



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 September 5, 2018 in the Fitchburg Fire Department Community Room, 33 North St., Fitchburg, and called to order by Chairman Daniel Sarefield at 6:02PM. Commissioners Fossa and Pawlak were present. FPD Captain Lemay and Lieutenant Jeffrey Howe were present.

Commissioner Pawlak arrived at 6:06PM.

The agenda consisted of the following:

I. REVIEW AND ACCEPTANCE OF MINUTES FROM PREVIOUS MEETING

Minutes from the previous meeting were reviewed, approved and signed.

II. APPLICATIONS

Taxi Drivers:

Emmanuel Petit-Frere – Six month review

Mr. Petit-Frere was not present. The Clerk was instructed to send him a letter to appear at the next meeting.

Christopher Palvio – Review after proof of court decision of previously filed appeal heard on July 16, 2018
The Board discussed the criminal history background of Mr. Palvio in executive session from 6:27PM to 6:35PM.

Application not approved 3/0

Melissa Capuano – Twin City Kab

The Board discussed the criminal history background of Ms. Capuano in executive session from 6:35PM to 6:45PM.

Application not approved 3/0

David Nelson – City Cab

Approved 3/0

Ronald Siegel – City Cab

Mr. Siegel was not present.

Continued to September 17, 2018

Randy Sumner – City Cab

Application not approved 3/0. The Board cited several traffic violations as reason for disapproval.

Solicitors:

Continued from July 16, 2018 – not present:

Sean Sullivan – Xfinity (tv, internet, home phone, home security)

Not present. Tabled until September 17, 2018

Daniel Reardon – Power Home Remodeling (free estimates – windows, roofing, siding)

Withdrawn by applicant.

John Carroll - Power Home Remodeling (free estimates – windows, roofing, siding)
Withdrawn by applicant.

Ryan Barrett- Power Home Remodeling (free estimates – windows, roofing, siding)
Withdrawn by applicant.

Dalton McLaughlin- Power Home Remodeling (free estimates – windows, roofing, siding)
Approved 3/0

Blake Jalbert-Sullivan Power Home Remodeling (free estimates – windows, roofing, siding)
Approved 3/0

New:

Jayne Bellofatto - Power Home Remodeling (free estimates – roofing, siding, windows)
Approved 3/0

Tyler Zech - Power (exterior remodeling)
Approved 3/0

Monica Troche - Aerus (vacuums)
Not present. Continued to September 17, 2018

III. NEW APPLICATIONS

The Fitchburg Lions Club for Special One Day All Alcoholic Beverage license to be sold at 14 Wallace Ave.:
September 6, 2018-Open House from 3P – 6P for 100 people;
September 15, 2018-Fundraiser-Friends from 5P – 10P for 100 people;
October 10, 2018-Fundraiser from 4P – 8P for 100 people
October 13, 2018-Fundraiser from 5P – 11P for 100 people
October 20, 2018-Celebration from 5P – 11P for 100 people

All applications from the Fitchburg Lions Club listed above were approved 3/0

IV. HEARING

KRB Corp., Inc. dba Log Cabin, 135 Westminster St. for Transfer of Stock from Brian and Joanne Keenan to Shannon and Amy Keenan and Change of Beneficial Interest-Officers/Directors from Brian and Joanne Keenan to Shannon and Amy Keenan.

(New hearing on previously approved application for Transfer of Stock only – per ABCC must be heard again)

Shannon and Amy Keenan were present. The Board noted that all paperwork appears to be in order and as instructed by the ABCC. No one spoke in favor of or in opposition to the application.

Approved 3/0

V. SUMMONS HEARING

Partner's Pub, 970 South St., Walter Kirby, Manager regarding FPD report #18-22797-OF (allegation of assault and battery on premises)

Mr. Walter Kirby and his attorney John Dombrowski were present. FPD Officer Griffen was present. Officer Griffen reiterated the details of the police report. He stated that no phone call was received from Partner's Pub concerning the incident. Attorney Dombrowski reported that neither female was intoxicated. Mr. Kirby stated that no one called the PD because it was over too fast. Commissioner Sarefield asked why the video footage was not submitted as requested and FPD answered that the FPD still has the video equipment due to an unrelated investigation. Commissioner Sarefield confirmed with Mr. Kirby and Attorney Dombrowski that Partner's Pub staff will report future incidents of this type to the FPD. Captain Lemay stated that Mr. Kirby knows the regulations and that he should have called the FPD. Commissioner Fossa stated that this is not the first time Partner's Pub has appeared before the License Commission.

Motion to continue the matter until October 15, 2018 to allow time for Mr. Kirby to notify and ensure the presence of the bartender on duty that night to explain why he did not call the FPD was approved 3/0

Beemer's Pub and Grill, 310 Main St., Peter Cote, Manager regarding FPD report #18-24697-AR and 18-24697-A-AR (allegation of fight on premises)

Mr. Cote was present. Sgt. Bellofatto was present and reiterated the details of the police report. He stated that both the male and female parties were intoxicated and described the incident as a domestic disturbance. Mr. Cote stated that his security person was doing his usual check of the parking lot at closing time, witnessed the male party take a swing at the female party in the parking lot and put the male party on the ground. The PD was coincidentally approaching the scene as it unfolded and stopped the cruiser to intervene. Sgt. Bellofatto stated that all Beemer's Pub staff were cooperative.

