

**City of Somerville
Licensing Commission**

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

**Regular Meeting
Monday
July 16, 2012
6:00 p.m.**

MINUTES

Chairman Upton called the meeting to order. Present were Commissioners Vito Vaccaro, John J. McKenna, Inspector Warren Chaille & Executive Secretary Jenneen M. Pagliaro.

COMMUNICATIONS

Communication from Alderman John Connolly, regarding Posting a Notice on Premises for consideration. A motion was made to refer this item back to Ald. Connolly to consider passing an Ordinance, resolution or a communication to this board to hold a hearing on.

CONTINUED FROM JUNE 20, 2012 HEARING.

Consideration for a proposed amendment to Somerville Licensing Commission Rules and Regulations relative to Prohibition of the announcement of "Last Call". A motion was made to continue this item until next meeting. A motion was made to continue until next meeting, the motion was seconded.

COMMON VICTUALER LICENSES

Capital Brasil Multi Services, 99 Broadway notifying the board of the name change to Big Bite Barbecue. (Same owners). No one showed up, this matter to be continued until next meeting.

GOL Market, Inc. 376 Mystic Ave., Thathyanno Desa
No one showed up, this matter to be continued until next meeting.

Pastelaria Broadway, Inc.
192A Broadway
Charles Cunha

Present: Charles Cunha & Carlos DeOliveira

Mr. Cunha came before the Commission requesting approval of a Common Victualer license at 192A Broadway.

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 Victualer license as presented.

IYO Cafe
234 Elm St.

Present: Bryan Poisson

Mr. Poisson came before the Commission requesting approval of a Common Victualer license at 234 Elm St.

This business will serve frozen yogurt.

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 Victualer license as presented.

MAN-O-SALWAS
66 Summer St.

Present: Irfan Qureshi

Mr. Qurreshi came before the Commission requesting approval of a Common Victualer license at 66 Summer St.

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 Victualer license as presented.

SPECIAL ALCOHOL LICENSES

Ambisco Inc.,
d/b/a Redbones BBQ
55 Chester St.

Present: Robert Gregory

Mr. Gregory came before the Commission requesting approval of a Special Alcohol license for the purpose of dispensing and selling alcoholic beverages at the Annual Block party to be held at Chester & Herbert Sts. Intersection on July 30, 2012, rain date Aug. 6, 2012, 5-10 PM.

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.

Matthew Price
Starlabs Recording Studio

Present: Matthew Price

Mr. Price came before the Commission requesting approval of a Special Alcohol license for the purpose of dispensing and selling alcoholic beverages at an Open House/Yard Sale, BBQ & Concert on July 28, 2012 12PM-9PM at 32 Prospect St. Parking Lot.

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.

Wine and Malt Package Store
Change of Location

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

Present: Attorney Bernard 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 500 Medford St.

Atty. Goldberg stated that K-2 Beer & Wine came before the Commission in March of this year to transfer this license to 514 Medford St. However that deal fell through. They have found another location in the same area located at 500 Medford St.

One neighbor spoke in support.

Two e-mails from neighbors with concerns were submitted in the record.

On a motion duly made and seconded, it was

VOTED: to approve the Change of Location of the Wine and Malt Package Store license.

VIOLATION

On the Hill Tavern **499 Broadway**

Present: Assistant City Solicitor Jason Grossfield, Timothy Taddia & Robert Antonelli

On the Hill Tavern came before the Commission to show cause why the All Forms Alcoholic Beverages 7-Day Restaurant license, 2AM Closing 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 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.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;

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.

Assistant City Solicitor Jason Grossfield read the violations into the record.

ASC Grossfield stated that the alleged offense occurred on June 3, 2012. ASC Grossfield stated that a group of people were congregating out front of On the Hill Tavern causing a disturbance. A great deal of Police backup was necessary to resolve the situation, which resulted in a three individuals being arrested.

Officer Robert Driscoll was on the scene the night of the incident and read the police report into the record.

The Licensee did not feel it was fair to take the blame for every situation that happens near the business, However they did come to a Joint disposition with the Assistant City Solicitor Jason Grossfield.

The Licensing Commission voted to accept the recommended disposition of the City and the licensee with a roll back of hours from 2:00AM to 1:00AM on Friday and Saturday evenings for three consecutive weeks beginning July 20, 2012. The Licensee is required to have Police Details for Friday and Saturday evenings. The Licensing Commission will review the Police Detail requirements at the August 20, 2012 Licensing Hearing.

Commissioner Vaccaro abstained from voting on this matter.

There being no further business, the meeting was adjourned.

Respectfully Submitted

Jenneen M. Pagliaro
Executive Secretary