



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 July 15, 2019 in the Fitchburg Fire Dept. Community Room, 33 North Street and called to order by Commissioner Sarefield at 6:00 PM. Commissioner Fossa and FPD liaison Lieutenant Howe were present.

The agenda consisted of the following:

I. REVIEW AND ACCEPTANCE OF MINUTES FROM PREVIOUS MEETING

Minutes of the previous meeting were reviewed, accepted and signed.

II. CONTINUED APPLICATIONS

Carlos Andrade Silva – Ipanema Productions, 567 Crawford St. (Fitchburg Airport) for Special One Day Wine and Malt Beverages license for Live Entertainment/Dancing from 11AM – 9PM on September 15, 2019 for 1500 people nearby the stage on the grounds of Fitchburg Airport, 567 Crawford St.

Mr. Silva was present. He explained that he may not be able to have the event at the Airport due to the planned runway construction. However, in case they are able to work it out, he would like to proceed with this application. In the meantime he is working on securing an alternative location for the event and if he does he will come before the Board with a new application.

Approved 2/0

Carlos Silva on behalf of Fitchburg Municipal Airport, 567 Crawford St. for a Sunday Entertainment Permit for live Brazilian bands, DJ's, dancing on Sunday September 15, 2019.

(Note: The Council President has approved the event with the condition that music ends at 8PM).

Same discussion as above.

Approved 2/0

III. APPLICATIONS

Compass Group NA, Chartwells Dining Service for Special One Day Wine and Malt Beverages license for End Zone Club-Beer Garden from 12PM to 4:30PM on October 26, 2019 for 150 maximum people at any given time at Elliot Field – FSU.

Approved 2/0

Iglesia de Dios, Inc. Church of God for an Entertainment Permit (live acoustic music, live amplified music) on August 10, 2019 from 11AM to 8PM at Riverfront Park, 51 Commercial St.

Approved 2/0

Crossroads Community Church for an Entertainment Permit (live amplified music, DJ) on August 10, 2019 from 2PM – 7PM at Coolidge Park.

Approved 2/0

Knights of Columbus, 165 Electric Ave. for Auto Amusement device – One (1) bowler

Approved 2/0

FATV, Inc. for Special One Day Wine and Malt Beverages license for a Chamber of Commerce "After Hours" from 5PM – 8PM on September 12, 2019 for 50-60 people in the conference room at 175 Kimball St. *Commissioner Fossa disclosed that he is a former member and employee of FATV and member of NCMCC.*
Approved 2/0

Holy Trinity Greek Church, 1319 Main St., for Special One Day All Alcoholic Beverages license for Greek Festival on September 13, 2019 from 5P – 10P and September 14, 2019 from 11AM to 11PM for 400 people.
Approved 2/0

Holy Trinity Greek Church, 1319 Main St., for Saturday Entertainment Permit on September 14, 2019 – Live Amplified Music and Dancing – Greek Music
Approved 2/0

IV. HEARING

Hungry Scholar LLC dba Doughboys on Main, 150 Main St. for Alteration of Premises: adding 240 sq. ft. patio to the left side of the building with a 5ft black fence surrounding it with a gate leading to the street. The entrance to the patio is through the building.

Hearing held. Mr. Shane Egan was present. No one spoke in favor of or in opposition to the application. Mr. Egan was reminded that he must submit the white proof of certified mailing slips to abutters prior to the application being submitted to the ABCC. He stated he would bring the slips to the Clerk on Wednesday. Application approved pending receipt of proof of mailing slips 2/0

V. CONTINUED MATTERS

Paddock Lounge, 1426 Water St. – Status of compliance with Building Dept. inspection and resolution of outstanding repairs.

Mr. Joey Brogna and Mr. Kevin Brogna were present. John Morreale Fitchburg Building Inspector was present and stated that a permit for the repairs has been pulled but it is not completed. Kevin Brogna stated that J&R Glass is scheduled to come tomorrow to install the crash bar. Mr. Morreale stated that the Paddock has been operating under a temporary Certificate of Inspection since 2014 and the entrance doors have been an on-going, non-compliant issue since that time. Discussion ensued pertaining to the process for application and receipt of the required certificates.

VOTED 2/0:

License is suspended until such time that the Building Department requirements are met as follows:

- Self-closing device on doors installed;*
- Exit doors with correct hardware;*
- Satisfactory completion of requirements for Certificate of Inspection and issuance of same with signatures by Fire Chief and Building Inspector*

Licensee shall deliver license to the Fitchburg Police Dept. to be held until such time that requirements are fulfilled.

John Morreale, Fitchburg Building Inspector for discussion of issuance of a temporary liquor license to coincide with a temporary building inspection certificate.

Chairman Sarefield explained that former Commissioner Donna Pawlak was going to research this issue but she has resigned from the Board prior to obtaining this information. Therefore, the Board is not prepared at this time - a full Board and assistance from the City Solicitor is required before a decision can be made. In the meantime it was decided that for licensed liquor establishments that are out of compliance, a letter should come from the Building Commissioner to the License Commission explaining the deficiencies. The letter would be read as a communication and likely result in a Summons Hearing.

