

2013 Minutes of the Somerville Licensing Commission

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**City of Somerville
Licensing Commission**

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

**Regular Meeting
Wednesday
January 23, 2013
6:00 p.m.**

MINUTES

Chairman Andrew Upton called the meeting to order. Present were Commissioner John J. McKenna, Inspector Warren Chaille & Executive Secretary Jenneen M. Pagliaro.

Minutes of the November 19, 2012 meeting were accepted as submitted.

COMMUNICATIONS

Communication from the Board of Aldermen expressing their concerns with the recent activities at the Holiday Inn and requesting that the Licensing Commission implement appropriate sanctions based on the findings of its investigation. The Board took Administrative Notice and placed the communication on file.

Foodmaster Super Markets, Inc. d/b/a Johnnie's Foodmaster, 47-49 Beacon St. notifying the Commission that they are closed and currently marketing the sale of the Wine and Malt license. The Board took Administrative Notice and placed the communication on file.

COMMON VICTUALER LICENSES

Valentim Pizza, 505 Medford St. requesting to change the name of the business to Brazilian Churrasco Buffet & Grill, with no other changes to the business.

Present: Lucia Tavares

Ms. Tavares came before the Commission requesting a name change. No other changes to the business.

On a motion duly made and seconded, it was

VOTED: to approve the name change.

Friends Pizzeria, Inc.
38 Cross St.
Rafiquil Islam

Present: Rafiquil Islam

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

Mr. Islam is the new owner and stated no other changes are being made to the business.

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.

KFSS Corp.
d/b/a The Kebab Factory
414 Washington St.

Present: Attorney Anne Vigorito

Atty. Vigorito, representing The Kebab Factory came before the Commission requesting approval of a Common Victualer license for 414 Washington St.

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

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.

North East Foods LLC
d/b/a Burger King
185 Somerville Ave.

Present: Radonane Marmoucha

Mr. Marmoucha came before the Commission requesting approval of a Common Victualer license for 185 Somerville Ave.

Mr. Marmoucha stated that this is a new owner with no other changes to the business.

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.

SPECIAL ALCOHOL LICENSES

Hellenic Associates 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 for a Trivia Night on February 8, 2013 7:00PM-12:30AM.

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 as presented.

ALL FORMS ALCOHOL CLUB LICENSE

Pledge of License

Somerville Sports Club, Inc.
203 Somerville Ave.

Present: Attorney Issac Machado

Atty. Machado, representing Somerville Sports Club, Inc. came before the Commission requesting approval for a pledge of license to Paul F. Paone.

Atty. Machado stated that The Club is buying the building and this is a 10 year note for the financing of the building.

On a motion duly made and seconded, it was

VOTED: to grant the Pledge of License.

Wine and Malt Restaurant License

Alterations to Premises

Amelia's Kitchen, 1137 Broadway requesting approval for alterations to the premises by adding a bar. (Delo Susio, owner asked for this matter to be continued until next month's hearing due to illness) Matter to be continued until the February 20, 2013 hearing.

ALL FORMS ALCOHOLIC BEVERAGES
7 DAY RESTAURANT

Transfer of License
Common Victualer
& Entertainment License

381 Summer St. Restaurant
d/b/a Rosebud
381 Summer St.

Present: Attorney Martin Pomeroy & Martin Bloom

Atty. Pomeroy, representing 381 Jumbo LLC came before the Commission requesting approval for the transfer the of All Forms alcoholic beverages 7 day restaurant license from 381 Summer St. LLC d/b/a Rosebud to 381 Jumbo LLC d/b/a Rosebud also approval for a Common Victualer license and Entertainment License for Entertainment consisting of Entertainment by Performers, Patrons and Devices at 381 Summer St.

Mr. Bloom has restaurant experience and plans to remodel the restaurant. There will be a new floor plan and menu.

On a motion duly made and seconded, it was

VOTED: to approve the Transfer of License, Common Victualer & Entertainment License

Transfer of License
Common Victualer, Entertainment License
& Pledge of License

PLPBDDBG LLC
d/b/a Deco Restaurant
425 Washington St.

Present: Attorney Karen Simeo & Tony Maws

Atty. Simeo, representing Off Larsen Lane, LLC came before the Commission requesting approval to transfer the All Forms alcoholic beverages 7 day restaurant license from PLPBDDBG LLC to Off Larsen Lane, LLC d/b/a The Kirkland also approval for a Pledge of License to Nadwash, LLC and approval for a Common Victualer license and Entertainment License for Entertainment consisting of Entertainment by Performers, Patrons and Devices at 425 Washington St.

Atty. Simeo stated this space has been vacant for some time and the new owner will finish up renovating the space.

Mr. Maws has restaurant experience.

Alderman Heuston sent a note of support.

One resident spoke in support of this application.

On a motion duly made and seconded, it was

VOTED: to approve the Transfer of License, Common Victualer, Pledge of license & Entertainment License.

VIOLATION

DDH Hotel Somerville, LLC
d/b/a Holiday Inn of Somerville
30 Washington St.

Present: Assistant City Solicitor Jason Grossfield & Attorney Joseph Ayoub

Atty. Ayoub, representing, The Holiday Inn came before the Commission to show cause why the All Forms Alcoholic Beverages Innholder license, Common Victualer license, Special Hours Permit, and/or Entertainment license issued to the above establishment should not be modified, suspended, revoked, or the hours during which sales of alcoholic beverages may be made reduced for alleged violations of Somerville Licensing Commission Rules and Regulations to wit:-

Somerville Licensing Commission Rule 1.04(c). No licensee may issue special admissions passes or "V.I.P." cards except according to the following rules: (3) The special pass may not entitle the passholder to free drinks or to a discount on drinks.

Somerville Licensing Commission Rule 1.04(g).

Licensees shall not permit entrance to the premises by more persons than the number approved by the Commission for the capacity of the premises minus the number of employees working in the public areas at the time; provided, however, that at premises

where the Commission has approved a capacity which is less than the capacity figure approved by the Inspectional Services Dept., the licensee need not deduct the number of employees from the capacity figure set by the Commission so long as the total number of individuals does not exceed said capacity figure approved by the Inspectional Services Department.

Somerville Licensing Commission Rule 1.04(h). Licensees who permit persons to wait in line for a table or a seat or for entrance to the premises must obey the following rules: (1) Persons who wait inside the premises must be kept in an orderly line and must not be permitted to block fire aisles or exits. The number of such persons waiting inside the premises may not exceed the number of persons allowed as standees; (2) Persons who are permitted to wait in line outside the premises must be supervised by an employee of the licensed premises. Such employee must stand outside with the line during all times when the line exceeds ten persons and shall announce no further admissions to the premises if persons in the line are being loud or disorderly or if the line is blocking the sidewalk or is of a size that could reasonably be expected to cause noise or other problems for residents of the area or for passersby. To the extent that lines in front of a licensed premises become the subject of public complaints, the licensee shall be rebuttably presumed to be inviting a public nuisance and will be subject to disciplinary proceedings for same. It is recommended that licensees in residential areas discourage lines of more than ten persons.

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

Somerville Licensing Commission Rule 1.07(c). No licensee shall permit any person to have a direct or indirect financial or beneficial interest in the licensed business or to receive any revenue from the business or to manage the premises other than the person properly approved of by the Commission and the salaried employees of such persons. The foregoing Rule 1.07.c. does not prohibit the use of revenue for payment of inventory and other operating expenses.

Somerville Licensing Commission Rule 1.07(d). No licensee shall permit any person to work at the licensed premises or to hold him or herself out as a person in a position of authority at the premises except for those persons who are owners and officers or who are salaried employees for whom payroll records are available. No licensee may pay an employee any percentage of the profits of the business or pay an employee in any manner other than by salary or hourly rate except upon approval of the Commission.

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 1.07(o). Alcoholic beverages licensees shall not use any trade name, assumed name, or abbreviated name in connection with the licensed business unless the same appears on the license certificate issued by the Commission or unless written permission is first obtained from the Commission. The use of any unauthorized name on the books, records, stationery, or interior or exterior of the licensed premises or for advertising purposes or telephone listing, or on the Internet is prohibited unless permission is first obtained from the Commission.

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

Somerville Licensing Commission Rule 1.09(c). 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: (1) maintaining the front door in a closed position; (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; (5) refusing to allow the same patrons to walk in and out of the premises at short intervals; (6) maintaining order in lines of patrons waiting outside to get in; (7) announcing that no further patrons will be allowed into the premises if lines become too long or disorderly or loud.

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 1.11(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.

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

The date of the alleged offense was December 28, 2012.

Assistant City Solicitor Jason Grossfield read the violations into the record. ASC stated that these facts raise concerns for the City and the Commission and the conduct of the licensee is not for the public good.

ASC stated a fight broke out between two women and escalated into small groups also fighting in the parking lot. It took the Somerville Police, Medford Police and State Police to bring order to the crowd. The event was over sold.

The City sent Inspectional Services to the establishment the next day and cited the Holiday Inn for various issued regarding their Certificate of Inspection and shut them down.

ASC Grossfield and Atty. Ayoub, representing the Holiday Inn came up with a Joint recommended disposition of

1. **Modification of the Liquor License and Special Hours Permit:** The Closing Hour for the sale of alcoholic beverages for the cocktail lounge / night club area portion of the licensed premises, now or formerly known as Night Games and/or Metropolitan Square, shall be rolled back from 2:00 AM to 12:00 AM, Sunday – Saturday.

2. As to the modification set forth above, Licensee shall not be eligible to apply for a later Closing Hour for 2 years from the date of this decision. No application shall be granted if licensee has violated any licensing commission rule or regulation or state or city law during the 2 year period. Any such application shall be subject to the discretion of the licensing commission and all applicable laws, rules and regulations.
 3. All entertainment must cease ½ hour before the Closing Hour as specified in the Entertainment License.
 4. Modification of the Liquor License and Entertainment License: No sale or delivery of alcoholic beverages, and no entertainment, shall be permitted in or upon the cocktail lounge / night club area portion of the licensed premises, now or formerly known as Night Games and/or Metropolitan Square, for 30 consecutive days from January 24, 2013 thru February 23, 2013.
 5. The outside area, including but not limited to the outdoor walkway and parking lot, adjacent to the rear, side doorway to the cocktail lounge / night club area portion of the licensed premises, now or formerly known as Night Games and/or Metropolitan Square, shall not be used as a waiting area or other gathering place for patrons. Nothing herein shall prohibit the use of said outside area and doorway as an emergency exit in accordance with all applicable laws and regulations.
 6. Licensee shall not 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, pursuant to Somerville Licensing Commission Rules & Regulations Rule 1.07(g).
- A. Any costs incurred by the Holiday Inn associated with acceptance of the recommended disposition shall be borne by the Holiday Inn.
 - B. Holiday Inn, the licensee, agrees that upon the Commission accepting and entering the above-recommended disposition, the Holiday Inn waives all available appeals, including but not limited to, any rights to appeal the facts, the decision, and/or any sanctions imposed by the Somerville Licensing Commission based on the admitted facts.

On a motion duly made and seconded, it was

VOTED: to accept the recommended disposition as presented.

There being no further business, the meeting was adjourned.

Respectfully

Jenneen M. Pagliaro
Executive Secretary

**City of Somerville
Licensing Commission**

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

**Regular Meeting
Wednesday
February 20, 2013
6:00 p.m.**

Chairman Andrew Upton called the meeting to order. Present were Commissioner John J. McKenna, Inspector Warren Chaille & Executive Secretary Jenneen M. Pagliaro.

Minutes of the January 23, 2013 meeting were accepted as submitted.

Common Victualer License

Danny's Inc. d/b/a Romanzza Pizzeria 362 Mystic Ave., Aurora Cenolli (No show continued until next hearing).

**Wine and Malt Restaurant License
Alterations to Premises**

**Amelia's Kitchen
1137 Broadway**

Present: Delio Susi

Mr. Susi came before the Commission requesting approval for alterations to the premises by adding a bar. (Continued from January meeting).

The bar will serve food as required.

Alderman Sullivan & Alderman White are in support of this application.

On a motion duly made and seconded, it was

VOTED: to approve the alterations to premises.

Change of Manager

Center for Arts at the Armory
191 Highland Ave.

Present: Dennis Kallis

Mr. Kallis came before the Commission requesting approval for a change of manager from Debra McLaughlin to Dennis Kallis.

Mr. Kallis has 50 plus years of restaurant experience and stated he has no vested interest in this license. He is stepping in to help out the Armory. Mr. Kallis stated his goal is to work with the neighbors and has no plans to turn this venue into a night club.

Chairman Upton asked if The Armory has any intentions of applying for an All forms of alcohol license. Mr. Kallis replied maybe but wasn't sure.

Commissioner McKenna was glad to see Mr. Kallis taking over and feels he will do a good job.

John Sullivan, a neighbor voiced some concerns with traffic and noise issues.

Chairman Upton asked Mr. Kallis if he was familiar with SLC rules and regulations.

Mr. Kallis stated that he is familiar with the rules and regulations. The Armory is being soundproofed and should be finished in about a week.

