented.

Galwegan, Inc., d/b/a The Burren
247 Elm St.

Present: Desmond Rushe

Mr. Rushe came before the Commission requesting approval of a Special Alcohol License for the purpose of dispensing and selling alcoholic beverages for an Outdoor Music Festival to be held in the Grove St. parking lot on Sept. 12, 2010 from 12PM-9PM.

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.

Redbones Barbecue
55 Chester St.

Present: Ray Zonghetti, Chamber of Commerce

The following five establishments came before the Commission requesting approval of Special Alcohol licenses for the purpose of dispensing and selling alcoholic beverages for an Oktoberfest to be held outdoors in Davis Square on October 3, 2010 from 12Noon to 6PM (rain date Oct. 17, 2010).

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

Rockwell Restaurant Group d/b/a Foundry On Elm, 255 Elm St.

Mikes' Restaurant, 5-9 Davis Sq.

The Burren, 247 Elm St.

Joshua Tree, 256 Elm St.

Diva Indian Bistro, 246-248 Elm St.

Mr. Zonghetti spoke behalf of the applicants. Mr. Zonghetti stated this would be the 2nd year for the Oktoberfest. He stated last year only one restaurant participated. This year they extended the Oktoberfest to more restaurants. The food and alcohol will be outside each individual restaurant and no vehicles will be allowed on the streets.

All of the restaurant will have Experienced servers that will be dispensing the alcoholic beverages, Police and Fire Details have been requested.

Ald. Taylor spoke in support of this event.

On a motion duly made and seconded, it was

VOTED: to grant the Special Alcohol licenses as presented.

COMMON VICTUALER LICENSES

Salvadoran Restaurant **402 Mystic Ave.**

Present: Diana Posada

Ms. Posada came before the Commission requesting approval for change in hours of operation. The Current hours are 10AM-12AM, new hours would be 7AM-9PM.

On a motion duly made and seconded, it was

VOTED: to grant the Change of Hours as requested.

ENTERTAINMENT LICENSES

Amelia's Kitchen, 1137 Broadway requesting approval for an Entertainment license consisting of Audio, Film Projectors & Television. (NO SHOW)

Continued until next meeting.

PACKAGE GOODS STORE

Alteration to Premises

Present: Attorney William Goldberg & Amelia Kalia

Atty. Goldberg came before the Commission on behalf of Neighborhood Liquors, d/b/a Liquor Zone, 163 Washington St. requesting approval to expand to 165 Washington St.

Atty. Goldberg stated that the extension would give the business better storage and would be 2,600 feet total.

Alderman Taylor spoke in support of this application.

Inspector Chaille noted, no problems at that business.

Upon a motion duly made and seconded, it was

VOTED: To allow the extension to the premises.

ALL FORMS ALCOHOLIC BEVERAGES
7 DAY RESTAURANT

Change to d/b/a

Rockwell Restaurant Group, LLC
d/b/a Davis Square Theater, Restaurant & Lounge
255 Elm St.

Present: Kenneth Kelly

Mr. Kelly came before the Commission requesting to add a 2nd d/b/a Foundry on Elm to license.

Upon a motion duly made and seconded, it was

VOTED: To allow the 2nd d/b/a name.

Pledge of License

Prospect Hill Properties, Inc.
d/b/a The Independent

Present: Kenneth Kelly

Mr. Kelly came before the Commission requesting approval for a pledge of license.

Upon a motion duly made and seconded, it was

VOTED: To allow the Pledge of License.

Extension to Premises
Outdoor Service of Alcoholic Beverages

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

Present: Attorney Richard DiGirolamo & Marianne Buonopane

Atty. DiGirolamo, representing Pescatore Ristorante came before the Commission requesting approval for an extension of premises to serve alcoholic beverages at outdoor seating area.

One letter was submitted in support.

John High, next door neighbor spoke in opposition to this application. Mr. High is concerned about noise. Mr. High submitted pictures for the record of how close his yard is to this seating area.

Atty. DiGirolamo stated they will not have music playing outside.

Andrew Shepard & Jack Deidrick, neighbors both spoke in favor.

The Chamber of Commerce spoke in support.

Anne Buonopane, Owner stated that they don't share the fence with Mr. High, they share a brick wall behind them. They are not right beside Mr. High.

Mr. High still feels this is a privacy issue.

On a motion duly made and seconded, it was

VOTED: to approve the extension to premises as submitted.

Commissioner McKenna voted NO

Mariachi Food, Inc.
d/b/a El Potro Mexican Grill
61 Union Sq.

Present: Joe Carreiro

Mr. Carreiro came before the Commission requesting approval for extension of premises to serve alcoholic beverages at outdoor seating area.

