



# 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 17, 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 May 3, 2021 were approved by unanimous consent 3/0.*

### **II. CORRESPONDENCE**

#### **ABCC Actions**

*Placed on file in the City Clerk's Office*

#### **ABCC Email Regarding Video Conference**

*The Commissioners noted that several questions should be asked including provisions for outdoor seating, whether the Commission would be responsible for reaching out to licensees upon rescinding of Order, and how outdoor seating and serving in the new parklets in the City could take place. The Clerk will reach out to the contact at the ABCC to forward these questions.*

#### **Noise Complaint – Kingston Island Cuisine, 480 & 488 Main Street – follow up (continued from meeting of April 21 and May 3, 2021)**

*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 asked the licensees whether any modifications requested at the last meeting had taken place. Mr. and Mrs. Graham stated that they had fulfilled each request by the Commission, including removing the speakers from the ceiling which had previously been on a ledge and placing them on speaker stands. She also noted that new speakers were now in the space, and unlike the prior ones, amplifiers were not part of these units. She pointed out that the subwoofer was now off of the floor and placing it on 6 inches of foam and cinder blocks.*

*Using her phone, Mrs. Graham showed the location before and after of the speakers and noted that they had complied with all requests.*

*Commissioner Sarefield thanked the Grahams for their willingness to make the changes.*

*He asked the complainants where they had noticed any change now that these updates had taken place. Ms. Zirpolo and Mr. Cleveland both stated that in beginning, it seemed to have made a difference, but on the weekend, it hadn't.*

*Commissioner Sarefield asked the licensees when the changes had taken place. Mr. Graham stated that they had been done the Friday/Saturday after the last meeting.*

*Mr. Lappas restated that the licensees were aware of the tenants when they discussed the lease. He stated that the speaker issue seemed to be more about the bass level and not the volume. He asked that it could be lowered and was reaching out to a structural engineer to ensure that the sound would not pose possible damage in the building.*

*Commissioner Sarefield asked if the licensees would be willing to lower the volume on the subwoofer and they replied that it was at its lowest possible setting and they did not change it. Mr. Graham stated that they kept the volume at a level where the bartender could hear patrons.*

*Commissioner Boscardin stated that he felt that the licensees had done what the Commission had requested of them. He noted that the rest seemed to be a civil matter and not under the jurisdiction of the Commission and they would not have the authority to further act on the situation. Commissioner Zarrella agreed.*

*Commissioner Sarefield agreed and said that the licensees had shown a good faith effort and that they still retained a license which gave them the right to proceed with the business within the regulations of that license. He noted that the Commission was only able to address items with a licensee that were under their purview, and they were not violating any of the regulations.*

*Commissioner Sarefield thanked the Grahams for being responsive neighbors and noted to the complainants that he encouraged them to speak with the landlord for other resolutions as there would probably be further noise in the future due to the nature of the business.*

***As licensees had complied with all requests by the Commission to alter speaker locations Motion to close the Noise Complaint and take no further action was approved by unanimous roll call vote of 3/0.***

### **III. NEW BUSINESS - None**

The meeting adjourned at 6:38 PM

Respectfully submitted,

Mary de Alderete, City Clerk

Approved:



Daniel Sarefield, Chair



Richard Boscardin



John Zarrella