Alderman Sullivan & Alderman White are in support of this application.

The Chamber of Commerce is in support.

On a motion duly made and seconded, it was

VOTED: to approve the change of manager.

Wine and Malt Package Store License

Transfer of License
& Change of Location

Foodmaster Super Markets, Inc.
d/b/a Johnnie's Foodmaster Super Market
47-49 Beacon St.

Present: Attorney Karen Simeo & Anastasios Giannopoulos

Atty. Simeo, representing McGrath Beer and Wine came before the Commission requesting approval to transfer the Wine and Malt Package Store License of Foodmaster Super Markets, Inc. d/b/a Johnnie's Foodmaster Super Market to McGrath Beer and Wine and for a change of location to 14 McGrath Highway.

The Commission was in receipt of numerous requests from the Aldermen to continue this matter until the next Licensing Commission hearing.

On a motion duly made and seconded, it was

VOTED: to continue this application until the March hearing.

All Forms Alcoholic Beverages
7 Day Restaurant

Change of Manager

Federal Wine & Spirits Belmont, Inc.
d/b/a Journeyman Restaurant
9 Sanborn Court

Present: Diana Kudajaroura

Mr. Kudajaroura came before the Commission requesting approval for a change of manager from Margaret Grady-Troia to Samuel Treadway.

Mr. Treadway has bartender experience.

Alderman Sullivan & Alderman White are support of this application.

On a motion duly made and seconded, it was

VOTED: to approve the change of manager.

SPECIAL ALCOHOL LICENSES

Hellenic Associates 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 for a fundraiser on March 16, 2013 from 6:00PM-1:00AM.

Experienced servers will be dispensing the alcohol.

Police and Fire Details have been requested.

Alderman Sullivan & Alderman White are in support of this application.

On a motion duly made and seconded, it was

VOTED: to approve the Special Alcohol License.

There being no further business, the meeting was adjourned.

Respectfully submitted
Jenneen M. Pagliaro
Executive Secretary

**City of Somerville
Licensing Commission**

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

**Regular Meeting
Monday
March 18, 2013
6:00 p.m.**

MINUTES

Chairman Andrew Upton called the meeting to order. Present were Commissioner Vito Vaccaro, Inspector Warren Chaille & Executive Secretary Jenneen M. Pagliaro.

Minutes of the February 20, 2013 meeting were accepted as submitted.

Communications

Adilia Pereira from Anthony's Functions Inc., 156 Highland Ave. notifying the Commission that this establishment has gone out of business and Ms. Pereira is currently working with a lawyer in regards to the liquor license. The Board took administrative notice.

Common Victualer License

**Danny's Inc. d/b/a Romanzza Pizzeria
362 Mystic Ave.**

Present: Aurora Cenolli

Ms. Cenolli came before the Commission requesting approval of a Common Victualer License for Romanzza Pizzeria at 362 Mystic Ave.

Ms. Aurora 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.

Special Alcohol Licenses

**MOM's Run 5K Cancer fundraiser
for Dana-Farber Cancer Institute**

Present: Gordon Pilotte

Mr. Pilotte came before the Commission requesting approval of a Special Alcohol License for the purpose of dispensing and selling alcoholic beverages for a post Road Race party gathering to be held in the Dilboy VFW parking lot on May 12, 2013 from 10:00AM-3:00PM.

Mr. Pilotte stated this event is an after party for a road race.

Experienced servers will be dispensing the alcohol.

Police and Fire Details have been requested.

On a motion duly made and seconded, it was

VOTED: to approve the Special Alcohol License.

St. Anthony's Parish, 12 Properzi Way requesting approval of a Special Alcohol License for the purpose of dispensing and selling alcoholic beverages for a Mother's Day Feast on May 11, 2013 from 8:00PM-12:00AM. (No Show continued until next months hearing).

St. Anthony's Parish, 12 Properzi Way requesting approval of a Special Alcohol License for the purpose of dispensing and selling alcoholic beverages for a Private Party on May 18, 2013 from 5:30PM-11:30PM. (No Show continued until next months hearing).

St. Anthony's Parish, 12 Properzi Way requesting approval of a Special Alcohol License for the purpose of dispensing and selling alcoholic beverages for St. John's Feast on June 22, 2013 from 5:00PM-12:00AM. (No Show continued until next months hearing).

**All Forms Alcoholic Beverages
7 Day Restaurant**

Change of Manager

**Fakhouri Inc.
d/b/a Soundbites
704-706 Broadway**

Present: Attorney William Goldberg

Atty. Goldberg, representing Soundbites came before the Commission requesting approval for a change of manager from Roberta Jo Evangelista to Greg Beadle. Mr. Beadle has experience with service of alcohol.

On a motion duly made and seconded, it was

VOTED: to approve the change of manager.

Wine and Malt Package Store License

**Transfer of License
& Change of Location**

(Continued from February 20, 2013 Hearing)

**Foodmaster Super Markets, Inc.
d/b/a Johnnie's Foodmaster Super Market
47-49 Beacon St.**

Present: Attorney Michael Ford & Anastasios Giannopoulos

Atty. Ford, representing McGrath Beer and Wine came before the Commission requesting approval to transfer the Wine and Malt Package Store License of Foodmaster Super Markets, Inc. d/b/a Johnnie's Foodmaster Super Market to McGrath Beer and Wine and for a change of location to 14 McGrath Highway.

Atty. Ford stated that this business would be a separate store within the Shaw's supermarket with a distinct entrance. This establishment would be 950 sq. feet with glass partitions separating it from Shaw's. This store would have its own employees. This store would sell high end Beer and Wine. Shaw's has zero interest in this license.

Atty. Ford feels that there is a need for a Beer & Wine license in this area. This would be a convenience for the customers at Shaw's to be able to do one stop shopping. The store will have a separate surveillance system which the client will operate.

A petition of 3000 signatures in support was submitted for the record.

The applicant has run two other stores and has not had any violations.

Alderman Heuston has been contacted in regards to this transfer and no meetings were set up. A detailed letter was sent to Ald. Heuston from the applicant to answer any questions or concerns the City or neighbors may have.

Chairman Upton stated the e-mails that were sent to the community were not clear on who would be running this business. It appears that the neighborhood responses sent to Alderman Heuston think that Shaw's will be holding this license and a lot of the neighbors are against Shaw's having this license.

Commissioner Vaccaro thought this was a good business plan but wanted to see the layout before he would vote on this.

Chairman Upton asked Atty. Ford if they had met with the neighbors, Atty. Ford answered that his meeting requests have gone unfulfilled.

Chairman Upton recommended that the applicant make contact with Ald. Heuston for a meeting.

Dean Coloritino, Manager of Shaws stated that Shaw's are only allowed a certain number of licenses and they pick and choose the locations within the state. They would rather have a tenant at this location. They have other stores in mind for their store owned licenses.

Alderman Sullivan spoke against this application and submitted an article from University of Minnesota in regards to Package Stores that are too close in proximity that have problems.

Alderman White spoke in opposition to this application and questioned if public need is being served by locating a new license across the Street from an existing license.

Six people spoke in support of this application.

Ben Weiner business owner of Sav-mor Liquors spoke in opposition of this application. He presented 500 signatures against this transfer for the record. Mr. Weiner feels this could affect other businesses and questioned the business having one entrance & exit in regards to the fire law and also deliveries coming through the store.

Atty. Ford felt that they were taking a license and moving into a better location. This would be a fine wine and beer store. This is a separate distinct store not Shaw's. Atty. Ford stated that hearing that this is business competition should not be a factor to deny a license. These stores will be separated by a multi lane highway and not serving the same need.

Commissioner Vaccaro made a motion to continue this meeting.

Chairman Upton stated he was inclined to second the motion and stated that maybe a compromise could be reached for reduced hours and suggested that the applicant should reach out to the elected officials and the neighborhood.

Chairman Upton recommended that they make contact with Ald. Heuston for a meeting.

On a motion duly made and seconded, it was

VOTED: To Continue this matter until the April 22, 2013 Hearing.

There being no further business, the meeting was adjourned.

Respectfully

Jenneen M. Pagliaro
Executive Secretary

**City of Somerville
Licensing Commission**

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

**Regular Meeting
Monday
April 22, 2013
6:00 p.m.**

MINUTES

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

Minutes of March 18, 2013 meeting were accepted as submitted.

Common Victualer Licenses

**Starbuck Coffee Company
d/b/a Starbucks Coffee
77 Middlesex Ave.**

Present: Daniel Brennan

Mr. Brennan came before the Commission requesting approval of a Common Victualer license for Starbuck Coffee, 77 Middlesex Ave.

This business will have 57 seats and plans to be open in three weeks time.

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.

**Somerville Café
376 Mystic Ave.
Paul Quinn**

Present: Paul Quinn

Mr. Quinn came before the Commission requesting approval of a Common Victualer license for Somerville Café, 376Mystic Ave.

Mr. Quinn 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.

Union Square Companies
d/b/a Union Square Donuts
16 Bow St.

Present: Joshua Danoff

Mr. Danoff came before the Commission requesting approval of a Common Victualer license for Union Square Donuts, 16 Bow St.

Mr. Danoff stated that this business was operating at 201 Somerville Ave. An opportunity has come up to share the space occupied by Café Tango at 16 Bow St.

The City has approved this request to have two businesses sharing the Café.

Chairman Upton stated that both licensees must adhere to their requested hours and let the Commission know of any changes.

Mimi Graney of Union Square Main Streets spoke in support of this application.

Special Alcohol License

St. Anthony's Parish
12 Properzi Way

Present: Odilon Araujo

Mr. Araujo 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 on May 11, 2013 from 8:00PM-12:00AM.

Inspector Chaille stated they have had some noise issues in the past.

Chairman Upton advised the licensee to be aware of noise and parking with respect to the neighbors.

Experienced servers will be dispensing the alcohol.

Police and Fire Details have been requested.

On a motion duly made and seconded, it was

VOTED: to approve the Special Alcohol License.

St. Anthony's Parish
12 Properzi Way

Present: Odilon Araujo

Mr. Araujo came before the Commission requesting approval of a Special Alcohol License for the purpose of dispensing and selling alcoholic beverages for a Private Party on May 18, 2013 from 5:30PM-11:30PM.

Experienced servers will be dispensing the alcohol.

Police and Fire Details have been requested.

On a motion duly made and seconded, it was

VOTED: to approve the Special Alcohol License.

St. Anthony's Parish,
12 Properzi Way

Present: Odilon Araujo

Mr. Araujo 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 on June 22, 2013 from 5:00PM-12:00AM.

Experienced servers will be dispensing the alcohol.

Police and Fire Details have been requested.

On a motion duly made and seconded, it was

VOTED: to approve the Special Alcohol License.

Trustees of Tufts College

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 to be held at Fletcher Field, Professors Row on May 17, 2013 from 7:00PM-9:45PM.

Experienced servers will be dispensing the alcohol.

Police and Fire Details have been requested.

On a motion duly made and seconded, it was

VOTED: to approve the Special Alcohol License.

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

Present: Teddy Menounos

Mr. Menounos came before the Commission requesting approval of a Special Alcohol license for the purpose of dispensing and selling alcoholic beverages for an Anniversary Party on May 11, 2013 from 6PM-12AM.

Experienced servers will be dispensing the alcohol.

Police and Fire Details have been requested.

On a motion duly made and seconded, it was

VOTED: to approve the Special Alcohol License.

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

Present: Teddy Menounos

Mr. Menounos came before the Commission requesting approval of a Special Alcohol license for the purpose of dispensing and selling alcoholic beverages for a Trivia Night Fundraiser on May 17, 2013 from 7PM-12AM.

Experienced servers will be dispensing the alcohol.

Police and Fire Details have been requested.

On a motion duly made and seconded, it was

VOTED: to approve the Special Alcohol License.

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

Present: Teddy Menounos

Mr. Menounos came before the Commission requesting approval of a Special Alcohol license for the purpose of dispensing and selling alcoholic beverages for a Gyro Day Fundraiser on May 18, 2013 from 12PM-9PM.

Experienced servers will be dispensing the alcohol.

Police and Fire Details have been requested.

On a motion duly made and seconded, it was

VOTED: to approve the Special Alcohol License.

Special Farmer Winery Licenses

Carr's Ciderhouse

Present: Nicole Blum

Ms. Blum 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 Union Square Farmer's Market to be held at the Union Square Plaza on Saturdays, June 1, 2013 thru Nov. 23, 2013 from 9AM-1PM.

On a motion duly made and seconded, it was

VOTED: to grant the Special Farmer Winery license as presented.

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

Present: David Neilson

Mr. Neilson, representing Kip 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 Union Square Farmer's Market to be held at the Union Square Plaza on Saturdays, June 1, 2013 thru Nov. 23, 2013 from 9AM-1PM.

On a motion duly made and seconded, it was

VOTED: to grant the Special Farmer Winery license as presented.

David 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 Union Square Farmer's Market to be held at the Union Square Plaza on Saturdays, June 1, 2013 thru Nov. 23, 2013 from 9AM-1PM.

