

**City of Somerville
Licensing Commission**

**Senior Center
Tufts Administration Building
167 Holland Street**

**Regular Meeting
Monday
March 19, 2012
6:00 p.m.**

Chairman Andrew Upton called the meeting to order. Present were Commissioners Vito Vaccaro, John J. McKenna and Executive Secretary Jenneen M. Pagliaro.

COMMUNICATIONS

Alcoholic Beverages Control Commission Notice of Suspension-Mike's Bar, 97 Washington St. The Board took Administrative notice.

Alcoholic Beverages Control Commission Notice of Suspension-Post 19 American Legion, 124 Highland Ave. The Board took Administrative notice.

RULES

Consideration for a Proposed amendment to Somerville Licensing Commission Rules and Regulations relative to Prohibition of the announcement of "Last Call". After some brief discussion a motion was made to "Table" this matter.

Motion Seconded, Continued until next meeting.

Consideration for a Proposed amendment to Somerville Licensing Commission Rules and Regulations regarding rule 7.10 to change the minimum seating capacity requirements for Wine and Malt Restaurants.

This is being considered to give the smaller deserving establishments a chance to apply for a Wine and Malt License. Under current guidelines an establishment must have at least 28 seats.

George Proakis of OSPCD submitted a proposed amendment for changes to the seating requirements for Beer & Wine licenses. The new requirement would be a minimum of 12 seats instead of 28 seats.

Commissioner Vaccaro feels 12 seats is too few seats.

Commissioner McKenna is in favor and feels it will help the smaller family businesses.

A couple of people spoke in favor of this change.

On a motion duly made and seconded, it was

VOTED: to approve the rule change as submitted.

SPECIAL ALCOHOL LICENSES

Trustees of Tufts College

Tufts Catering

Present: Eric Hamel

Mr. Hamel came before the Commission requesting approval of a Special Alcohol license for the purpose of dispensing and selling alcoholic beverages at an Art Gallery Reception on March 29, 2012 from 8PM-11PM at Remis Sculpture Court, 15 Lower Campus Rd.

Experienced Servers will be dispensing the alcoholic beverages.

Police and Fire details have been requested.

On a motion duly made and seconded, it was

VOTED: To grant the Special Alcohol license as presented.

St. Anthony's Church

12 Properzi way

Present: Father Ademir Guerini

Father Guerini came before the Commission requesting approval of a Special Alcohol license for the purpose of dispensing and selling alcoholic beverages for an Easter Brunch on April 8, 2012 from 1:30PM-5:30PM at St. Anthony's School Hall.

Experienced Servers will be dispensing the alcoholic beverages.

Police and Fire details have been requested.

On a motion duly made and seconded, it was

VOTED: To grant the Special Alcohol license as presented.

St. Anthony's Church
12 Properzi way

Present: Father Ademir Guerini

Father Guerini came before the Commission requesting approval of a Special Alcohol license for the purpose of dispensing and selling alcoholic beverages for a Diner Dance on April 14, 2012 from 8:00PM-12:00AM at St. Anthony's School gym.

Experienced Servers will be dispensing the alcoholic beverages.

Police and Fire details have been requested.

On a motion duly made and seconded, it was

VOTED: To grant the Special Alcohol license as presented.

COMMON VICTUALLER LICENSES

Omaha Holdings
LLC d/b/a Roast Beef & Pizza King
147B Highland Ave.

Present: Rasheed Warab

Mr. Warab came before the Commission requesting approval of a Common Victualler license at 147B Highland Ave.

This is an existing business with a new owner.

Along with the application, a menu, floor plan and lease were submitted for the Commissioner's consideration.

On a motion duly made and seconded, it was

VOTED: to approve the Common Victualler license as presented.

ENTERTAINMENT LICENSES

Café Tango
16 Bow St. 1st floor

Present: Vicky Magaletta

Ms. Magaletta came before the Commission requesting approval for an Entertainment License consisting of Entertainment by Performers & Entertainment by Devices for 16 Bow St., 1st floor.

On a motion duly made and seconded, it was

VOTED: to approve the Entertainment License as presented.

Tango Society of Boston
16 Bow St., 2nd floor

Present: Vicky Magaletta

Ms. Magaletta came before the Commission requesting approval for an Entertainment License consisting of Entertainment by Performers & Entertainment by Patrons for 16 Bow St., 2nd floor.

On a motion duly made and seconded, it was

VOTED: to approve the Entertainment License as presented.

ALL FORMS ALCOHOLIC BEVERAGES
7 DAY RESTAURANT

PLEDGE OF LICENSE

Demeter Hospitality, LLC d/b/a Daddy Jones, 525 Medford St. requesting approval for a Pledge of License to East Cambridge Savings Bank. Attorney Richard DiGirolamo requested this matter be continued to the April 23, 2012 hearing.

NEW EXTENDED HOURS LICENSE

Rockwell Restaurant Group
LLC d/b/a Davis Square Theatre/Foundry on Elm
255 Elm St.

Present: Ken Kelly

Mr. Kelly came before the Commission requesting approval to extend its official closing hour from 1AM to 2AM.