Ald. Taylor had concerns with the Board giving out too many of these licenses.

Mr. Carreiro stated he understands Ald. Taylor's concerns and that this will be a small area consisting of 8 seats.

Commission McKenna feels this would be good for business.

Commission Vaccaro went by the establishment and thinks it seems private enough.

The Chamber of Commerce spoke in favor.

Robert Rendon owner of La Mexican Cantina stated that El Potro Customers are coming into his establishment intoxicated.

Upon a motion duly made and seconded, it was

VOTED: to approve the alterations to premises.

Alteration to Premises

Vinny's Restaurant
76 Broadway

Present: Attorney Richard DiGirolamo

Atty. DiGirolamo representing Vinny's Restaurant came before the Commission requesting approval for alteration to the inside of the premises.

The establishment will have a bar area.

The Chamber of Commerce is in support.

On a motion duly made and seconded, it was

VOTED: to approve the alterations to premises.

Transfer of License

Northeast Motel Assoc. LP
d/b/a Holiday Inn of Somerville
30 Washington St.

Present: Joe Ayoub, Jim Harvey & David Samoian

Mr. Ayoub came before the Commission requesting the transfer its All Forms 7 Day Restaurant license to DDH Hotel Somerville LLC for an Inn Holders license, Common Victualer and Entertainment license consisting of Entertainment by Patron, Performers and Devices.

Mr. Ayoub stated that the property was sold in April. This will have the same footprint just different owners. This is a franchise. The name will stay the same as well as the managers.

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, Common Victualer License, Inn Holders License & Entertainment License as presented.

Kirkland Café
425 Washington St.

Present: Attorney Nick Iannuzzi

Mr. Iannuzzi came before the Commission, representing Deco Restaurant for approval of the transfer of The Kirkland Cafe All Forms Alcoholic Beverages 7 Day Restaurant license to PLPB DDBG, LLC d/b/a Deco Restaurant also requesting approval for a Common Victualer and Entertainment license consisting of live music, D.J., Comedy, Television & audio.

This establishment will have 113 seats, with live music, DJ and Comedy shows.

Mr. Buben, the new owner has 3 other restaurants.

The restaurant hopes to open in January 2011.

Atty. Iannuzzi stated he spoke with Ald. Heuston and she anticipated no problems with the neighbors.

The Chamber of Commerce spoke in support.

On a motion duly made and seconded, it was

VOTED: to approve the transfer of the All Forms Alcoholic Beverages 7 Day Restaurant License, Common Victualer and Entertainment license as presented.

STATUS OF OPENING

New Asia Restaurant
324-328 Somerville Ave.

Present: Attorney Richard DiGirolamo & Sally Loh

Atty. DiGirolamo, representing New Asia came before the Commission reporting back as requested at the July 27, 2010 hearing regarding the opening status of the establishment.

The establishment re-opened on August 13, 2010.

This matter to be placed on file.

Change of Location

George Dilboy Post 529 VFW, 371 Summer St. (Attorney Richard DiGirolamo request to hold hearing over until the September meeting).

Late Items

Cantina La Mexicana
247 Washington St.

Present: Robert Rendon

Mr. Rendon came before the Commission requesting approval of a Special Alcohol license for the purpose of dispensing and selling alcoholic beverages for a Mexican Independence Day Celebration to be held outdoors in parking lot at 247 Washington St., on Sept. 15, 2010 from 6PM to 10PM.

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

Alderman Taylor spoke in support of this application.

The Chamber of Commerce is in support.

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.

For the Commission

Jenneen M. Pagliaro
Administrative Assistant

**City of Somerville
Licensing Commission**

**City Hall
93 Highland Ave. 2nd floor
Committee Room**

**Special Meeting
Thursday
August 5, 2010
6:00 p.m.**

MINUTES

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

SPECIAL ALCOHOL LICENSES

**Gargovles on the Square
219 Elm St.**

Present: James Conforti

Mr. Conforti came before the Licensing Commission requesting approval of a requesting approval of a Special Alcohol license for the purpose of dispensing and selling alcohol beverages for 15th Anniversary party to be held in the parking lot on August 10, 2010 from 6PM-11PM.

Police and Fire Details have been requested and experienced 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.

There being no further business, the meeting was adjoured.

Respectfully submitted

Jenneen M. Pagliaro
Administrative Assistant

**City of Somerville
Licensing Commission**

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

**Regular Meeting
Monday
September 20, 2010
6:00 p.m.**

MINUTES

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

Minutes of the August 5, 2010 meeting were accepted as submitted.

COMMUNICATIONS

Massachusetts State Lottery Commission re: Keno-To-Go. The Board took administrative notice and placed the communication on file.

