



BOARD OF LICENSE COMMISSIONERS

City Clerk's Office, 166 Boulder Drive

Fitchburg MA 01420

(978) 829-1820

Daniel Sarefield, Chair

Donna Pawlak

Glenn Fossa

MINUTES OF MEETING

The regular meeting of the Board of License Commissioners was held on January 3, 2018 in the Fitchburg Fire Department Community Room and called to order by Commissioner Sarefield at 6:04PM. Commissioner Fossa and FPD Captain Lemay were present. Commissioner Pawlak arrived at 6:07PM.

The agenda consisted of the following:

I. REVIEW AND ACCEPTANCE OF MINUTES FROM PREVIOUS MEETING

Commissioner Pawlak provided revisions to the draft minutes of the December 18, 2017 meeting. Minutes to be revised by the Clerk and re-submitted to the Board for review and signature at the next meeting.

II. NEW APPLICATIONS

Solicitor Application:

David J. Mason – Edward Jones Financial Services

Mr. Mason was present. Approved 2/0

Taxi Driver Applications:

Ronald P. Mitchell, Jr. – City Cab

Mr. Mitchell was present. Approved 3/0

Jonathan R. Cotto – City Cab

Mr. Cotto was present. The Board discussed his driving record with Mr. Cotto and noted many incidents of concern including failure to stop at a crosswalk and driving on a sidewalk. The Board expressed concern with his ability to safely transport passengers in a taxi.

Motion to approve the application failed by vote of 0 in favor and 3 opposed therefore the application was denied unanimously.

John M. Norcross – Twin City Kab

Mr. Norcross was present. Approved 3/0

Shawn Michael Little – Leominster Taxi

Mr. Little was not present. Commissioner Fossa recused himself from discussion and vote.

Motion to approve the application failed by vote of 0 in favor and 2 opposed therefore the application was denied unanimously.

FSU by Kyle Fayan for Special One Day Wine and Malt Beverages license for Alumni Men's Basketball Reunion in the Main Lounge, Hammond Hall, 160 Pearl Street from 3:30PM to 6:30PM on February 10, 2018 for 60 people.

Mr. Fayan was present. Commissioner Sarefield recused himself from discussion and vote.

Approved 2/0

Fitchburg Lions Club, G. Stephen Schaff for Special One Day All Alcoholic Beverages license for a Holiday Party in O'Neill Hall, 14 Wallace Avenue, January 13, 2018 from 6PM to 11PM

Mr. Schaff was present. He explained that the Lions Club is not moving forward at this time with an application for an annual license because the Board is currently short-staffed and will soon be acquiring new members. He feels they should wait for the new membership to make the decision on whether or not to apply for an annual license. Therefore, he has presented this application for a special one-day license. Captain Lemay questioned why the application did not contain the Public Assembly Event application/department sign off sheet. Mr. Schaff stated that the Senior Center Executive Director usually fills out that application. He assured the Board that the crowd should be a very manageable and well-mannered group from the Highlands.

Approved 3/0

Great Wolf Lodge New England, 150 Great Wolf Drive for 10AM Early Sunday Opening.

Not present. Approved 3/0

III. TABLED APPLICATIONS

Continued Taxi Driver Reviews:

John McNamara – one year review

Not present. The Board voted 3/0 to send Mr. McNamara a notice by certified mail stating that they will review the suspension of his taxi driver permit at its next meeting, failure to appear will result in suspension of permit and that the taxi company for which he drives will also be notified.

Emmanuel Petit-Frere – six month review. License to be revoked if any moving violations.

Not present. The Board voted 3/0 to send Mr. Petit-Frere a notice by certified mail stating that they will review the suspension of his taxi driver permit at its next meeting, failure to appear will result in suspension of permit and that the taxi company for which he drives will also be notified.

Michael Mangiacotti – review for payment of excise tax and non-renewable status of license.

Not present. The Board voted 3/0 to send Mr. Mangiacotti a notice by certified mail stating that they will review the suspension of his taxi driver permit at its next meeting, failure to appear will result in suspension of permit and that the taxi company for which he drives will also be notified.

Additional discussion ensued concerning the method of notifying taxi drivers of hearings of this type in the future. The Clerk was instructed to send notices via certified mail and she stated that she will discuss this with the City Treasurer, from whose budget the mailing costs are drawn. Additionally, it was suggested that a second letter might be sent to taxi drivers to their taxi employer of record to ensure delivery of notification. Further discussions to follow.

Tabled Late Closing Permit for 2018 – 2AM

Iron Horse Lounge

Ms. Linda Meehan, owner of Iron Horse Lounge, was present. She stated that she has been having health issues and is selling the establishment. She stated that the sale is being finalized tomorrow (1/4/18) and that transfer paperwork will be submitted to the Board. She stated that the bar will close on January 18, 2018. The Board questioned the practice of her brother, David Berube, representing himself to be the manager. She stated that she tried to stop him from doing so but was unsuccessful. The Board advised Ms. Meehan that the new owner must transfer the license prior to operating the establishment and that they must come before the Board for Late Closing and Entertainment permits in their own name.

The Board was advised by an email from Stephanie Holinko of the Board of Health that she issued a conditional approval until January 18, 2018. After that date, they must remain closed until they receive a food permit under the name of new ownership. Ms. Holinko stated in her email that she spoke with the prospective new owner, Christopher Cordio, and explained that he cannot open until all applicable permits have been issued in the new owner's name.

Approved 3/0

Paddock Lounge

Not present.