The Chamber of Commerce spoke in support of this application.

No one spoke in opposition to this application.

On a motion duly made and seconded, it was

VOTED: to approve 2AM License as presented.

ALTERATIONS TO PREMISES

Prospect Hill Properties, Inc
d/b/a The Independent
75 Union Sq.

Present: Ken Kelly

Mr. Kelly came before the Commission requesting approval for an extension of premises to serve alcoholic beverages at an Outdoor Seating area.

Mr. Kelly stated this was a new idea. He would rent out three parking spaces from the City. He would fence off the area and have 48 seats.

The other City offices have not approved this idea yet.

On a motion duly made and seconded, it was

VOTED: to approve Alterations to premises license, subject to all City Approvals.

Pavan Restaurant, Inc.
d/b/a Diva

Present: Attorney William Goldberg

Atty. Goldberg came before the Commission requesting approval to alter the premises at 246-248 Elm St. by placing a wall between 246 & 248 Elm St. Diva will now only occupy 246 Elm St.

Atty. Goldberg stated that the business will be closing the lounge side at 248 Elm St. With a wall. A new business will be occupying that space.

On a motion duly made and seconded, it was

VOTED: to approve Alterations to premises.

George Dilboy Post 529 VFW
371 Summer St.

Present: Robert Hardy

Mr. Hardy, Commander for The Dilboy Post came before the Commission requesting approval to alter the premises by down sizing the main function hall on the first floor from 2000 sq. ft to 1437 sq. ft to be in compliance with the Massachusetts Fire Codes.

Mr. Hardy stated that the City Building Department requested that the Dilboy Post erect a wall. The State Fire Marshall and OCSHA approved the drawing to do the change. The size of the main function hall had to be changed to come in to compliance with the Fire Marshall.

The Dilboy Post has been shut down for 11 weeks

Mr. Hardy stated that the Change of Officers came back from the ABCC needing some corrections which they are working to fix.

George O'Shea an abutter stated that the Post did not get approval before doing the renovations.

Claudio Murrow spoke in regards to outstanding issues.

Chairman Upton questioned as to why the Post didn't get approval before the renovations.

Mr. Hardy stated he didn't know and is trying to correct the issue.

The Commission would like everyone who wishes to speak to please give their home address for the record.

Everyone is welcome to speak. However The Board feels direct abutters are more impacted and may take their testimony over someone who isn't directly affected by this establishment.

On a motion duly made and seconded, it was

VOTED: to approve Alterations to premises.

CONTINUED FROM FEBRUARY 22, 2012

Wine and Malt Package Store
Change of Location

Himgiri Enterprises, Inc.
d/b/a K-2 Beer & Wine
514 Medford St.

Present: Attorney William Goldberg

Atty. Goldberg, representing K-2 Beer & Wine came before the Commission requesting approval for a change of location of the Wine and Malt package Store license from 545 McGrath Highway to 514 Medford St.

Atty. Goldberg stated a neighborhood meeting was held and Alderman O'Donovan was present. A large number of neighbors came to the meeting. They had no objections to this move. K-2 already has a convenience store in this neighborhood and is very well respected.

Two e-mails from neighbors in support were submitted into the record.

Courtney O'Keefe, a neighbor spoke in favor.

On a motion duly made and seconded, it was

VOTED: to approve Change of Location.

Transfer of License
Change of Location

Requesting transfer of the All Forms Alcoholic Beverages 7 Day Restaurant License from New Asia Restaurant to Broadway BBQ, also approval for a Common Victualer license and Entertainment consisting of Entertainment by Performers, Patrons and Devices to be situated at 118-120 Broadway. Attorney Richard DiGirolamo requested this matter be continued to the April 23, 2012 hearing.

CONTINUED FROM JANUARY 18, 2012

George Dilboy Post 529, VFW, 371 Summer St. requesting approval for an Entertainment License at the new location 343-349, 351 Summer St. Entertainment License consisting of Entertainment by Performers, Patrons and Devices. Attorney Richard DiGirolamo requested this matter be continued to the April 23, 2012 hearing.

The Commission to consider clarification of the February 22, 2012 decision in regards to Pavan Restaurant Group, Inc. d//b/a Diva, 246-248 Elm St.

Assistant City Solicitor Jason Grossfield spoke to clarify the decision from the February 22, 2011 Licensing hearing. The decision is as follows:

The Licensing Commission unanimously voted to sanction the establishment by suspending the 2AM closing license effective immediately and the licensee may not apply again for one year, the Common Victualler License closing hour is hereby rolled back to 11PM for 30 days, 24 days of which are held in abeyance for 1 year with no violations, and 6 days of which shall be served immediately concurrent with the dates for which the liquor license is suspended (3/12, 3/23, 3/25, 4/3, 4/11, 4/19 and 4/28/12) and Entertainment License is hereby conditioned to only permit Background music and 3 televisions. No other Entertainment is allowed and the licensee may not apply for any additional Entertainment for 2 years.

There being no further business, the meeting was adjourned.

Respectfully submitted
Jenneen M. Pagliaro
Executive Secretary