

**City of Somerville  
Licensing Commission**

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

**Regular Meeting  
March 24, 2008  
6:00 p.m.**

**MINUTES**

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

2. Somerville Cares About Prevention submitting Alcohol Purchase Survey Results for January 2008
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3. Resolution from the Board of Alderman advising the Commission that the cities of Lynn and Revere are planning to roll back the closing hours of bar from 2:00 a.m. to 1:00 a.m.
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4. Order of the Board of Alderman - that the City Solicitor in conjunction with the Licensing Commission and Inspectional Services Dept draft an ordinance to allow restaurants that have approved outdoor seating to serve alcohol along with food.
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**SPECIAL ALCOHOL LICENSE**

5. The Somerville Homeless Coalition requesting approval of a Special Alcohol license for the purpose of dispensing and selling alcoholic beverages at a fundraiser to be held at 16 Garfield Avenue on April 26, 2008 between the hours of 6:30 p.m. and 10:30 p.m.
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6. Tufts University European Center requesting approval of a Special Alcohol license for the purpose of dispensing and selling alcoholic beverages at a fundraising cocktail party to be held at the Adekman Arts Center, Talbot Ave. on April 17, 2008 between the hours of 6:00 p.m. and 9:00 p.m.

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7. Hellenic Association of Somerville requesting approval of a Special Alcohol license for a fundraiser to be held at 29 Central Street on March 29, 2008 between the hours of 5:00 p.m. and 11:00 p.m.
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**COMMON VICTUALER LICENSE**

8. Jimbo's Famous Roast Beef & Seafood  
Augustine Filosi  
40 Bow Street
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9. New England Pantry, Inc.  
d/b/a White Hen Pantry  
Roger Foley  
734 Broadway
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10. Victor's Deli & Catering, 710 Broadway, requesting approval to extend its closing hour Wednesday – Friday from 6:00 p.m. until 10:00 p.m.
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**ALL FORMS ALCOHOLIC BEVERAGES**  
**7-DAY RESTAURANT LICENSES**

**Continuation**  
**Extended Hours**

11. 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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**Transfer of Stock – New Officers**

12. Mirabella, Inc. d/b/a Pescatore, 158 Boston Ave., requesting approval to transfer 100 % of the corporate stock to Anna Buonopane and to appoint her president, treasurer, clerk and director of the corporation.
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**Transfer of License and**  
**Entertainment License**

13. BAR MAR Corp. d/b/a Union Square requesting approval to transfer its All Forms Alcoholic Beverages 7 Day Restaurant license to Bull McCabe Corp. d/b/a Bull McCabe's Pub and for an Entertainment license consisting of audio, 3 televisions, 1 juke box and live entertainment at 366A Somerville Avenue.
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**WINE AND MALT RESTAURANTS**

14. Alfresco Restorante, Omar Mhiuldin, requesting approval of a Wine and Malt Restaurant license at 382 Highland Avenue.
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15. Chipotle Mexican Grill of Colorado, LLC d/b/a Chipotle Mexican Grill requesting approval of a Wine and Malt Restaurant license and an Entertainment license consisting of radio, audio tape cassette and cd at 270-276 Elm Street

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

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17. 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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18. 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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**Violation Hearing**

**American Legion East Somerville Post 388, Inc.**  
**163 Glen Street**

19. American Legion East Somerville Post 388, Inc., 163 Glen Street, Somerville, MA to show cause why its All Forms Alcoholic Beverages Club 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 1.03 a - Licenses issued by the Commission must be posted in a conspicuous place easily seen by the public where they can be read without difficulty and without recourse to the assistance of employees at the premises.

Somerville Licensing Commission Rule 1.03 b - All other licenses, permits, and certificates affecting the licensed premises must be posted conspicuously; provided, however, that no such document shall be posted in such a way as to cover over any part of the license issued by the Commission.

Somerville Licensing Commission Rule 1.08 l - Alcoholic beverages licensees are forbidden to make a sale or delivery of alcoholic beverages or alcohol to a person who is intoxicated.

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 b - Licensees shall maintain compliance with all health and safety laws for the areas outside and contiguous to the licensed premises.

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.

The date of the alleged offense is February 8, 2008 as reported to this office by Somerville Police Officer Robert W. Hickey.

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### **Violation Hearing**

**B.E.E.F., Inc.**  
**d/b/a Fasika**  
**145-147 Broadway**

20. B.E.E.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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