

**City of Somerville  
Licensing Commission**

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

**Regular Meeting  
Monday  
October 21, 2013  
6:00 p.m.**

**MINUTES**

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 19, 2013 & September 16, 2013 meetings were accepted as submitted.

Approval for extension of hours until 2AM on New Years Eve for All Forms of Alcohol Restaurants.

On a motion made and seconded, it was

VOTED: To allow the extension of hours on New Years Eve.

**COMMUNICATIONS**

Alcoholic Beverages Control Commission Notice of Decision, On The Hill Tavern, 499 Broadway. The Board took administrative notice and placed the communication on file.

99 Restaurant & Pub, 20 Cummings St. notifying the Commission that they will not be closed down for five days beginning Oct. 20-24, 2013 to complete a routine “refresh” of the restaurant as requested at the August 19, 2013 hearing. The work is being delayed until 2014. The Board will be notified with the new dates when they are available. The Board took administrative notice and placed the communication on file.

Commissioner John McKenna made a public apology for language used at the Sept. 16, 2013 Hearing.

**COMMON VICTUALERS LICENSES**

**Noor Mediterranean Grill, LLC**  
**136 College Ave.**  
**Arsen Karageozian**

Present: Hilda Darian & Arsen Karageozian

Ms. Darian came before the Commission requesting approval of a Common Victualer license for 136 College Ave.

This is the former location of the Broken Yolk.

The new owners have 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.

**Broadway Eatery**  
**1157 Broadway**  
**Giorgios Kaplanis**

Present: Giorgios Kaplanis

Mr. Kaplanis came before the Commission requesting approval of a Common Victualer license for 1157 Broadway.

This is the current location of Theo's Pizza.

The new owner 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.

**Martsa On Elm**  
**233A Elm St.**  
**Dechen Martsa**

Present: Dechen Martsa

Ms. Martsa came before the Commission requesting approval of a Common Victualer license for 233A Elm St.

This is a new owner with a change of hours.

Ms. Martsa was the owner of this establishment 4 years ago and is buying the business back from the current owners.

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.

**Big Bite Barbecue**  
**99 Broadway**  
**Ikaro Green**

Present: Ikaro Green

Mr. Green came before the Commission requesting approval of a Common Victualer license for 99 Broadway.

Mr. Green currently works at this establishment and is taking over the ownership with no other changes.

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**

**Harvard Graduate School of Design Students Forum**

Present: Kevin Murray

Mr. Murray came before the Commission requesting approval of a Special Alcohol License for the purpose of dispensing and selling alcoholic beverages for Annual Design School Halloween Party at Brooklyn Boulders, 12A Tyler St. on Oct. 26, 2013 from 9PM-1AM.

This will be a Halloween party to be held at Brooklyn Boulders.

Experienced servers will be dispensing the Beer and Wine.

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.

**Hellenic Association of Somerville**  
**d/b/a Dormition of Virgin Mary Greek Orthodox Church**  
**29 Central St.**

Present: Teddy Menounos

Mr. Menounos came before the Commission requesting approval of a Special Alcohol License for the purpose of dispensing and selling alcoholic beverages for a Comedy Night on Nov. 9, 2013 from 7PM-12AM.

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.

**Hellenic Association of Somerville**  
**d/b/a Dormition of Virgin Mary Greek Orthodox Church**  
**29 Central St.**

Present: Teddy Menounos

Mr. Menounos came before the Commission requesting approval of a Special Alcohol License for the purpose of dispensing and selling alcoholic beverages for a Young Adult Retreat on Nov. 29, 2013 from 7PM-11PM.

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.

**Hellenic Association of Somerville**  
**d/b/a Dormition of Virgin Mary Greek Orthodox Church**  
**29 Central St.**

Present: Teddy Menounos

Mr. Menounos came before the Commission requesting approval of a Special Alcohol License for the purpose of dispensing and selling alcoholic beverages for a New Years Eve Party on Dec. 31, 2013 from 8PM-1AM.

