



# 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 April 18, 2018 in the Fitchburg Fire Dept. Community Room, 33 North Street and called to order by Commissioner Sarefield at 6:00 PM. Commissioners Pawlak and Fossa were present.*

The agenda consisted of the following:

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

*Minutes of the previous meeting were reviewed, accepted and signed.*

### **II. APPLICATIONS**

*Note: Although FPD liaison Captain Lemay was unable to attend tonight's meeting, he sent a message to the City Clerk that he had conducted background checks on all of the Solicitor and Taxi Driver applicants and that there was nothing in any of the backgrounds that would warrant the Commission to reject their application.*

#### **Solicitor:**

Kenton Jacobs, Keller Williams Real Estate

*Applicant was present.*

*Approved 3/0*

John Frackleton, Trinity Solar

*Applicant was present.*

*Approved 3/0*

Scott Semchenko, Power Home Remodeling Group

*Applicant was present.*

*Approved 3/0*

William Marlowe, Power Home Remodeling Group

*Application withdrawn. He has been re-assigned to another area.*

*No action taken.*

Anthony Sicari, Power Home Remodeling Group

*Applicant was present.*

*Approved 3/0*

Champa Pang, Trinity Solar

*Applicant was present.*

*Approved 3/0*

### **Taxi Driver:**

Diane Cordio – Twin City Kab

*Applicant was not present.*

*Tabled until next meeting.*

John Travis Hycner – City Cab

*Applicant was present. Applicant states he has had his driver's license for about one month. He states he has had construction jobs in the past but has never driven a vehicle for employment. He states he grew up on a farm and drove farm equipment but just recently got his driver's license.*

*Approved with a review in six months. If there are no accidents on his driving record at that time he will not be required to attend the review. 3/0*

### **Other Applications**

The Fitchburg Lions Club for Special One Day All Alcoholic Beverages for a Fundraiser – Hmong Community Event at 14 Wallace Ave. on May 17, 2018 for 150 people. (Note: Time of the event not indicated on application)

*Applicant was present. The date and time of the event was confirmed to be May 19, 2018 at 5PM. Chairman Sarefield reviewed the requirements for TIPS certified servers, liability insurance, police detail if the crowd will exceed 150 people, crowd manager requirements and the concern expressed via email by FPD Captain Lemay. Captain Lemay had noted that he has not received an application for a public assembly event and expressed concern about the effects of a large crowd on parking in this congested neighborhood. He requested that the applicant contact him to discuss.*

*Application granted 3/0 with the condition that the applicant contact Captain Lemay to address stated concerns.*

River Styx Brewing, 166 Boulder Drive for Automatic Amusement Device permit – One Video

*Applicant was present. He stated that he will be using Montachusett Vending and intends to install a retro-type Pac-Man machine. The Board commented to the applicant that automatic amusement devices can be used for illegal gambling and that, if this occurs, they could lose their liquor license. Applicant stated they understood and would not allow any activity that would put their license at risk.*

*Application granted 3/0*

## **III. OTHER**

1. Presentation of Topps Liquor agreement for approval by the Commission.

*Owner of Maraswami Corp. Mr. Patel and his attorney William Kelley were present. Attorney Kelley stated that he met with City Solicitor Vincent Pusateri and Commissioner Donna Pawlak in Boston prior to the ABCC appeal hearing and that they worked out a settlement agreement that must be approved by the Board. He stated that they requested the ABCC appeal hearing be continued to May 3, 2018 to allow time for the Board to review and vote on the settlement. He stated that if the Board agrees to the settlement he will withdraw both appeals to the ABCC (both the appeal on the non-renewal of the 2018 license and the appeal on the 21-day license suspension).*

*He stated that the settlement agreement consists of the following:*

- a. In regard to the 21-day license suspension: Topps Liquor will pay a specific dollar figure to the City of Fitchburg in lieu of 20 days of the suspension and that 1 day of the suspension will be served on the day prior to the closing on the transfer of the license.*
- b. In regard to the non-renewal of the 2018 license: The Board will renew the 2018 license for the purpose of transfer to the new owner. Note: this transfer application has already been received and approved by the Board and is at the ABCC under review.*

*Attorney Kelley stated that the ABCC will approve the transfer of the license pending receipt of a tax compliance letter from DOR from the buyer which is expected to be produced within the next few days.*

*By vote of 3/0 the settlement agreement was approved.*

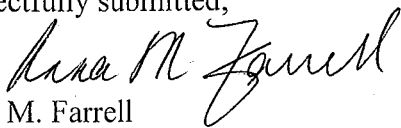
2. Discussion: Process of providing and language on summons notice to licensees for alleged violations. *Commissioner Pawlak submitted a draft "Notice of Violation" for review. She asked that it be forwarded to Captain Lemay for review and be placed on the agenda for the next meeting.*
3. Discussion: Process for release of police reports pertinent to summons hearings. *Tabled until next meeting to provide opportunity for discussion with FPD Captain Lemay.*
4. Discussion: Development of local regulation authorizing an offer of compromise in lieu of service of license suspension. *No discussion or action taken.*

#### IV. CONTINUED MATTERS

1. Topps Liquor: Review of appeal of 21-day suspension filed by William A. Kelley, Jr., Esq. and vote on stay of suspension. *Owner of Maraswami Corp. Mr. Patel and his attorney William Kelley were present. The 21 day suspension was amended to a 1-day suspension to be served on the day prior to the closing on the transfer of the license as approved and voted in the settlement agreement noted above. 3/0*
2. 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.) *No discussion or action taken.*
3. Lodging House licensing procedure *Commissioner Pawlak distributed revised draft application process and application document for review by Commissioners and FPD. To be discussed at next meeting.*
4. BYOB regulations *No discussion or action taken.*


The meeting adjourned at 7:02 PM

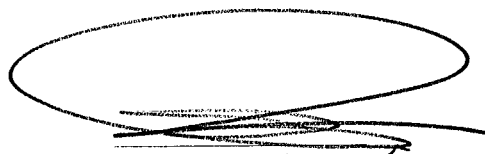
Respectfully submitted,

  
Anna M. Farrell  
City Clerk

Approved:

  
Daniel Sarefeld

  
Glenn Fossa

  
Donna Pawlak