SPECIAL ALCOHOL LICENSES

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

Present: Mary Laney

Ms. Laney came before the Commission requesting approval of a Special Alcohol license for the purpose of dispensing and selling alcoholic beverages for a dinner dance to be held in the gymnasium on September 25, 2010 from 9:00PM-1:00AM.

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.

Shoestring LLC
d/b/a The Swapaholics

Present: Melissa Massello

Ms. Massello came before the Commission requesting approval of a Special Alcohol license for the purpose of dispensing and selling alcoholic beverages for Boston Fashion Week Clothing Swap to be held at The Center for Arts at the Armory, 191 Highland Ave. on September 30, 2010 from 5:00PM-10:00PM.

Experienced servers will be dispensing the alcoholic beverages.

Police and Fire Details have been requested.

John L. Sullivan spoke in opposition to this application.

On a motion duly made and seconded, it was

VOTED: to grant the Special Alcohol license as presented.

Commissioner Vaccaro voted NO.

Somerville Local First

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 for Harvest Fest Fundraiser to be held at The Center for Arts at the Armory, 191 Highland Ave. on October 9, 2010 from 1PM-10PM.

Experienced servers will be dispensing the alcoholic beverages.

Police and Fire Details have been requested.

John L. Sullivan spoke in opposition to this application.

On a motion duly made and seconded, it was

VOTED: to grant the Special Alcohol license as presented.

Commissioner Vaccaro voted NO.

Hellenic Association of Somerville
d/b/a Dormition of the Virgin Mary Greek Orthodox Church
29 Central St.

Present: Mike Veveris

Mr. Veveris came before the Commission requesting approval of a Special Alcohol license for the purpose of dispensing and selling alcoholic beverages for Honk Fest Band Celebration dinner on October 9, 2010 from 7:00PM-2:00AM.

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
d/b/a Dormition of the Virgin Mary Greek Orthodox Church
29 Central St.

Present: Mike Veveris

Mr. Veveris came before the Commission requesting approval of a Special Alcohol license for the purpose of dispensing and selling alcoholic beverages for Cultural Event on October 16, 2010 8PM-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 grant the Special Alcohol license as presented.

COMMON VICTUALER LICENSE

Rodizio Brazilian Steakhouse
129 Broadway

Present: Otto Hernandez

Mr. Hernandez came before the Commission seeking approval of a Common Victualer license for Rodizio Brazilian Steakhouse at 129 Broadway.

Mr. Hernandez has restaurant experience.

Along with the application, a menu, floor plan 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.

ENTERTAINMENT LICENSES

Amelia's Kitchen **1137 Broadway**

Present: Delio Susi

Mr. Susi came before the Commission requesting approval of an Entertainment license consisting of Audio, film projectors & Television.

Mr. Susi stated this would be dinner and a movie.

Alderman Trane spoke in favor of the application.

On a motion duly made and seconded, it was

VOTED: to approve the Entertainment license as presented.

The Joshua Tree **256 Elm St.**

Present: Dominic Forte

Mr. Forte came before the Commission on behalf of the Joshua Tree requesting approval of an Entertainment license by performers consisting of Free Poker Tournaments.

Mr. Forte stated that these are Free Poker Tournament and no money will be exchanged.

Poker Tournament are currently being held at Johnny's D's.

On a motion duly made and seconded, it was

VOTED: to approve the Entertainment license as presented.

Commissioner Vaccaro voted NO

Prima Pizza
284 Broadway

requesting approval of an Entertainment license consisting of Television.
(No Show, This matter will be heard at the next Licensing Commission meeting).

CLUB LICENSES

Change of Manager

Somerville Post 19 American Legion
124 Highland Ave.

Present: Marie DiBenedetto

Ms. DiBenedetto came before the Commission requesting approval for change of manager from Richard Campbell to Marie DiBenedetto.

Mr. Campbell passed away and Ms. DiBenedetto will be replacing him as manager.

Chairman Upton suggested Ms. DiBenedetto become tip certified.

Upon a motion duly made and seconded, it was

VOTED: to approve the Change of Manager as requested.

Change of location

George Dilboy Post 529, Inc. VFW
371 Summer St.

Present: Attorney Richard DiGirolamo

Atty. DiGirolamo came before the Commission requesting a change of location of the All Forms Alcohol Club license to 343-349 Summer St.

Alderman Gerwartz expressed her concerns from the neighbors with the new location and concerns about issuing a license to a building that has not been built. Ald. Gerwartz requests that the board not take any action until Planning and Zoning review everything and the neighbors are on board. Alderman Gerwartz submitted a letter of opposition for the record. Ald. Gerwartz stated this would be located in a RA Zone. This was changed from CBD Zone to an RA Zone by the Board of Aldermen.