On a motion duly made and seconded, it was

VOTED: to grant the Special Farmer Winery license as presented.

Green River Ambrosia LLC

Present: Mimi Grainey

Ms. Grainey, representing Green River Ambrosia 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 Union Square Farmer's Market to be held at the Union Square Plaza on Saturdays, June 1, 2013 thru Nov. 23, 2013 from 9AM-1PM.

On a motion duly made and seconded, it was

VOTED: to grant the Special Farmer Winery license as presented.

All Forms Alcoholic Beverages
7 Day Restaurant

Alterations To Premises

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

Present: Attorney Anne Vigorito

Atty. Vigorito came before the Commission requesting approval for alterations to premises to expand into the building located next door to the premises.

Atty. Vigorito stated this business will be expanding into the building next store which was formerly occupied by Ideal Engine. They are waiting on Zoning approval. The business will have 95 seats with a small bar and some additional bowling lanes. This space will be used mainly for private events.

On a motion duly made and seconded, it was

VOTED: to approve the alterations to premises.

Pledge of License

Bull McCabe's
366A Somerville Ave.

Present: Brian Manning

Mr. Manning came before the Commission requesting approval for a pledge of license to Cambridge Trust Company.

On a motion duly made and seconded, it was

VOTED: to approve the Pledge of license.

(One available) Wine and Malt Restaurant License (City License-Non Transferable)

Yoshi's Japanese Korean Cuisine
132 College Ave.

Present: Attorney Neil Berman

Atty. Berman came before the Commission requesting approval for a Wine and Malt License.

Atty. Berman stated that his client bought this business in 2011 and has applied one time for a Wine and Malt license without success. This licensee plans to stay at the location for a long time. This is the only Japanese restaurant in this neighborhood. A lot of the area restaurants have alcohol licenses and his customers are requesting the same of his establishment. Atty. Berman stated that he spoke with Alderman Gerwartz and she is in support of this application. The previous owner of this establishment has applied for Wine and Malt in the past as well without success.

The building owner spoke in support of this application.

Four people spoke in support and No one spoke in opposition.

George Proakis of OSPCD made a recommendation to support this establishment.

On a motion duly made and seconded, it was

VOTED: To grant the Wine and Malt Restaurant license.

Aguacate Verde
13 Elm St.

Present: Attorney William Goldberg

Atty. Goldberg, representing Aguacate Verde came before the Commission requesting approval for a Wine and Malt License.

Atty. Goldberg stated his client has applied three times in the past for a wine and malt license without success.

This business offers a unique concept by offering vegan meals and this area needs development.

The Owner Ms. DeLaSota has been a Somerville resident for 15 years and participates in community events.

Alderman O'Donovan sent an e-mail in support.

1000 signatures in support were submitted for the record.

Five residents spoke in support of this application.

George Proakis of OSPCD stated this is not in an economic development area and because there is only one license they can't recommend this applicant at this time. However they feel both Yoshi's and Aguacate Verde are good candidates for a Wine and Malt license.

Commissioner McKenna questioned whether an applicant can apply for two different types of alcohol licenses at one time.

Chairman Upton stated the City Solicitor said it was allowed.

On a motion duly made and seconded, it was

VOTED: To deny the Wine and Malt Restaurant license but Chairman Upton encouraged Ms. DeLaSota to come back when a Wine & Malt license does become available.

**(Five available) All Forms Alcoholic Beverages 7 Day Restaurant Licenses
(City Licenses-Non Transferable)**

**Aguacate Verde
13 Elm St.**

Present: Attorney William Goldberg

Atty. Goldberg came before the Commission requesting approval for an All Forms Alcoholic Beverages 7 Day Restaurant License.

George Proakis of OSPCD stated this is not in an economic development area and feels this establishment was not good fit for an all forms license.

On a motion duly made and seconded, it was

VOTED: To deny the All Forms Alcoholic Beverages 7 Day Restaurant License.

**Area Four Somerville Operating LLC
d/b/a A4 Restaurant
445 Somerville Ave.**

Present: Attorney Karen Simeo

Atty. Simeo, representing A4 Restaurant came before the Commission requesting approval for an All Forms Alcoholic Beverages 7 Day Restaurant License, Common Victualer License and an Entertainment License consisting of Entertainment by Devices.

Atty. Simeo stated this licensee currently operates a restaurant in Cambridge with alcohol service. This business will have 36 seats. Atty. Simeo stated that they have Alderman Houston's support.

George Proakis of OSPCD made a recommendation to support this establishment.

On a motion duly made and seconded, it was

VOTED: To grant the All Forms Alcoholic Beverages 7 Day Restaurant License.

Legendary Burger Concepts, LLC d/b/a Burger Dive, 702 Assembly Square Drive requesting approval for an All Forms Alcoholic Beverages 7 Day Restaurant License. (This applicant withdrew the application before the meeting).

Davis Square WOB, LLC d/b/a World of Beer, 240 Elm St. requesting approval for an All Forms Alcoholic Beverages 7 Day Restaurant License, Common Victualer License and an Entertainment License consisting of Entertainment by Performers and Entertainment by Devices.

(THE APPLICANT FOR WORLD OF BEER WISHES TO WITHDRAW THIS APPLICATION WITHOUT PREJUDICE)

Wine and Malt Package Store License

**Transfer of License
& Change of Location**

(Continued from March 18, 2013 Hearing)

Present: Attorney Michael Ford

Atty. Ford, representing McGrath Beer and Wine came before the Commission requesting approval to transfer the Wine and Malt Package Store License of Foodmaster Super Markets, Inc. d/b/a Johnnie's Foodmaster Super Market to McGrath Beer and Wine and for a change of location to 14 McGrath Highway.

The Public Hearing was closed at the April 22, 2013 meeting. The applicant was requested to do outreach to the neighborhood.

Chairman Upton stated that people should make their comments brief.

Commissioner McKenna was not at the April Hearing but has since listened to the audio in regards to this application.

Atty. Ford stated that he had submitted exhibits for the record at the last Hearing and stated a long line of people spoke in support of this transfer. Those who spoke in opposition sounded like they didn't want any business competition. Which is not grounds to deny a transfer of license

Commissioner Vaccaro visited the establishment and stated the manager of Shaws did not know exactly where this business would be located within the store.

Atty. Ford explained the layout to the Commission.

Chairman Upton questioned Atty. Ford about the extent of the outreach done.

Atty. Ford stated they submitted 3000 signatures for the record.

Ald. Heuston stated that she received some concerns from a few neighbors and has some concern about people hanging out in the parking lot area. Ald. Heuston feels there are

plenty of empty store fronts in the City that can be rented and there is no reason to have to put a store with in a store.

Ald. Heuston is not in support of this application.

Ald. Bastardi, Connolly, Sullivan & White do not support this application.

State Representative Toomey sent a letter in opposition to this application.

Chairman Upton stated he is not persuaded by the testimony in opposition to this application. There seems to be a lot of support for this and with respect to the liquor store across the way that can not be a factor in the decision to decide a transfer of this license.

Commissioner McKenna made a motion to approve.

Upon motion duly made and seconded, it was

VOTED: To approve the transfer of the Wine and Malt Package Store License and Change of location.

Commissioner Vaccaro voted NO.

Chairman Upton put a motion on the table to accept MGL 138 33B to allow restaurants with alcohol licenses to serve alcohol at 10AM on Sundays.

A motion was made to accept this change on a case by case basis.

Motion was seconded, and approved

Commissioner Vaccaro voted NO.

This matter will be referred to the City Solicitor and The City Clerk for any guidelines and/or fees.

There being no further business, the meeting was adjourned.

Respectfully

Jenneen M. Pagliaro
Executive Secretary

**City of Somerville
Licensing Commission**

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

**Regular Meeting
Wednesday
May 22, 2013
6:00 p.m.**

MINUTES

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

Minutes of the April 22, 2013 meeting were accepted as submitted.

Communications

Board of Aldermen submitting Board Order #194760 adopted at the April 25, 2013 BOA meeting. Requesting the Licensing Commission, investigate why the Arts at the Armory used their driveway for a cookout and staging area on April 20th and report back to the BOA any violations that took place that day.

Alderman Bruce Desmond stated he was called about noise in the parking lot at the Armory and went to The Armory to investigate. Ald. Desmond stated that the Armory was cooking food outdoors after hours and alcohol was being consumed as well.

Chairman Upton made a request that the Police Department investigate this incident and have the Armory appear before the Commission for a show cause hearing.

Common Victualer License

**Moroccan Hospitality Restaurant
585 Somerville Ave.**

Present: Amina McTursh

Ms. McTursh came before the Commission requesting approval of a Common Victualer license for 585 Somerville Ave.

This business will have 42 seats.

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.

Style Café, Inc.
50 Middlesex Ave.

Present: Edenir G. Liz & Juan Barcia

Mr. Liz came before the Commission requesting approval of a Common Victualer license for 50 Middlesex Ave.

This applicant has another restaurant in Charlestown and plans to open the new restaurant in September.

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.

Special Alcohol Licenses

On Stage Dance Company
276 Broadway

Present: Melissa Gill

Ms. Gill came before the Commission requesting approval of a Special Alcohol License for the purpose of dispensing and selling alcoholic beverages for a “Roaring 20’s” Fundraiser on June 1, 2013 from 7:30PM-12AM.

Ms. Gill stated this is a dance studio.

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: Philip Dres

Mr. Dres came before the Commission requesting approval of a Special Alcohol License for the purpose of dispensing and selling alcoholic beverages for a Cancer Awareness Reunion on June 9, 2013 from 5PM-10PM.

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: Eric Hamel

Mr. Hamel came before the Commission requesting approval of a Special Alcohol License for the purpose of dispensing and selling alcoholic beverages for a Conference Bureau-Medford Rotary Club Dinner on June 15, 2013 from 6:30PM-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.

Portuguese American Civic League

Present: Izzy Mendonca

Mr. Mendonca came before the Commission requesting approval for Three Special Alcohol Licenses for the purpose of dispensing and selling alcoholic beverages for Annual Feast of the Holy Spirit to be held July 12 & July 13, 2013 from 7PM-12AM and July 14, 2013 from 3PM-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 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 Bike to Work Week Party to be held outdoors at Chester St. to Herbert St. Intersection on June 3, 2013 from 5PM-10PM (Rain date June 10, 2103).

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 as presented.

Farmer Winery License

Westport Rivers Inc.

Present: Yvonne Rogers

Ms. Rogers came before the Commission requesting approval of a Special Farmer Winery License to sell wine produced by the licensee for off-premises consumption for The Davis Square Farmer's Market on Wednesdays, May 22 through Nov. 27, 2013 from 12PM-6PM.

On a motion duly made and seconded, it was

VOTED: to grant the Special Farmer Winery license as presented.

All Forms Alcoholic Beverages
7 Day Restaurant

Transfer of Stock and New Officer/Director
Change of Manager

AOD, Inc.
d/b/a On the Hill Tavern
499 Broadway

Present: Attorney Thomas Fothergill

Atty. Fothergill came before the Commission requesting approval for Transfer of Stock and change of Manager from Timothy Taddia to Mark Antonelli and to appoint Mark Antonelli as Clerk and Director.

Atty. Fothergill stated that this would be a transfer of stock, change of manager and change to directors from Timothy Taddia to Mark Antonelli.

Mr. Antonelli has been working at this business for the last ten years.

Commissioner Vaccaro stated that in the past he has told the owners of this business that they need to be more present to avoid any problems.

***Alderman Bruce Desmond spoke in support of this application.

On a motion duly made and seconded, it was

VOTED: to grant the transfer of stock, new officer/director
& change of manager.

Extension to Premises

AnnexTW, Inc. d/b/a BRONWYN
255 Washington St.

Present: Tim Wiechman

Mr. Wiechman came before the Commission requesting approval for an extension to the premises to serve alcohol in the outdoor seating area.

This business opened last week and serves German food.

Mr. Weichman stated that the neighbors are supportive of this application.

On a motion duly made and seconded, it was

VOTED: to grant the extension to premises to service alcohol on outdoor patio

Bull McCabe's Pub,
366A Somerville Ave.

Present: Brian Manning

Mr. Manning came before the Commission requesting approval for an extension to the premises to serve alcohol in the outdoor seating area.

Mr. Manning stated this is private property owned by the Somerville Family Center.

A petition posted on Facebook supporting this application was submitted for the record.

Robert Elliot spoke in favor of this application.

On a motion duly made and seconded, it was

VOTED: to grant the extension to premises and to service alcohol on outdoor patio.

(4 available New City Licenses-Non Transferable)
All Forms Alcoholic Beverages 7 Day Restaurant Licenses

Mark Food Enterprises, Inc.
d/b/a Oliveira's Steak House
120 Washington St.

Present: Attorney Patrick MacDonald

Atty. MacDonald representing Oliveira's Steak House came before the Commission requesting approval for an All Forms Alcoholic Beverages 7 Day Restaurant License.

