

Licensing Commission

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

**Regular Meeting
Monday
November 18, 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 October 21, 2013 meeting were accepted as submitted.

A Motion to adopt a \$2500.00 annual fee for the New Farmers Series Pouring Permit.

This is a new category of license authorized by the ABCC in July 2013.

Edward O'Donnell, OSPCD spoke in support of this new type of license and made a suggestion to lower the fee since these are new businesses just starting out.

A motion was made to adopt a \$1500.00 fee for this new type of license.
The motion was seconded, it was

VOTED: To approve a \$1500.00 fee for the New Farmers Series Pouring Permit.

Communications

McDonald's notifying the Commission that they have closed their Elm St. location as of 10/31/2013. The Board took administrative notice and placed the communication on file.

Common Victualers Licenses

D Flame LLC, d/b/a Subway, 197 Elm St. No one showed up for this application. This item will be continued at the next Licensing Commission Hearing.

Petisco's Group, Inc., 513 B Medford St. No one showed up for this application. This item will be continued at the next Licensing Commission Hearing.

Zaytouna Café Pizza and Grill

215B Highland Ave.

Present: Rachid Khatib

Mr. Khatib came before the Commission requesting approval of a Common Victualer license for 215B Highland Ave.

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.

Chicken Teriyaki House, Inc.
d/b/a Teriyaki House
868 Broadway

Present: Qing Xiong Pang

Mr. Pang came before the Commission requesting approval of a Common Victualer license for 868 Broadway.

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.

AN LLC
d/b/a Mama Gina's Pizza
19 Union Sq.

Present: Benardi Kallco

Mr. Kallco came before the Commission requesting approval of a Common Victualer license for 19 Union Sq.

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

(WITHDRAWN) ** St. Anthony's Parish, 12 Properzi Way requesting approval of a Special Alcohol License for the purpose of dispensing and selling alcoholic beverages for a Dinner Dance on Dec. 31, 2013 from 8PM-1AM.

Anthony Jaffery
Pro Bar Tenders

Present: Anthony Jeffery

Mr. Jaffery came before the Commission requesting approval of a Special Alcohol License for the purpose of dispensing and selling alcoholic beverages for a Holiday Food Truck Festival & Art Market, 300 Grand Union Blvd. On Dec. 6, 2013, 6PM-10PM, Dec. 7, 2013, 11AM-7PM & Dec 8, 2013 11AM-7PM.

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 the Virgin Mary Greek Orthodox Church
29 Central St.

Present: Teddy Menounous

Mr. Menounous came before the Commission requesting approval of a Special Alcohol License for the purpose of dispensing and selling alcoholic beverages for The Mayor's Christmas Party on December 11, 2013 from 5PM-9PM.

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.

(WITHDRAWN) ** Eli Epsten, Union Press, 440 Somerville Ave. requesting approval of a Special Alcohol License for the purpose of dispensing and selling alcoholic beverages for a Comedy Night on Dec. 7, 2013 from 7PM-11PM.

East End Grill
118 Broadway

Present: Carolyn Boyce

Ms. Boyce came before the Commission requesting approval of a Special Alcohol License for the purpose of dispensing and selling alcoholic beverages for an Ugly Sweater Road Race party on Nov. 30, 2013 to be held in the parking lot from 10:30AM-4PM.

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.

Farmer Winery Licenses

Coastal Vineyards

Present: Mimi Graine

Ms. Graine, representing Coastal Vineyards came before the Commission requesting approval of a Special Farmer Winery License to sell wine produced by the licensee for off-premises consumption for The Somerville Winter Farmer's Market to be held at the Armory, 191 Highland Ave. on Saturdays, Dec. 7, 2013 through March 29, 2014 from 9:30AM-2PM.

On a motion duly made and seconded, it was

VOTED: to grant the Special Farmer Winery License as presented.

Westport Rivers, Inc.

Present: Mimi Graine

Ms. Graine, representing Westport Rivers came before the Commission requesting approval of a Special Farmer Winery License to sell wine produced by the licensee for off-premises consumption for The Somerville Winter Farmer's Market to be held at the

Armory, 191 Highland Ave. on Saturdays, Dec. 7, 2013 through March 29, 2014 from 9:30AM-2PM.

On a motion duly made and seconded, it was

VOTED: to grant the Special Farmer Winery License as presented.

