



BOARD OF LICENSE COMMISSIONERS

City Hall, 718 Main Street

Fitchburg MA 01420

(978) 829-1820

FITCHBURG CITY CLERK

Oct 05 2021 2:28 pm

Daniel Sarefield, Chairman

Richard Boscardin

John Zarrella

MINUTES OF MEETING

A regular meeting of the Board of License Commissioners was held on September 22, 2021 over the Zoom meeting platform, and called to order by Commissioner Sarefield at 6:00 PM. Commissioners Boscardin and Zarrella were also present at the meeting. FPD Liaison Sergeant Boudreau was present.

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

The minutes of September 8, 2021 were approved by unanimous consent 3/0.

II. APPLICATIONS:

Solicitor:

Kevin Wnukowski, 38 Catherine Street, Worcester – Trinity, 2211 Allenwood Rd, Wall Township, NJ.
(Continued from September 8, 2021)

As Applicant was not present, application was given Leave to Withdraw by unanimous consent 3/0.

Change of Hours

Shika, LLC dba Supermart, 7 Westminster Street for Sunday hours from 12 Noon to 10 AM.
(Continued from September 8, 2021)

*Mr. Mike Patel, Owner, was present at the meeting.
Application approved by unanimous roll call vote 3/0.*

Change of Officers/Directors

99 West, LLC, dba 99 Restaurant & Pub

*Attorney Joseph Devlin, Attorney for the business, was present at the meeting. Attorney Devlin noted that this change was purely administrative, and that there would no changes to staff, hours, or menu.
Application approved by unanimous roll call vote 3/0.*

Taxi Driver Applications - NEW

Ronald Crocker – Twin City Kab

As the applicant was not present, Motion to continue application to the next meeting on October 4, 2021 was approved by unanimous roll call vote 3/0.

Monday through Saturday Entertainment Permit

Annual Fitchburg Blacksmith Art & Music Festival, 65 Arbor Way, from time 2-4:30 PM for live acoustic music on Saturday, September 25, 2021.
(Continued from September 8, 2021)

Ms. Achla Madan, Event Coordinator and Mr. Eddy Troxler, Musician, were present at the meeting. Ms. Madan stated that the event would be taking place at River Front Park, and that there would be two sides – one for the music, the other for presentations by artists. Mr. Troxler noted that there would be acoustic music with a standard PA system. Ms. Madan also noted that there could not be a rain date as they had many presenters from out of state.

Commissioner Sarefield noted that if the music would begin in the morning, the time should be amended to 10 AM to 4:30 PM.

Amended application approved by unanimous roll call vote 3/0.

Commissioner Sarefield recused himself from the meeting.

Fitchburg State University, 160 Pearl Street, from 5-7PM for DJ on October 1, 2021.

Mr. Hank Parkinson, Applicant, was present at the meeting. Mr. Parkinson noted that this event would be taking place during Homecoming festivities, with a carnival starting immediately afterwards. Application was amended to 5-7:30 PM to allow for half-hour cutoff required by License Regulations.

Amended application approved by unanimous roll call vote 2/0.

Commissioner Sarefield rejoined the meeting.

III. PUBLIC HEARING

Application for a New Retail General on Premise, All Alcoholic Beverages License POS Food Services, LLC, 200 Game On Way

Mr. Tom Bovenzi, Attorney for the applicant, and Mr. Peter Sangermano, owner/applicant were present at the meeting. Mr. Bovenzi noted that this was Mr. Sangermano's fourth sports complex and that he had experience in running this type of facility. Mr. Bovenzi explained that the Description of Premises had been updated to better describe the access to food and beverages outside of the building.

Commissioner Sarefield opened the Public Hearing.

Ms. Achla Madan, who stated that her husband had a business which abutted the property, asked what the plans were for handling garbage so that it would not end up on other properties in the Mass Industrial complex as well as possible unnecessary rowdiness.

Mr. Sangermano stated that there were parking lot lights throughout the complex to help them monitor all situations, and that there is also a 15 foot buffer to handle garbage concerns. He noted that he wanted to be a good neighbor, and that anyone who was experiencing any problems should contact him directly.

Mr. David Tall, 99 Stevens Road, stated that he was aware that the application for POS was in front of the Planning Board and had questions regarding signage and placement of other businesses on them. He was using the venue of the License Commission to air his concerns.

Mr. Sangermano stated that the Planning Board would be dealing with the issue.

Commissioner Sarefield noted that this was not under the purview of the License Commission, and that he should use other avenues available to him.

