

**City of Somerville  
Licensing Commission**

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

**Regular Meeting  
Tuesday  
April 29, 2008  
6:00 p.m.**

**MINUTES**

1. Minutes of the preceding meeting
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**COMMUNICATIONS**

2. Athanacios Halas requesting approval to change the hours of operation of The Broken Yolk, 136 College Ave., to 5:00 a.m. to 10:00 p.m.
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3. Massachusetts State Lottery Commission re. KENO-to-go
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4. Tammy Rocha requesting consideration of mandatory server training.
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5. Commonwealth of Massachusetts, ABCC, re. Guidelines for Extension of Premises to Patio and Outdoor Areas
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6. Ordinance regulating billboards and other forms of outdoor alcohol advertising
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**SPECIAL ALCOHOL LICENSES**

7. Kiwanis Club of Somerville requesting approval of a Special Alcohol License for the purpose of dispensing and selling alcoholic beverages at their Spring Social to be held at the Somerville Lions Club, New Washington St. on May 3, 2008 from 6:00 p.m. to 10:00 p.m.
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8. Portuguese American Civic League requesting approval of Special Alcohol licenses for the purpose of dispensing and selling alcoholic beverages at the Feast of the Holy Ghost to be held in the parking lot across from the club at 26 Springfield St. on July 11, 2008 and July 12, 2008, 7:00 p.m. to 12:00 a.m. and July 13, 2008 from 3:00 p.m. to 12:00 a.m.
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9. St. Anthony Church requesting approval of a Special Alcohol license for the purpose of dispensing and selling alcoholic beverages at the Mother's Day Feast to be held in the gymnasium on May 10, 2008 from 8:00 p.m. to 1:00 a.m.

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  10. Hellenic Association of Somerville requesting approval of a Special Alcohol licenses for the purpose of dispensing and selling alcoholic beverages at a Comedy Show to be held at 29 Central St. on May 17, 2008 from 7:00 p.m. to 12:00 a.m. and for Dance Troupe events on May 2, 9, 16, 23 and 30<sup>th</sup> from 7:30 p.m. to 12:00 a.m.

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  11. Cantina LaMexicana requesting approval of a Special Alcohol license for the purpose of dispensing and selling alcoholic beverages at their grand opening celebration/ Cinco de Mayo on May 3, 2008 from 5:00 p.m. to 9:00 p.m. outdoors at 241 Washington Street.
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**COMMON VICTUALER LICENSES**

12. Rodizio LLC d/b/a Rodizio Brazilian Steak House  
Luis A. Morales  
129 Broadway

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  13. Maya Sol LLC d/b/a Maya Sol Mexican Grill  
Luis A. Morales  
179 Broadway

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  14. White Hen Pantry  
Fadi Marawi  
734 Broadway
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**ALL FORMS ALCOHOLIC BEVERAGES**

**PACKAGE GOODS STORE**

**Transfer of Stock**

15. Gam Ro, Inc. d/b/a Teele Square Liquors, 1119 Broadway, requesting approval to transfer the stock held by Jae Chan Lee back to Kum Lan Kim who will also assume all positions within the corporation.
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**ALL FORMS ALCOHOLIC BEVERAGES**

**7 DAY RESTAURANTS**

**License Transfer**

16. Robbat's Villa Capri, Inc. requesting approval to transfer its All Forms Alcoholic Beverages 7 Day Restaurant license to Churrasco Grill Corporation

and for an Entertainment license consisting of audio, two televisions and live Brazilian bands at 505 Medford St., Somerville, MA.

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**Transfer of License**

17. G & HC Enterprises d/b/a Powderhouse Pub & Grille requesting approval to transfer its All Forms Alcoholic Beverages 7 Day Restaurant license to Triple F Pub, Inc. d/b/a Triple F Pub and for an Entertainment license consisting to audio, 15 televisions, a juke box, disc jockey and dancing by patrons at 682-686 Broadway.
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**Continuation**

**Extended Hours**

18. Armur, Inc. d/b/a Joshua Tree, 256 Elm St., requesting approval to extend its official closing hour from 1:00 a.m. to 2:00 a.m.
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**Continuation**

**Violation Hearing**

19. B.EE.F., Inc. d/b/a Fasika, 145-147 Broadway, to show cause why its All Forms Alcoholic Beverages 7-Day Restaurant license, Common Victualer license and Entertainment license should not be modified, suspended, revoked, or the hours during which sales of alcoholic beverages may be made reduced for alleged violation of Somerville Licensing Commission Rules and Regulations to wit: -

Somerville Licensing Commission Rule 1.09.a. - It shall be the obligation of licensees to ensure that a high degree of supervision is exercised over the conduct of the licensed establishment at all times. Each licensee will be held accountable for all violations that are related to the licensed premises to determine whether or not the licensee acted properly in the given circumstances.

