

**City of Somerville
Licensing Commission
Senior Center
Tufts Administration Building
167 Holland Street**

**Regular Meeting
Monday
November 21, 2011
6:00 p.m.**

MINUTES

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

Minutes of the September 19 & October 11, 2011 meetings were accepted as submitted.

Approval of Extension of hours till 2AM on New Years Eve for All Forms Restaurants
A Motion was made and seconded and the extension was approved.

COMMUNICATIONS

Communication from the Board of Aldermen (Docket #192068) the BOA requests that the Licensing Commission consider amending its regulations to require that new liquor license applicants undergo training for the sale of alcohol to underage individuals. Chairman Upton moved to consider this issue at the next hearing and for this matter to be advertised to the public.

Chairman Upton also moved to hold a hearing to consider a change to The Somerville Licensing Commission Rules and Regulations-rule 7.12 relating to Non-Transferable liquor licenses. The Commission would like to change the sixty day waiting period to 14 days.

Communication from Attorney Mark Zuroff, notifying the Commission that the Namaskar Restaurant application, continued from the October 17, 2011 hearing is being withdrawn without further action. Noted for the record.

SPECIAL ALCOHOL LICENSES

**St. Anthony's Parish
12 Properzi way**

Present: Father Ademir Guerini

Father Guerini came before the Commission requesting approval of a Special Alcohol license for the purpose of dispensing and selling alcoholic beverages at a New Years Eve Party on December 31, 2011 from 8:30PM-1:30PM.

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.

ENTERTAINMENT LICENSES

EBI Sushi, Inc.
290 Somerville Ave.

Present: Jose Garcia

Mr. Garcia came before the Commission requesting approval for an Entertainment License consisting of Stereo and two televisions.

On a motion duly made and seconded, it was

VOTED: to grant the Entertainment License as presented.

COMMON VICTUALER LICENSES

Yofi, Inc.
d/b/a Alfredo's Italian Kitchen
284 Broadway

Present: Ashaad Hamad

Mr. Hamad came before the Commission requesting approval of a Common Victualer License at 284 Broadway.

Along with the application a menu and floor plan 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.

Royal Punjab Enterprises, Inc.
Ultimate Pizza and More
711 Broadway

Present: Attorney William Goldberg

Attorney Goldberg, representing Ultimate Pizza and More came before the Commission requesting approval of a Common Victualer License at 711 Broadway.

Along with the application a menu and floor plan 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.

Palm Sugar Thai Corp.
195 Elm St.

Present Peter Dow & Thitiphon Duangphirom

Mr. Dow came before the Commission requesting approval of a Common Victualer License at 195 Elm St.

Along with the application a menu and floor plan 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.

Xhuveli Corporation
d/b/a Davis Square Pizza & Subs
351-351A Highland Ave.

Present: Emmanuel Meimaris & Taulant Hibroj

Mr. Meimaris came before the Commission requesting approval of a Common Victualer License at 351-351A Highland Ave.

Along with the application a menu and floor plan 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 FARMER WINERY LICENSES

Zoll Brothers Private Cellars, LLC

Present: Frank Zoll

Mr. Zoll came before the Commission requesting approval of a Special Farmer Winery License to sell wine produced by the licensee for off-premise consumption at The Somerville Winter Farmer's Market to be held at the Center for Arts at the Armory, 191 Highland Ave. on twelve consecutive Saturdays, Nov. 26, 2011 thru May 26, 2012 from 9:30AM-2:30PM.

On a motion duly made and seconded, it was

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

David Neilson d/b/a Coastal Vineyards

Present: David Neilson

Mr. Neilson came before the Commission requesting approval of a Special Farmer Winery License to sell wine produced by the licensee for off-premise consumption at The Somerville Winter Farmer's Market to be held at the Center for Arts at the Armory, 191 Highland Ave. on twelve consecutive Saturdays, Nov. 26, 2011 thru May 26, 2012 from 9:30AM-2:30PM.

On a motion duly made and seconded, it was

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

Lexington Consulting Group, Inc.
d/b/a Turtle Creek Winery

Present: Kipland Kumler

Mr. Kumler came before the Commission requesting approval of a Special Farmer Winery License to sell wine produced by the licensee for off-premise consumption at The Somerville Winter Farmer's Market to be held at the Center for Arts at the Armory, 191 Highland Ave. on twelve consecutive Saturdays, Nov. 26, 2011 thru May 26, 2012 from 9:30AM-2:30PM.

