

**City of Somerville  
Licensing Commission**

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

**Regular Meeting  
Wednesday  
January 18, 2012  
6:00 p.m.**

**MINUTES**

Chairman Upton called the meeting to order. Present were Commissioner John J. McKenna and Executive Secretary Jenneen M. Pagliaro.

Minutes of the November 21, 2011 meeting were accepted as submitted.

**COMMUNICATIONS**

Alcoholic Beverages Control Commission notifying the Commission that Fat Hen, LLC d/b/a LaBrasa, 118-120 Broadway has withdrawn their application that was pending at the ABCC (The Licensing Commission approved this All-Forms 7 Day Alcoholic Beverages Restaurant license at the Oct. 17, 2011 hearing). The Board took Administrative notice and placed the item on file.

Notifying the Board that Namaskar, 236 Elm St. has returned the All-Forms 7 Day Alcoholic Beverages Restaurant License to the City. The restaurant is still open, however they are no longer serving alcohol. The Board placed this item on File.

Somerville Licensing Commission Communication to certain licensees reiterating BYOB regulations in Somerville. The Board requests that the Assistant City Solicitor draft a letter to be mailed to all licensees advising them of the rules and regulations.

**RULES**

**CONTINUED FROM DECEMBER 20, 2011 MEETING**

Consideration for amending The Somerville Licensing Commission Rules and Regulations to require that new liquor license applicants undergo training for the sale of alcohol to underage individuals.

Cory Mashburn from Somerville Cares About Prevention spoke about what the City program does. Mr. Mashburn suggested that the City require new liquor license holders to be required to go thru training with the City to prevent of Underage Drinking.

Commissioner Upton made a motion for the City Solicitor to work with Cory Mashburn from Somerville Cares About Prevention to draft an amendment to the Licensing Regulations and submit for consideration at the next Licensing Hearing.

Motion was seconded.

### **STATUS**

Present: Attorney Ann Vigorito & Patrick Buben

Atty. Vigorito, representing PLPB DDBG LLC d/b/a Deco Restaurant, 425 Washington St. came before the Commission to give status update on opening of establishment.

Atty. Vigorito stated that the renovations are about 60 percent complete and the owner plans to be open in the spring.

The Commission warned the applicant that the establishment should be open soon or the Commission would consider taking the license back due to failure to operate for such a long period of time.

A motion was made and seconded,

The applicant is to appear back before this Board at the April 23, 2012 meeting for another status update.

### **Status Update**

### **Continued from December 20, 2011**

Present: Attorney Ann Vigorito

Attorney Vigorito, representing Las Brisas, 561 McGrath Highway came before the Commission to give a status update on the Wine and Malt license pending at the Alcoholic Beverage Control Commission.

Atty. Vigorito stated that she has been in contact with the ABCC and stated that she was told no decision had been made on the application.

Commissioner McKenna would like the City to take the license back from Las Brisas.

Chairman Upton stated we can't do that because they do not have the license yet. The license is currently pending at the ABCC.

Chairman Upton suggested that the applicant write a letter to the ABCC to see what the hold up is on this license.

Commissioner McKenna made a motion to revoke the liquor license approval for Las Brisas, if this matter is not resolved at the ABCC.

A Motion to Lay this matter on the table and continue this matter until next Licensing hearing.

Motion was seconded.

**Transfer of Stock**

**Uptown Café, Inc. d/b/a Johnny D's Uptown Lounge**  
**17-27 Holland St.**

Present Attorney Ann Vigorito

Atty. Vigorito, representing Uptown Café, Inc. d/b/a Johnny D's Uptown Lounge, 17-27 Holland St., came before the Commission requesting approval for transfer of stock from Tina DeLellis to Tina DeLellis Revocable Trust and then from Tina DeLellis Revocable Trust to Carla DeLellis.

Atty. Vigorito stated that the application was before the Commission at a previous hearing. The application was approved by the City and sent to the ABCC for approval. The ABCC returned the application and requested that the applicant to re-file the Transfer of Stock from the Trust before the can approve the original transfer to Carla DeLellis

On a motion duly made and seconded, it was

VOTED: to grant the Transfer of Stock as submitted.

**Change of Manager**  
**Club License**

**Winter Hill Yacht Club, Inc.**  
**130R Foley St.**

Present: Joseph Basile

Mr. Basile came before the Commission requesting change of Manager from Norman LeBlanc to Joseph Basile.