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.

**Hellenic Association of Somerville**  
**d/b/a Dormition of Virgin Mary Greek Orthodox Church**  
**29 Central St.**

Present: Teddy Menounos

Mr. Menounos came before the Commission requesting approval of a Special Alcohol License for the purpose of dispensing and selling alcoholic beverages for a Dinner Dance on January 18, 2014 8PM-12AM.

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.

**All Forms Alcoholic Beverages 7 Day Restaurant Licenses**

**2:00 AM Closings Reviews**

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>
12/27/05	On the Hill Tavern	499 Broadway

(On the Hill Tavern, No show, to be continued until next hearing)

9/29/05	The Independent	75 Union Square
03/19/12	Foundry on Elm	255 Elm St.
9/29/05	Precinct	70 Union Square
12/21/05	Casey's	171 Broadway
9/29/05	P J Ryan's	239-241 Holland Street

Each licensee's file was reviewed for incidents/complaints and all were found to be suitable to continue with their extended hours. (with the exception On The Hill Tavern, which will be at next month's hearing).

**(1 AVAILABLE (NEW) CITY LICENSE-NON TRANSFERABLE)**  
**ALL FORMS ALCOHOLIC BEVERAGES 7 DAY RESTAURANT LICENSE**  
**ASSEMBLY ROW**

**COMMON VICTUALER & ENTERTAINMENT LICENSE**

**Legal Seafood LLC**  
**301 Great River Road**

Present: Richard Heller & Roger Berkowitz

Mr. Heller came before the Commission requesting approval of a New All Forms Alcoholic Beverages 7 Day Restaurant License, Common Victualer & Entertainment License for Entertainment by devices at 301 Great River Road.

This will be a Casual Theme restaurant.

Edward O'Donnell, OSPCD recommended approval of this application.

David Webster, the landlord spoke in support.

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 All Forms Alcohol license, Common Victualer license and Entertainment license as presented.

**CONTINUED FROM THE SEPTEMBER 16, 2013 HEARING**

**(NEW) CITY LICENSE-NON TRANSFERABLE)**  
**ALL FORMS ALCOHOLIC BEVERAGES 7 DAY RESTAURANT LICENSES.**  
**COMMON VICTUALER & ENTERTAINMENT LICENSE**

Slesar Bros. Brewing Company, Inc. d/b/a Somerville Beer Works, 240 Elm St. requesting approval for a New All Forms Alcoholic Beverages 7 Day Restaurant License, a Common Victualer & Entertainment License consisting of Entertainment by Devices.

Attorney Anne Vigorito, representing Slesar Bros. Brewing Company made a request for a continuation of this matter until the next Licensing Commission Hearing. Ms. Vigorito stated the request is to continue ongoing discussions with the community and to come to a resolution.

Alderman Gerwartz, spoke in opposition of this applicant receiving one of the City Economic Development licenses.

Atty. Vigorito apologized to the community regarding the short notice request for a continuation of this item.

Edward O'Donnell, OSPCD stated that Beer Works is a well run business that would work better in another location.

Chris Iwicks a neighbor, who isn't supporting this establishment, stated that he has attended two community meetings and is not sure that a continuation would make any sense.

Commissioner McKenna asked whether the community has been communicating with the applicant by exchanging emails etc. as so the neighbors are informed of a cancellation request and not have to waste their time.

Ald. Gerwartz stated she was not informed by Atty. Vigorito of this request. Jenneen from Licensing informed Ald. Gerwartz of this request for a continuance just this morning. Ald. Gerwartz asked that this not happen again with out significant notice, so the neighbors can be informed.

On a motion duly made and seconded, it was

VOTED: To continue this matter at the November 18, 2013 Hearing.