This is a Brazilian Theme steak house with occupancy for 150 people. This restaurant opened in 2012 with a long term lease. The owner previously owned a restaurant in Peabody Ma which they sold. The proper paperwork was never filed with the City and State to transfer the license. A violation occurred while under new ownership but the paperwork was still listed in the old owner's name. A second violation was issued citing improper transfer of license. The owner did file the correct paperwork for the transfer of the license to correct the mistake.

The applicant feels the license will upgrade service and improve the business establishment. This is a large restaurant that would benefit from a license.

Commissioner McKenna stated he would vote against this due to concerns with violations in Peabody and feels the applicant can't plead ignorance. They should know the rules and regulations.

Commissioner Vaccaro stated he had been to the establishment a couple of time and feels that the restaurant is in a good location with plenty of parking and stated he was going to vote in favor of this application.

Chairman Upton stated he would like to see more community outreach and greater demonstration of public need.

Edward O'Donnell of OSPCD stated that they are unable to recommend approval of this license at this time due to concerns with the violations from Peabody.

Atty. MacDonald stated that he did send a notice by mail and left a phone message for the Ward Alderman.

On a motion duly made and seconded, it was

VOTED: To Deny the All Forms Alcoholic Beverages 7 Day Restaurant License.

Commissioner Vaccaro voted Opposed.

Amelia Kitchen
1137 Broadway

Present: Delio Susi

Ms. Susi came before the Commission requesting approval to upgrade a Wine & Malt Restaurant license to an All Forms Alcoholic Beverages 7 Day Restaurant License.

Mr. Susi stated he has had a Wine & Malt License at this restaurant since 2000 and has had no violations.

***Alderman Bruce Desmond spoke in support of this application.

On a motion duly made and seconded, it was

VOTED: To approve the upgrade to an All Forms Alcoholic Beverages 7 Day Restaurant License.

LATE ITEM

Matthew Price
Starlabs Recording Studio

Present: Matthew Price came before the Commission requesting of a Special Alcohol License for the purpose of dispensing and selling alcoholic beverages for an Outdoor concert/yard sale fundraiser on June 15, 2013 from 12PM-9PM at 32 Prospect St. parking lot. (rain date June 22, 2013).

Mr. Price stated this is the second year they have served Beer at this festival. They had no problems last year.

They are raising funds to relocate due to the green line coming and the City taking the property by eminent domain.

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.

There being no further business, the meeting was adjourned.

Respectfully submitted

Jenneen M. Pagliaro
Executive Secretary

**City of Somerville
Licensing Commission**

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

**Regular Meeting
Wednesday June 19, 2013
6:00 p.m.**

MINUTES

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

Minutes of the May 22, 2013 meeting were accepted as submitted.

COMMUNICATIONS

Cory Mashburn Director of Somerville Office of Prevention re: notice of annual Compliance Checks at local retailers. The Board took administrative notice and placed the communication on file.

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

Volunteers of America notifying Commission of a reception to be held at 2 North St. on July 30, 2013 from 6PM-8PM (Beer and Wine from Above and Beyond Catering). (Notice of date change. New date August 7, 2013). The Board took administrative notice and placed the communication on file.

INNHOLDER LICENSE

**The Morrison House
221 Morrison Ave.**

Present: Linda Dynnesm

Ms. Dynnesm came before the Commission requesting approval for an Inn holder License at 221 Morrison Ave.

Ms. Dynnesm stated that her Inn has been opened for 11 years. She was recently notified by the City that she needed licenses.

This Inn has 5 bedrooms and serves continental breakfast.

Chairman Upton stated Ms. Dynnesm should be familiar with the City rules and regulations.

On a motion duly made and seconded, it was

VOTED: to approve the Inn holder's license.

COMMON VICTUALER LICENSE

The Morrison House 221 Morrison Ave.

Present: Linda Dynnesm came before the Commission requesting approval of a Common Victualer license for 221 Morrison Ave.

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.

SPECIAL ALCOHOL LICENSES

St. Catherine of Genoa Parish 179 Summer St.

Present: Peter Eagan

Mr. Eagan came before the Commission requesting approval of a Special Alcohol License for the purpose of dispensing and selling alcoholic beverages for Fr. McHugh's 25th Anniversary Ordination on June 21, 2013 from 7PM to 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.

St. Anthony's Parish
12 Properzi Way

Present: Father Ademir Guerini

Father Ademir came before the Commission requesting approval of a Special Alcohol License for the purpose of dispensing and selling alcoholic beverages for private Wedding party on June 29, 2013 from 7PM-11PM.

Experienced servers will be dispensing the alcoholic beverages.

Police and Fire Details have been requested.

On a motion duly made and seconded, it was

VOTED: to grant the Special Alcohol License as presented.

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 Krystal Campbell Scholarship memorial Fundraiser to be held at Grove St. parking lot on June 30, 2013 from 2PM-8PM (rain date July 14, 2013).

Experienced servers will be dispensing the alcoholic beverages.

Police 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: Theo Menounos

Mr. Menounos came before the Commission requesting approval of a Special Alcohol License for the purpose of dispensing and selling alcoholic beverages for a Baby Shower on July 27, 2013 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.

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

Present: Theo Menounos

Mr. Menounos came before the Commission requesting approval of a Special Alcohol License for the purpose of dispensing and selling alcoholic beverages for Annual Festival on Sept. 6, 2013 6-11PM, Sept. 7, 2013 12-11PM & Sept. 8, 12-9PM.

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.

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

Present: Theo Menounos

Mr. Menounos came before the Commission requesting approval of a Special Alcohol License for the purpose of dispensing and selling alcoholic beverages for an Engagement Party on Sept. 20, 2013 from 7PM-11PM.

Experienced servers will be dispensing the alcoholic beverages.

Police and Fire Details have been requested.

On a motion duly made and seconded, it was

VOTED: to 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: Theo Menounos

Mr. Menounos came before the Commission requesting approval of a Special Alcohol License for the purpose of dispensing and selling alcoholic beverages for a Fundraiser for Somerville Local First on June 21, 2013 from 7PM-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.

FRLP, Inc.

Present: Michael Kelleher

Mr. Kelleher came before the Commission requesting approval of Special Alcohol Licenses for the purpose of dispensing and selling alcoholic beverages for a Tent Show with Performers at 300 Grand Union Blvd. (Assembly Row area) from July 28, 2013-August 26, 2013 (30 total).

Mr. Kelleher stated The Board of Aldermen has approved this as well as the Zoning and Planning Board.

This show runs all over the country.

Ed O'Donnell, Director of Economic Development spoke in support of this application and stated he was involved in the planning meeting for this event.

The Chamber of Commerce spoke in support of this event.

Experienced servers will be dispensing the alcoholic beverages.

Police and Fire Details have been requested.

On a motion duly made and seconded, it was

VOTED: to grant the Special Alcohol Licenses as presented.

ALL FORMS ALCOHOL PACKAGE GOODS LICENSE

CHANGE OF MANAGER

Ball Square Fine Wine & Liquors
716 Broadway

Present: Jonathan Vargas

Mr. Vargas came before the Commission requesting approval for a change of manager from Chris Lianos to Jonathan Vargas.

Mr. Vargas has eight years experience.

On a motion duly made and seconded, it was

VOTED: to grant the Change of Manager as presented.

(3 AVAILABLE (NEW) CITY LICENSES-NON TRANSFERABLE)
ALL FORMS ALCOHOLIC BEVERAGES 7 DAY RESTAURANT LICENSES.

KFSS Corp. d/b/a Kebab Factory
414 Washington St.

Present: Attorney Ann Vigorito

Atty. Vigorito, representing Kebab Factory came before the Commission requesting approval for a New All Forms Alcoholic Beverages 7 Day Restaurant License.

Atty. Vigorito stated the Kebab Factory has been in business since 2000. However her clients took ownership in January 2013. This location had a Beer and Wine license under the old ownership. This was a City Owned license and was returned to the City before the sale of the business to the new owners. That city owned license has been issued to another establishment. The City has no available licenses at this time, so they are applying for one of the available all forms licenses and feels the license will help the business.

Edward O'Donnell, Director of Economic Development stated they are not recommending approval of this application at this time, the owners need more experience. Mr. O'Donnell noted that the Kebab Factory website still advertises Beer and Wine and they may want to remove that ad.

Atty. Vigorito stated that Atty. DiGirolamo spoke to the Ward Alderman.

Mr. O'Donnell stated that he spoke to Ald. Heuston and Ald. Heuston wasn't aware of this application.

The owner had worked in a restaurant for 15 years.

Commissioner McKenna stated he is going to vote no on this application and feels the applicant doesn't have enough management experience.

Chairman Upton stated this establishment would be a better fit with a Beer and Wine License, just not enough support for an all forms license.

Atty. Vigorito made a request to Withdrawn this application without prejudice.

The application is Withdrawn.

(3 AVAILABLE (NEW) CITY LICENSES-NON TRANSFERABLE)
ALL FORMS ALCOHOLIC BEVERAGES 7 DAY RESTAURANT LICENSES.
ASSEMBLY ROW

Legendary Burger Concepts, LLC
d/b/a Burger Dive
702 Assembly Square Drive

Present: Brad Dalbeck

Mr. Dalbeck came before the Commission requesting approval for a New All Forms Alcoholic Beverages 7 Day Restaurant License.

Mr. Dalbeck stated they would sell Beer and Wine and Spiked milkshakes to go along with the menu.

Commissioner Vaccaro felt that this type of burger place isn't conducive for a liquor license. Mr. Vaccaro has visited this establishment and stated that a lot of families frequent this business and feels this isn't the type of place that needs a license.

Mr. Dalbeck stated they are going to make changes to make it a full service restaurant, when they are approved for this license. This will fill the void for a casual restaurant in the Assembly Sq. area.

Commissioner McKenna wasn't convinced that a burger place needs an all forms license.

Mr. Dalbeck stated they need this license to stay competitive with the other place that will be opening soon.

Ed O'Donnell, Director of Economic Development recommended approval of this application.

David Webster of Federal Realty, the property owner invited the Commission to come over to the property and look at the model for Assembly Sq. to better understand. Mr.

Webster stated he worked with the City on the legislation to get these licenses for Assembly Row.

On a motion duly made and seconded, it was

VOTED: to grant the New All Forms of Alcohol Restaurant License

Commission Vaccaro Voted NO

Papagayo Somerville, Inc.
d/b/a Papagayo
331 Great River Road

Present: Brad Dalbeck

Mr. Dalbeck came before the Commission requesting approval for a New All Forms Alcoholic Beverages 7 Day Restaurant License, Common Victualer license & Entertainment License by Performers and Devices.

Mr. Dalbeck stated this is a full service Mexican license.

Ed O'Donnell, Director of Economic Development recommended approval of this application.

On a motion duly made and seconded, it was

VOTED: to grant the New All Forms of Alcohol Restaurant License, Common Victualer & Entertainment License.

American Multi-Cinema, Inc.
d/b/a AMC Theatre Assembly Row 12
395 Artisan Way

Present: Attorney Karen Simeo

Atty. Simeo, representing AMC Theatres came before the Commission requesting approval for a new All Forms Alcoholic Beverages License, Common Victualer license & Entertainment License consisting of twelve (12) screen movie theatres.

Atty. Simeo stated this is the second largest theatre operation and this would be the anchor tenant in Assembly Square.

All employees are tips trained and all customers will be carded. This theatre will consist of luxury recliners with 1500 seats. This company has a great control policy in regards to alcohol service.

Ian Judge, manger of the Somerville Theartre spoke in support of the alcohol license, However expressed concerns in regards to the Entertainment license. Mr. Judge wanted to make sure there wouldn't be any problems with both theartres showing the same movies.

Mr. Peterson, of AMC stated he wasn't sure about that and would get back to him.

On a motion duly made and seconded, it was

VOTED: to grant the New All Forms of Alcohol Restaurant License, Common Victualer & Entertainment License.

LATE ITEMS

COMMON VICTUALER LICENSE

Simiran JIT, Corp.
d/b/a Barbecue International
40 Bow St.

Present: Attorney William Goldberg

Atty. Goldberg representing, Simiran JIT, Corp. came be requesting approval of a Common Victualer license for 40 Bow St.

Atty. Goldberg stated the Name of this business is going to be **Jimbo's the Kabob Corner, not Barbecue International as stated in application.**

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.

There being no further business, the meeting was adjourned.

Respectfully submitted

Jenneen M. Pagliaro
Executive Secretary

**City of Somerville
Licensing Commission**

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

**Regular Meeting
Monday
July 15, 2013
6:00 p.m.**

MINUTES

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

Minutes of the June 19, 2013 meeting were accepted as submitted.

RULES

Assistant City Solicitor Jason Grossfield submitting a draft for a proposed change to the Somerville Licensing Commission's Rules and Regulations in regards to Movie Theatre/Liquor Licenses. ASC Grossfield recommended making three changes to the rules in regulations as relates to theatres as follows: Striking Section 1.06 Physical Premises in its entirety; Deleting the words "theatres with large screen(s) for movie showing" as appearing in the last sentence of Section 7.01 Policy Statement Regarding the Issuance of Wine and Malt Beverage Only Licenses Issued After January 1, 2000; and Striking Section 7.10.b Minimum and Maximum Seating Capacity in its entirety.