On a motion duly made and seconded, it was

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

2:00AM CLOSING
ALL FORMS ALCOHOLIC BEVERAGES 7 DAY RESTAURANT LICENSES

EXTENDED HOURS REVIEW

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

<u>Date Approved</u>	<u>Business</u>	<u>Address</u>
9/29/05	P J Ryan's	239-241 Holland Street
2/26/07	The Burren	247 Elm Street
5/2/08	The Joshua Tree	256 Elm Street
12/14/09	Orleans Restaurant	59-65 Holland St.
12/27/05	On the Hill Tavern	499 Broadway
12/21/05	Casey's	171 Broadway (No Show)*
8/18/08	Diva	246-248 Elm St. REVOKED
3/23/09		(No Show)*
06/21/2010		RE-INSTATED* (07/2010)

*Diva and Casey's to be heard at next meeting.

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

On a motion duly made and seconded, it was

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

WINE AND MALT RESTAURANT LICENSE

Alterations to Premises

Change of Manager

Change of D/B/A/

Davis Square Food Services, Inc.
37 Davis Sq.

Present: Charles Sillari

Mr. Sillari came before the Commission requesting approval for a change of d/b/a from Antonio's to Boston Burger Company, change of manager from Craig Resmini to Paul Malvone and for alteration to the premises to expand 300 feet and add 18 seats at the above address.

Alderman Gerwirtz, O'Donovan, Roche, Connolly and White support this application.

The Chamber of Commerce is in support

On a motion duly made and seconded, it was

VOTED: To allow alterations to premises, Change of Manger and d/b/a

ALL FORMS ALCOHOLIC BEVERAGES
7 DAY RESTAURANT LICENSES

Continued from October 17, 2011 meeting
Transfer of License
Change of Location

New Asia, 324-328 Somerville Ave. requesting approval to transfer its All Forms Alcoholic Beverages 7 Day Restaurant license to Slow Train Coming LLC, d/b/a Redbonita's, 49 Day St. and approval for a new Common Victualer and Entertainment license consisting of a mariachi band, video and audio.

Attorney Richard DiGirolamo stated the applicant wished to withdraw this application.

Withdrawn

Transfer of License
Pledge of License

Present: John Ottenberg & Attorney Richard DiGirolamo

Atty. DiGirolamo came before the Commission on behalf of Ranch Sports Grill Restaurant, Corp. to transfer the All-Forms Alcoholic Beverages 7 Day Restaurant License from H.I.O. Restaurant, Inc. d/b/a Café Belo, 120 Washington St., (Business closed- License taken by Court Civil Action) Also for an Entertainment license consisting of Entertainment by Performers, Patrons and Devices at 120 Washington St. & for a new Common Victualer license.

This license was taken by a Court Order. John Ottenberg is the appointed receiver for the sale of this license.

The new owner has restaurant experience

Alderman Roche sent a letter in support for the record.

On a motion duly made and seconded, it was

VOTED: To allow Transfer, new Common Victualer, pledge of license and Entertainment License.

Transfer of License

Lil Vinny's, Inc.
525-527 Medford St.

Present: Attorney Ann Vigorito & Dimitra Tsourianis

Atty. Vigorito, representing Demeter Hospitality, LLC d/b/a Daddy Jones came before the Commission for the transfer of Lil Vinny's, Inc. All Forms Alcoholic Beverages 7 Day Restaurant License also for an Entertainment License consisting of Entertainment by Performers & Devices at 525-527 Medford St. & for a new Common Victualer license.

Ms. Tsourianis has restaurant experience.

Alderman Roche supports this application.

On a motion duly made and seconded, it was

VOTED: To allow Transfer, new Common Victualer and Entertainment License.

VIOLATIONS

Las Brisas
561 McGrath Hwy.

Present: Assistant City Solicitor Jason Grossfield & Attorney Ann Vigorito

Las Brisas, 561 McGrath Highway came before the Commission to show cause why its Common Victualer License and Entertainment License(s) should not be modified, suspended, revoked or forfeited, for alleged violation of Somerville Licensing Commission Rules and Regulations and Massachusetts General Laws, to wit:-

1.17. Permission to Close Premises Required

a. Licenses are granted to serve the public need and to that end licensees are expected to operate the licensed premises for a substantial number of hours on all days when the premises are permitted to be open under the terms of the license. In the case of alcoholic beverages licenses, the numbers of which are limited according to statute, no alcoholic

beverages licensee may close its place of business for any reason other than the following:

(1) upon request to the Commission for closing in order to do renovations after approval by the Commission for such renovations and for a reasonable time of closing in order to perform the renovations;

(2) to comply with the Alcoholic Beverages Control Commission's Annual Calendar of Holidays and Sunday Package Store Openings;

