



BOARD OF LICENSE COMMISSIONERS

City Hall, 718 Main Street
Fitchburg MA 01420
(978) 829-1820

FITCHBURG CITY CLERK

Feb 23 2022 10:52 am

Daniel Sarefield, Chairman
Richard Boscardin
John Zarrella

MINUTES OF MEETING

A Special meeting of the Board of License Commissioners was held on February 11, 2022 over the Zoom meeting platform, and called to order by Commissioner Sarefield at 10:03 AM. Commissioners Boscardin and Zarrella were present. FPD Liaison Lieutenant Howe and Provisional City Clerk Amanda Alford were present.

I. SUMMONS HEARING

Majors Cafe, 149 Lunenburg Street

Regarding the following incidents:

1. Friday, January 21, 2022 at approximately 11:36 PM
2. Thursday, February 3, 2022 at approximately 1:18 AM
3. Saturday, February 5, 2022 at approximately 12:08 AM

Present at the meeting were Ms. Ellen Griffin, owner of Major's Café, Attorney Thomas Martin, representing Ms. Griffin, and Fitchburg Police Officers Sanchez and Ramos.

Commissioner Sarefield declared the hearing open and noted that the purpose of the hearing was to address issues related to recent incidents that have taken place at Major's Café which were outlined on the special meeting agenda. He noted that present at the meeting was FPD liaison Lt. Howe and Officers Sanchez and Ramos. He asked Lt. Howe to provide an overview of the incidents.

Lt. Howe noted on Friday, January 21, 2022 his department was made aware of an incident involving a large group of biker members that entered the establishment. He stated that an altercation began shortly after they arrived. When he reviewed the surveillance video he observed that some of the biker members entered the establishment with alcohol in red solo cups. In addition, some were wearing knives on their belt and one had a large Maglite. After the altercation began, he observed the bartender turn on the lights and call the police. As a result of this incident, there was a special meeting called to discuss the incident with Ms. Griffin. At this meeting she told the Board she would take steps to maintain security which included having a crowd manager working the door and management watching the premises.

Lt. Howe noted the incident that took place on February 3, 2022 involved a large altercation that resulted in a patron sustaining injuries. This individual refused medical treatment. When the responding Officer arrived he witnessed no security working the door. The Officer requested video surveillance at the time, and followed up again at a later date to request the video and was told by Ms. Griffin that it had been deleted. As of this meeting, his department is not in receipt of the video. He noted that it was the responsibility of Ms. Griffin to provide the video to FPD. He stated the Detectives

investigating the incident that took place on January 21st obtained the video footage directly from the company that she uses to store the footage.

Lt. Howe noted that the incident that took place on February 5, 2022 involved a patron causing a disturbance inside the establishment and was issued a no trespass. He stated that he is concerned about these incidents and want to prevent someone else from getting injured. He noted these incidents took place late at night and the Board was told by Ms. Griffin that she does not allow new patrons inside after 12:45AM. He noted that the incident that took place on February 3rd resulted from patrons that were removed from another establishment and went to Major's Café. At this time, he cannot confirm when they arrived due to the fact the video has not been presented to the FPD.

Commissioner Sarefield asked Officer Sanchez if he was the responding officer for the incidents that took place on January 21st and February 3rd. Officer Sanchez confirmed he was the responding officer. He noted when he arrived on January 21st there was security working the door. He noted there were he witnessed approximately 40 to 50 patrons inside and he had to shut the establishment down. He stated he was more concerned with the incident that took place on February 3rd because when he arrived there was no security working the door and he believes the incident could have been prevented had there been. He noted Ms. Griffin did show him partial video on her phone and he observed individuals on the sidewalk outside the establishment in an altercation. During his investigation he learned that the disturbance began with the individuals arguing inside the establishment. They went outside and continued to argue until the physical altercation began. He stated that he spoke to the bartender and another witness inside that stated she was helping the bartender but that she wasn't an official employee.

Lt. Howe noted as a result of the incident that took place on January 21st the Board discussed with Ms. Griffin certain security measures they expected to be in place to prevent any further incidents. At the time Ms. Griffin assured the Board that she would have proper personnel at the door. He asked Officer Sanchez to explain further his attempt to obtain video surveillance from February 3rd. Officer Sanchez stated that on the night of the incident Ms. Griffin showed him partial video on her cell phone and he requested that she make a copy for the FPD's records. He stated that Ms. Griffin told him she needed to call the company to make a copy of the video. He noted that he followed up a few days ago and she stated that she could not provide it because the company that she called was closed and after 5 days the video is erased. He noted she did state that she would follow up with one of her employees to see if they made a copy and if they did, she would provide it.