Mr. Sangermano told Mr. Tall that he would be in touch by the end of the week.

Ms. Beth Romano, 161 Victoria Lane, and a direct abutter said that she was concerned regarding alcohol being sold until 2AM and questioned whether the license should reflect it at 11PM when the outside lights were turned off for the evening. She asked for clarification on the license.

Commissioner Sarefield explained that, if approved, the alcohol could be purchased and then taken to the fields until 11PM but that any patron would have to go inside after this time to purchase alcohol.

Mr. Sangermano stated that although the lights are shut down on the outside fields, there was an indoor complex and often 2nd and 3rd shift employees took advantage of leagues at this time. He reiterated that no one would be permitted to leave inside for outdoors after 11PM.

Ms. Romano stated that she had further concerns that there might be children or young adults present on the fields and that consumption of alcohol in the location may not be safe.

Mr. Sangermano noted that this was his 4th facility and that all employees would be TIPs certified and trained to watch for triggers that might become an issue. He further stated that he was working with the Police Department so they would be well aware if anyone was out of control. The staff was being trained for this and able to head it off before it became an issue. He wanted to ensure that anyone who came to the site would not be leaving in a state that would cause a problem.

Ms. Michelle StCyr, 200 Central Ave Extension, asked how the business could be open until 2AM when most bars are only open until 11PM.

Commissioner Sarefield explained that businesses could apply for a "Late Closing" permit which gave them the authority to stay open longer

Ms. StCyr noted that she did not agree with this and asked that it be noted.

Commissioner Zarrella stated that the Applicants needed to be sensitive to the neighbors and work with the Police Department to keep an eye on this. He said that he hoped for good behavior, especially during the late night hours.

Commissioner Boscardin agreed with Commissioner Zarrella's comments and noted that that if the Late Closing permit became an issue, it would be addressed by the License Commission.

Commissioner Sarefield said that he echoed those sentiments and that he hoped the business would be an asset to the City and that they should take an active interest in remaining in compliance and ensuring that all possible problems were avoided.

No further comments for or against the Application were made. Public Hearing closed.

Application approved by unanimous roll call vote 3/0.

IV. SUMMONS HEARING

GMG Variety, LLC dba M&M Variety Store

For complaint regarding license and possible open container violations

Mr. Kenneth Legay was present at the meeting.

Commissioner Sarefield asked Mr. Legay whether he had noticed any improvement since he last appeared before the Commission.

Mr. Legay stated that there seemed to be a slight improvement, and that he had been speaking with Chief Martineau regarding the overall problem. Chief Martineau had encouraged Mr. Legay to contact the Police Department whenever he had a concern or saw something that should be investigated.

Sergeant Boudreau noted that Sergeant Howe had done an investigation on the property, but had only found evidence of bottles that showed the content of wine – and not anything else. Sergeant Boudreau stated that the Police Department hoped to work with Mr. Legay and he should call Dispatch if there were any issues.

Commissioner Sarefield expressed to Mr. Legay that the incident was not over in the eyes of the Commission, and thanked him for coming forward to let them know about the problem. He stated that the businesses in Fitchburg needed to be good neighbors and that the issue was not resolved to their satisfaction.

Mr. Legay said that he understood that there might be some type of violation letter that could be given to anyone drinking from an open container.

Sergeant Boudreau stated that the Police Department had many options when dealing with issues, and they made decisions as each situation arose.

As there was not a representative from the business present at the meeting, the Commissioners agreed to re-summon them for the next meeting of October 4th and to strongly word the requirement for their attendance.

Item Continued to October 4, 2021 by unanimous consent 3/0.

V. Lodging House Mailing Update

Commissioner Boscardin explained to the Commission that Attorney Pawlak had let him know that the Legal Department was addressing correspondence and that this was an ongoing process as they moved forward.

Commissioner Sarefield noted that the Commission was available to help to assist in bringing all locations under compliance and that Attorney Pawlak and Liz Murphy were always welcome to come to the meeting to discuss the situation.

VI. CORRESPONDENCE

Email from Lieutenant Howe

Sgt. Boudreau stated that Lt. Howe had prepared a written statement, if the Commission would like it read. The Clerk noted that the statement could be entered into the record of the Minutes.

As Lieutenant Howe was unable to attend the meeting, the Commissioners agreed to continue the matter to the October 4th agenda by unanimous consent 3/0.

VII. NEW BUSINESS - None

The meeting adjourned at 7:33 PM

Respectfully submitted,

Mary de Alderete, City Clerk

Approved:



Daniel Sarefield



Richard Boscardin



John Zarrella