



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 17, 2018 in the Fitchburg Fire Department Community Room, 33 North St., Fitchburg, and called to order by Commissioner Sarefield at 6:02PM. Commissioner Fossa and FPD liaison Lt. Howe were present. Commissioner Pawlak arrived at 6:04PM

The agenda consisted of the following:

I. REVIEW AND ACCEPTANCE OF MINUTES FROM PREVIOUS MEETING

Minutes of the previous meeting were reviewed, approved and signed by Commissioners in attendance.

II. APPLICATIONS

Taxi Drivers:

Continued from September 5, 2018:

Emmanuel Petit-Frere – Six month review

Not present – continued to October 1, 2018

Ronald Siegel (City Cab)

Approved 3/0

Solicitors:

John Maliska – Edward Jones

Approved 3/0

Continued from July 16, 2018 and September 5, 2018 – not present:

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

Not present. Disapproved unanimously.

Monica Troche – Aerus vacuums

Not present. Disapproved unanimously.

III. NEW APPLICATIONS

Katherine Marsh and Zach's Goal Organization for Special One Day All Alcoholic Beverages license from 12P – 5P on September 30, 2018 for 100 people in the side parking lot at 68 Airport Rd. Unit 10

Approved 3/0

Legends Bar & Grille, 68 Airport Rd. for Sunday Entertainment Permit – live amplified music - on September 30, 2018 from 12P – 5P

Approved 3/0

IV. COMMUNICATIONS

1. From Paul Chlebeczek, formally removing himself as manager of record for Tryst Lounge.

Communication noted and placed on file. The Clerk was instructed to summons in Tryst Lounge for failure to have a Manager of Record and to note additionally that failure to attend may result in suspension of the license and that an application for Change of Manager must be submitted to the Board.

V. OTHER

1. Proposed amendment to Fitchburg Taxi Regulations; Impose a requirement for taxi companies to notify the License Commission if a taxi driver is released from employment due to unsafe driving practices. Concerns were raised by Commissioner Fossa that requiring an employer to release personnel records may be unlawful and that such requirement requires further research prior to moving forward with amending the regulations. Commissioner Pawlak stated that she would research the employment laws for an answer to this question and also if having the employee sign a release would remedy the issue. Continued to October 1, 2018

2. Request from City Clerk to clarify the proposed template for letter to neighboring License Commission regarding taxi driver issues particularly the language directing them to obtain a Fitchburg Police report. The Clerk was instructed to provide the incident number in the notification and use language that the Fitchburg License Commission is notifying them of the incident rather than requesting that they address the matter and report their findings.

3. Report from Commissioner Pawlak on ABCC updates and information obtained at seminar. Commissioner Pawlak reported that she learned that Special One Day licenses are not allowed for establishments with an annual license; OUI Last Call information is not enough to substantiate a further investigation by the License Commission. She noted that the "Notice of Violation" form needs to be finalized and put in to use so that establishments are notified the day after an incident to preserve evidence such as video.

question whether it is unclear if clearly
and Boston's application for a one day amendment was presented to the commission for similar situations in Boston.

VI. CONTINUED MATTERS

Communication continued for further discussion and public comment: From Law Office of Andrew J. Couture regarding special legislation authorizing an additional all alcohol package store license. (Continued from September 5, 2018)

Attorney Couture and Mr. Saurabh Patel, owner of Wine World were present. Atty. Couture stated that Mr. Patel has over 400 signatures from customers who would like for him to sell all alcohol. Mr. Patel stated that he has owned Super Food Mart in Charlton for thirteen years (with an all alcohol license) with no violations and that he has been the owner and manager for Vine Vault in Framingham (with an all alcohol license) for six years with no violations. He states that he does not sell kegs or a lot of 30 packs and tries to be more family oriented. Commissioner Pawlak stated that she heard he was trying to sell Wine World. Mr. Patel stated that he does not intend to sell and just extended his lease for fifteen years. Commissioner Pawlak stated that if Fitchburg's population goes up to 45,000 in the 2020 census and our quota is increased she would be concerned that this additional license would not be available to others. If not, she is not opposed considering his good history in running two other all alcohol establishments.