Commissioner Sarefield asked Officer Sanchez to confirm that he witnessed no security working the door on February 3rd. Officer Sanchez confirmed when he arrived that he did not witness anyone working the door but that he spoke with a few individuals outside the establishment who pointed out the individual who was injured. He stated that he spoke with this individual and then went inside where he determined some of the patrons involved in the altercation were inside the establishment drinking and appeared heavily intoxicated. He noted that he did not witness any security inside either.

Commissioner Sarefield asked Officer Ramos to discuss the incident that took place on February 5, 2022. Officer Ramos stated that he responded to a disturbance at the establishment which involved an intoxicated male party. He noted that prior to arriving, Mr. Stebbins was working the door and the individual was attempting to reenter the establishment. Mr. Stebbins asked the individual to leave several times and he finally left with some friends shortly after the police arrived. The individual was issued a no trespass. Commissioner Sarefield asked Officer Ramos if proper procedures were taken. Officer Ramos answered yes. Lt. Howe asked Officer Ramos about the number of staff he witnessed working. Officer Ramos stated that he mainly stayed outside so he was unable to determine this information. Lt. Howe asked Mr. Stebbins about the staffing that evening. Mr. Stebbins stated that he

was working security and had someone working the door and someone monitoring outside. He noted there was one bartender working.

Commissioner Sarefield referred to the special meeting of January 28th and the discussion the Board had with Ms. Griffin regarding the incident that took place and her responsibility to maintain a safe environment for her patrons and the public. He noted that she indicated she was taking it seriously and had dismissed the two employees working the door and assured she would maintain a secure posture to prevent any further incidents. He noted that since that meeting two more incidents had taken place, one of which it had been determined that there was no security working. He also noted that she failed to comply with the FPD's request for video surveillance both of which are violations of the license.

Attorney Martin acknowledged two incidents had taken place since the meeting of January 28th but noted that the Board agreed that no violation occurred on February 5th and questioned why this incident was part of the summons. Lt. Howe stated that there has been a pattern with the establishment for the past couple years and some have been handled properly and others not but that the incidents primarily have occurred after 11:00PM. He pointed out that the Licensee was issued a violation of the Governor's Order during COVID for serving alcohol. Attorney Martin asked Officer Sanchez if he investigated the patrons involved in the incident on January 21st. Officer Sanchez stated that he had interviewed the individuals that evening and noted there were several motorcycle gangs present. Attorney Martin asked Lt. Howe if there has been any follow-up since that evening. Lt. Howe stated that it is in hands of the Bureau of Criminal Investigation and that he cannot comment on an ongoing investigation. Attorney Martin questioned the Board's observation of the solo cups brought into the establishment and how they determined that it was alcohol inside these cups and noted that Ms. Griffin stated that she had not seen this group before or since and that it was a one-time occurrence. He asked if the individuals involved in the later incidents were involved with the one that took place on January 21st. Lt. Howe stated that the incident that took place on February 3rd did not involve the patrons on January 21st. He noted that this fact does not excuse the obligations of the owner to maintain security at the establishment and his concern is someone will get seriously injured. Attorney Martin noted that Ms. Griffin knows that patrons that frequent her establishment and these are not the individuals that were involved in the incidents being discussed. Lt. Howe noted that some of the individuals involved with the incident on the January 21st were members of the 300 group and they continue to patronize the establishment.

Attorney Martin stated that he has discussed with Ms. Griffin how she should handle things going forward but believes that she took necessary steps since the incident on January 21st which include dismissing the two employees working the door and not allowing entry of individuals wearing clothing identifying a motorcycle club. He noted she currently has a sign posted that indicates this policy but that a more permanent one has been ordered. He stated that he and Ms. Griffin discussed instituting the following policies, some of which were already in place:

- One and done – if a patron causes a disturbance they will be banned from returning to the establishment
- Not accepting out-of-state licenses
- Possibly issuing wrist bands or using counters
- No one allowed back into the establishment after last call
- Informing employees they should call 911 and not the business line and in the event anything starts to happen they should call for assistance
- Ms. Griffin is working on getting a panic button installed
- Possibility of installing a crash bar on the front door so that no one can enter the establishment but patrons inside are able to egress.