Chairman Upton stated that the Board can not respond to this until they hear the plan.

Commission McKenna noted that the Board does not make Zoning decisions.

Chairman Upton stated that the decision is based on the Character of the applicant and public need and is not aware that they have to wait for Zoning or Planning. The license will not be issued until all City permits are approved.

Atty. DiGirolamo gave a short history of this case which goes back to 2002. Decota Partners were going to put up a 14 unit building, but the permit was appealed all the way to the Supreme Court. The Court ruled in the developers favor. However the market has changed and the developer decided to go in another direction and approached Dilboy Post to do a land swap. The VFW would get a new VFW on the old MBTA shaft sight. This building would sit 100 yards from the existing building.

Atty. DiGirolamo stated that they would be going before the Zoning Board in October for 3 special permits.

Atty. DiGirolamo stated that the exhibits are not relevant and are of a confidential nature and are not required to be attached.

Atty. DiGirolamo submitted a draft of conditions proposed by OSPCD.

Commissioner Vaccaro questioned why they need to approve this now.

Atty. DiGirolamo stated it is easier to obtain the financing if the license is approved.

Various people spoke in favor of this application.

Various people spoke in opposition of this application.

A signed petition with 56 signatures in favor was submitted for the record.

The Board received 12 letters in opposition.

Attorney Adam Dash represented the neighbors.

Atty. Dash spoke of the neighbors concerns with noise and has requested that the Board not vote until the after the meeting with Zoning takes place in October. They have concerns parking & issues with the dumpsters being too close to the houses. They are also concerned with changes made to the plan after tonight, if the license is approved.

Chairman Upton stated that any changes would have to come back before the Board for approval.

Nancy Iapini an abutter noted that she did not receive an abutter notice. She was directed to the Board of Assessors office for that information.

Commissioner Vaccaro wasn't expecting anything like this and is not ready to vote. He wants to do some homework and feels there are too many unanswered questions.

Commissioner McKenna stated it would be difficult to vote tonight.

Chairman Upton stated he likes the idea of a proposal for Veterans but still feel this has a ways to go and noted this is the first we seen of any proposed conditions and needs to take into consideration the concerns of the neighbors & abutters. The two sides should sit down and try to work this out together. The character and fitness is not in question here. Chairman Upton is not sure if it is fair to accept this transfer if the neighbors have concerns.

Upon a motion duly made and seconded, it was

VOTED: To keep public hearing open and continue until the October 18, 2010 meeting.

ALL FORMS ALCOHOLIC BEVERAGES
7 DAY RESTAURANTS

Review of 2AM license

Dev. Corp. d/b/a Orleans Restaurant
59-65 Holland St.

Present: Attorney Richard DiGirolamo

Atty. DiGirolamo, representing Orleans, came before the Commission for the 90 day review of the 2AM license as part of the conditions on the extended hours license.

No issues have been reported at this establishment.

On a motion duly made and seconded, it was

VOTED: Orleans is to come back in 90 days for another review.

New Licenses (One License available)

Namaskar Restaurant
236 Elm St.

Present: Attorney Glen Nardone

Atty. Nardone, representing Namaskar Restaurant came before the Commission requesting approval of a New All Forms Alcoholic Beverages 7 Day Restaurant license.

Namaskar currently holds a city owned beer & wine license

Atty. Nardone stated that this is an Indian restaurant and feels they need an All Forms license to keep up with the competition.

Rob May, OSPCD recommended approval of this license because they are trading in a beer and wine license.

Chairman Upton closes hearing on this item to hear the next applicant.

Istanbul'Lu
237 Holland St.

Present: Attorney Richard DiGirolamo

Atty. DiGirolamo, representing Istanbul'Lu came before the Commission requesting approval of a New All Forms Alcoholic Beverages 7 Day Restaurant license.

Atty. DiGirolamo stated this is the only Turkish restaurant in the City and the owner is willing to agree to any conditions if necessary. The restaurant does not qualify for a beer and wine due to the size.

A petition with 85 signatures in favor was submitted for the record.

Alderman Trane in not in support of this application.

Rob May, OSPCD recommends denial of this license.

Chairman Upton closed hearing on this item.

Hearing re-opened on Namaskar

Commissioner McKenna motions to approve the new All Forms Alcoholic Beverages 7 Day Restaurant License.

Chairman Upton seconds the motion.

Commission Vaccaro votes NO.

Upon a motion duly made and seconded, it was

VOTED: to grant the new All Forms Alcoholic Beverages 7 Day Restaurant license to Namaskar.

Hearing re-opened on Istanbul'Lu

A motion was made to withdraw this application.