On a motion duly made and seconded, it was

VOTED: to grant the Changes to the Somerville Licensing Commission Rules and Regulations as submitted.

COMMUNICATIONS

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

Alcoholic Beverages Control Commission Notice of Hearing, T & T Ocean Liquors, 8 Main St. The Board took administrative notice and placed the Communication on file.

Alcoholic Beverages Control Commission Notice of Hearing, On The Hill Tavern, 499 Broadway. The Board took administrative notice and placed the Communication on file.

SPECIAL ALCOHOL LICENSES

*****THIS APPLICATION HAS BEEN WITHDRAWN*****

City of Somerville-Mayor's Office requesting approval of a Special Alcohol License for the purpose of dispensing and selling alcoholic beverages for East Broadway Streetscape Groundbreaking Celebration on July 15, 2013 from 6:30PM-9:00PM at Cross St. Senior Center.

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 & Herbert Sts. Intersection on July 29, 2013 from 5:00PM-10:00PM. Rain date Aug. 5, 2013.

This is the annual fundraiser for the Somerville Homeless Coalition.

Experienced servers will be dispensing the alcoholic beverages.

Police Details and Fire Details have been requested.

On a motion duly made and seconded, it was

VOTED: to grant the Special Alcohol License as presented.

Petra Somerville LLC
d/b/a Brooklyn Boulders
12A Tyler St.

Present: Veronica Dale

Ms. Dale came before the Commission requesting approval of a Special Alcohol License for the purpose of dispensing and selling alcoholic beverages for a Grand Opening Party on July 31, 2013 from 5:00PM-12:00AM.

Ms. Dale stated that this business is a rock climbing gym, community work space and exercise facility.

Experienced servers will be dispensing the alcoholic beverages.

Police Details and Fire Details have been requested.

On a motion duly made and seconded, it was

VOTED: to grant the Special Alcohol License as presented.

Petra Somerville LLC
d/b/a Brooklyn Boulders
12A Tyler St.

Present: Veronica Dale

Ms. Dale came before the Commission requesting approval of a Special Alcohol License for the purpose of dispensing and selling alcoholic beverages for a Chamber of Commerce Innovations Tour on July 15, 2013 from 6:30PM-8:30PM.

Ms. Dale stated this request is for a Chamber of Commerce meeting.

Experienced servers will be dispensing the alcoholic beverages.

Police Details and Fire Details have been requested.

On a motion duly made and seconded, it was

VOTED: to grant the Special Alcohol License as presented.

FRLP, Inc.

Present: Michael Kelleher

Mr. Kelleher came before the Commission requesting approval of a change to the dates of the Special Alcohol Licenses that were granted at the June 19th Hearing for a Tent Show with Performers at 300 Grand Union Blvd. (Assembly Row area) from July 28, 2013-August 26, 2013 (30 total). The New Dates requested are August 7, 2013-September 6, 2013.

Mr. Kelleher stated that the show is currently running in Montreal, longer than expected, which in turn will delay the start of the Somerville shows.

Experienced servers will be dispensing the alcoholic beverages.

Police Details and Fire Details have been requested.

On a motion duly made and seconded, it was

VOTED: to grant the change to the Special Alcohol License as presented.

Cavalia USA Inc.

Present: Michael Kelleher

Mr. Kelleher, representing Cavalia USA, Inc. came before the Commission requesting approval of a Special Alcohol Licenses for the purpose of dispensing and selling alcoholic beverages for a Tent Show with Performers at 300 Grand Union Blvd. (Assembly Row area) from Sept. 12, 2013-Sept. 29, 2013 (16 total).

Mr. Kelleher stated these 16 licenses should cover the rest of the dates for this event.

Experienced servers will be dispensing the alcoholic beverages.

Police Details 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 LICENSES

MHFL d/b/a New Pizza Palace
222 Somerville Ave.

Present: Hassan Ibrahim

Mr. Ibrahim came before the Commission requesting approval for a Common Victualer license for 222 Somerville Ave.

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.

Pennypackers Fine Food, Inc.
d/b/a Pennypackers
514C Medford St.

Present: Ryan McGuire

Mr. McGuire came before the Commission requesting approval for a Common Victualer license for 514C Medford St.

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

***Alderman O’Keefe is in support of this application.

VOTED: To approve the Common Victualer license as presented.

Some ‘ting Nice Restaurant
561 McGrath Highway
Kirk Cambridge- Delpesche

Present: Kirck Cambridge-Delpesche

Mr. Cambridge-Delpesche came before the Commission requesting approval for a Common Victualer license for 561 McGrath Highway.

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

Chairman Upton asked the applicant to remove the advertisement of alcohol from the menu, they do not have an alcohol license.

On a motion duly made and seconded, it was

VOTED: To approve the Common Victualer license as presented.

Cuisine En Locale, Inc.
156 Highland Ave.
JJ Gonson

Present: Attorney Richard DiGirolamo

Atty. DiGirolamo, representing Cuisine En Locale, Inc., came before the Commission requesting approval for a Common Victualer license for 156 Highland Ave.

Atty. DiGirolamo stated that this address is the site of Anthony’s Functions.

Ms. Gonson, the new owner is currently working out of a shared kitchen doing catering. Her plan is to operate an on and off premise business at this location.

Attorney DiGirolamo stated that Ms. Gonson will be applying for an Entertainment license and for the transfer of the liquor license at the next hearing.

On a motion duly made and seconded, it was

VOTED: To approve the Common Victualer license as presented.

VIOLATION

The Center for Arts at the Armory
191 Highland Ave.

Present: Assistant City Solicitor Grossfield & Lea Ruscio from Arts at the Armory

The Board is in a receipt of an e-mail for Attorney Adam Dash, who will be representing the Armory. Atty. Dash requested this hearing be postponed until the August meeting. ASC Grossfield stated that he spoke to Attorney Dash today and has no objection to the continuation of this hearing.

Chairman Upton stated that plenty of notice was given for this hearing and the Armory shouldn't wait until the last minute to ask to reschedule, this only causes the neighbors to waste time coming to the meetings.

On a motion made and seconded, it was

VOTED: To continue the violation hearing until the August 19, 2013 Hearing.

The Center for Arts at the Armory, 191 Highland Ave. to show cause why the Wine and Malt Restaurant license, Common Victualer 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 1.05.a(3). Licensees must ensure that their patrons leave the premises in an orderly manner. Licensees who have a clientele that regularly fails to leave the area in a quiet and orderly manner must take appropriate steps which may include a police detail to supervise the leave-taking of the patrons at closing time. Said police detail shall be in addition to, and not instead of, the licensees own personnel;

Somerville Licensing Commission Rule 1.06.e. No outside area may be used as a waiting area or other gathering place for patrons without prior approval by the Commission.

Somerville Licensing Commission Rule 1.09.a. It shall be the obligation of licensees to ensure that a high degree of supervision is exercised over the conduct of the licensed

establishment at all times. Each licensee will be held accountable for all violations that are related to the licensed premises to determine whether or not the licensee acted properly in the given circumstances.

Somerville Licensing Commission Rule 1.11.d. No entertainment may take place at a licensed premises and no member of the public may be at the licensed premises except during the hours and days when the Commission has approved the premises to be open to the public. It shall be a violation of the food or beverage license if entertainment is conducted on the premises prior to the opening hour set by the Commission or subsequent to the closing hour set by the Commission for the exercise of the food or beverage license or during any period when the food or beverage license has been suspended.

Somerville Licensing Commission Rule 1.05.e. When any noise, disturbance, misconduct, disorder, act or activity occurs in the licensed premises, or in the area in front of or adjacent to the licensed premises, or in any parking lot provided by the licensee for the use of its patrons, which in the judgment of the Commission adversely affects the protection, health, welfare, safety or repose of the residents of the area in which the licensed premises are located, or results in the licensed premises becoming the focal point for police attention, or is offensive to public decency, the licensee may be held in violation of the license and subject to proceedings for suspension, revocation or modification of the license.

The date of the alleged violations was April 20, 2013 & May 18, 2013.

There being no further business, the meeting was adjourned.

Respectfully Submitted
Jenneen M. Pagliaro
Executive Secretary

**City of Somerville
Licensing Commission**

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

**Regular Meeting
Monday
August 19, 2013
6:00 p.m.**

MINUTES

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

Minutes of the July 15, 2013 meeting were accepted as submitted.

Communications

Alcoholic Beverages Control Commission Notice of Informational Hearing, Papagayo, 311 Great River Road. The Board took administrative notice and placed the communication on file.

99 Restaurant & Pub, 20 Cummings St. notifying the Commission that they will be closed down for five days beginning Oct. 20-24, 2013 to complete a routine “refresh” of the restaurant. The Board took administrative notice and placed the communication on file.

Common Victualer Licenses

Ola G. Café, 112 Broadway requesting approval to change hours of operation to include Sundays. (7 days from 6AM-6PM). (Continued until September Hearing, No show)

**Whole Food Market
45 Beacon St.
Michael Walker**

Present: Michael Walker

Mr. Walker came before the Commission requesting approval of a Common Victualer license for 45 Beacon St.

Mr. Walker stated that he has met with Alderman Heuston and has gone thru the Zoning process.

Mr Walker stated that they do not plan on applying for a liquor license.

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

On a motion duly made and seconded, it was

VOTED: To approve the Common Victualer license as presented.

Top Speed Pizza (**APPLICATION HAS BEEN WITHDRAWN**)**
8 Highland Ave.
Sandro Attaccalite

Special Alcohol Licenses

Galwegan, Inc.
d/b/a The Burren

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 5K BBQ to be held at Grove St. parking lot behind the Burren on August 25, 2013 9PM-6PM (rain date Sept. 8, 2013).

This will be an Outdoor event with the proceeds going to MS

Alderman Desmond spoke in favor

Experienced servers will be dispensing the alcoholic beverages.

Police Details and Fire Details have been requested.

On a motion duly made and seconded, it was

VOTED: to grant the Special Alcohol License as presented.

Johnny D's Uptown Lounge
17-27 Holland St.

Present: Carlene Campbell

Ms. Campbell, representing Johnny D's came before the Commission requesting approval of a Special Alcohol License for the purpose of dispensing and selling alcoholic

beverages for SomerStreets event to be held outdoors from Davis Sq. to Teele Sq. on Sept. 8, 2013 from Noon-4PM.

Experienced servers will be dispensing the alcoholic beverages.

Police Details and Fire Details have been requested.

On a motion duly made and seconded, it was

VOTED: to grant the Special Alcohol License as presented.

PJ Ryans
239-241 Holland St.

Present: Carlene Campbell

Ms. Campbell, representing PJ Ryans came before the Commission requesting approval of a Special Alcohol License for the purpose of dispensing and selling alcoholic beverages for SomerStreets event to be held outdoors from Davis Sq. to Teele Sq. on Sept. 8, 2013 from Noon-4PM.

Ms. Campbell stated this is the 4th year for this event. This would be the first year the event takes place on Holland St.

Experienced servers will be dispensing the alcoholic beverages.

Police Details and Fire Details have been requested.

On a motion duly made and seconded, it was

VOTED: to grant the Special Alcohol License as presented.

Rudy's Café
248-250 Holland St.

Present: Carlene Campbell

Ms. Campbell, representing, Rudy's Café requesting approval of a Special Alcohol License for the purpose of dispensing and selling alcoholic beverages for SomerStreets event to be held outdoors from Davis Sq. to Teele Sq. on Sept. 8, 2013 from Noon-4PM.

Experienced servers will be dispensing the alcoholic beverages.

Police Details and Fire Details have been requested.

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 License

Transfer of license
& Entertainment License

Cuisine En Locale, Inc.
156 Highland Ave.

Present: Attorney Richard DiGirolamo & JJ Gonson

Atty. DiGirolamo, representing Cuisine En Locale, Inc., requesting approval to transfer the All-Forms Alcoholic Beverages 7 Day Restaurant license of Anthony's Functions, Inc., 156 Highland Ave. and approval for an Entertainment License for Entertainment consisting of Entertainment by performers, patrons and devices.

Atty. DiGirolamo stated that Cuisine En Locale, Inc. attending the July SLC Hearing for approval of their Common Victualer License. The Owner Ms. Gonson will run an upscale catering business. Ms. Gonson has 8 years in the catering business. This business was run out of a shared kitchen. Ms. Gonson has signed a 10 year lease with the landlord. The building has parking.

Mike Janedy, a neighbor voiced concerns with noise issues and people exiting quietly when the function is over.

Allison Martell an abutter spoke in support of this application.

Ms. Gonson stated this would be a food centered business.

Atty. DiGirolamo stated they have parking for 50 vehicles between the two available lots.

Alderman Desmond spoke of problems some ten years ago but the City worked them out.

On a motion duly made and seconded, it was

VOTED: to approve the Transfer of All Forms Alcoholic Beverages 7 Day Restaurant License & Entertainment License.