- *He will work with Ms. Griffin to establish a policy book that will be signed by employees monthly and suggested having staff meetings once a month to review the policies. The minutes of these meetings will be recorded.*
- *A monthly schedule for employees which will be posted indicating the times employees are working and any changes to personnel be noted.*

Attorney Martin assured the Board that Ms. Griffin is taking this seriously and that she doesn't want trouble in her establishment and her goal is to be the safest bar in the area and that others will look to her policies as a model.

Ms. Griffin stated that she was working the night of February 3rd until 12:15AM. She noted that Josh Champagne from Mill City Pub was there since 9:00PM and he agreed to watch the door after she left. She stated that Mr. Champagne removed the patrons that were causing the disturbance, but that they continued to argue outside. She noted that the bartender called the police before the altercation began and the individuals were not served inside the establishment. She stated at the time there were only approximately 10 patrons inside. She stated that she showed the Officers video on her phone and offered to have them tape if from their phone until she could contact Appleseed Machines. Officer Sanchez stated that when he spoke with Mr. Champagne he said he was there for personal reasons to play darts and said that he didn't remove the patrons from the establishment. He also noted that he is not allowed to use his personal cell phone to record evidence. Ms. Griffin stated that Mill City Pub helps them out on occasion as does she for them and that she is friends with Mr. Champagne. She asked Mr. Champagne to watch the door that evening and help the bartender because she had to leave early and he agreed. She noted that two employees from Mill City Pub have worked the door since the incident that took place on January 21st and that going forward she has someone scheduled Tuesday through Saturday. Attorney Martin noted that having a security schedule in place will be helpful so that it is documented who is working and at what times. Commissioner Sarefield noted that a security plan needs to be put in writing and instituted. He noted that he is concerned whether the patron on February 3rd who was helping the bartender was serving alcohol and if so she would need to be TIPS certified. Officer Sanchez noted that she was helping clean up after everyone was asked to leave. Ms. Griffin stated that the patron has never been behind the bar or served alcohol, rather, she helps wash the glasses and pick up the place before they close.

Commissioner Sarefield reiterated his concerns about the lack of a professional work environment and proactive measurements to address the serious issues taking place and the lack of cooperation with the police investigation.

Commissioner Boscardin noted that there seems to be a chronic problem at this establishment especially after 11:00PM. and he is concerned about a serious incident taking place that injures either a patron or police officer. He stated that he had asked Officer Sanchez if this establishment has become a concern since he has worked this area for a while and Officer Sanchez noted that it has become labor intensive. Officer Sanchez noted that recent incidents required the entire shift to respond.

Attorney Martin noted that he is on board now and he will work with Ms. Griffin to ensure policies are in place and followed. He suggested the Board either impose the one day abeyance or extend it and give them a month to get the security plan in place.

A motion was made by Commissioner Boscardin to impose the one day held in abeyance and to revoke the late closing permit as the Licensee violated regulations 3.17 in that the Licensee failed to cooperate with the police investigation and 6.13 in that the Licensee failed to refuse entrance to the premises of a person(s) who appears to be intoxicated or unruly. In addition, the Licensee did not comply with the

Board's recommendations regarding the need to put a security plan in place as discussed at the Special Meeting of January 28, 2022 was seconded by Commissioner Zarrella.

Attorney Martin requested that the late permit be suspended rather than revoked with a date in the future they can work towards for it to be renewed. Commissioner Sarefield noted that the Board is welcome to looking at a late closing in the future and that the Board's goal is not to punish the Licensee but to ensure they are in compliance. Commissioner Boscardin asked Lt. Howe if he had any further thoughts. Lt. Howe stated that he was also concerned not only for the patrons at this establishment but also for the surrounding establishments including the pizza place. He noted that he wants the establishment to succeed because neighborhood bars are an important party of the community as they provide a good social environment. He wants to see the establishment run safe and acknowledged the recommendations made by Attorney Martin are the types of polices that should be in place. Commissioner Zarrella also stated that the Board is trying to be business friendly and that he felt that providing a short-term suspension to the late closing would allow the policies to be put in place.

After further discussion, Commissioner Boscardin revised his motion as such: to impose the one day held in abeyance on February 18, 2022 and suspend the late closing permit for 45 days. The motion was seconded by Commissioner Zarrella. Approved by a roll call vote 3/0.

Commissioner Sarefield declared the hearing closed at 12:05PM.

The meeting adjourned at 12:05 PM

Respectfully submitted,

Amanda K. Alford, Provisional City Clerk

Approved:



Daniel Sarefield, C hair



Richard Boscardin



John Zarrella