Motion to withdraw was accepted.

WITHDRAWN

WINE AND MALT LICENSES

New Licenses (Two Licenses available)

Yak & Yeti Café
719 Broadway

Present: Attorney William Goldberg

Atty. Goldberg, representing Yak & Yeti Café came before the Commission requesting approval of a Wine and Malt Restaurant license.

Atty. Goldberg stated there is a need for a beer and wine license at this location and feel it would compliment the food.

Atty. Goldberg stated that this is an upscale restaurant with 48 seats.

Chairman Upton motioned to close hearing on this item to hear the next applicant.

Marsala
1127 Broadway

Present: Attorney Richard DiGirolamo & Binot Pradham

Atty. DiGirolamo, representing Marsala came before the Commission requesting approval of a Wine and Malt Restaurant license.

Mr. Pradham owns the building and has experience in the food industry.

This establishment is set to open in October.

Alderman Trane is in favor of this application.

Chairman Upton motioned to close hearing on this item to hear the next applicant.

Las Brisas, Inc.

561 McGrath Highway

Present: Attorney Richard DiGirolamo

Atty. DiGirolamo, representing Las Brisas came before the Commission requesting approval of a Wine and Malt Restaurant license.

East Somerville Main Streets support this and feels that the part of the City needs economic development.

Atty. DiGirolamo stated that the owners have been working on improvement to the business for 6 months.

Commissioner Vaccaro noted that he is impressed with the facilities and they are doing a nice job.

Maria Curtatone spoke in support of this application.

Chairman Upton motioned to close hearing on this item to hear the next applicant.

Snappy Sushi
420 Highland Ave.

Present: Attorney Robert Costello & Katie Janik

Atty. Costello representing Snappy Sushi came before the Commission requesting approval of a Wine and Malt license. (Currently holds an All Forms Alcohol license).

This establishment has been open for two years and have had no complaints.

Chairman Upton motioned to close hearing on this item to hear the next applicant.

Taipei Tokyo
7 Holland St.

Present: Adam Dash

Atty. Dash representing Taipei Tokyo requesting approval of a Wine and Malt Restaurant license (Currently holds an All Forms Alcohol license).

Chairman Upton motioned to close hearing on this item to hear the next applicant.

Hearings re-opened

Commissioner McKenna made a motion to take applications out of order.

Motion made to grant Beer and Wine License to Taipei Tokyo.

Upon a Motion duly made and seconded, it was

VOTED: to grant the Beer and Wine License to Taipei Tokyo as presented.

Commissioner McKenna made a motion to grant Snappy Sushi a Beer and Wine license.

Commissioner Vaccaro votes NO

Upon a motion duly made and seconded, it was

VOTED: to grant the beer and wine license to Snappy Sushi as presented.

The Commission feels by granting these establishments Beer and Wine licenses this will free up the All Forms Licenses.

A motion was made by Las Brisas to withdraw the application

Motion to withdraw accepted.

A motion was made by Marsala to withdraw the application

Motion to withdraw accepted.

A motion was made by Yak & Yeti to withdraw the application

Motion to withdraw accepted.

VIOLATION

(THIS VIOLATION WAS CONTINUED FROM THE JULY 27, 2010 MEETING)

Present: City Solicitor Francis Wright & Befekadu Defar

B.EEF., 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 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 1.08.1. Alcoholic beverages licensees are forbidden to make a sale or delivery of alcoholic beverages or alcohol to a person who is intoxicated.

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 1.14.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 offenses are April 24, 2010 (2:23 AM) see Somerville Police Department Incident Report #10012938, May 7, 2010, see Somerville Police Department Incident Report 10014712, and May 15, 2010 (2:40 AM), see Somerville Police Department Incident Report 10015637.

City Solicitor Wright stated that an incident occurred on May 7, 2010. The matter involves an altercation between two patrons a block away from the establishment. CS Wright spoke with Mr. Defar, the owner of the establishment and they came up with a recommended disposition. A roll back of hours to give Mr. Defar an opportunity to think about his operation and how it has been functioning. The recommendation is for a four night rollback of the 2AM license to 1AM on four consecutive Friday nights.

Based on the Police reports and the licensee's stipulation thereto. The Commission voted to accept the recommended disposition.

On a motion duly made and seconded, it was

VOTED: To roll back the 2AM license to 1AM on Four Consecutive Friday nights.

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
October 18, 2010
7:30 p.m.**

MINUTES

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

Minutes of the August 16, 2010 meeting were accepted as submitted.

COMMUNICATIONS

Massachusetts State Lottery Commission re: Keno-To-Go. The Board took Administrative notice and placed the Communication on File.