**REVIEW OF ALL FORMS ALCOHOLIC BEVERAGES 7 DAY RESTAURANT LICENSE**

Radio Bar, LLC 379-381 Somerville Ave. has been requested by Warren Chaille, Licensing Commission Investigator to discuss the Notice of Closure letter dated September 26, 2013 and status of licensee.

Present: Licensing Inspector Warren Chaille, Joshua Banville, Moe Banville & Atty. Don MacDonald

Licensing Inspector Warren Chaille stated the reason for this hearing is Radio Bar, LLC notified the Commission after the fact that they wanted to shut down temporarily and also had some questions as to who has financial interest in this license.

Attorney Don MacDonald representing Aimee McGrath. Atty. MacDonald stated that his client Aimee was led to believe that she had been added to the LLC, of his business but was unaware that the proper documents were not filed.

The Board is in receipt of an e-mail from Mr. Michael McGrath, the landlord stating that Radio Bar is has not been paying the rent.

Atty. MacDonald stated his client was served an eviction notice yesterday.

Moe Banville stated that Aimee had not been accountable as to where all the money is going Joshua Banville is listed as Manager of record.

Atty. MacDonald stated Aimee is part owner and Josh can't close the establishment down without her permission.

Commissioner Vaccaro asked who own this place?

Radio Bar LLC owns license.

Chairman Upton stated that this is a violation of the Board's rules and regulations. This Commission should have a hearing on this matter next month. Radio Bar, LLC is violation of not disclosing a beneficial interest in this license and for changing the manager without approval.

On a motion duly made and seconded, it was

VOTED: To continue this matter at the November 18, 2013

**VIOLATION**

**Neighborhood Liquor Inc.**  
**d/b/a Liquor Zone**  
**163-165 Washington St.**

Present: Assistant City Solicitor Jason Grossfield & Izabella Kalia

Neighborhood Liquor Inc., d/b/a Liquor Zone came before the Commission to show cause why its All Forms Package Good Store license issued to the above-referenced establishment should not be modified, suspended or revoked for alleged violation of Massachusetts General Laws Chapter 138 §34-Sale, delivery or furnishing alcoholic beverages to a person under twenty-one years of age and Somerville Licensing Commission Rules and Regulations to wit:-

Somerville Licensing Commission Rule 1.08i - . Whoever makes a sale or delivery of any alcoholic beverages or alcohol to any person under twenty-one years of age, either for his own use or for the use of his parent or any other person, or whoever, being a patron of an establishment licensed under section 12 or 15 of General Laws Chapter 138 delivers or procures to be delivered in any public room or area of such establishment any such beverages or alcohol to or for use of a person who he knows or has reason to believe to be under twenty-one years of age or whoever procures any such beverages or alcohol for a person under twenty-one years of age in any establishment licensed under section 12, or procures any such beverage or alcohol for a person under twenty-one years of age who is not his child, ward or spouse in any establishment that is a package store, shall be subject to disciplinary action by the Licensing Commission.

The date of the alleged offense was August 8, 2013.

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

ASC Grossfield stated this was a first offense and offered a recommended joint disposition to sanction the establishment with a “Warning” and that licensee shall complete retraining of staff for underage drinking education with Somerville Cares About Prevention no later than 60 days of this decision.

Chairman Upton stated he would go along with this disposition if they ban the sale of airline size bottle of liquor for one year. The City is littered with these tiny bottles.

The licensee stated she understood the reasoning for this request but felt this to be unfair and stated that since the incident they have installed a machine to check I.D.’s.

Commissioner McKenna stated he would go along with the disposition because the licensee has undertaken an expense to install that an I.D. system on their own and for that they should be commended.

Commissioner Vaccaro agreed with Commissioner McKenna.

On a motion duly made and seconded, it was

VOTED: To accept the recommended joint disposition as offered by Assistant City Solicitor Grossfield and the licensee.

Chairman Upton Voted NO

There being no further business, the meeting was adjourned.

Respectfully Submitted  
Jenneen M. Pagliaro  
Executive Secretary