Wine and Malt Package Store License

Transfer & Change of Location

Everest Mart, Inc. d/b/a Union Mart
71-72 Union Square

Present: Attorney Anne Vigorito

Atty. Vigorito came before the Commission requesting approval to transfer the Wine and Malt package store license and approval for a change of location from Fauji Corp., d/b/a Farmers Bounty, 234 Elm St. (Last transfer was disapproved by ABCC).

Atty. Vigorito stated that last November a transfer of this license to Union Mart was approved, However the owner on record currently holds a Sec. 12 All-Forms Alcohol restaurant license. MGL doesn't allow an applicant to hold Sec. 12 & Sec. 15 license at the same time. A family member is taking over the corporation and will be running the business. We are treating this application as a (NEW) transfer of license application.

Commissioner McKenna stated applicants should know the law in regards to this.

Atty. Vigorito stated that this was a misunderstanding. This is a family business and the father and son will work together.

Ald. O'Keefe sent an e-mail in support.

On a motion duly made and seconded, it was

VOTED: to approve the Transfer of Wine and Malt Package Store License and Change of Location.

VIOLATION

The Center for Arts at the Armory
191 Highland Ave.

Present: Assistant City Solicitor Jason Grossfield & Attorney Adam Dash

Atty. Dash, representing The Center for Arts at the Armory came before the Commission to show cause why the Wine and Malt Restaurant license, Common Victualer 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 1.05.a(3). Licensees must ensure that their patrons leave the premises in an orderly manner. Licensees who have a clientele that regularly fails to leave the area in a quiet and orderly manner must take appropriate steps which may include a police detail to supervise the leave-taking of the patrons at closing

time. Said police detail shall be in addition to, and not instead of, the licensees own personnel;

Somerville Licensing Commission Rule 1.06.e. No outside area may be used as a waiting area or other gathering place for patrons without prior approval by the Commission.

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

Somerville Licensing Commission Rule 1.11.d. No entertainment may take place at a licensed premises and no member of the public may be at the licensed premises except during the hours and days when the Commission has approved the premises to be open to the public. It shall be a violation of the food or beverage license if entertainment is conducted on the premises prior to the opening hour set by the Commission or subsequent to the closing hour set by the Commission for the exercise of the food or beverage license or during any period when the food or beverage license has been suspended.

Somerville Licensing Commission Rule 1.05.e. When any noise, disturbance, misconduct, disorder, act or activity occurs in the licensed premises, or in the area in front of or adjacent to the licensed premises, or in any parking lot provided by the licensee for the use of its patrons, which in the judgment of the Commission adversely affects the protection, health, welfare, safety or repose of the residents of the area in which the licensed premises are located, or results in the licensed premises becoming the focal point for police attention, or is offensive to public decency, the licensee may be held in violation of the license and subject to proceedings for suspension, revocation or modification of the license.

The date of the alleged violations were April 20, 2013 & May 18, 2013

Assistant City Solicitor Jason Grossfield read the violations into the record. ASC stated these violations are the result of two separate complaints. The April 20, 2013 complaint was made by Alderman Bruce Desmond & the May 18, 2013 complaint was made by John Sullivan.

On April 20, 2013 the Armory hosted a wedding. The neighbors contacted Ald. Desmond reporting a caterer running an outdoor kitchen. Ald. Desmond went to the Armory to speak to the manager. While at the Armory Ald. Desmond witnessed a school bus blocking the Fire lanes.

On May 18, 2013 John Sullivan, a neighbor witnessed guests consuming alcohol outdoors.

ASC Grossfield and Atty. Dash, representing The Center for Arts at the Armory came to a Joint recommended disposition of as follows:

- A. The Licensee accepts facts establishing a violation of the Somerville Licensing Commission Rules and Regulations as stated in the Notice and report attached thereto.
- B. The Licensee shall be found in violation of the Somerville Licensing Commission Rules and Regulations as stated in the Notice.
- C. As a result of the Licensee's violation of said rules and regulations, the following sanction is imposed upon the Licensee:
 - 1. Licensee is issued a WARNING for failure to comply with rules and regulations.
 - 2. Outside area on the Premises, including the parking lot, shall not be used as waiting area or gathering place for patrons, without prior approval of the Commission. Nothing herein shall prohibit the use of said outside area as an emergency exit, for temporary, or other lawful purpose, in accordance with all applicable laws and regulations.
 - 3. Outside area on the Premises, including the parking lot and driveway, shall not be used for the service of alcoholic beverages.
 - 4. Entertainment must cease ½ hour before the Official Closing Hour.
 - 5. Licensee shall request a police detail for all private hall functions where alcohol is being served and which are not primarily for an arts or culturally related purpose or for a community event.
- D. Any costs incurred by the Licensee associated with acceptance of the recommended disposition shall be borne by the Licensee.
- E. Licensee, agrees that upon the Commission accepting and entering the above-recommended disposition, the Licensee waives all available appeals, including but not limited to, any rights to appeal the facts, the decision, and/or any sanctions imposed by the Somerville Licensing Commission based on the admitted facts.

On a motion duly made and seconded, it was

The Commission voted to approve the joint recommended disposition.
There being no further business, the meeting was adjourned.

Respectfully
Jenneen M. Pagliaro
Executive Secretary

**City of Somerville
Licensing Commission**

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

**Regular Meeting
Monday
September 16, 2013
6:00 p.m.**

MINUTES

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

Alcoholic Beverages Control Commission Notice of Decision, T & T Ocean Liquors, 8 Main St. The Board took administrative notice and placed the communication on file.

Common Victualer Licenses

**Ola G. Café
112 Broadway**

Present: Augusto DaCunha

Mr. DaCunha came before the Commission requesting approval to change hours of operation at Ola G. Cafe to include Sundays (7 days from 6AM-6PM).

On a motion duly made and seconded, it was

VOTED: To approve the Change of Hours as submitted.

**Shawarma Place
201 Elm St.
Edward Kawash**

Present: Attorney William Goldberg & Edward Kawash

Atty. Goldberg, representing Shawarma Place came before the Commission requesting approval of a Common Victualer license for 201 Elm St.

Mr. Kawash has 35 years of 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.

Special Alcohol Licenses

House of Blues Boston

Present: Jackson Meaghan & Brad Parrish

Mr. Meaghan came before the Commission requesting approval of a Special Alcohol License for the purpose of dispensing and selling alcoholic beverages for Radio BDC Somerville Festival, Live Music Event to be held Outdoors on Somerville Ave. on Oct. 13, 2013 from 3PM-9PM. (Hours for service of alcohol 12PM-6:30PM).

This event will take place outside of the Precinct. They will have rope enclosures for alcohol consumption.

Experienced servers will be dispensing the Beer and Wine.

Police and Fire Details have been requested.

The House of Blues security will be running this event and have met with City Officials in regards to this event.

This will be a free event.

Police and Fire Details have been requested.

Mr. Meaghan spoke of the Molly drug incident that occurred recently at their establishment in Boston.

On a motion duly made and seconded, it was

VOTED: to grant the Special Alcohol License as presented.

*Commissioner McKenna voted NO

PA's Lounge 345 Somerville Ave. requesting approval of a Special Alcohol License for the purpose of dispensing and selling alcoholic beverages for Octoberfest-Summer Streets to be held Outdoors on Oct. 20, 2013 from 10AM-7PM. ****(WITHDRAWN)****

Sally O'Brien's
335 Somerville Ave.

Present: Carlene Campbell

Ms. Campbell, representing Sally O'Brien's came before the Commission requesting approval of a Special Alcohol License for the purpose of dispensing and selling alcoholic beverages for Octoberfest-Summer Streets event to be held Outdoors on Oct. 20, 2013 from 10AM-7PM. (Hours for service of alcohol will be 1PM-6PM).

Ms. Campbell spoke on behalf of Sally O'Brien's, Restaurante Turistuco Machu Picchu & Bull McCabe's.

Ms. Campbell stated this Octoberfest will be held in conjunction with Summer Streets. This is the 3rd year for this event. They will have one Police Detail between the three establishments.

On a motion duly made and seconded, it was

VOTED: to grant the Special Alcohol License as presented.

Restaurante Turistuco Machu Picchu
307 Somerville Ave.

Present: Carlene Campbell

Ms. Campbell, representing Restaurante Turistuco Machu Picchu Came before the Commission requesting approval of a Special Alcohol License for the purpose of dispensing and selling alcoholic beverages for Octoberfest-Summer Streets event to be held Outdoors on Oct. 20, 2013 from 10AM-7PM. (Hours for service of alcohol will be 1PM-6PM).

On a motion duly made and seconded, it was

VOTED: to grant the Special Alcohol License as presented.

Bull McCabe's
366A Somerville Ave.

Present: Carlene Campbell

Ms. Campbell, representing Bull McCabe's came before the Commission requesting approval of a Special Alcohol License for the purpose of dispensing and selling alcoholic

beverages for Octoberfest-Summer Streets event to be held Outdoors on Oct. 20, 2013 from 10AM-7PM. (Hours for service of alcohol will be 1PM-6PM).

On a motion duly made and seconded, it was

VOTED: to grant the Special Alcohol License as presented.

Bull McCabe's
366A Somerville Ave.

Present: Brian Manning

Mr. Manning came before the Commission requesting approval of a Special Alcohol License for the purpose of dispensing and selling alcoholic beverages for outdoor Music Fest to be held in parking Lot next to the business on Sept. 28, 2013 from 2PM-10PM. (Rain date Sept. 29, 2013).

Mr. Manning stated that this is the third year for this festival.

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.

Ambisco Inc.
d/b/a Redbones BBQ

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 an Oktoberfest to be held outdoors at Chester St. to Herbert St. Intersection on Oct. 6, 2013 from 12PM-6PM (Rain date Oct. 13, 2013).

Mr. Gregory stated that this is the fourth year for this Event.

Police and Fire Details have been requested.

On a motion duly made and seconded, it was

VOTED: to grant the Special Alcohol License as presented.

Old Magoun Saloon

Present: Greg Coughlin

Mr. Coughlin came before the Commission requesting approval of a Special Alcohol License for the purpose of dispensing and selling alcoholic beverages for an Oktoberfest Style Biergarten Music Event to be held outdoors in CVS parking Lot in Magoun Sq. on Oct. 5 & Oct. 6, 2013 from 9AM-8PM.

This is the second year for this event.

Police and Fire Details have been requested.

*Alderman O'Keefe supports this application.

On a motion duly made and seconded, it was

VOTED: to grant the Special Alcohol License as presented.

Legal Sea Foods, LLC

Present: Kristy Hartling

Ms. Hartling came before the Commission requesting approval of a Special Alcohol License for the purpose of dispensing and selling alcoholic beverages for an Open House Event for members of Greater Boston Convention and Visitors Bureau, hosted by Federal Realty to be held outdoors on Great River Road on Sept. 19, 2013 from 4PM-9PM.

This is an Open House and the alcohol will be served at a tented area on Federal Realty Property.

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.

Entertainment Licenses

Some 'Ting Nice
561 McGrath Highway

Present: Kirk Cambridge-Delpesche

Mr. Cambridge-Delpesche came before the Commission requesting approval for an Entertainment License consisting of Entertainment of by Performers & Entertainment by Devices.

This applicant has already applied for a Common Victuler license and plans to open the business in October.

On a motion duly made and seconded, it was

VOTED: to grant the Entertainment License as presented.

All Forms Alcoholic Beverages
7 Day Restaurant

Change of D/B/A

Amelia's Kitchen, Inc.
1137 Broadway

Present: Delio Susi

Ms. Susi came before the Commission requesting approval to change the Doing Business As Name from Amelia's Kitchen to West 7 Bistro.

On a motion duly made and seconded, it was

VOTED: to grant the Change of DBA.

Wine and Malt Restaurant License (City License-Non Transferable)

Aguacate Verde
13 Elm St.

Present: Attorney William Goldberg & Sylvia DeLaSota

Atty. Goldberg, representing Aguacate Verde came before the Commission requesting approval of a New Wine and Malt Restaurant License for Aguacate Verde, 13 Elm St.

Atty. Goldberg stated this is the applicants fifth attempt for a Wine and Malt License.

A petition of 1000 signatures of support was submitted for the record.

Ed O'Donnell of OSPCD stated they are recommending this applicant for approval.

*Alderman O'Keefe supports this application.

State Representative Provost supports this application.

On a motion duly made and seconded, it was

VOTED: to grant the Wine and Malt License.

All Forms Alcoholic Beverages 7 Day Restaurant (City License-Non Transferable)
Common Victualer & Entertainment License

Slesar Bros. Brewing Company, Inc. d/b/a Somerville Beer Works, 240 Elm St.
requesting approval for a New All Forms Alcoholic Beverages 7 Day Restaurant License,
a Common Victualer & Entertainment License consisting of Entertainment by Devices.

A letter from the Board of Alderman was submitted to the Commission requesting the
Commission continue this matter.

A letter from Attorney Richard DiGirolamo, requesting a continuance was also submitted
for the record.

On a motion duly made and seconded, it was

VOTED: TO CONTINUE THIS APPLICATION AT THE OCTOBER HEARING.

