

BOARD OF LICENSE COMMISSIONERS

City Clerk's Office, 166 Boulder Drive

Fitchburg MA 01420

(978) 829-1820

Daniel Sarefield, Chair

Glenn Fossa

Richard Boscardin

MINUTES OF MEETING

The regular meeting of the Board of License Commissioners was held on September 4, 2019 in the Fitchburg Fire Department Community Room, 33 North St., Fitchburg, and called to order by Commissioner Sarefield at 6:00PM. Commissioners Fossa and Boscardin were present. FPD liaison Lt. Howe was present.

The agenda consisted of the following:

I. APPLICATIONS

Taxi Driver:

Bonnie Richard -- City Cab

Approved 3/0

Licensed liquor establishment application:

BW Leominster, LLC dba Buffalo Wild Wings Store #3552, 150 Whalon St., For Change of Ownership Interest (LLC Members/LLP Partners, Trustees) to Massachusetts Part 1 Holding Company, LLC.

(Refer to Public Hearing to be held on October 7, 2019)

Mr. Pat Lennox was present. Application accepted and sent to a public hearing to be held on October 7, 2019 3/0

Automatic Amusement Device:

Funstuf Party Place, 791 Water St. for One (1) Video

Mr. Fran Dower was present. Application approved 3/0

The Pig in Flames, 96 Franklin Rd. for One (1) Juke Box

Mr. Laurie Rahnasto was present. Application approved 3/0

Special One Day License to sell/serve alcohol:

Beers For Good, for Special One Day Wine and Malt Beverages license for a Celebration Dinner from 5:30PM – 9:30PM on September 12, 2019 for 150 people at the Stonehouse at Coggshall Park.

Nate Larose, Recreation Director and Trevor Bonilla were present. Mr. Larose requested that the date on the application be amended to September 19, 2019.

Application as amended was approved 3/0

Katherine Marsh and Zach's Goal, for Special One Day All Alcoholic Beverages license for a Washer Tournament Fundraiser for non-profit from 12P – 5P on September 22, 2019 for 100 people in the side lot of parking lot at 68 Airport Rd.

Ms. Katherine Marsh was present. Application approved 3/0

Fitchburg Lions Club for Special One Day All Alcoholic Beverages license for Octoberfest from 5P – 9P on September 28, 2019 for 200 people in O'Neill Hall, 14 Wallace Ave.

Mr. Schaff was present. Application approved 3/0

Jacqueline Cullen, for Special One Day Wine and Malt Beverages license for Howl-O-Ween Dog Parade and Costume Contest from 10A – 2P on October 27, 2019 for 100 people at 198 Townsend St. (Fitchburg Dog Park).

Ms. Cullen and Mr. Rob Talbot were present. Application approved 3/0

II. SUMMONS HEARING

British American Club, 1 Simonds Rd. for Failed/Noncompliant inspection of premises

Mr. Joe Fortunato, Manager of Record, Mr. Ron Cote, BAC Vice President and Attorney Andrew Couture were present. The Clerk stated that the inspection issues have been resolved and the Certificate of Inspection is now current and on file.

No action taken.

Mr. Joe Fortunato stated that he is no longer the Manager. Mr. Cote stated he was told that the Change of Manager was completed. The Commission has not received such application. Attorney Couture stated that the application would be submitted and requested that they be given a month to address the issue.

Continued to October 7, 2019 3/0

Beemer's Pub, 310 Main St. – Peter Cote, Manager and Tryst Lounge, 320 Main St. – Vilma Darcangelo, Manager

Allegation as reported by FPD Lt. Howe:

On 7/13/19 at 3:45PM Beemers Pub had an event. During the event multiple people were outside in the street and parking lot drinking alcohol. Pete Cote, owner of Beemer's was in attendance. The owner of Tryst wants to lodge a complaint against Beemer's Pub and owner Peter Cote. Heather Silvera (owner of Tryst) wishes to testify before the Board for what she witnessed. She stated people were leaving Beemers with alcoholic drinks and walked across the street and they attempted to get in to Tryst with alcohol which they took from Beemers. She said multiple people did this.

Mr. Peter Cote, Mr. Anthony Ledesma and Attorney Roy Pastor were present on behalf of Beemer's. Carlos and Heather Silvera were present on behalf of Tryst.

Lt. Howe read the allegation and stated that there were approximately 100 motorcycles parked in the Beemer's parking lot and the Santander lot. In response to a question from Attorney Pastor, Lt. Howe stated that there was no permit for an event.

Heather Silvera stated there was a private event being held at Tryst with motorcycles. She stated there was also an event at Beemer's with motorcycles. She stated that her staff saw multiple people walk out of Beemer's with plastic cups containing alcohol. She stated, from her window, she saw two men leave Beemer's with Corona beers and walk down the street. She said later that night around 2AM she tried to talk to Mr. Cote about it but he refused to walk toward her on the sidewalk and said he was scared of her. Samuel Nieves, a bartender at Tryst, was present in the audience and identified a photo he took of people from Beemer's on the sidewalk with plastic cups containing alcohol (photo submitted for the record).

Attorney Pastor submitted a flyer dated July 13, 2019 advertising an event at Tryst. He said it disappeared from social media after the incident. Heather Silvera disputed the statement and said it is still on social media.

Peter Cote stated he arrived at Beemer's around 3:30PM and there were hundreds of motorcycles and Jeeps in the parking lot and he had no clue what was going on. He stated there were about 40 people inside his establishment. He said shortly thereafter there were 80 people inside his establishment and they were overwhelmed by patrons. He said people were drinking outside in the parking lot but that no alcohol ever left his establishment and that this was not his event. He stated that he never spoke to Heather Silvera and that he is not afraid of anyone. He stated every time Tryst has an event it comes down on him. Heather Silvera said Beemer's patrons were arrested.