COMMON VICTUALER LICENSES

**Pizza Palace
222 Somerville Ave.**

Present: Attorney Bernard Goldberg & Athanasios Paikopoulos

Atty. Goldberg representing Pizza Palace came before the Commission requesting approval of a Common Victualer license at 222 Somerville Ave.

Atty. Goldberg stated this is a new owner with no other changes to the business.

Mr. Paikopoulos has restaurant experience.

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

On a motion duly made and seconded, it was

VOTED: to approve the Common Victualer license as presented.

Great Taste Diner
300 Beacon St.

Present: Attorney James Fudser & Angelica Cortez

Atty. Fudser representing Great Taste Diner came before the Commission requesting approval of a Common Victualer license for 300 Beacon St.

Ms. Cortez has restaurant experience.

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

On a motion duly made and seconded, it was

VOTED: to approve the Common Victualer license as presented.

ENTERTAINMENT LICENSES

Prima Pizza
284 Broadway

Present: Stephen Rasetta

Mr. Rasetta came before the Commission requesting approval of an Entertainment license consisting of television.

On a motion duly made and seconded, it was

VOTED: to approve the Entertainment license as presented.

VIOLATION

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

Present: Assistant City Solicitor Jason Grossfield & Victor Ortiz

Mr. Ortiz came before the Commission to show cause why the All Forms Alcoholic Beverages 7-Day Restaurant license, Common Victualer, Entertainment License and 2AM Closing 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. c.(2)(3)(4)- Licensees shall act reasonably and diligently to disperse loiterers or patrons who attempt to congregate in front of or at the licensed premises. Failure of the licensee to keep persons from congregating at the licensed premises may lead to disciplinary action against the licensee for allowing a public nuisance. Reasonable steps to be taken by the licensee may include, but are not limited to:(2)asking loiterers to disperse;(3)calling the police if loiterers refuse to disperse;(4)requesting a police detail or stationing an employee at the front door to disperse loiterers;

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.

ASC Grossfield Jason Grossfield read the police report filed by Police Officer Alan Monaco into the record. On September 6, 2010 multiple units were dispatched to Choices. Fifty to seventy-five people were running in the street. The doorman from Choices was not trying to control this situation. No employees of Choices attempted to move the crowd along. This situation took five patrolman and two supervisors twenty minutes to get things under control, leaving only two officers available for emergency calls. Two more calls were received and two officers were dispatched to move along another group of females hanging outside Choices. After clearing this group, once again the Police were dispatched to 3 Quincy St. to move along another group. Officer Monaco asked Choices if they had requested a detail officer. An employee of Choices stated they thought that they had requested one, however upon checking the detail list no such assignment was requested by this establishment.

Chairman Upton read an email from Alderman Taylor into the record. The e-mail stated that Ald. Taylor would like Choices 2AM license revoked.

Chairman Upton stated that we would be addressing the 2AM license at another meeting. The 2AM annual reviews will be in November and December. Based on the police reports, the Commission found the licensee in violation of Somerville Licensing Commission Rules 1.09 a. 1.09.c(2)(3)(4) and 1.09.e.

On a motion duly made and seconded, it was

VOTED: To accept the recommended disposition of the City and the licensee, as offered by Assistant City Solicitor Jason Grossfield and Victor Ortiz and voted to sanctioned the establishment with a 45 day rollback to midnight on Sundays to be served concurrently with 45 day roll back currently held in abeyance from a February 18, 2010 violation decision. An additional 45 days shall be held in abeyance for one year with no violations for that period of time.

The 45 day rollback period shall commence on Sunday, October 24, 2010 ending Wednesday December 8, 2010.

CLUB LICENSES
HEARING CONTINUED FROM SEPT. 20, 2010 MEETING

George Dilboy Post 529. Inc.
VFW, 371 Summer St.

Requesting a change of location of the All Forms Alcohol Club License to 343-349 Summer St.

Chairman Upton stated that the Board is in receipt of a Communication from the City, indicating that there is a pending and ongoing series of negotiations concerning Zoning and planning and feel it would be in the interest of all parties to continue this hearing until this is matter is resolved.

Attorney DiGirolamo and Attorney Dash were fine with the continuation.

Brad Hopkins stated for the record that the neighbors knew that the hearing was being continued but showed up any way so the Board would realize how important this issue is to the neighbors.

The VFW stated they were having their monthly meeting tonight and not many people were able to show up for support.

Chairman Upton stated we will have a full debate on this application next hearing and people should wait until then to be heard.

The Public hearing is still open and the opportunity to comment either pro or con will be heard at the next meeting.

Chairman Upton moved to continue this hearing until the next meeting.

Motion seconded,

The hearing is open for testimony at next meeting.