The Clerk was instructed to send a communication to the City Solicitor requesting his opinion on the matter of issuing temporary liquor licenses to coincide with temporary Certificates of Inspection.

VI. SUMMONS HEARING

Beemer's Pub and Grill, 310 Main St. regarding the following allegation:

Disturbance on Premise: Riot; Failure to disperse on April 20, 2019 at approximately 0139 hours. Two separate fights. An Officer on patrol observed a fight at Beemers near the rear door. The fight involved two girls pushing each other with 20-30 people involved in trying to break up the fight. While that fight was ending another fight flared up involving an additional 8-12 males and it spilled out on to Boulder Drive. Beemer's security reported to the police officer that the incident was a carry-over from something that took place earlier in the night.

Mr. Peter Cote – Beemer's Pub owner, Mr. Antonio Ledesma – Beemer's security and Attorney Roy Pastor were present. Officer Hyvarinen was unable to attend tonight's hearing and the FPD requests a continuance.

VOTED: 2/0 Hearing continued to September 4, 2019.

VII. CONTINUED SUMMONS HEARING

SACF, Inc. dba Beemer's Pub, 310 Main St.

Regarding the following:

1. That on March 31, 2019 Fitchburg Police Department were investigating a disturbance outside of the establishment of Beemer's Pub (in the Beemer's parking lot and another disturbance across the street from Beemer's parking lot) (Fitchburg Police Report Number 19-11659 and Commonwealth v. Javier Cruz Docket No 1916CR0419 Fitchburg District Court). Said police report is available at the Fitchburg Police Department as the case is closed, if the Licensee wishes to have a copy for the hearing;

Officer Hiram Velazquez spoke with Peter Cote who informed Officer Velazquez that:

2. The establishment was not full to capacity as there were approximately 20 vacancies open at the time of the incident outside; (which the License Commission wishes to verify via video);
3. There was another disturbance at the establishment that evening. No report was made to the Fitchburg Police about this disturbance in violation of City of Fitchburg Regulations and Guidelines of the Fitchburg Board of License Commission 3.17 for failing to notify the police department; and further
4. A request was made for the videos inside of the establishment on the date in question. Mr. Cote indicated he would provide the video and has failed to do so in violation of Regulations and Guidelines 3.17.

Mr. Peter Cote, owner of Beemer's, Mr. Antonio Ledesma, Beemer's security and Attorney Roy Pastor were present.

Lt. Howe stated that his main concern was that Beemer's did not call the police after the first incident, that it contributed to the second incident and that this is an on-going concern with the establishment. Mr. Cote stated that within ten minutes of the incident the police were on scene and he thought Mr. Ledesma had called them. The Attorney stated that they have had a number of incidents related to patrons of Tryst in the parking lot. Mr. Ledesma stated that Tryst was having an entertainer that night with a questionable following and that he had advised Mr. Cote to have a police presence. Mr. Cote stated that he purposely limited the number of wristbands that night to below occupancy allowed with the knowledge of the Tryst event. He stated he has a cover charge of \$10 after 10PM. Commissioner Sarefield stated that he reviewed the video and did not see anything related to the liquor license. However, he stated that they are seeing a pattern of issues late in the evening and the frequency is concerning. Mr. Cote stated that with a place and crowd like that next door (Tryst) there are bound to be problems and after all it is Fitchburg.

Commissioner Fossa voiced that he took exception to the negative generalization about Fitchburg.

Commissioner Sarefield noted that there have been 18 incidents in one year and although he is happy to hear that Mr. Cote made some changes on the night in question (e.g. reduced occupancy, cover charge after 10PM) it may not be a good idea to be open until 2AM.

Commissioner Fossa stated that he sees a lesson learned but that the licensee could do more to ensure that these types of incidents do not keep happening.

Lt. Howe reminded the licensee that he must call the police if a disturbance takes place e.g. anything involving violence or any physical altercation or any threat of violence. Mr. Cote stated that everyone is gone from his establishment by 1:50AM and that no new customers are allowed in after 1AM.

VOTED 2/0:

No violation of license

VIII. OTHER CONTINUED MATTERS

Lodging House licensing procedure

(Continued from June 2017)

It was discussed that the NICE Committee is still reviewing the matter. The Clerk was instructed to contact Liz Murphy, NICE Committee Chair and request that she attend the September 4, 2019 meeting to provide an update.

VOTED: Continued to September 4, 2019

IX. CONTINUED CORRESPONDENCE

1.FPD Report #19-18925-OF – Major’s Café

(Continued from June 19, 2019)

VOTED: 2/0 Continued to September 4, 2019.

2.FPD Report #19-18935-OF – Major’s Café

(Continued from June 19, 2019)

VOTED: 2/0 Continued to September 4, 2019.

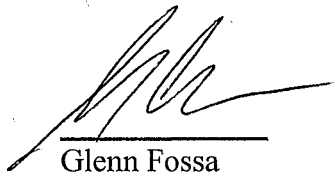
The meeting adjourned at 8:25 PM

Respectfully submitted,



Anna M. Farrell
City Clerk

Approved:


Daniel Sarefield
Glenn Fossa