Lt. Howe said his officers saw cases of beer in the trunks of cars in the parking lot but did not see anyone drinking the beer.

DECISION:

By vote of 3/0 no action taken at this time.

III. CONTINUED SUMMONS HEARING

Beemer's Pub, 310 Main St. – Peter Cote, Manager

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, Mr. Anthony Ledesma and Attorney Roy Pastor were present. Officer Hyvarinen was present and reiterated the incident as described above. He stated that he was the only officer on scene and, although he ordered people to disperse, they did not respond accordingly until more officers began to arrive. He stated that several of the people were intoxicated. Attorney Pastor asked if the two females were drinking – Officer Hyvarinen stated no. Attorney Pastor asked if he saw the two females exit Beemer's – Officer Hyvarinen stated not specifically but the crowd had all come out of Beemer's. Officer Hyvarinen stated he spoke with Anthony Ledesma who told him the altercation spilled over from an incident earlier that night. He said that incident occurred around 10:30PM when one of the females called the other a bitch. He stated they were family members. He stated he knew her from prior employment, asked her to leave the establishment and walked her to her car. When asked why he did not call the police both Anthony and Peter said there was no incident, only that one called the other a bitch. Lt. Howe responded that something did happen because someone was asked to leave the establishment. He stated that in the police world, family disputes are the most violent and that the police should have been called because the person was asked to leave. Commissioners responded that Mr. Cote has been instructed numerous times to call the police when an incident occurs. Attorney Pastor stated that, based on the initial incident, Mr. Cote had no reason to believe it would escalate. Commissioners responded that if the FPD had been notified they would at least be aware of the potential – stating these types of escalating incidents are repetitive at Beemer's and the FPD must then respond to the aftermath.

FINDING

Sufficient evidence was found to believe that a violation of License Commission regulation 3.17 did occur. Licensee failed to call the police department after a disturbance on premise (ejecting a patron) as required by License Commission regulation 3.17 after numerous instances of instructions to do so:

3.17 In the event that a disturbance or breach of the peace occurs on the licensed premise, its exterior or involving any of their patrons or physical injury to any person, the licensee or responsible person shall promptly notify the police department and shall take any and all reasonable steps to assist such injured person and shall cooperate with the police investigation.

DECISION

Communicated verbally to Mr. Cote at Hearing on September 4, 2019 and delivered in hand to Mr. Cote at Beemer's Pub, 310 Main Street on September 5, 2019..

By vote of 3 in favor and 0 opposed with 3 members present, Board consists of 3 members:

One day license suspension to be served on November 23, 2019.

IV. CORRESPONDENCE

Re: Beemer's Pub, 310 Main St. Email from FPD Lt. Howe regarding incident on August 24, 2019 at approximately 12:52AM which resulted in arrests and Fitchburg police officers being assaulted.

Officer Hyvarinen was present and stated that he was called by a female Beemer's Pub bartender for a disturbance. Everyone left after a fight and Antonio Ledesma, security said they were shutting down for the night. He reiterated the details of the email from Lt. Howe. Officer Hyvarinen stated he spoke to Mr. Cote who said the parties involved came over from Tryst and tried to sneak in the side door. Officer Hyvarinen stated video from Beemer's indicated two of the parties came to Beemer's at 12:26 and one party was already in Beemer's. He stated further that video from Tryst indicated that the parties were not inside Tryst.

Clerk was instructed to summons Beemer's Pub for a hearing on the matter to be held September 16, 2019 and to summons in the FPD Officers noted in Lt. Howe's email. 3/0

Re: 2020 Entertainment Permits. Renewal of existing, annual Entertainment Permits at the time of liquor license renewal in November 2019. Need to address the fact that many licensed liquor establishments that currently hold an annual Entertainment Permit for 2019 have not obtained approval/sign-off from Building and Fire as required by the new procedure.

FFD Lt. Phil Jordan was present. Discussion resulted in decision to send letter out now to licensees to remind them of the new process for Entertainment Permits and encourage them to apply now for 2020 licenses to ensure adequate time for inspections.

V. CONTINUED MATTERS

Continued from June 2017

Lodging House licensing procedure – Liz Murphy, Director of Housing and Community development. *Liz Murphy was present. The revised forms were reviewed and distributed to Commissioners for review and further comment.*

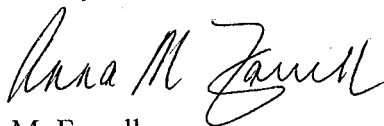
Continued from June 19, 2019

FPD Report #19-18925-OF – Major's Café
Dismissed 3/0

FPD Report #19-18935-OF – Major's Café
Dismissed 3/0

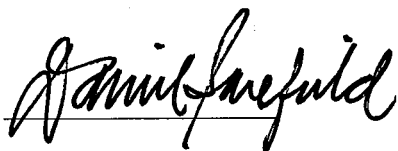
The meeting adjourned at 9:33 PM

Respectfully submitted,



Anna M. Farrell
City Clerk

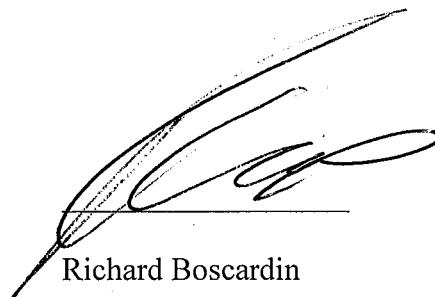
Approved:



Daniel Sarefield



Glenn Fossa



Richard Boscardin