Late Item

Special Alcohol License

Tufts University

Present: Patricia Klos

Ms. Klos came before the Commission requesting approval of a Special Alcohol license for the purpose of dispensing and selling alcoholic beverages for the Athletic Dedication of a new score board to be held on October 23, 2010 from 3PM-6PM at 20 Lower Campus Road.

Experienced servers will 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.

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 15, 2010
6:00 p.m.**

1. Minutes of the September 20, 2010 meeting.

COMMUNICATIONS

- 2.. Communication from Alderman Taylor requesting that the notice of application for liquor and entertainment licenses be sent to the neighbors (of the establishment) when there is an expected impact on a neighborhood and that elected officials be notified of the process.
3. Communication from Board of Alderman adopting a change to Ordinance 2-129 Liquor and Entertainment Licenses. The Change will reduce the required weeks of advertisement in a local newspaper to two instead of the current three week notice.

SPECIAL ALCOHOL LICENSES

4. Ashleigh Kaneski requesting approval of a Special Alcohol license for the purpose of dispensing and selling alcoholic beverages for an Art Gallery Event to be held at the Center for Arts at the Armory, 191 Highland Ave. on November 20, 2010 from 7PM-11PM.
5. Bloc 11 Café, 11 Bow St., requesting approval of a Special Alcohol license for the purpose of dispensing and selling alcoholic beverages for a One year anniversary of live music celebration on December 1, 2010 from 6:30PM-12AM.

COMMON VICTUALER LICENSES

6. Ola Gifts Café
112 Broadway
Augusto DaCunha

7. Capital Basil Multi services
99 Broadway
Cherlevania Amorim

STATUS UPDATE

8. Razzy's, 585 Somerville Ave., regarding the status update of the All Forms Alcoholic Beverages 7-Day Restaurant License.

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

9. **EXTENDED HOURS REVIEW**

<u>Date Approved</u>	<u>Business</u>	<u>Address</u>
12/21/05	Choices	379-381 Somerville Avenue
12/27/05	On the Hill Tavern	499 Broadway
9/29/05	The Independent	75 Union Square
12/21/05	Casey's	171 Broadway
9/29/05	Precinct	70 Union Square
4/26/06	Olde Magoun Saloon	518 Medford Street

NEW EXTENDED HOURS LICENSE

10. Service Bar, LLC d/b/a Trina's Starlite Lounge, 3 Beacon St. requesting approval to extend its official closing hour from 1AM to 2AM.

CLUB LICENSES
HEARING CONTINUED FROM OCTOBER 18, 2010 MEETING

11. George Dilboy Post 529. Inc., VFW, 371 Summer St. requesting a change of location of the All Forms Alcohol Club License to 343-349 Summer St.

**City of Somerville
Licensing Commission**

**City Hall
2nd floor Aldermanic Chambers
93 Highland Avenue**

**Regular Meeting
Monday
December 13, 2010
7:30 p.m.**

MINUTES

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

Minutes of the October 18, 2010 & November 15, 2010 meetings were accepted as submitted.

Approval of Extension of hours from 1AM to 2AM on New Years Eve for holders of All Forms Alcoholic Beverages 7 Day Restaurant licenses. A motion was made and seconded to allow the extension of hours on New Years Eve.

COMMUNICATIONS

Alcoholic Beverages Control Commission notifying the Board of the Ban on all Alcoholic Beverages containing caffeine. The Board took administrative notice and placed the Communication on file.

SPECIAL ALCOHOL LICENSES

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

Present: Father Ademir Guerini

Father Guerini came before the Commission requesting approval of a Special Alcohol license for the purpose of dispensing and selling alcoholic beverages at a Reveillon Feast to be held at 12 Properzi Way, school gymnasium on December 31, 2010 from 9PM to 2AM.

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
d/b/a Dormition of the Virgin Mary Greek Orthodox Church
29 Central St.

Present: Phillip Dres

Mr. Dres came before the Commission requesting approval of a Special Alcohol license for the purpose of dispensing and selling alcoholic beverages at a New Years Eve Party on December 31, 2010 from 4PM to 2AM.

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.

Mix Flavor Brazilian Grill
445 Somerville Ave.

Present: Roberto Gomes

Mr. Gomes came before the Commission requesting approval of a Special Alcohol license for the purpose of dispensing and selling alcoholic beverages at a Holiday Party on December 18, 2010 from 6PM-11PM.

The Commission would like this licensee to stop serving alcohol at 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 grant the Special Alcohol license with change to hours (6PM-11PM).

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COMMON VICTUALER LICENSES

Friend's Pizza
38 Cross St.

Present: Cesar S. Louzada

Mr. Louzada came before the Commission requesting approval of a Common Victualer license at 38 Cross St.

