



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 May 7, 2018 in the Fitchburg Fire Department Community Room, 33 North St., Fitchburg, and called to order by Commissioner Sarefield at 6:00PM. Commissioner Fossa was present. FPD liaison Capt. Lemay was present. Assistant City Clerk Amanda Alford was present.

The agenda consisted of the following:

I. REVIEW AND ACCEPTANCE OF MINUTES FROM PREVIOUS MEETING

Minutes of the previous meetings were reviewed and signed.

II. APPLICATIONS

Taxi Driver:

Diane Cordio – Twin City Kab (continued from April 18, 2018)

Approved 2/0

Michael Cline

Approved 2/0

Erin Montgrain- City Cab

Approved 2/0

Great Wolf Lodge, 150 Great Wolf Drive, for Automatic Amusement device license (Five (5) Video machines)

(Family Entertainment Group)

Mr. Ian Kelley was present. If approved – this will bring the total to 95 machines on-site.

Approved 2/0

William F. McSheehy-Fitchburg Pride, for Special One Day Wine and Malt Beverages license for an Italian Street Festival from 5P – 11P on June 2, 2018 on Main Street between Prichard and Putnam Streets.

Mr. McSheehy was present. He explained that this is a first-time event. There will be a bocce court, Italian music, Italian dance demonstration and a meatball contest. The Boulder bar staff will be running the service of alcohol and are TIPS certified. They will have liability insurance. The alcohol will be sold and consumed in a roped off 21+ area near the art gallery on Main Street. Captain Lemay asked that the event organizer submit a formal request for road closure and that one officer be hired for detail inside the event area. Commissioner Fossa disclosed that he is a member of Pride, that this is a procedural matter on which he feels he can vote objectively. Additionally, his vote is allowed under the rule of necessity as his absence would result in lack of quorum.

Approved 2/0

Fitchburg Pride for Entertainment Permit on June 2, 2018 on Main Street between Prichard and Putnam Streets (Live acoustic music, DJ, Dancing – Italian dancing demonstration)

Approved 2/0

Mill City Pub, 19 Airport Road – 2AM Late Closing 7 days per week

Approved 2/0

Mill City Pub, 19 Airport Road – Automatic Amusement Devices: Two (2) video, Five (5) darts, One (1) juke box, One (1) pool table

Approved 2/0

Mill City Pub, 19 Airport Road – Annual Sunday Entertainment Permit 12P – 12A: live acoustic music, live amplified music, DJ, dancing, karaoke, trivia, singo bingo

Approved 2/0

Mill City Pub, 19 Airport Road – Annual Mon – Sat Entertainment Permit: live acoustic music, live amplified music, DJ, dancing, karaoke, trivia, singo bingo

Approved 2/0

III. CONTINUED HEARING

Twin City Kab – Kenneth Bergeron, Owner and Frederick Nikander, taxi driver regarding FPD report #17-30215-OF. (First summons hearing was held on October 2, 2017 and continued to November 1, 2017. On November 1, 2017 the hearing was continued for six months. For reference, the minutes of the October 2, 2017 and November 1, 2017 hearings are attached.)

A representative from Twin City Kab was present on behalf of Mr. Bergeron who had surgery and was unable to attend.

Continued to June 4, 2018 2/0

IV. OTHER

1. Proposed change to License Commission regulation 3.12 Compliance Checks: “Notice of Violation” form.

Continued to May 21, 2018 2/0

2. Mr. and Mrs. Miller to discuss FPD report #17-42624-OF which was considered by the Commission at a summons hearing on December 6, 2017 with a decision of no violation.

Mr. and Mrs. Miller and their son, Troy, were present. Troy stated that the actions of the licensee were directly related to the assault. He stated that he was over-served and so intoxicated that he could not identify the danger he was in or act to defend himself. He stated that the reports provided to the Board by the police were incorrect and that his blood alcohol level was .240. He stated that he arrived at Slattery's around 11PM and had not been drinking prior to that. He stated that prior to going to Slattery's he had a steak and cheese sub with his girlfriend in Leominster. He stated that he was at Slattery's until approximately 1AM. Captain Lemay confirmed that the FPD and ambulance were called at 1:20AM. Troy stated that he and friends were ordering pitchers of beer and that he also had two shots of Captain Morgan rum. He stated that he cannot remember how many beers he poured himself from the pitchers. He stated that his former coaches and teachers from Leominster High School were buying beers and shots for him and his friends and that at one point 18 shots were lined up on the bar. Commissioner Fossa confirmed with Troy that he is willingly discussing health information in a public forum with a newspaper reporter presenter. Troy answered in the affirmative. He stated that two staff were serving the pitchers of beer. He stated that the licensee should have been aware how many pitchers were being served and how intoxicated he was walking out of the building. He stated that if he had made it to his car the result could have been worse. He stated he wants to be sure that this does not happen to someone else. He stated that the over service of alcohol “really affected me” – will not be able to obtain an electrician license because of memory loss, was required to spend a long time in a rehab facility surrounded by stroke patients and was unable to grieve the loss of a friend while incapacitated.

Mr. Miller stated that there were approximately 225 patrons in the bar, based on reports from his son's friends and that no one was policing anyone. Mrs. Miller stated that, during the previous Board hearing, the FPD Detective stated that there was one suspect. She stated that is incorrect – that there are two suspects and that they were inside the bar that night. She stated that the FPD Detective stated that the

suspect had a bottle of Hennessy in his car, which was used in the assault – she stated that the suspects did not have a car.

Captain Lemay stated that, because the criminal trial is pending, he cannot release the video. He stated that he has reviewed the video and counted approximately 80-100 +/- 20 patrons in the bar with four staff. Chairman Sarefield stated that this information is serious, but the Board cannot do anything right now and needs a vote of the full Board prior to taking any further action (such as re-opening the hearing) and direction from Commissioner Pawlak and the City Solicitor. He asked the Millers if they would be willing to come back and testify at a hearing at a later date and they answered in the affirmative.

Captain Lemay stated that he will issue a directive to the 11-7 patrol officers to make regular checks at liquor establishments.

No action taken.

V. CONTINUED MATTERS

1. 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 May 21, 2018 2/0

2. Lodging House licensing procedure

Continued to May 21, 2018 2/0

3. BYOB regulations

Continued to May 21, 2018 2/0

The meeting adjourned at 7:30 PM

Respectfully submitted,

Anna M. Farrell
City Clerk

Approved:



Daniel Sarefield



Glenn Fossa

____ Not present ____

Donna Pawlak