

**City of Somerville  
Licensing Commission**

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

**Regular Meeting  
TUESDAY  
July 27, 2010  
6:00 p.m.**

**MINUTES**

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

**COMMUNICATIONS**

Licensing Commission recommending a change to Ordinance, 2-219 regarding The three week newspaper advertisements. (Recommending to change from three consecutive weeks to two consecutive weeks for ads). The Commission voted to send a communication to the Board of Aldermen to request a change to the current Ordinance.

Razzy's, 585 Somerville Ave. notifying Board they are actively looking for an alternative location for the license and will keep the Board updated as to the status of the license. The Commission voted to request the owner of Razzy's appear before the Licensing Commission at the August 16, 2010 hearing for a license status update.

**COMMON VICTUALER LICENSES**

Salvadorean Restaurant, 402 Mystic Ave., requesting approval for change in hours of operation. Currently operating from 10AM-12AM. New hours would be 7AM-9PM. No show, continued until next meeting.

**Dial A Pizza  
147 Beacon St.**

Present: Leone Mesquita & Mr. Ward

Mr. Ward stated he has 6 years experience and no changes will be made to the business.

Along with the application, a floor plan, menu and lease were submitted for the Commissioner's review and consideration.

On a motion duly made and seconded, it was

VOTED: to approve the Common Victualer license as presented.

**ENTERTAINMENT LICENSES**

**The Paddock Restaurant**  
**249 Pearl St.**

Present: Colleen DaCova

Ms. DaCova submitting a flex floor plan for approval. This matter was continued from the June 21, 2010 meeting. A floor plan was requested by the Commission for approval.

Ms. DaCova stated they would be moving two tables of six for dancing, between the hours of 10-12:30pm.

On motion duly made and seconded, it was

VOTED: to approve the flex floor plan as submitted.

**ALL FORMS ALCOHOLIC BEVERAGES**  
**7 DAY RESTAURANT**

**PLEDGE OF LICENSE**

**Bergamot, LLC,**  
**118 Beacon St.**

Present: Attorney Anthony McGuinness

Atty. McGuinness, representing Bergamot, came before the Commission requesting approval for a pledge of license.

Atty. McGuinness stated that the original pledge to Brookline Bank did not take place. The new pledge will be with Evoo, the former owner of this license.

On a motion duly made and seconded it was

VOTED: to rescind the original pledge.

With regards to the new pledge:

On a motion duly made and seconded, it was

VOTED: to approve the new pledge of license.

**VIOLATION HEARING CONT'D FROM June 21, 2010**

**New Asia**  
**324-328 Somerville Ave.**

Present: Attorney Ann Vigorito & Sally Loh

Atty. Vigorito representing New Asia reporting back to the Board regarding status of the re-opening of New Asia Restaurant.

(The Commission gave the establishment 30 days to re-open)

New Asia came before the Commission regarding the status of its All Forms Alcoholic Beverages 7 Day Restaurant license on April 26, 2010. The Licensing Commission was informed of the following:

1. You have (a) not taken any action relative to the reconstruction and re-opening of this restaurant, according to information obtained from the Inspectional Service Department, and (b) you have ceased to be engaged in the business you are licensed to pursue, in that you do not offer food and beverages, in accordance with G.L. c. 140, s.9 and (c) failed to operate the licensed premises on the days and at the location authorized under the license to serve alcoholic beverages in accordance with G.L. c 138, s. 77.

On April 26, 2010 the Commission voted to give New Asia 30 days to open the business and to come back before the Commission at the May 17, 2010 meeting for a status update. However 30 days would not have elapsed between meetings, so New Asia appeared at the June 21, 2010 hearing. New Asia was given another 30 days to re-open and was requested to appear on July 27, 2010 as to the status.

On July 27, 2010 Atty. Vigorito & Ms. Loh appeared before the Commission and stated that the Health inspector had visited her establishment that morning. Atty. Vigorito presented the compliance paperwork from the Health Inspector to the Commission. Atty. Vigorito stated that Ms. Loh is scheduled to appear before the Board of Health on Thursday July 29, 2010 to determine the conditions of the license, if any before the Health Inspector would sign the paperwork.

The Commission found the licensee in violation of the aforementioned Somerville Licensing Commission Rules and Regulations.

On a motion duly made and seconded, it was

VOTED:

To allow New Asia 30 days to open the business. New Asia is allowed to serve alcoholic beverages on opening day only. The Commission also voted to sanction the establishment with a 10 day suspension of the Liquor license beginning on day two of the opening. Ms Loh is requested to contact Jenneen Pagliaro at the Somerville Licensing Commission as to what date the business is set to open. Ms. Loh is requested to appear before the Commission at the August 16, 2010 Somerville Licensing Commission hearing held at the Senior Center, Tufts Administration Building, 167 Holland St., Somerville, MA at 6:00PM for an update on this matter.

### **VIOLATION**

**(THIS VIOLATION WILL HEARD AT THE SEPT. 20, 2010 MEETING BEING CONTINUED FOR PERSONAL REASONS)**

B.EEF., Inc., d/b/a Fasika, 145-147 Broadway to show cause why the All Forms Alcoholic Beverages 7-Day Restaurant license, Common Victualer 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 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

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.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.

Somerville Licensing Commission Rule 1.13(a)(5)-(a) Licensees shall make all reasonable and diligent efforts to ensure that illegal activities do not occur at the licensed premises. Such efforts may include, but are not limited to:

(5)calling for police assistance as necessary to protect patrons against injury `or to evict unruly patrons or to uncover unlawful conduct or to give medical assistance and providing police with requested information;

Somerville Licensing Commission Rule 1.14.b. Licensees shall call the police and an ambulance and take all other reasonable steps to assist patrons and persons who are injured in or on the licensed premises or whose injuries have occurred outside the premises but have been brought to the attention of the licensee.

The date of the alleged offenses are April 24, 2010 (2:23 AM) see Somerville Police Department Incident Report #10012938, May 7, 2010, see Somerville Police Department Incident Report 10014712, and May 15, 2010 (2:40 AM), see Somerville Police Department Incident Report 10015637.

There being no further business, the meeting was adjourned.

Respectfully submitted

Jenneen M. Pagliaro  
Administrative Assistant