LATE ITEM

Elizabeth Roche
Somerville Police Department

Present: Elizabeth Roche and Jennifer Carantha

Ms. Roche came before the Commission requesting approval of a Special Alcohol
License for the purpose of dispensing and selling alcoholic beverages for Collier Kickball
Extravaganza Fundraiser to be held on Franey Road on Oct. 5, 2013 from 10AM-7PM.

The money from this event will be donated to the Jimmy Fund in memory of Sean
Collier.

They will have a beer tent in front of the DPW and most of the Police Department will be
present for this event.

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 Virgin Mary Greek Orthodox Church
29 Central St.

Present: Theodore Menounos

Mr. Menounos came before the Commission requesting approval of a Special Alcohol License for the purpose of dispensing and selling alcoholic beverages for the Honk Fest on Oct. 12, 2013 from 6PM-12AM.

This event will use tip certified bar tenders and bracelets for the sale of alcohol.

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.

East End Grill
6 Glen St.

Present: Tony Iverlessi

Mr. Iverlessi came before the Commission requesting approval of a Special Alcohol License for the purpose of dispensing and selling alcoholic beverages for an Oktoberfest to be held outdoors in East End Grill's Parking Lot on Oct. 12, 2013 from 11AM-6PM (Rain date Oct. 13, 2013).

This will be an Oktoberfest for the East Somerville neighborhood. This will be the first year for this event.

Police and Fire Details have been requested.

On a motion duly made and seconded, it was

VOTED: to grant the Special Alcohol License as presented.

Woody's Liquors, 594 Somerville Ave. notifying the Commission that the establishment will be closed from 09/12-10/4, 2013 for business restructuring. The Board took administrative notice and placed the communication on file.

There being no further business, the meeting was adjourned.

Respectfully
Jenneen M. Pagliaro
Executive Secretary

**City of Somerville
Licensing Commission**

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

**Regular Meeting
Monday
October 21, 2013
6:00 p.m.**

MINUTES

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

Minutes of the August 19, 2013 & September 16, 2013 meetings were accepted as submitted.

Approval for extension of hours until 2AM on New Years Eve for All Forms of Alcohol Restaurants.

On a motion made and seconded, it was

VOTED: To allow the extension of hours on New Years Eve.

COMMUNICATIONS

Alcoholic Beverages Control Commission Notice of Decision, On The Hill Tavern, 499 Broadway. The Board took administrative notice and placed the communication on file.

99 Restaurant & Pub, 20 Cummings St. notifying the Commission that they will not be closed down for five days beginning Oct. 20-24, 2013 to complete a routine “refresh” of the restaurant as requested at the August 19, 2013 hearing. The work is being delayed until 2014. The Board will be notified with the new dates when they are available. The Board took administrative notice and placed the communication on file.

Commissioner John McKenna made a public apology for language used at the Sept. 16, 2013 Hearing.

COMMON VICTUALERS LICENSES

Noor Mediterranean Grill, LLC
136 College Ave.
Arsen Karageozian

Present: Hilda Darian & Arsen Karageozian

Ms. Darian came before the Commission requesting approval of a Common Victualer license for 136 College Ave.

This is the former location of the Broken Yolk.

The new owners have 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.

Broadway Eatery
1157 Broadway
Giorgios Kaplanis

Present: Giorgios Kaplanis

Mr. Kaplanis came before the Commission requesting approval of a Common Victualer license for 1157 Broadway.

This is the current location of Theo's Pizza.

The new owner 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.

Martsa On Elm
233A Elm St.
Dechen Martsa

Present: Dechen Martsa

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

This is a new owner with a change of hours.

Ms. Martsa was the owner of this establishment 4 years ago and is buying the business back from the current owners.

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.

Big Bite Barbecue
99 Broadway
Ikaro Green

Present: Ikaro Green

Mr. Green came before the Commission requesting approval of a Common Victualer license for 99 Broadway.

Mr. Green currently works at this establishment and is taking over the ownership with no other changes.

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.

SPECIAL ALCOHOL LICENSES

Harvard Graduate School of Design Students Forum

Present: Kevin Murray

Mr. Murray came before the Commission requesting approval of a Special Alcohol License for the purpose of dispensing and selling alcoholic beverages for Annual Design School Halloween Party at Brooklyn Boulders, 12A Tyler St. on Oct. 26, 2013 from 9PM-1AM.

This will be a Halloween party to be held at Brooklyn Boulders.

Experienced servers will be dispensing the Beer and Wine.

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 Virgin Mary Greek Orthodox Church
29 Central St.

Present: Teddy Menounos

Mr. Menounos came before the Commission requesting approval of a Special Alcohol License for the purpose of dispensing and selling alcoholic beverages for a Comedy Night on Nov. 9, 2013 from 7PM-12AM.

Experienced servers will be dispensing the alcohol.

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 Virgin Mary Greek Orthodox Church
29 Central St.

Present: Teddy Menounos

Mr. Menounos came before the Commission requesting approval of a Special Alcohol License for the purpose of dispensing and selling alcoholic beverages for a Young Adult Retreat on Nov. 29, 2013 from 7PM-11PM.

Experienced servers will be dispensing the alcohol.

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 Virgin Mary Greek Orthodox Church
29 Central St.

Present: Teddy Menounos

Mr. Menounos came before the Commission requesting approval of a Special Alcohol License for the purpose of dispensing and selling alcoholic beverages for a New Years Eve Party on Dec. 31, 2013 from 8PM-1AM.

Experienced servers will be dispensing the alcohol.

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 Virgin Mary Greek Orthodox Church
29 Central St.

Present: Teddy Menounos

Mr. Menounos came before the Commission requesting approval of a Special Alcohol License for the purpose of dispensing and selling alcoholic beverages for a Dinner Dance on January 18, 2014 8PM-12AM.

Experienced servers will be dispensing the alcohol.

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.

All Forms Alcoholic Beverages 7 Day Restaurant Licenses

2:00 AM Closings Reviews

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

<u>Date Approved</u>	<u>Business</u>	<u>Address</u>
12/27/05	On the Hill Tavern	499 Broadway

(On the Hill Tavern, No show, to be continued until next hearing)

9/29/05	The Independent	75 Union Square
03/19/12	Foundry on Elm	255 Elm St.
9/29/05	Precinct	70 Union Square
12/21/05	Casey's	171 Broadway
9/29/05	P J Ryan's	239-241 Holland Street

Each licensee's file was reviewed for incidents/complaints and all were found to be suitable to continue with their extended hours. (with the exception On The Hill Tavern, which will be at next month's hearing).

(1 AVAILABLE (NEW) CITY LICENSE-NON TRANSFERABLE)
ALL FORMS ALCOHOLIC BEVERAGES 7 DAY RESTAURANT LICENSE
ASSEMBLY ROW

COMMON VICTUALER & ENTERTAINMENT LICENSE

Legal Seafood LLC
301 Great River Road

Present: Richard Heller & Roger Berkowitz

Mr. Heller came before the Commission requesting approval of a New All Forms Alcoholic Beverages 7 Day Restaurant License, Common Victualer & Entertainment License for Entertainment by devices at 301 Great River Road.

This will be a Casual Theme restaurant.

Edward O'Donnell, OSPCD recommended approval of this application.

David Webster, the landlord spoke in support.

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 All Forms Alcohol license, Common Victualer license and Entertainment license as presented.

CONTINUED FROM THE SEPTEMBER 16, 2013 HEARING

(NEW) CITY LICENSE-NON TRANSFERABLE)

ALL FORMS ALCOHOLIC BEVERAGES 7 DAY RESTAURANT LICENSES.
COMMON VICTUALER & ENTERTAINMENT LICENSE

Slesar Bros. Brewing Company, Inc. d/b/a Somerville Beer Works, 240 Elm St. requesting approval for a New All Forms Alcoholic Beverages 7 Day Restaurant License, a Common Victualer & Entertainment License consisting of Entertainment by Devices.

Attorney Anne Vigorito, representing Slesar Bros. Brewing Company made a request for a continuation of this matter until the next Licensing Commission Hearing. Ms. Vigorito stated the request is to continue ongoing discussions with the community and to come to a resolution.

Alderman Gerwartz, spoke in opposition of this applicant receiving one of the City Economic Development licenses.

Atty. Vigorito apologized to the community regarding the short notice request for a continuation of this item.

Edward O'Donnell, OSPCD stated that Beer Works is a well run business that would work better in another location.

Chris Iwicks a neighbor, who isn't supporting this establishment, stated that he has attended two community meetings and is not sure that a continuation would make any sense.

Commissioner McKenna asked whether the community has been communicating with the applicant by exchanging emails etc. as so the neighbors are informed of a cancellation request and not have to waste their time.

Ald. Gerwartz stated she was not informed by Atty. Vigorito of this request. Jenneen from Licensing informed Ald. Gerwartz of this request for a continuance just this morning. Ald. Gerwartz asked that this not happen again with out significant notice, so the neighbors can be informed.

On a motion duly made and seconded, it was

VOTED: To continue this matter at the November 18, 2013 Hearing.

REVIEW OF ALL FORMS ALCOHOLIC BEVERAGES 7 DAY RESTAURANT LICENSE

Radio Bar, LLC 379-381 Somerville Ave. has been requested by Warren Chaille, Licensing Commission Investigator to discuss the Notice of Closure letter dated September 26, 2013 and status of licensee.

Present: Licensing Inspector Warren Chaille, Joshua Banville, Moe Banville & Atty. Don MacDonald

Licensing Inspector Warren Chaille stated the reason for this hearing is Radio Bar, LLC notified the Commission after the fact that they wanted to shut down temporarily and also had some questions as to who has financial interest in this license.

Attorney Don MacDonald representing Aimee McGrath. Atty. MacDonald stated that his client Aimee was led to believe that she had been added to the LLC, of his business but was unaware that the proper documents were not filed.

The Board is in receipt of an e-mail from Mr. Michael McGrath, the landlord stating that Radio Bar is has not been paying the rent.

Atty. MacDonald stated his client was served an eviction notice yesterday.

Moe Banville stated that Aimee had not been accountable as to where all the money is going Joshua Banville is listed as Manager of record.

Atty. MacDonald stated Aimee is part owner and Josh can't close the establishment down without her permission.

Commissioner Vaccaro asked who own this place?

Radio Bar LLC owns license.

Chairman Upton stated that this is a violation of the Board's rules and regulations. This Commission should have a hearing on this matter next month. Radio Bar, LLC is violation of not disclosing a beneficial interest in this license and for changing the manager without approval.

On a motion duly made and seconded, it was

VOTED: To continue this matter at the November 18, 2013

VIOLATION

Neighborhood Liquor Inc.
d/b/a Liquor Zone
163-165 Washington St.

Present: Assistant City Solicitor Jason Grossfield & Izabella Kalia

Neighborhood Liquor Inc., d/b/a Liquor Zone came before the Commission to show cause why its All Forms Package Good Store license issued to the above-referenced establishment should not be modified, suspended or revoked for alleged violation of Massachusetts General Laws Chapter 138 §34-Sale, delivery or furnishing alcoholic beverages to a person under twenty-one years of age and Somerville Licensing Commission Rules and Regulations to wit:-

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

The date of the alleged offense was August 8, 2013.

Assistant City Solicitor Jason Grossfield read the Violations into the record.

ASC Grossfield stated this was a first offense and offered a recommended joint disposition to sanction the establishment with a “Warning” and that licensee shall complete retraining of staff for underage drinking education with Somerville Cares About Prevention no later than 60 days of this decision.

Chairman Upton stated he would go along with this disposition if they ban the sale of airline size bottle of liquor for one year. The City is littered with these tiny bottles.

The licensee stated she understood the reasoning for this request but felt this to be unfair and stated that since the incident they have installed a machine to check I.D.’s.

Commissioner McKenna stated he would go along with the disposition because the licensee has undertaken an expense to install that an I.D. system on their own and for that they should be commended.

Commissioner Vaccaro agreed with Commissioner McKenna.

On a motion duly made and seconded, it was

VOTED: To accept the recommended joint disposition as offered by Assistant City Solicitor Grossfield and the licensee.

Chairman Upton Voted NO

There being no further business, the meeting was adjourned.

Respectfully Submitted
Jenneen M. Pagliaro
Executive Secretary

Licensing Commission
Senior Center
Tufts Administration Building
167 Holland Street

Regular Meeting
Monday
November 18, 2013
6:00 p.m.

MINUTES

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

Minutes of the October 21, 2013 meeting were accepted as submitted.

A Motion to adopt a \$2500.00 annual fee for the New Farmers Series Pouring Permit.

This is a new category of license authorized by the ABCC in July 2013.

Edward O'Donnell, OSPCD spoke in support of this new type of license and made a suggestion to lower the fee since these are new businesses just starting out.

A motion was made to adopt a \$1500.00 fee for this new type of license.
The motion was seconded, it was

VOTED: To approve a \$1500.00 fee for the New Farmers Series Pouring Permit.

Communications

McDonald's notifying the Commission that they have closed their Elm St. location as of 10/31/2013. The Board took administrative notice and placed the communication on file.