Public comment:

1. Stuart Sheinheit, Kappy's Liquors. He stated that quotas are in place for a reason and questioned why the City needs to go above and beyond. Attorney Couture responded with comment that why would Fitchburg want to stop the growth of a business.

Commissioner Fossa stated that he is neutral on the issue. Commissioner Sarefield stated that the City of Fitchburg will likely not have a huge increase in the 2020 population nor have its quota increased. Attorney Couture reiterated that he would like a letter from the License Commission indicating no opposition before he files a petition with the City Council requesting special legislation. Commissioner Fossa voiced support for allowing him to pursue the matter. Commissioner Pawlak stated that she heard Mr. Patel wants to sell his business to another person who already owns two all alcohol establishments. She stated that, if that is the case, she will be opposed to anyone owning three stores in the City.

By unanimous vote the Board authorized a letter of non-opposition to be sent to the City Council when the petition is filed by Attorney Couture.

Finalize date, location and agenda for meeting with licensees: 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.

(Continued from July 16, 2018)

Brandy Litt, LUK Director of Community Engagement and Support and David Greco, LUK Substance Abuse Prevention Collaborative East Coordinator were present.

It was decided that a meeting with licensees will be held on October 24, 2018 at 11:30AM at the Fitchburg Police Department Community Room, 20 Elm Street. The meeting will be a Bring Your Own Bag Lunch format with informational materials provided by LUK concerning such topics as the seriousness of substance abuse (brain chemistry), social host liability, how licensees can educate the public particularly during the holidays; input from FPD; input from Chairman Dan Sarefield. Additionally, they discussed and agreed that LUK representatives will supplement the meeting format with site visits to the establishments. FPD liaison Lt. Howe and David Greco will visit the establishments and distribute flyers advertising the meeting. The City Clerk will post a notice of the meeting, noting that a quorum of the License Commission may be present in the event that Commissioner Fossa or Pawlak is able to attend.

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

(Continued from May 7, 2018)

Continued to October 15, 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)

Commissioner Fossa reported that at the NICE meeting held on June 20, 2018 the Lodging House licensing procedure was sent to Assistant City Solicitor Christine Tree for review. The Board wants to hear from other Departments on the process.

Continued to October 1, 2018

BYOB Regulations

(Continued from April 2016)

Commissioner Sarefield brought a draft letter, which was reviewed and approved by the other Commissioners, to be sent to the Sentinel Editor for publication in the Letters to the Editor. The letter reads as follows:

Dear Fitchburg residents and business owners/managers,

Do you have an opinion about the practice of "Bring Your Own Bottle" - BYOB - in Fitchburg businesses? If you are a Fitchburg business owner/manager currently allowing BYOB at your business, or one considering it, or someone currently licensed to sell alcohol in your Fitchburg business, or a member of the public who is for or against the practice of BYOB, we would like to hear your opinions. The Board of License

Commissioners will be providing the opportunity for any concerned citizens or business owners to speak on this matter during the License Commission's regular meeting, which will be held on Monday, October 15, 2018 at 6:00PM in the Fitchburg Fire Department Community Room (basement level) located at 33 North Street Fitchburg. Please join us on that day and time in order to let your voice be heard.

Yours sincerely,

Fitchburg Board of License Commissioners

Daniel Sarefield, Chairman

Donna Pawlak

Glenn Fossa

The matter was continued to October 15, 2018

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.)

*Lt. Howe stated that he will take care of discussing this with the Leominster License Commission.
Matter closed.*

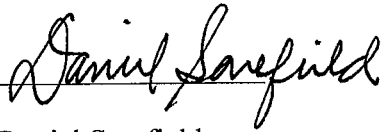
The meeting adjourned at 7:53 PM

Respectfully submitted,



Anna M. Farrell
City Clerk

Approved:



Daniel Sarefield



Glenn Fossa



Donna Pawlak