Mr. Basile has bar tending experience.

Commissioner Upton suggested that Mr. Basile may consider taking a Tips Training Course or speaking with Corey Mashburn.

Upon a motion duly made and seconded, it was

VOTED: To approve the Change of Manger as submitted.

**ENTERTAINMENT LICENSES**

Due to recent developments it has come to the Commissions attention that some of the Clubs do not hold Entertainment license.

**American Legion Post 19**  
**124 Highland Ave.**

Present: Dave Chamberlain

Mr. Chamberlain came before the Commission requesting approval of an Entertainment License consisting of Entertainment by Performers, Patrons and Devices.

On a motion duly made and seconded, it was

VOTED: To approve the Entertainment License as presented.

**Somerville City Club**  
**20 Innerbelt Rd.**

Present: Robert King

Mr. King came before the Commission requesting approval of an Entertainment License consisting of Entertainment by Performers, Patrons and Devices.

On a motion duly made and seconded, it was

VOTED: To approve the Entertainment License as presented.

**Dante Club**  
**5 Dante Terrace**

Present: Michael Capasso

Mr. Capasso came before requesting approval of an Entertainment License consisting of Entertainment by Performers, Patrons and Devices.

On a motion duly made and seconded, it was

VOTED: To approve the Entertainment License as presented.

**Portuguese American Civic League**  
**26 Springfield St.**

Present: Izidro Mendonca

Mr. Mendonca came before the Commission requesting approval of an Entertainment License consisting of Entertainment by Performers, Patrons and Devices.

On a motion duly made and seconded, it was

VOTED: To approve the Entertainment License as presented.

**Greek American Social Construction Club, Inc.**  
**79 Bow St.**

Present: Michael Pergantis

Mr. Pergantis came before the Commission requesting approval of an Entertainment License consisting of Entertainment by Performers, Patrons and Devices.

On a motion duly made and seconded, it was

VOTED: To approve the Entertainment License as presented.

**CONTINUED FROM NOVEMBER 21, 2011 MEETING**

Present: Ann Vigorito & Robert Hardy

George Dilboy Post 529, VFW 371 Summer St., requesting approval for a Entertainment license at the new location, 343-349, 351 Summer St. Entertainment License consisting of Entertainment by Performers, Patrons and Devices.

Commissioner McKenna questioned why the hurry to get this License and feels it would be good to see over a course of time how the post handles functions at the current location. Since heightened awareness has come about with oversight in regards to Clubs

Atty. Vigorito requests that the Board vote on this tonight. They are currently running a business and the Board will call them in is they have any issues.

The neighbors raised a question in regards to proper notice being sent out to abutters and if this is the legal address.

Atty. Vigorito stated this is the legal address and everyone was notified.

Commissioner McKenna noted Postal Address isn't that important and the address is not evidence of anything.

Mr. O'Shea brought up a violation currently pending before the ABCC.

Atty. Vigorito stated she spoke to someone at the ABCC and this violation is in regards to officers and directors not relative to the address.

Chairman Upton stated it is up to the ABCC to approve the change of officers. It would be best to address the ABCC. This issue is not for this Board at this time.

Upon a motion duly made and seconded, it was

VOTED: To continue this matter until the March meeting.

### **VIOLATION**

Sligo Pub, 237A Elm St. to show cause why the All Forms Alcoholic Beverages 7-Day Restaurant license, Common Victualer, Entertainment License of the above-referenced establishment should not be modified, suspended, revoked, or the hours during which sales of alcoholic beverages may be made reduced for alleged violation of the above referenced General Laws, Code of Massachusetts Regulations and the Somerville Licensing Commission Rules and Regulations to wit:-

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 1.14.b.- Licensees shall call the police and an ambulance and take all other reasonable steps to assist patrons and persons who are injured in or on the licensed premises or whose injuries have occurred outside the premises but have been brought to the attention of the licensee.

Somerville Licensing Commission Rule 1.13.a.(5)- Licensees shall make all reasonable and diligent efforts to ensure that illegal activities do not occur at the licensed premises. Such efforts may include, but are not limited to: (5) calling for police assistance as necessary to protect patrons against injury or to evict unruly patrons or to uncover

unlawful conduct or to give medical assistance and providing police with requested information.

This matter to be continued until the February 22, 2012 hearing.

There being no further business, the meeting was adjourned.

Respectfully Submitted

Jenneen M. Pagliaro  
Executive Secretary