Common Victualers Licenses

D Flame LLC, d/b/a Subway, 197 Elm St. No one showed up for this application. This item will be continued at the next Licensing Commission Hearing.

Petisco's Group, Inc., 513 B Medford St. No one showed up for this application. This item will be continued at the next Licensing Commission Hearing.

Zaytouna Café Pizza and Grill

215B Highland Ave.

Present: Rachid Khatib

Mr. Khatib came before the Commission requesting approval of a Common Victualer license for 215B Highland Ave.

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.

Chicken Teriyaki House, Inc.
d/b/a Teriyaki House
868 Broadway

Present: Qing Xiong Pang

Mr. Pang came before the Commission requesting approval of a Common Victualer license for 868 Broadway.

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.

AN LLC
d/b/a Mama Gina's Pizza
19 Union Sq.

Present: Benardi Kallco

Mr. Kallco came before the Commission requesting approval of a Common Victualer license for 19 Union Sq.

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.

Special Alcohol Licenses

(WITHDRAWN) ** St. Anthony's Parish, 12 Properzi Way requesting approval of a Special Alcohol License for the purpose of dispensing and selling alcoholic beverages for a Dinner Dance on Dec. 31, 2013 from 8PM-1AM.

Anthony Jaffery
Pro Bar Tenders

Present: Anthony Jeffery

Mr. Jaffery came before the Commission requesting approval of a Special Alcohol License for the purpose of dispensing and selling alcoholic beverages for a Holiday Food Truck Festival & Art Market, 300 Grand Union Blvd. On Dec. 6, 2013, 6PM-10PM, Dec. 7, 2013, 11AM-7PM & Dec 8, 2013 11AM-7PM.

Experienced servers will be dispensing the alcohol.

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: Teddy Menounous

Mr. Menounous came before the Commission requesting approval of a Special Alcohol License for the purpose of dispensing and selling alcoholic beverages for The Mayor's Christmas Party on December 11, 2013 from 5PM-9PM.

Experienced servers will be dispensing the alcohol.

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.

(WITHDRAWN) ** Eli Epsten, Union Press, 440 Somerville Ave. requesting approval of a Special Alcohol License for the purpose of dispensing and selling alcoholic beverages for a Comedy Night on Dec. 7, 2013 from 7PM-11PM.

East End Grill
118 Broadway

Present: Carolyn Boyce

Ms. Boyce came before the Commission requesting approval of a Special Alcohol License for the purpose of dispensing and selling alcoholic beverages for an Ugly Sweater Road Race party on Nov. 30, 2013 to be held in the parking lot from 10:30AM-4PM.

Experienced servers will be dispensing the alcohol.

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.

Farmer Winery Licenses

Coastal Vineyards

Present: Mimi Grainey

Ms. Grainey, representing Coastal Vineyards came before the Commission requesting approval of a Special Farmer Winery License to sell wine produced by the licensee for off-premises consumption for The Somerville Winter Farmer's Market to be held at the Armory, 191 Highland Ave. on Saturdays, Dec. 7, 2013 through March 29, 2014 from 9:30AM-2PM.

On a motion duly made and seconded, it was

VOTED: to grant the Special Farmer Winery License as presented.

Westport Rivers, Inc.

Present: Mimi Grainey

Ms. Grainey, representing Westport Rivers came before the Commission requesting approval of a Special Farmer Winery License to sell wine produced by the licensee for off-premises consumption for The Somerville Winter Farmer's Market to be held at the

Armory, 191 Highland Ave. on Saturdays, Dec. 7, 2013 through March 29, 2014 from 9:30AM-2PM.

On a motion duly made and seconded, it was

VOTED: to grant the Special Farmer Winery License as presented.

Turtle Creek Winery

Present: Mimi Grainey

Ms. Grainey, representing Turtle Creek Winery came before the Commission requesting approval of a Special Farmer Winery License to sell wine produced by the licensee for off-premises consumption for The Somerville Winter Farmer's Market to be held at the Armory, 191 Highland Ave. on Saturdays, Dec. 7, 2013 through March 29, 2014 from 9:30AM-2PM.

On a motion duly made and seconded, it was

VOTED: to grant the Special Farmer Winery License as presented.

Carr's Ciderhouse

Present: Mimi Grainey

Ms. Grainey, representing Carr's Ciderhouse came before the Commission requesting approval of a Special Farmer Winery License to sell wine produced by the licensee for off-premises consumption for The Somerville Winter Farmer's Market to be held at the Armory, 191 Highland Ave. on Saturdays, Dec. 7, 2013 through March 29, 2014 from 9:30AM-2PM.

On a motion duly made and seconded, it was

VOTED: to grant the Special Farmer Winery License as presented.

Green River Ambrosia LLC

Present: Mimi Grainey

Ms. Grainey, representing Green River Ambrosia LLC came before the Commission requesting approval of a Special Farmer Winery License to sell wine produced by the licensee for off-premises consumption for The Somerville Winter Farmer's Market to be held at the Armory, 191 Highland Ave. on Saturdays, Dec. 7, 2013 through March 29, 2014 from 9:30AM-2PM.

On a motion duly made and seconded, it was

VOTED: to grant the Special Farmer Winery License as presented.

All Forms Alcoholic Beverages 7 Day Restaurant Licenses

2:00 AM Closings Reviews

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

4/26/06	Olde Magoun Saloon	518 Medford Street
2/26/07	The Burren	247 Elm Street
8/27/07	Fasika	145-147 Broadway
5/2/08	The Joshua Tree	256 Elm Street
12/14/09	Orleans Restaurant	59-65 Holland St.
11/15/2010	Trina's Starlite Lounge	3 Beacon St.
12/27/05	On the Hill Tavern	499 Broadway

Each licensee's file was reviewed for incidents/complaints and all were found to be suitable to continue with their extended hours. (with the exception of Fasika, which will be heard at the next Licensing Commission hearing)

Continued from the October 21, 2013 Hearing

All Forms Alcoholic Beverages 7 Day Restaurant Licenses

(NEW) City License-Non Transferable)
Common Victualler
& Entertainment License

(WITHDRAWN WITHOUT PREJUDICE) ** Slesar Bros. Brewing Company, Inc. d/b/a Somerville Beer Works, 240 Elm St. requesting approval for a New All Forms Alcoholic Beverages 7 Day Restaurant License, a Common Victualler& Entertainment License consisting of Entertainment by Devices.

Wine and Malt Restaurant License

Change of D/B/A

Cercross & Sons, Inc.
d/b/a Machu Picchu Peruvian Restaurant
25 Union Sq.

Present: Rosy Cerna

Ms. Cerna came before the Commission requesting approval to change the D/B/A name from Machu Picchu to Machu Chicken.

On a motion duly made and seconded, it was

VOTED: to grant the name change.

Wine and Malt Package Store License
Pledge of Stock and License

New Reliable Market, Inc.
45 Union Sq.

Present: Attorney Anne Vigorito

Atty. Vigorito, representing New Reliable Market, Inc. came before the Commission requesting approval for a Pledge of License and Pledge of Stock.

On a motion duly made and seconded, it was

VOTED: to grant the Pledge of License and Pledge of Stock.

All Forms Package Store License
Transfer of Stock and New Manager

Prashant LLC d/b/a Seven Hills Wine & Spirits, 288-290 Beacon St. requesting approval for transfer of stock and approval for a New manager. (This matter is being continued until the January Hearing).

All Forms Alcoholic Beverages
7 Day Restaurant Licenses

Transfer of License & Pledge of License
Common Victualler
& Entertainment License

Rosebud Restaurant, Inc.
381 Summer St.

Present: Attorney Adam Dash

Atty. Dash, representing Rosebud Restaurant, Inc. came before the Commission to transfer the All-Forms alcoholic beverages restaurant license held by 381 Jumbo LLC, d/b/a Rosebud at 381 Summer St. and approval for Pledge of License, Common Victualler License and Entertainment license for Entertainment by Performers, Patrons & Devices.

Atty. Dash stated this business is currently closed. His client will purchase the license and lease the space. Atty. Dash also stated that Ald. Gerwirth is in support of this transfer.

Atty. Anne Vigorito spoke of behalf of Mr. Pousihitis, the property owner next store and stated that he had some concerns with noise.

On a motion duly made and seconded, it was

VOTED: to grant the Transfer of License, Pledge of License, Common Victualler & Entertainment License.

New Farmer Series Pouring Permit

Bantam Cider Company
230 Somerville Ave.

Present: Dana Masterpolo

Ms. Masterpolo came before the Commission requesting approval for a New Farmer Series Pouring Permit at 230 Somerville Ave.

Ms. Masterpolo stated she will have small tour groups with a small tasting room and no seating.

The occupancy load is 150.

Captain Anzalone of Fire Prevention stated they had some issues with the address listed on the application of this business. Fire Prevention uses 40 Merriam St. but the City Hall uses 230 Somerville Ave.

The Commission stated we will use what the City Hall has listed as the address.

On a motion duly made and seconded, it was

VOTED: to grant the New Farmer Series Pouring Permit

Continued from the October 21, 2013 Hearing
Violation

Radio Bar, LLC
379-381 Somerville Ave.

Present: Assistant City Solicitor Jason Grossfield & Aimee McGrath

Ms. McGrath came before the Commission last month for a Status update and was requested to appear before the Commission tonight for a violation of the SLC rules and regulations stemming from the October 21, 2013 Hearing. See violations as follows:

Radio Bar, LLC, 379-381 Somerville Ave. to show cause why the All Forms Alcoholic Beverages 7-Day Restaurant 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 the above referenced General Laws, Code of Massachusetts Regulations and the Somerville Licensing Commission Rules and Regulations to wit:-

Somerville Licensing Commission Rule 1.09.c.- No licensee shall permit any person to have a direct or indirect financial or beneficial interest in the licensed business or to receive any revenue from the business or to manage the premises other than the person properly approved of by the Commission and the salaried employees of such persons. The foregoing Rule 1.07.c. does not prohibit the use of revenue for payment of inventory and other operating expenses.

Somerville Licensing Commission Rule 1.09.d.- No licensee shall permit any person to work at the licensed premises or to hold him or herself out as a person in a position of authority at the premises except for those persons who are owners and officers or who are salaried employees for whom payroll records are available. No licensee may pay an employee any percentage of the profits of the business or pay an employee in any manner other than by salary or hourly rate except upon approval of the Commission.

Somerville Licensing Commission Rule 1.09.k. -. Alcoholic beverages licensees must not change the manager of the licensed premises until the Commission and the Alcoholic Beverages Control Commission have approved such change.

Assistant City Solicitor Jason Grossfield read the violations into the record. The police report of Investigative Officer Chaille stated that he made several business contacts with Radio Bar during his shift. While conducting investigations he met with Manager/Owner Aimee McGrath during regular business hours. During this time Officer Chaille never met or had contact with Joshua Banville, the manger of record. Mr. Banville did not get approval for a change of manger on the licensed premises. ASC referenced documents submitted by the licensee and other individuals to the Commission. The Commission questioned representatives of the licensee at the hearing regarding operations and management. The licensee previously requested to close the business temporarily without prior approval. The licensee manager of record attended the October 21, 2013 meeting and stated he has not been the manager for some time. Atty. Don MacDonald, representing Ms. McGrath produced documents stating that the owner of Radio Bar, LLC

has transferred stock in Radio Bar LLC without approval of the Local License Commission and approval of The Alcoholic Beverages Control Commission.

Ms. McGrath stated that she spoke with Josh Banville in regards to this issue. Mr. Bavage told Ms. McGrath that he would not be attending this Hearing tonight. So as of today this matter is still unresolved. Ms. McGrath gave a brief explanation of the LLC shares breakdown. 49% Josh Banville, 49% Aimee McGrath & 2% Nicole Tammaro. Ms. McGrath stated that these changes were never filed with the State as she was led to believe back in 2011, when the changes were made. Ms. McGrath found out in 2012 that the changes were never filed with the proper agencies. Ms. McGrath stated she had a few benefits scheduled for December and was hoping not to be closed down. Ms. McGrath stated that they were trying to come to a resolution. Three letters of supports were submitted for the record.

Chairman Upton stated that the City has a shortage of licenses and would want people to use them correctly and suggested that the parties try to resolve these issues. The Board recommended a 3 Day suspension to be held in abeyance until the January Hearing and if these issues have not been addressed The Board may impose these penalties and more if necessary.

Noted for the record, a fire and flood occurred at this establishment prior to this hearing and the business is currently closed.

This matter to be continued until the January 22, 2013 Hearing.

Change of Manager

Radio bar LLC
379-381 Somerville Ave.

Present: Russell Daniels

Ms. Daniels came before the Commission requesting approval for a change of manager from Joshua Banville to Russell Daniels.

Mr. Daniels has bartending experience and is working on becoming tip trained.

On a motion duly made and seconded, it was

VOTED: To allow the change of manager as long as the proper paperwork is submitted.

There being no further business, the meeting was adjourned.

Respectfully Submitted
Jenneen M. Pagliaro
Executive Secretary