Turtle Creek Winery

Present: Mimi Graineey

Ms. Graineey, representing Turtle Creek Winery came before the Commission requesting approval of a Special Farmer Winery License to sell wine produced by the licensee for off-premises consumption for The Somerville Winter Farmer's Market to be held at the Armory, 191 Highland Ave. on Saturdays, Dec. 7, 2013 through March 29, 2014 from 9:30AM-2PM.

On a motion duly made and seconded, it was

VOTED: to grant the Special Farmer Winery License as presented.

Carr's Ciderhouse

Present: Mimi Graineey

Ms. Graineey, representing Carr's Ciderhouse came before the Commission requesting approval of a Special Farmer Winery License to sell wine produced by the licensee for off-premises consumption for The Somerville Winter Farmer's Market to be held at the Armory, 191 Highland Ave. on Saturdays, Dec. 7, 2013 through March 29, 2014 from 9:30AM-2PM.

On a motion duly made and seconded, it was

VOTED: to grant the Special Farmer Winery License as presented.

Green River Ambrosia LLC

Present: Mimi Graineey

Ms. Graineey, representing Green River Ambrosia LLC came before the Commission requesting approval of a Special Farmer Winery License to sell wine produced by the licensee for off-premises consumption for The Somerville Winter Farmer's Market to be held at the Armory, 191 Highland Ave. on Saturdays, Dec. 7, 2013 through March 29, 2014 from 9:30AM-2PM.

On a motion duly made and seconded, it was

VOTED: to grant the Special Farmer Winery 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.

4/26/06	Olde Magoun Saloon	518 Medford Street
2/26/07	The Burren	247 Elm Street
8/27/07	Fasika	145-147 Broadway
5/2/08	The Joshua Tree	256 Elm Street
12/14/09	Orleans Restaurant	59-65 Holland St.
11/15/2010	Trina's Starlite Lounge	3 Beacon St.
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. (with the exception of Fasika, which will be heard at the next Licensing Commission hearing)

Continued from the October 21, 2013 Hearing

All Forms Alcoholic Beverages 7 Day Restaurant Licenses

(NEW) City License-Non Transferable)

**Common Victualler
& Entertainment License**

(WITHDRAWN WITHOUT PREJUDICE) ** 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 Victualler& Entertainment License consisting of Entertainment by Devices.

Wine and Malt Restaurant License

Change of D/B/A

Cercross & Sons, Inc.
d/b/a Machu Picchu Peruvian Restaurant
25 Union Sq.

Present: Rosy Cerna

Ms. Cerna came before the Commission requesting approval to change the D/B/A name from Machu Picchu to Machu Chicken.

On a motion duly made and seconded, it was

VOTED: to grant the name change.

Wine and Malt Package Store License
Pledge of Stock and License

New Reliable Market, Inc.
45 Union Sq.

Present: Attorney Anne Vigorito

Atty. Vigorito, representing New Reliable Market, Inc. came before the Commission requesting approval for a Pledge of License and Pledge of Stock.

On a motion duly made and seconded, it was

VOTED: to grant the Pledge of License and Pledge of Stock.

All Forms Package Store License
Transfer of Stock and New Manager

Prashant LLC d/b/a Seven Hills Wine & Spirits, 288-290 Beacon St. requesting approval for transfer of stock and approval for a New manager. (This matter is being continued until the January Hearing).

All Forms Alcoholic Beverages
7 Day Restaurant Licenses

Transfer of License & Pledge of License
Common Victualler
& Entertainment License

Rosebud Restaurant, Inc.
381 Summer St.

Present: Attorney Adam Dash

Atty. Dash, representing Rosebud Restaurant, Inc. came before the Commission to transfer the All-Forms alcoholic beverages restaurant license held by 381 Jumbo LLC, d/b/a Rosebud at 381 Summer St. and approval for Pledge of License, Common Victualler License and Entertainment license for Entertainment by Performers, Patrons & Devices.

Atty. Dash stated this business is currently closed. His client will purchase the license and lease the space. Atty. Dash also stated that Ald. Gerwitz is in support of this transfer.

Atty. Anne Vigorito spoke on behalf of Mr. Pousihitis, the property owner next store and stated that he had some concerns with noise.

On a motion duly made and seconded, it was

VOTED: to grant the Transfer of License, Pledge of License, Common Victualler & Entertainment License.

New Farmer Series Pouring Permit

Bantam Cider Company
230 Somerville Ave.

Present: Dana Masterpolo

Ms. Masterpolo came before the Commission requesting approval for a New Farmer Series Pouring Permit at 230 Somerville Ave.

