



# BOARD OF LICENSE COMMISSIONERS

City Clerk's Office, 166 Boulder Drive

Fitchburg MA 01420

(978) 829-1820

Daniel Sarefield, Chair

Donna Pawlak

Glenn Fossa

## MINUTES OF MEETING

*The regular meeting of the Board of License Commissioners was held on March 19, 2018 in the Fitchburg Fire Dept. Community Room, 33 North Street and called to order by Commissioner Sarefield at 6:01PM. Commissioner Pawlak and FPD liaison Capt. Lemay were present. Commissioner Fossa arrived at 6:07PM.*

The agenda consisted of the following:

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

### **II. APPLICATIONS**

#### **Taxi Driver:**

Gary Tusia – City Cab

*Approved 2/0*

Makayla Sands – Twin City Kab (*3<sup>rd</sup> appearance on agenda – continued from February 21 and March 5*)

*Ms. Sands was not present for the third time. Application denied 3/0*

Colleen Brennan, The Arc of Opportunity for Special One Day Wine and Malt Beverages license for a Fundraiser from 6PM – 9PM on April 27, 2018 for 200 people on the old vocational work floor at 564 Main Street.

*Ms. Brennan was present.*

*Approved 3/0*

The Arc of Opportunity, 564 Main Street for an Entertainment Permit for Friday, April 27, 2018 (DJ and Dancing)

*Approved 3/0*

Fitchburg Lions Club for Special One Day All Alcoholic Beverages license for a Fundraiser – Craig's Way Dave Madigan – from 4PM – 9PM on April 21, 2018 for 150 people in O'Neill Hall at 14 Wallace Ave.

*Mr. Schraft was present.*

*Approved 3/0*

Fitchburg Lions Club for Special One Day All Alcoholic Beverages license for a Fundraiser – Karing for Kids, John Andreucci adm Mike Dupre Chili Cook-Off – from 3PM – 9PM on April 14, 2018 for 150 people in O'Neill Hall at 14 Wallace Ave.

*Approved 3/0*

VERC Enterprises, Inc. dba VERC Fitchburg Mobil, 129 Whalon St. for Change of Sunday Hours to allow 10AM Sunday opening.

*The owner of VERC Enterprises was present.*

*Approved 3/0 with the condition that, since this is a 24 hour store, coolers must be locked and aisle displays covered outside of licensed sale hours.*

### III. HEARINGS

Linda Meehan dba Iron Horse Lounge, 19 Airport Rd. for Transfer of Ownership of annual, general on premise, all alcoholic beverages license to Jessica M. Lagoy dba Mill City Pub, 19 Airport Rd.

*Ms. Jessica Lagoy and her husband were present. Chairman Sarefield asked and Ms. Lagoy confirmed that she is employed as a nurse Monday-Thursday 8:00A – 4:30P. He explained that, as manager, she will be required to be present at the establishment for 60% of the business hours including the busy evenings. Ms. Lagoy stated that she is giving up her full time nursing job but will continue to work on a per diem basis. She stated that she will be in school on Fridays from 9A – 3:30P furthering her nursing education. Upon query by Commissioner Pawlak, Ms. Lagoy stated that she has not given her notice to her current employer but will when it gets closer to the time they will be opening, she stated she is leaving her job because she is sick of working for everybody else, her husband is not going to work at the bar, staff will include a chef by the name of Josh Jenkins who is her husband's cousin, she did not know the name of the bartender they have hired, she did not know the name of where they would purchase their alcohol, she did not have the name of their insurance company and said they are still looking in to insurance through her husband's business at Campus Pizza, there is no legal reason why her husband could not own the license and run the business, she will not be having someone else run the business. Her husband spoke up to say that Jessica has been very busy and he has been doing all the work for setting up the business and that is why she could not answer the questions posed to her. He stated that it is going to be her business. Commissioners expressed concern that she could not provide answers to questions that a business owner/manager should know and advised that she review the management plans for the establishment. Commissioner Pawlak suggested that the hearing be continued to the next meeting to allow Ms. Lagoy some time to familiarize herself with the operations of the business and be better prepared to answer the questions.*

*Hearing continued to April 2, 2018 by vote of 3/0*

Maraswami Corp. dba Topps Liquor, 128 Water St. for Transfer of Ownership of annual, package store, all alcoholic beverages license to Navdurga Corporation, 128 Water St., Tejalben Patel, Manager and Pledge of License and Inventory to Rockland Trust.

