



BOARD OF LICENSE COMMISSIONERS

City Hall, 718 Main Street

Fitchburg MA 01420

(978) 829-1820

Daniel Sarefield, Chairman

Richard Boscardin

John Zarrella

MINUTES OF MEETING

A regular meeting of the Board of License Commissioners was held on May 3, 2021 over the Zoom meeting platform, and called to order by Commissioner Sarefield at 6:02 PM. Commissioners Boscardin and Zarrella were also present. FPD Liaison Lieutenant Howe was present.

I. REVIEW AND APPROVAL OF MINUTES OF PRIOR MEETING(S)

The minutes of April 21, 2021 were approved by unanimous consent 3/0.

II. APPLICATIONS

2021 Monday through Saturday Entertainment Permit

1. Saima Park, 67 Scott Road, for DJ, dancing on for a private prom from 5:00-10:00 PM, May 15, 2021.

Applicant Olamide Bamgbose, as well as Yetunde Bamgbose, attended the meeting. They noted that the event would be by ticket and would be capped at 150 students. There was extra security hired for the event, and alcohol would not be served. Lieutenant Howe stated that Officer Pinetti would also be on scene to assist with their plans.

Motion to approve the one-day permit was approved by unanimous roll call vote 3/0.

NEW - Taxi Driver Application

Luis Manuel Figueroa – City Cab

Mr. Figueroa was present at the meeting.

Motion to move into Executive Session was approved by unanimous consent 3/0. The Commission returned from Executive Session and continued the meeting.

Motion to deny the application at this time, with agreement to waive fee to reapply within six (6) months approved by unanimous roll call vote 3/0.

III. CORRESPONDENCE

Noise Complaint – Kingston Island Cuisine, 480 & 488 Main Street – continuation

Present at the meeting were Mr. and Mrs. Graham, licensees for Kingston Island Cuisine, Ted Lappas, building owner, Christina Zirpolo and Dave Cleveland, tenants. Mary Jo Bohart, Director of Economic Development was also present.

Commissioner Sarefield gave an overview of the recent License Commission meeting and noted that the Commission had done an on-site inspection during the dinner hour, and that while it had been busy, the music did not seem to be excessive.

He also noted that there had been four (4) calls to the Police Department on the following dates:

- 1) February 7, 2021 at 6:45 PM – Business was checked and had all proper permits, owners stated that they had been testing the sound system.*
- 2) April 9, 2021 at 10:13 PM – for loud music from the restaurant. Was checked and cleared.*
- 3) April 17, 2021 at 1:51 PM – for fight outside. There was no way to determine whether there had been any incidents within the restaurant.*
- 4) April 18, 2021 at 1:32 AM – loud music. Noted that music is required to be turned down 30 minutes before closing time. Also noted that closing was within 14 minutes.*

Lieutenant Howe stated that Officer Lopez had been called to the scene on April 24th and upon arriving the Officer noted that the music did not appear to be loud or obnoxious. He reiterated that this appeared to be a civil matter between the tenants and landlord, and hope that they could come to a compromise to address it.

Mr. Graham stated that when they started the business, they understood that there had been live entertainment in the location beforehand. He noted that their desire to revitalize Fitchburg had been incorporated into his business plan and that there were cameras on the location at all times, and he welcomed the Police Department view the recordings. He also stated that they were unaware of the tenants when making their plans to open.

Ms. Graham said that all community agencies had reviewed their application before giving permits. She was aware of prior licensees in that location holding late closings as well as entertainment permits. She stated that their music was played by a professional DJ who managed the equipment. She also said that the stage was preexisting and that they did not want to make tenants uncomfortable in their home, but also had to consider their business. Their business plan had been aligned with the same structure as prior licensees, and a late closing/entertainment permit was part of that plan.

Commissioner Sarefield stated that the inspection of the License Commission seemed to agree with that assessment, and that they did have permits for a live DJ, late closing, etc. He also noted that he was grateful to hear of their willingness to cooperate as they were within their rights to use the Entertainment Permit as licensed.

Commissioner Boscardin stated that while he did not have questions for the licensees, he would like to make a suggestion that the speakers were dropped a few feet in order to lower them or invest in a sound board.

Mr. Lappas stated that the licensees were aware of the tenants when they discussed the application. He also said that their amplified speakers should be moved and put on the stage area and that the subwoofer should be put on blocks or carpet in order to absorb the sound better. He said that 80% of the problem might not be the volume, but the bass reverberation.

Commissioner Zarrella stated that this sounded like a reasonable solution, and asked if the licensees were willing to consider it.

Mr. Graham stated that while he was, he wasn't sure whether this would address the issue if a live band were playing, and that they had plans to do so once COVID regulations eased, and their licenses allowed them to do so.

Commissioner Sarefield agreed and stated that he had conferred with the City Solicitor, who noted that they had the right to play music by permit, as long as they followed the local regulations to turn off the music one half hour before closing time.

Mr. Graham stated that while he was willing to try and accommodate the tenants, there had been negative comments placed on Facebook and he would appreciate that this was not the case.

Mr. Graham agreed to make changes to the sound system including moving the speakers.

The Commissioners discuss continuing the item to the next meeting in order to see if these changes would facilitate a resolution to the noise issue.

Motion to continue review of the situation to the next meeting of May 17th in order to allow the licensee time to implement the requested changes was approved by unanimous roll call vote of 3/0.

IV. NEW BUSINESS - None

The meeting adjourned at 7:33 PM

Respectfully submitted,

Mary de Alderete, City Clerk

Approved:

Daniel Sarefield, Chair

Richard Boscardin

John Zarrella