

**City of Somerville  
Licensing Commission**

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

**Regular Meeting  
Monday  
October 18, 2010  
7:30 p.m.**

**MINUTES**

Chairman Upton called the meeting to order. Present were Commissioners Vito Vaccaro, John McKenna, Inspector Warren Chaille and Administrative Assistant Jenneen M. Pagliaro.

Minutes of the August 16, 2010 meeting were accepted as submitted.

**COMMUNICATIONS**

Massachusetts State Lottery Commission re: Keno-To-Go. The Board took Administrative notice and placed the Communication on File.

**COMMON VICTUALER LICENSES**

**Pizza Palace  
222 Somerville Ave.**

Present: Attorney Bernard Goldberg & Athanasios Paikopoulos

Atty. Goldberg representing Pizza Palace came before the Commission requesting approval of a Common Victualer license at 222 Somerville Ave.

Atty. Goldberg stated this is a new owner with no other changes to the business.

Mr. Paikopoulos 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.

**Great Taste Diner**  
**300 Beacon St.**

Present: Attorney James Fudser & Angelica Cortez

Atty. Fudser representing Great Taste Diner came before the Commission requesting approval of a Common Victualer license for 300 Beacon St.

Ms. Cortez 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.

**ENTERTAINMENT LICENSES**

**Prima Pizza**  
**284 Broadway**

Present: Stephen Rasetta

Mr. Rasetta came before the Commission requesting approval of an Entertainment license consisting of television.

On a motion duly made and seconded, it was

VOTED: to approve the Entertainment license as presented.

**VIOLATION**

**VIZ, Inc. d/b/a Choices**  
**379-381 Somerville Ave.**

Present: Assistant City Solicitor Jason Grossfield & Victor Ortiz

Mr. Ortiz came before the Commission to show cause why the All Forms Alcoholic Beverages 7-Day Restaurant license, Common Victualer, Entertainment License and 2AM Closing 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.(2)(3)(4)- 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:(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.

ASC Grossfield Jason Grossfield read the police report filed by Police Officer Alan Monaco into the record. On September 6, 2010 multiple units were dispatched to Choices. Fifty to seventy-five people were running in the street. The doorman from Choices was not trying to control this situation. No employees of Choices attempted to move the crowd along. This situation took five patrolman and two supervisors twenty minutes to get things under control, leaving only two officers available for emergency calls. Two more calls were received and two officers were dispatched to move along another group of females hanging outside Choices. After clearing this group, once again the Police were dispatched to 3 Quincy St. to move along another group. Officer Monaco asked Choices if they had requested a detail officer. An employee of Choices stated they thought that they had requested one, however upon checking the detail list no such assignment was requested by this establishment.

Chairman Upton read an email from Alderman Taylor into the record. The e-mail stated that Ald. Taylor would like Choices 2AM license revoked.

Chairman Upton stated that we would be addressing the 2AM license at another meeting. The 2AM annual reviews will be in November and December. Based on the police reports, the Commission found the licensee in violation of Somerville Licensing Commission Rules 1.09 a. 1.09.c(2)(3)(4) and 1.09.e.

On a motion duly made and seconded, it was

VOTED: To accept the recommended disposition of the City and the licensee, as offered by Assistant City Solicitor Jason Grossfield and Victor Ortiz and voted to sanctioned the establishment with a 45 day rollback to midnight on Sundays to be served concurrently with 45 day roll back currently held in abeyance from a February 18, 2010 violation decision. An additional 45 days shall be held in abeyance for one year with no violations for that period of time.

The 45 day rollback period shall commence on Sunday, October 24, 2010 ending Wednesday December 8, 2010.

**CLUB LICENSES**  
**HEARING CONTINUED FROM SEPT. 20, 2010 MEETING**

**George Dilboy Post 529. Inc.**  
**VFW, 371 Summer St.**

Requesting a change of location of the All Forms Alcohol Club License to 343-349 Summer St.

Chairman Upton stated that the Board is in receipt of a Communication from the City, indicating that there is a pending and ongoing series of negotiations concerning Zoning and planning and feel it would be in the interest of all parties to continue this hearing until this is matter is resolved.

Attorney DiGirolamo and Attorney Dash were fine with the continuation.

Brad Hopkins stated for the record that the neighbors knew that the hearing was being continued but showed up any way so the Board would realize how important this issue is to the neighbors.

The VFW stated they were having their monthly meeting tonight and not many people were able to show up for support.

Chairman Upton stated we will have a full debate on this application next hearing and people should wait until then to be heard.

The Public hearing is still open and the opportunity to comment either pro or con will be heard at the next meeting.

Chairman Upton moved to continue this hearing until the next meeting.

Motion seconded,

The hearing is open for testimony at next meeting.

**Late Item**

**Special Alcohol License**

**Tufts University**

Present: Patricia Klos

Ms. Klos came before the Commission requesting approval of a Special Alcohol license for the purpose of dispensing and selling alcoholic beverages for the Athletic Dedication of a new score board to be held on October 23, 2010 from 3PM-6PM at 20 Lower Campus Road.

Experienced servers will 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.

There being no further business, the meeting was adjourned.

Respectfully submitted  
Jenneen M. Pagliaro  
Administrative Assistant