Mr. Louzada stated that he would be the new owner and no other changes will be made to the business.

Along with the application, a menu, floor plan 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.

Aguacate Verde
13 Elm St.

Present: Silvia DelaSota

Ms. DelaSota came before the Commission requesting approval of a Common Victualer license at 13 Elm St.

Ms. DelaSota has restaurant experience.

Along with the application, a menu, floor plan 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.

2:00 AM Closings
All Forms Alcoholic Beverages 7 Day Restaurant Licenses

EXTENDED HOURS REVIEW

The following licensees appeared before the Commission for annual review of their extension of hours until 2:00AM:

<u>Date Approved</u>	<u>Business</u>	<u>Address</u>
9/29/05	P J Ryan's	239-241 Holland St.
2/26/07	The Burren	247 Elm St.
8/27/07	Fasika	145-147 Broadway
5/2/08	The Joshua Tree	256 Elm St.
06/21/10	Diva	246-248 Elm St.
12/14/09	Orleans Restaurant	59-65 Holland St.
7/23/08	Sagra	400 Highland Ave.

Each licensee's file was reviewed for incidents/complaints and all were found to be suitable to continue with their extended hours.

Sagra has had a lot of incidents this past year. They will be appearing before the Commission at the January 24, 2011 meeting regarding a recent violation.

Mr. Defar owner of Fasika is required to have a review of his 2AM license in April 2011 due to a large amount of incidents at the business this past year.

On a motion duly made and seconded, it was

VOTED: To extend the 2AM license for one more year.

Commissioner Vaccaro voted NO to extend Sagra's 2AM license.

SPECIAL FARMER WINERY LICENSES

David W. Neilson
d/b/a Coastal Vineyards

Present: David Neilson

Mr. Neilson came before the Commission requesting approval of a Special Farmer Winery License to sell wine produced by the licensee for off-premise consumption at The Somerville Winter Farmer's Market to be held at the Center for Arts at the Armory, 191 Highland Ave. on twelve consecutive Saturdays from Jan. 8 thru March 26, 2011 from 10AM-2PM.

ASC Jason Grossfield stated that this is a new type of license that was passed by the Alcoholic Beverages Control Commission in August 2010.

The Wineries will sell by the bottle and are allowed to have small wine tasting samples.

On a motion duly made and seconded, it was

VOTED: To approve the Special Farmer Winery license as submitted.

Zoll Brothers Private Cellars LLC
d/b/a Zoll Cellars

Present: Frank Zoll

Mr. Zoll came before the Commission requesting approval of a Special Farmer Winery License to sell wine produced by the licensee for off-premise consumption at The Somerville Winter Farmer's Market to be held at the Center for Arts at the Armory, 191 Highland Ave. on twelve consecutive Saturdays from Jan. 8 thru March 26, 2011 from 10AM-2PM.

Mr. Zoll sells his wines in local restaurants.

On a motion duly made and seconded, it was

VOTED: To approve the Special Farmer Winery license as submitted.

Lexington Consulting Group, Inc.
d/b/a Turtle Creek Winery

Present: Kipton Kumler

Mr. Kumler came before the Commission requesting approval of a Special Farmer Winery License to sell wine produced by the licensee for off-premise consumption at The Somerville Winter Farmer's Market to be held at the Center for Arts at the Armory, 191 Highland Ave. on twelve consecutive Saturdays from Jan. 8 thru March 26, 2011 from 10AM-2PM.

Mr. Kumler has been in the winery business for 10 years.

On a motion duly made and seconded, it was

VOTED: To approve the Special Farmer Winery license as submitted.

CLUB LICENSES
HEARING CONTINUED FROM NOVEMBER 15, 2010 MEETING

George Dilboy Post 529 Inc., VFW, 371 Summer St. requesting a change of location of the All Forms Alcohol Club License to 343-349 Summer St.

Attorney Richard DiGirolamo's office requested a continuation of this hearing due to ongoing mediation.

Chairman Upton explained that the public hearing is still open and will remain that way until next meeting and hopefully the two parties will have come to a resolution.

On a motion duly made and seconded, it was

VOTED: To continue the matter until the January 24, 2011 meeting.

Special Alcohol License

Cuisine en Locale

Present: JJ Gonson

Ms. Gonson came before the Commission requesting approval of a Special Alcohol license for the purpose of dispensing and selling alcoholic beverages at a Viking Themed Party to be held at the Center for Arts at the Armory, 191 Highland Ave. on January 22, 2011 from 7PM-11PM.

Certified 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.

There being no further business, the meeting was adjourned.

Respectfully

Jenneen M. Pagliaro
Administrative Assistant