(3) a closing of one or more days per week upon approval of the Commission pursuant to licensee's request and a showing by licensee that it does not have adequate business upon such days;

(4) a closing due to an act of God or an illness or some other business problem for which request has been made to the Commission and approval granted.

b. Alcoholic beverages licensees may not close the licensed business on any days for which their entertainment license has been suspended unless they make such request to the Commission based upon the licensee's allegation that its primary business comes from the entertainment at the premises and that there would be little or no business or public reason to keep the premises open during the days when entertainment cannot be provided at the premises. Such requests will be granted by the Commission when the entertainment is a primary attraction for the public at the licensed premises. Licensees not requesting to close the premises during days on which their entertainment licenses are suspended may remain open to the public for the sale and service of alcoholic beverages and food but may not conduct any type of entertainment on the premises during the suspension period.

The Somerville Licensing Commission requested at the October 17, 2011 that the Licensee personally appear before the Commission at the November meeting for a show cause hearing.

ASC Grossfield stated that this hearing is in regards to this establishment being closed for a period of time and stated that a Warning be issued to comply with the rules and regulations.

Atty. Vigorito stated that the establishment had re-opened two weeks ago.

Atty. Vigorito stated that the ABCC asked for a hearing in regards to the Beer and Wine application. A hearing was held two weeks ago at the ABCC and they are waiting for the outcome. (The application is pending at the ABCC).

ASC Grossfield stated this hearing was related to an incident that occurred in March, an altercation occurred and alcohol was being served before the license was granted. Because the incident took place while the License was pending at the ABCC. The City has no say in this matter at this time.

The Commission voted to go with the recommended disposition.

Upon a motion duly made and seconded, it was

VOTED: To Issue a WARNING and the applicant is to appear back before this Board at the December meeting for a status update in regards to the ABCC hearing.

Woody's Liquors
523 Broadway

Present: Assistant City Solicitor Jason Grossfield & Karen Love

Woody's Liquors, 523 Broadway came before the Commission to show cause why its All Forms Package Good Store license 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 1.08j -. 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 September 1, 2011.

ASC Grossfield read the violation into the record.

ASC stated this incident related to a delivery of alcohol to a minor at a Medford address.

No joint recommendation was reached.

Commissioner McKenna requested the Board purpose a disposition.

Upon a motion duly made and seconded, it was

VOTED to sanction the establishment with a One day suspension to be served Monday, January 9, 2012 and to ban the sale of airline size bottles for the month of January.

SAV-MOR Discount Liquors
15-17R McGrath Highway

Present: Assistant City Solicitor, Jason Grossfield & Ben Weiner

Sav-Mor Discount Liquors, 15-17R McGrath highway came before the Commission to show cause why its All Forms Package Good Store license 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 September 29, 2011.

ASC Grossfield read the report into the record.

ASC Grossfield stated that a cashier at the establishment sold alcohol to a minor and did not request any photo identification.

This is their first violation.

Mr. Wiener apologized for the incident.

Upon a motion duly made and seconded, it was

VOTED: to issue a WARNING and for all sales staff to be retrained 60 days from this decision.

CLUB LICENSE

Continued from October 17, 2011

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

Present: Attorney Richard DiGirolamo

George Dilboy Post 529, VFW 371 Summer St. requesting approval for a change of location of the All Forms Alcohol Club license to 343-349, 351 Summer St and for an Entertainment License for Entertainment by Performers, Patrons and Devices.

Roberto DiResta went over the change in the Dilboy Post building design.

Atty. DiGirolamo stated that the ZBA had a meeting recently and made comments on what changes they would like. The will appear before the ZBA on December 7, 2011.

Atty. DiGirolamo stated that the foot print is the same, a small section on the driveway was notched out.

A few of the neighbors voiced their concerns with the transfer and are opposed to this.

Nancy Iappini spoke of a complaint she sent in to the Commission in November.

Chairman Upton explained the process for complaints to Ms. Iappini.

Mr. Hardy, Commander of the VFW told the Board that the Club has been closed. The are currently working with the Building Department to bring things into compliance.

Mr. Hardy stated that the ABCC came to the club on Nov. 10, 2011 and found no violations.

Two separate votes were taken

A motion was made for the Change of location for the Club license.

The Motion was seconded, it was

VOTED To approve the Change of location of the Club License

A motion was made to hear the Entertainment license at the January 2012 meeting.

The motion was seconded, it was

VOTED: To continue the Entertainment application until January meeting.

Commissioner Vaccaro voted NO

Having no further business, the meeting was adjourned.

Respectful Submitted

Jenneen M. Pagliaro
Executive Secretary