Ms. Masterpolo stated she will have small tour groups with a small tasting room and no seating.

The occupancy load is 150.

Captain Anzalone of Fire Prevention stated they had some issues with the address listed on the application of this business. Fire Prevention uses 40 Merriam St. but the City Hall uses 230 Somerville Ave.

The Commission stated we will use what the City Hall has listed as the address.

On a motion duly made and seconded, it was

VOTED: to grant the New Farmer Series Pouring Permit

Continued from the October 21, 2013 Hearing
Violation

Radio Bar, LLC
379-381 Somerville Ave.

Present: Assistant City Solicitor Jason Grossfield & Aimee McGrath

Ms. McGrath came before the Commission last month for a Status update and was requested to appear before the Commission tonight for a violation of the SLC rules and regulations stemming from the October 21, 2013 Hearing. See violations as follows:

Radio Bar, LLC, 379-381 Somerville Ave. to show cause why the All Forms Alcoholic Beverages 7-Day Restaurant license and 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.c.- No licensee shall permit any person to have a direct or indirect financial or beneficial interest in the licensed business or to receive any revenue from the business or to manage the premises other than the person properly approved of by the Commission and the salaried employees of such persons. The foregoing Rule 1.07.c. does not prohibit the use of revenue for payment of inventory and other operating expenses.

Somerville Licensing Commission Rule 1.09.d.- No licensee shall permit any person to work at the licensed premises or to hold him or herself out as a person in a position of authority at the premises except for those persons who are owners and officers or who are salaried employees for whom payroll records are available. No licensee may pay an employee any percentage of the profits of the business or pay an employee in any manner other than by salary or hourly rate except upon approval of the Commission.

Somerville Licensing Commission Rule 1.09.k. -. Alcoholic beverages licensees must not change the manager of the licensed premises until the Commission and the Alcoholic Beverages Control Commission have approved such change.

Assistant City Solicitor Jason Grossfield read the violations into the record. The police report of Investigative Officer Chaille stated that he made several business contacts with Radio Bar during his shift. While conducting investigations he met with Manager/Owner Aimee McGrath during regular business hours. During this time Officer Chaille never met or had contact with Joshua Banville, the manger of record. Mr. Banville did not get approval for a change of manger on the licensed premises. ASC referenced documents submitted by the licensee and other individuals to the Commission. The Commission questioned representatives of the licensee at the hearing regarding operations and management. The licensee previously requested to close the business temporarily without prior approval. The licensee manager of record attended the October 21, 2013 meeting and stated he has not been the manager for some time. Atty. Don MacDonald, representing Ms. McGrath produced documents stating that the owner of Radio Bar, LLC

has transferred stock in Radio Bar LLC without approval of the Local License Commission and approval of The Alcoholic Beverages Control Commission.

Ms. McGrath stated that she spoke with Josh Banville in regards to this issue. Mr. Baviile told Ms. McGrath that he would not be attending this Hearing tonight. So as of today this matter is still unresolved. Ms. McGrath gave a brief explanation of the LLC shares breakdown. 49% Josh Banville, 49% Aimee McGrath & 2% Nicole Tammaro. Ms. McGrath stated that these changes were never filed with the State as she was led to believe back in 2011, when the changes were made. Ms. McGrath found out in 2012 that the changes were never filed with the proper agencies. Ms. McGrath stated she had a few benefits scheduled for December and was hoping not to be closed down. Ms. McGrath stated that they were trying to come to a resolution. Three letters of supports were submitted for the record.

Chairman Upton stated that the City has a shortage of licenses and would want people to use them correctly and suggested that the parties try to resolve these issues. The Board recommended a 3 Day suspension to be held in abeyance until the January Hearing and if these issues have not been addressed The Board may impose these penalties and more if necessary.

Noted for the record, a fire and flood occurred at this establishment prior to this hearing and the business is currently closed.

This matter to be continued until the January 22, 2013 Hearing.

Change of Manager

Radio bar LLC
379-381 Somerville Ave.

Present: Russell Daniels

Ms. Daniels came before the Commission requesting approval for a change of manager from Joshua Banville to Russell Daniels.

Mr. Daniels has bartending experience and is working on becoming tip trained.

On a motion duly made and seconded, it was

VOTED: To allow the change of manager as long as the proper paperwork is submitted.

There being no further business, the meeting was adjourned.

Respectfully Submitted
Jenneen M. Pagliaro
Executive Secretary