The Board was advised by an email from Stephanie Holinko of the Board of Health that she is issuing a conditional food permit approval pending receipt of all required BOH documents by January 5, 2018.

Approved 3/0

Tabled Entertainment Permit – Monday through Saturday

Iron Horse Lounge – Live amplified music; DJ

Approved 3/0

Paddock Lounge – Live acoustic music, live amplified music, DJ, dancing

Approved 3/0

Tabled Entertainment Permit – Sunday

Paddock Lounge– Live acoustic music, live amplified music, DJ, dancing

Approved 3/0

IV. HEARINGS

Leonard E. Belcher Inc. dba Fitchburg Citgo, 75 Main St. for Transfer of Ownership of Annual wine and malt beverages package store license #00098-PK-0394 to OM Citgo Fitchburg Inc., 75 Main Street, Ms. Dimpalben Patel, Manager.

Attorney Rook, Ms. Dimpalben Patel – proposed manager and “Bobby” Patel - proposed owner were present.

Capt. Lemay stated that there were no issues with the background check conducted on Ms. Patel. Upon questioning by the Board, Ms. Patel stated that she worked for four years in Chicago at a food mart that also sold alcohol. It was clarified later in the conversation that she was not the manager of the store but worked there in the family owned business. Bobby Patel stated that he has owned a liquor store in Ware MA since 2007 and has not had any incidents. Mr. Patel stated that all employees will be TIPS certified and Ms. Dimpalben Patel, the proposed manager, obtained TIPS certification on 12/21/2017. Mr. Patel clarified with the Board that he purchased the business several months ago but has not been selling alcohol. They now wish to obtain the license previously held by Leonard Belcher, Inc. and sell beer and wine.

The Board noted for the record that the owners should be careful with checking ID's due to the proximity of the college. Noted for the record was the directive of the Board for the establishment to require a second ID if the first ID presented is an out of state license or ID.

Approved 3/0

V. CONTINUED SUMMONS HEARING

Twin City Kab: Mr. Ken Bergeron Owner and Mr. Shawn Little Taxi Driver regarding FPD incident report #17-45271-OF (Licensee is not required to attend – Board continued the hearing to review the findings of Commissioner Pawlak on her research pertaining to transportation laws/regs in Massachusetts.)

Continued to February 5, 2018

VI. OTHER

Topps Liquor: Review of appeal of 21 day suspension filed by William A. Kelley, Jr., Esq. and vote on stay of suspension.

Topps Liquor owner, Kalpesh Patel and Topps Liquor manager, Bhavik Patel were present.

Attorney William Kelley, representing Topps Liquor, emailed a request to City Solicitor Vincent Pusateri that

1.) The matter of the review of the appeal and stay of the suspension be continued to January 17, 2018;

2.) The start date of the 21-day suspension be re-scheduled consistent with the continuance of the discussion of the stay of enforcement.

Attorney Kelly communicated that he is currently out of state until January 8, 2018 and unable to attend tonight's meeting.

This request was communicated to the Board. The Board voted 3/0 as follows:

1.) On the first request – the matter was continued to January 17, 2018

2.) On the second request – the start date of the 21-day suspension was re-scheduled to January 21, 2018. The Board questioned Kalpesh Patel and Bhavik Patel as to why Mr. Kalpesh Patel was not present at the December hearing and Mr. Kalpesh Patel stated that he had not been told about the hearing by Bhavik Patel and that is why he was not present and why he did he attempt to communicate with the Board. Bhavik Patel agreed with this.

When asked by the Commission if his store contributed to the man's death (referenced in Lunenburg PD report), Mr. Kalpesh Patel stated, "I'm sorry."

Attorney Matthew Porter and Ms. Patel from Super Liquors approached the table, expressing an interest in the matter. Attorney Porter represents Super Liquors regarding the possible purchase of the license from Topps Liquor. Attorney Porter reported that negotiations between Topps and Super Liquors on a possible sale of the business have been on-going for some time. Ms. Patel indicated that she was at the meeting when the Topps Liquor matter was heard and approached the owner offering to purchase the business, seeing an opportunity to purchase the competition. Ms. Patel of Super Liquors states she is not related to Mr. Patel of Topps Liquor. Ms. Patel and her attorney were present tonight as they have an interest in the matter of the Topps Liquor license.

Mr. Kalpesh Patel acknowledged that negotiations for the sale of the license to Super Liquors are in process. A discussion ensued that there would be a need to transfer the license and whether or not the license would be transferable if the license were not renewed.

VII. CONTINUED MATTERS

1. Lodging House licensing procedure

Commissioner Pawlak submitted additional draft regulations for further review, incorporating comments from other Depts. received thus far.

Continued to February 5, 2018

2. BYOB regulations

Continued to February 5, 2018

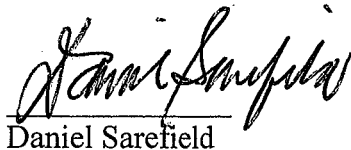

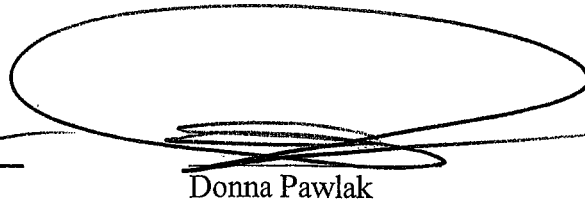
The meeting adjourned at 8:05 PM

Respectfully submitted,



Anna M. Farrell
City Clerk

Approved:


Daniel Sarefield
Glenn Fossa
Donna Pawlak