

**City of Somerville
Licensing Commission**

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

**Regular Meeting
Monday
October 15, 2012
6:00 p.m.**

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

Minutes of the August 20, 2012 & September 17, 2012 meetings were accepted as submitted.

COMMUNICATIONS

Massachusetts State Lottery Commission re: Keno-To-Go. The Board took Administrative Notice and placed the communication on file.

Fauji Corp. d/b/a Farmers Bounty notifying the Commission that the agreement to sell the Wine and Malt package Store license has been terminated by the buyer. Fauji Corp. is currently marketing the license and hopes to have an agreement shortly. The Board took Administrative Notice and placed the communication on file.

CONTINUED FROM SEPTEMBER 17, 2012 MEETING

Assistant City Solicitor Jason Grossfield submitting a draft for a proposed change to the Somerville Licensing Commission's Rules and Regulations requiring any applicants wishing to change the ownership of a business that serves alcoholic beverages to post in the business's window a public notice advertising the change.

The Board voted to continue this matter until the November meeting and requested ASC Grossfield revise the draft and to invite the Board of Aldermen to appear for their input.

COMMON VICTUALER LICENSES

**Pizza Palace
222 Somerville Ave.
Remon Tawfeer**

Present: Remon Tawfeer

Mr. Tawfeer came before the Commission requesting approval for a Common Victualer license at 222 Somerville Ave.

Mr. Tawfeer has restaurant experience.

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

On a motion duly made and seconded, it was

VOTED: to approve the Common Victualer license as presented.

SPECIAL ALCOHOL LICENSES

Sally O'Briens
335 Somerville Ave.

Present: Liam Mannion & Jackie Rossetti

Mr. Mannion came before the Commission requesting approval of a Special Alcohol License for the purpose of dispensing and selling alcoholic beverages at Octoberfest @ SomerStreets to be held in Union Sq. on Oct. 28, 2012 from 1PM-6PM.

Ms. Rossetti stated the Octoberfest will be working with the Summer Streets festival.

Experienced servers will be dispensing the alcohol.

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.

Bull McCabe's
336A Somerville Ave.

Present: Brian Manning

Mr. Manning came before the Commission requesting approval of a Special Alcohol License for the purpose of dispensing and selling alcoholic beverages at Octoberfest @ SomerStreets to be held in Union Sq. on Oct. 28, 2012 from 1PM-6PM.

Experienced servers will be dispensing the alcohol.

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.

CONTINUED FROM AUGUST 20, 2012 MEETING

STATUS UPDATE

PLPB DDBG LLC
d/b/a Deco Restaurant
425 Washington St.

Present: Atty. Ann Vigorito & Andrea Mobilia

Atty. Vigorito representing Deco Restaurant came before the Commission to give a status update on sale of the All Forms Alcoholic Beverages 7-Day Restaurant License.

Atty. Vigorito stated that a number of people are interested in purchasing the business and they hope to have a P & S by the next meeting.

On a motion duly made and seconded, it was

VOTED: to continue this matter to the November hearing.

ALL FORMS ALCOHOLIC BEVERAGES
7 DAY RESTAURANT

CHANGE OF MANAGER

Holiday Inn
30 Washington St.

Present: Therese Almond

Ms. Almond came before the Commission requesting a change of manager from James Harvey to Therese Almond.

Ms. Almond has 25 years of hotel experience.

On a motion duly made and seconded, it was

VOTED: to approve the change the manager.

NEW OFFICERS/DIRECTORS, NEW STOCKHOLDERS

AND TRANSFER AND ISSUANCE OF STOCK

99 Restaurant & Pub,
20 Cummings St.

Present: Joan Baldasarre

Ms. Baldasarre came before the Commission requesting approval for New Officers/Directors, New Stockholders and Transfer and Issuance of Stock.

Ms Baldasarre stated this paperwork has already been filed with the ABCC.

This will be the same management and the structure will remain the same.

On a motion duly made and seconded, it was

VOTED: to approve New Officers/Directors, New Stockholders and Transfer and Issuance of Stock.

ALTERATIONS TO PREMISES
EXTENSION OF CV AND ENTERTAINMENT LICENSES

Painted Burro, Inc.
219 Elm St.

Present: Atty. Adam Dash

Atty. Dash, representing Painted Burro came before the Commission requesting approval for alteration of premises to extend the business into the space next door known as 217 Elm St. also for approval for Entertainment and CV extension.

This business wants to extend into the space currently occupied by Spikes Junk Yard dog.

On a motion duly made and seconded, it was

VOTED: to approve the alterations to premises, CV and Entertainment extension.

VIOLATION

La Internacional Food Corporation
318 Somerville Ave.

Present: Assistant City Solicitor Jason Grossfield & Byron Cabrara

Bryon Cabrara came before the Commission to show cause why the Wine and Malt Package Good Store license issued to the above-referenced establishment should not be

modified, suspended or 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 1.08. 1. Alcoholic beverages licensees are forbidden to make a sale or delivery of alcoholic beverages or alcohol to a person who is intoxicated.

Massachusetts General Laws Chapter 138, Section 69: Sales or Delivery to Intoxicated Persons Prohibited. No alcoholic beverage shall be sold or delivered on any premises licensed under this chapter to an intoxicated person.

The date of the alleged offense was August 1, 2012.