Somerville Licensing Commission Rule 1.09.e. - When any noise, disturbance, misconduct, disorder, act or activity occurs in the licensed premises, or in the area in front of or adjacent to the licensed premises, or in any parking lot provided by the licensee for the use of its patrons, which in the judgment of the Commission adversely affects the protection, health, welfare, safety or repose of the residents of the area in which the licensed premises are located, or results in the licensed premises becoming the focal point for police attention, or is offensive to public decency, the licensee may be held in violation of the license and subject to proceedings for suspension, revocation or modification of the license.

Somerville Licensing Commission Rule 1.11c - No dancing by patrons is permitted except upon proper licensing pursuant to General Laws, Chapter 140, section 183A, and confined to a particular dance floor area which has been approved by the Commission and which is not inconsistent with the entertainment license requirements.

The date of the alleged offense is Saturday, January 26, 2008 into Sunday, January 27, 2008 as reported to this office via a written complaint by Mr.

Zelalem Tefea and Somerville Police Department Incident Report and CAD  
Incident Report.

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**Violation Hearing**

20. The Ville, Inc.,d/b/a Khoury's State Spa,118-120 to show cause why its All Forms Alcoholic Beverages 7-Day Restaurant license, Common Victualer license, Entertainment license and Dance license should not be modified, suspended, revoked, or the hours during which sales of alcoholic beverages may be made reduced for alleged violations of Somerville Licensing Commission Rules and Regulations to wit:-

Somerville Licensing Commission Rule 1.11.b - No entertainment at the licensed premises may be conducted in a manner such that the noise from the entertainment can be heard outside the boundaries of the premises.

Somerville Licensing Commission Rule 1.06.e - No outside area may be used as a waiting area or other gathering place for patrons without prior approval by the Commission

Somerville Licensing Commission Rule 1.09.c - Licensees shall act reasonably and diligently to disperse loiterers or patrons who attempt to congregate in front of or at the licensed premises. Failure of the licensee to keep persons from congregating at the licensed premises may lead to disciplinary action against the licensee for allowing a public nuisance.

Reasonable steps to be taken by the licensee may include, but are not limited to:

- (1) maintaining the front door in a closed position;
  - (2) asking loiterers to disperse;
  - (3) calling the police if loiterers refuse to disperse;
  - (4) requesting a police detail or stationing an employee at the front door to disperse loiterers;
  - (5) refusing to allow the same patrons to walk in and out of the premises at short intervals;
  - (6) maintaining order in lines of patrons waiting outside to get in;
- announcing that no further patrons will be allowed into the premises if lines become too long disorderly or loud

Somerville Licensing Commission Rule 1.09.d - Licensees shall take such steps as are necessary to ensure that patrons or employees do not leave the premises with alcoholic beverages. Such steps may include, but are not limited to:

- (1)having an employee stationed at the door to watch patrons as they leave;
- (2) refusing to serve beer in bottles;

refusing to serve alcoholic beverages in disposable cups. When the Commission's agents observe patrons leaving the premises with beer bottles, beer cans, or cups or glasses filled with liquids that smell like alcoholic beverages, it shall be presumed that the vessels contain alcoholic beverages. The foregoing Rule 1.09.d. shall not apply to Package Goods Store licensees.

Somerville Licensing Commission Rule 1.09.e - When any noise, disturbance, misconduct, disorder, act or activity occurs in the licensed premises, or in the area in front of or adjacent to the licensed premises, or in any parking lot provided by the licensee for the use of its patrons, which in the judgment of the Commission adversely affects the protection, health, welfare, safety or repose of the residents of the area in which the licensed premises are located, or results in the licensed premises becoming the focal point for police attention, or is offensive to public decency, the licensee may be held in violation of the license and subject to proceedings for suspension, revocation or modification of the license.

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The date of the alleged offense is Sunday March 16, 2008 as reported to this office by Somerville Police Officer Scott Whalen. Please refer to Officer Whalen's report that is attached hereto and is incorporated herein by reference.

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**BEER AND WINE RESTAURANTS**

21. Alfresco Restorante, Omar Mhiuldin, requesting approval of a Wine and Malt Restaurant license at 382 Highland Avenue.

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22. Tip Top Thai, 1127 Broadway, requesting approval of a Wine and Malt Restaurant License

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23. East Bridge International, Inc. d/b/a Taipei Tokyo requesting approval of a Wine and Malt Restaurant license and an Entertainment license consisting of radio, audio tape cassette, CD and one television at 7 Holland St.

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24. Ty Sun Corporation d/b/a Yoshi's requesting approval of a Wine and Malt Restaurant license at 132 College Avenue

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