



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 November 7, 2018 in the Fitchburg Fire Department Community Room, 33 North St., Fitchburg, and called to order by Chairman Daniel Sarefield at 6:02PM. Commissioner Fossa was present. FPD Lieutenant Jeffrey Howe was present. Commissioner Pawlak arrived at 6:05PM.

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

SOLICITOR:

Wyatt M. Lyons – Vivint Solar

Not present for second time.

Denied 3/0

St. Anthony of Padua Church, 118 Theresa Street, for Special One Day Wine and Malt beverages license for Christmas Fair from 10AM to 6PM on Saturday November 24, 2018 for 200 people in the right back corner of the hall.

Peter and Linda Allaire were present on behalf of St. Anthony Church. Discussed size of crowd and the need for a crowd manager, TIPS certified servers, alcohol liability insurance and police detail.

Approved 3/0

St. Anthony of Padua Church, 84 Salem Street, for Entertainment Permit (DJ) on Saturday, November 24, 2018 from 10AM to 6PM

Approved 3/0 simultaneously with application as noted above.

III. CONTINUED MATTERS

Hollis Hills Farm, 340 Marshall Rd, for Alteration of premises – approval of outdoor permanent serving area. (Note: Description of premises on this application was left blank. Licensee must complete the application prior to the hearing moving forward)

(Continued from October 15, 2018)

(On agenda for referral to public hearing to be held on December 3, 2018)

Mr. Jim Lattanzi was present. Complete description of licensed premise was submitted. Commissioner Pawlak and Fossa reported that they have visited the establishment. FPD Lt. Howe reported that the police department has no issues with the establishment.

Application accepted and referred to a public hearing on December 3, 2018 3/0

BYOB regulations – post-public hearing review and continued discussion

(Continued from April 2016)

Commissioner Sarefield reiterated some of the comments from the public hearing, stating that they were a representative sample of certain individuals who would be affected by BYOB regulations. He stated that concerns were expressed if BYOB establishments would be required to have common victualler licenses and

that the issue would need further discussion. He stated that the License Commission is not collecting information on BYOB establishments which is a cause for public safety concern and that the entire matter, including fees, times and amounts of alcohol allowed is up for further discussion before any definitive recommendation would be ready to be presented to the City Council. He noted that the City Solicitor stated at the hearing that he is reviewing and will report to the Board on any related liability issues for the City. Commissioner Pawlak stated that she was approached by two individuals who wanted to speak at the hearing but felt intimidated by the overwhelming majority who spoke in opposition. She stated that these individuals felt it is unfair that BYOB establishments have no regulations to follow or requirements for insurance and TIPS as do the licensed establishments. She stated that she agrees with FPD Chief Martineau that we need a formalized tracking procedure of BYOB establishments not to necessarily impose limits but primarily so that we know where they are.

Commissioner Fossa stated that he was absent from the hearing due to a death in the family and did not purposely miss the meeting. Referencing an "application" for permission to operate as BYOB on a 2007 License Commission agenda, he stated that he takes issue with the concept that by an establishment making it known they are allowing consumption the License Commission is giving their tacit approval. He stated that he would like to see at least a registration procedure and that the Commission should have no transfer of complicity.

Lt. Howe questioned whether or not BYOB establishments are aware of open bottle references in MA General Law. He stated that the police department wants to know where the establishments are located so that, if called upon to intervene in any situation, they may plan their response accordingly.

Continued to the first meeting in January 2019 3/0

Lodging House licensing procedure

(Continued from June 2017)

Continued to the second meeting in January 2019 3/0

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

(Continued from May 7, 2018)

Continued to the second meeting in January 2019 3/0

Proposed amendment to Fitchburg Taxi Regulations: Requiring that taxi companies notify the Commission if a taxi driver is let go due to unsafe driving practices

(Continued from September 17, 2018)

Commissioner Fossa questioned whether the Commission should be intrusive in to the employer/employee relationship and that perhaps they would be taking on too much responsibility by doing so. Commissioner Pawlak suggested that the amendment could be re-worded to "receiving citations or involvement in an accident".

Continued to the second meeting in January 2019 3/0

IV. SUMMONS HEARINGS

Peter Cote, Manager – Beemer's Pub and Grill, regarding FPD report #18-34572-AR

Mr. Cote was present. He stated that the police department would not release a copy of the police report to him. Lt. Howe reiterated details of the police report and stated that the main issue is that the establishment did not report the event to the PD. Mr. Cote stated that he assumed the PD would be notified automatically because the woman pulled the fire alarm and FFD responded. He stated the woman later returned to the establishment when they were closed, banging on the door, and that they called the police at that time. Lt. Howe deferred further discussion of the police report until the reporting officers are present. The City Clerk did not summons them to the meeting and was instructed by the Board to do so for the next meeting.

Mr. Cote stated that he would also bring the doorman and bartender on duty that night.

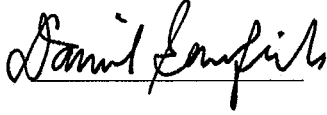
Continued to November 19, 2018 3/0

V. MISCELLANEOUS

1. Communication: From MA State Lottery Commission re: Cibao Spanish Market, 1151 Main St. re: KENO To Go.
No action taken.

The meeting adjourned at 7:20 PM
Respectfully submitted,

Anna M. Farrell
City Clerk
Approved:



Daniel Sarefield



Glenn Fossa



Donna Pawlak