Assistant City Solicitor Jason Grossfield read the violations into the record. ASC Grossfield stated that the business was selling alcohol to intoxicated persons. Based on a discussion with the licensee and the fact that the establishment has had no past incidents. ASC Grossfield and Mr. Cabrera came to a recommended disposition of a “Warning”

On a motion duly made and seconded, it was

VOTED: To accept the recommended disposition of the City and the licensee and the Commission sanctioned the establishment with a Warning.

2:00 AM Closings

All Forms Alcoholic Beverages 7 Day Restaurant Licenses

2AM ANNUAL LICENSE REVIEW

The following licensees appeared before the Commission for the annual review of their extension of hours until 2:00AM.

<u>Date Approved</u>	<u>Business</u>	<u>Address</u>
9/29/05	Precinct	70 Union Square
9/29/05	The Independent	75 Union Square
03/19/2012	Foundry on Elm	255 Elm St.
12/21/05	Casey's	171 Broadway
9/29/05	P J Ryan's	239-241 Holland Street
4/26/06	Olde Magoun Saloon	518 Medford Street
12/27/05	On the Hill Tavern	499 Broadway

Each licensee's file was reviewed for incidents/complaints and all were found to be suitable to continue with their extended hours.

PJ Ryan's will be continued until the November meeting. (No show).

On a motion duly made and seconded, it was

VOTED: To extend the 2AM license for one more year.

(ONE) ALL FORMS ALCOHOLIC BEVERAGES
7 DAY RESTAURANT (CITY LICENSE-NON TRASFERRABLE)

Chairman Upton stated for the record that he has a legal case with the attorney for applicant #16 (Cobble Hill), but has no involvement with the applicant. He disclosed the potential conflict of interest publicly and verbally before the start of the hearing. Chairman Upton also stated that he would file a disclosure form with his appointing authority .

Amelia's Kitchen, Inc.
1137 Broadway

Present: Delio Susi

Mr. Susi came before the Commission requesting approval for an All Forms Alcoholic Beverages 7 Day Restaurant License. (Currently holds a Wine & Malt license).

Mr. Susi has a Wine and Malt License and would like to upgrade to an All Forms.

OSPCD is not recommending approval of this at this time.

Chamber of Commerce is in support of this applicant.

The Board closed the hearing on this item to hear other applicants.

Mark Food Enterprises, Inc.
d/b/a Oliveira's Steak House
120 Washington St.

Present: Attorney Ann Vigorito

Atty. Vigorito, representing Oliveira's Steak House came before the Board requesting approval for an All Forms Alcoholic Beverages 7 Day Restaurant License **AND** approval for an Entertainment License consisting of Entertainment by performers, patrons and devices.

Atty. Vigorito stated that the former establishment that was located at this address held a liquor license. However that license was sold to someone in another part of the city. Oliveira's is leasing this space. They feel a liquor license will enhance their business.

OSPCD is not recommending approval of this at this time.

Chamber of Commerce is in support of this applicant.

The Board closed the hearing on this item to hear other applicants.

Cobble Hill LLC
81 Park St.

Present: Attorney Joseph Hanley

Atty. Hanley representing Cobble Hill came before the Commission requesting approval for an All Forms Alcoholic Beverages 7 Day Restaurant License **ALSO** requesting approval of a Common Victualer License and Entertainment License consisting of Entertainment by devices.

The new owners currently work at the Highland Kitchen. They are purchasing the real estate. This will be a unique concept. They will use local produce and plan to have a green roof concept. They will have on site parking. Thirty letters of support were submitted for the record. They plan to open in about one year's time.

Two people spoke in favor.

Alderman Heuston is in support.

OSPCD is recommending approval of this application.

Chamber of Commerce is in support of this applicant.

The Board closed the hearing on this item to hear other applicants.

Aguacate Verde
13 Elm St.

Present: Sylvia DeLasota

Ms. DeLasota came before the Commission requesting approval for an All Forms Alcoholic Beverages 7 Day Restaurant License.

This is the third time Ms. DeLasota has applied for an alcohol license.

She feels she needs to have a license to compete with the Cambridge businesses and the license will increase foot traffic and enhance her restaurant.

A petition of approximately 250 signatures supporting this applicant was submitted for the record.

The Board closed the hearing on this item to hear other applicants.

Hearing was re-opened
Amelia's Kitchen

A motion was made to withdraw this application.

Motion to withdraw was accepted.

WITHDRAWN

Mark Food Enterprises, Inc.
d/b/a Oliveira's Steak House

Commissioner Vaccaro made a motion to approve this application

However the motion was NOT seconded.

A motion was made to withdraw this application.

Motion to withdraw was accepted.

WITHDRAWN

In Regards to the application for an Entertainment License for Oliveira's Steak House

A motion was made to approve, the motion was seconded.

It was voted: to approve the Entertainment License as submitted.

Cobble Hill LLC

A motion was made to approve this application.

The motion was seconded.

It was voted: To approve the All Forms Alcoholic Beverages 7 Day Restaurant License.

Commissioner Vaccaro voted NO

In regards to the Common Victualer and Entertainment License,

The Board made a motion to approve

The motion was seconded.

The Board voted to: Grant the Common Victualer and Entertainment License.

Aguacate Verde

A motion was made to withdraw this application.

Motion to withdraw was accepted.

WITHDRAWN

There being no further business, the meeting was adjourned.

Respectfully submitted

Jenneen M. Pagliaro
Executive Secretary