*Attorney for Navdurga Corporation, Matthew S. Porter, Esq. and Attorney Timothy P. Houten, on behalf of attorney for Maraswami, Corp. William Kelley, Esq. were both present. Attorney Kelley was not present due to a scheduling conflict. Commissioner Pawlak stated that the licensee's appeal to the ABCC of the twenty-one day license suspension issued by the License Commission should be resolved prior to action being taken on this application. Notwithstanding, Attorney Porter asked that the hearing be conducted today and that an approval be made contingent upon resolution of the ABCC appeal. The timelines of hearings/decisions/appeals were discussed and how they would be affected with a local board decision tonight. Attorney Porter stated that the lease assignment and license pledge are lined up but contingent upon approval of the transfer. Commissioner Pawlak expressed concern regarding the Board's ability to implement the twenty one day suspension if the transfer is approved prior to the appeal hearing. She also noted that, although a copy to the City Solicitor's office is appropriate, all future correspondence concerning this matter should go through the Clerk's office who would then forward the information to the Chairman. By vote of 3/0 the hearing was continued to April 2, 2018.*

### IV. OTHER

1. Topps Liquor, 128 Water St., REVIEW OF LICENSE COMMISSION DECISION made on January 17, 2018 to stay the 21-day license suspension to March 19, 2018.

*For the same reasoning as indicated above the matter was continued by vote of 3/0 to April 2, 2018.*

2. Letter from Attorney Roy W. Pastor, representing Peter Cote and Beemer's Pub and Grill enclosing a Motion to Reconsider or, in the alternative, a stay of the 1 day license suspension issued on February 5, 2018 pending appeal to the ABCC.

*Attorney Pastor and Mr. Peter Cote were present. Chairman Sarefield disclosed for the record that Attorney Pastor represented him after the Johnsonia fire several years ago but felt able to continue without prejudice. Attorney Pastor stated that the ABCC appeal was filed on due process grounds. He asked that the Board either reconsider their decision of a one-day license suspension or stay the suspension until after the ABCC appeal. Attorney Pastor stated that his client has researched the individual alleged to have been drinking at Beemer's but has been unable to find any credit card*

evidence, the videotapes for the night in question were already taped over by the time he received the summons information so he could not review those, the information naming the individual came from people in a second car whose names are unknown, there has been no opportunity for Mr. Cote to address the allegations because he has no details.

FPD Capt. Lemay stated that the details of this matter were discussed at length with Mr. Cote at the summons hearing. Commissioner Pawlak stated, relevant to the decision to suspend the license, Mr. Cote did not bring in the bartender from the night in question although requested to do so and his disruptive behavior at the meeting. She stated that there must be cooperation and respect evident between the licensees and the Board. Mr. Cote apologized for his behavior and stated he had something else going on that night which was the real cause of his anger.

By vote of 3/0 the matter was continued to April 2, 2018.

## V. CONTINUED MATTERS


1. Twin City Kab: Mr. Ken Bergeron Owner and Mr. Shawn Little Taxi Driver regarding FPD incident report #17-45271-OF (Licensee is not required to attend – Board continued the hearing to review the findings of Commissioner Pawlak on her research pertaining to transportation laws/regs in Massachusetts.)  
Continued to April 18, 2018 3/0
2. Lodging House licensing procedure  
Continued to April 18, 2018 3/0
3. BYOB regulations  
Continued to April 18, 2018 3/0

The Clerk was instructed to place on the April 18, 2018 agenda the following matter for discussion:  
Developing a local regulation authorizing offer of compromise in lieu of service of license suspension.

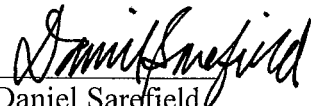
The Clerk was instructed to place on the May 7, 2018 agenda the following matter for discussion:  
Mr. and Mrs. Miller regarding their son's injury at Slattery's in November 2017. This matter has already been reviewed at Summons Hearing by the License Commission (FPD report #17-42624-OF) with a decision of "No Violation".


The meeting adjourned at 7:19PM

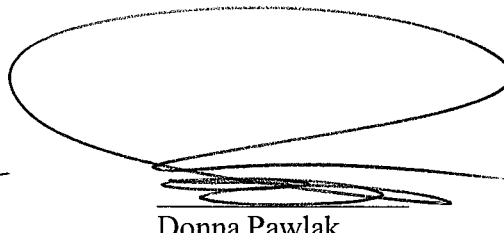
Respectfully submitted,

  
Anna M. Farrell  
City Clerk

Approved:

  
Daniel Sarafield

  
Glenn Fossa

  
Donna Pawlak