FINDING: The incident was not related to the licensee. No violation found. 3/0

VI. CONTINUED HEARING

SACF, Inc. dba Beemers Pub and Grill, 310 Main St., Peter C. Cote-Manager for Transfer of License to Peter C. Cote and Alteration of Premises to expand the outdoor seating to include the parking lot in the rear of the building (approx.5000 sq.ft.)

(Hearing continued to allow Mr. Cote the opportunity to present paperwork showing proper filing procedures have been followed in response to objection received from Attorney David Nickless)

Attorney David Nickless and Mr. Cote were present and asked that the matter be continued to October 15, 2018.

The request was approved and the matter was continued to October 15, 2018 3/0.

VII. CONTINUED DISCUSSION

Continued discussion with BOH Director Stephen Curry and representatives from LUK, Inc. to discuss Substance Abuse Prevention grant and how this can assist the Commission to reduce underage drinking. In particular, the matter was continued to discuss ideas for licensee seminars.

BOH Director Stephen Curry and Brandy and David from LUK were present. They are requesting an endorsement from the License Commission to use on their literature. They are requesting at least one Board member and a representative from the FPD to attend a meeting with licensees to discuss substance abuse prevention. Captain Lemay noted that the FPD station has a community room available as a venue for this meeting.

The Board voted to continue the matter to September 17, 2018 at which time they will finalize the date and the agenda items for the requested meeting with LUK and licensees.

VIII. COMMUNICATIONS

1. From MA State Lottery Commission regarding KENO monitor at Unified Petroleum, 249 Kimball St.
The Board recorded no objection to this notification.

2. From Law Office of Andrew J. Couture regarding special legislation authorizing an additional all alcohol package store license.

Attorney Andrew Couture was present. He stated that he is researching a request for Special Legislation to allow an additional all alcohol off-premise license above quota for his client, Saurabh Patel-owner of Wine World. He stated that his client operates four other all-alcohol establishments in MA. The Board expressed an interest in hearing from the License Commissions in these other communities as to Mr. Patel's compliance history. The Clerk was instructed to send a letter to the pertinent License Commissions. The Clerk raised a question about this directive in that she has no information of the names or addresses of the establishments. Commissioner Pawlak asked Attorney Couture to send such information and that she would draft the letter for the next meeting.

Mr. Stuart Sheinhait-Kappy's Liquors, was present in the audience and stated that he would have no objection to an additional license above quota if it is site specific. He questioned the reason why an additional license is needed at this site due to the fact that there are two all alcohol off-premise establishments nearby.

Continued to September 17, 2018 for public comment and further discussion.

IX. CONTINUED MATTERS

BYOB Regulations

(Continued from April 2016)

Mr. Stuart Sheinhait from Kappy's Liquors spoke from the audience to ask, if BYOB regs are instituted, who would be responsible for those who over-indulge, would TIPS be required and that some kind of regulation should be in place.

Commissioner Sarefield stated that the Board will soon have a meeting at which interested persons will be invited to give feedback on the proposal. He stated that he will draft a letter to the Sentinel making such invitation and bring to the next meeting for review by the Board prior to sending to the Sentinel.

Continued to September 17, 2018

Lodging House licensing procedure and designation of Commissioner Fossa to represent the Commission at the City of Fitchburg NICE Task Force meeting scheduled for June 20, 2018 to discuss this procedure.

(Continued from June 2017)

Continued to September 17, 2018

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 from December 2017)

The Clerk was instructed to send the matter to the Leominster License Commission to be addressed and to send their findings to the Fitchburg License Commission.

Twin City Kab – Kenneth Bergeron, Owner and Frederick Nikander, taxi driver regarding FPD report #17-30215-OF.

(First summons hearing was held on October 2, 2017 and continued to November 1, 2017. On November 1, 2017 the hearing was continued for six months. For reference, the minutes of the October 2, 2017 and November 1, 2017 hearings are attached.)

Mr. Bergeron and his office manager were present. Commissioner Pawlak stated that when Leominster taxi drivers present a problem in Fitchburg the Commission should notify Leominster License Commission and ask to be notified of the action taken. She stated that she will draft a template for such a letter to be sent in these cases and bring to the next meeting for review.

Captain Lemay suggested that the Fitchburg Taxi Regulations be changed to require the taxi companies to notify the Commission if a taxi driver is let go due to unsafe driving practices. The Board asked that this be placed on the agenda for their September 17, 2018 meeting.

Proposed change to License Commission regulation 3.12 Compliance Checks: "Notice of Violation" form.

(Continued from May 7, 2018)

Continue to September 17, 2018

Commissioner Pawlak – draft letter to invite licensees to meeting to discuss renewal requirements

(Continued from July 16, 2018)

Commissioner Pawlak stated that renewal requirements can be reviewed with the licensees when the Board has their meeting with licensees with the LUK Substance Abuse Prevention program.

The meeting adjourned at 8:52 PM

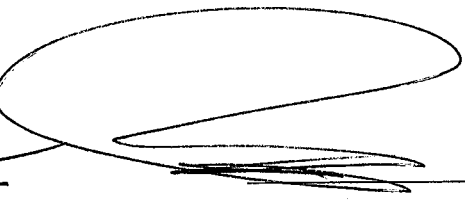
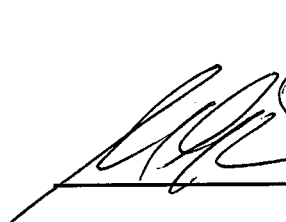
Respectfully submitted,

Anna M. Farrell
Anna M. Farrell

City Clerk
Approved:



Daniel Sarefield



Glenn Fossa

Donna Pawlak