



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 June 4, 2018 in the Fitchburg Fire Dept. Community Room, 33 North Street and called to order by Commissioner Sarefield at 6:03 PM. Commissioner Pawlak was present. FPD liaison Captain Lemay was present. Commissioner Fossa was absent.

The agenda consisted of the following:

I. REVIEW AND ACCEPTANCE OF MINUTES FROM PREVIOUS MEETING

Minutes of the previous meeting were reviewed, accepted and signed.

II. APPLICATIONS

Solicitors

Jesse Martinez – Optimus Commerce Group

Alejandra Vasquez – Optimus Prime Marketing Group

Both applicants were present and approached the Board together for review.

Both applications were approved 2/0

III. NEW APPLICATIONS

Fitchburg Lions Club, 14 Wallace Ave. for Special One Day All Alcoholic Beverages license for a dinner from 4P – 7P on June 27, 2018 for 75 people.

Approved 2/0

Fitchburg Police Athletic League, Inc. for Special One Day Wine and Malt Beverages license for Civic Days Block Party Beer Garden from 5P – 10P on July 3, 2018 for 100 people per hour at 769 Main St.

Approved 2/0

Beers for Good, for Special One Day Wine and Malt Beverages license for Brewers Festival from 1P – 6P on June 30, 2018 for 1,000 people under the tent on lawn area at Riverfront Park, Commercial St.

Approved 2/0

Beers for Good for Entertainment Permit – live amplified music during Brewers Festival from 1P – P on June 30, 2018.

Application withdrawn because it has been confirmed that the Parks Dept. has an annual entertainment permit for Riverfront Park which will cover this event.

Vicki Manchester – Hey Good Look'n Salon & Spa, 370 Summer St. for Special One Day Wine and Malt Beverages license for ribbon cutting – open house from 3:30P – 7P for 30-40 people

Approved 2/0

The Local Spot, 480 & 488 Main St. for Alteration of licensed premises, Change of Manager and Transfer of license from Theodore Lappas, Sole Proprietor, dba The Local Spot to The Local Spot, Inc.

Application accepted and referred to a public hearing on June 18, 2018

The following applications pertain to The Local Spot, Inc., 480 & 488 Main St. transfer of license and should be referred for review at the public hearing on June 18, 2018:

- Sunday Entertainment Permit 12PM – 12AM: live acoustic music, live amplified music, DJ, dancing, comedians, karaoke, bands, magicians, open mic night, sporting events, promotions
- Monday – Saturday Entertainment Permit: live acoustic music, live amplified music, DJ, dancing, comedians, karaoke, bands, magicians, open mic night, sporting events, promotions
- 2AM Late Closing permit Sunday through Saturday
- Automatic Amusement Device permit: 1 basketball, 2 dart, 1 juke box, 3 pool tables, 1 football.

Applications were referred to the June 18, 2018 meeting for review together with the public hearing on The Local Spot application for transfer of license, alteration of premises and change of manager. 2/0

IV. HEARING

River Styx Brewing, 166 Boulder Drive – Alteration of Premises: adding an area for outdoor seating 561 feet of seating area on existing section of concrete sidewalk.

Scott and Jackie Cullen were present. They stated that the outdoor area will be 560 s.f. with propane fireplaces, tables and chairs, 6 cement pillars and 12 stumps with birch trees all connected with ropes to define the area and a canopy over all.

Speaking in favor of the application:

Mary Jo Bohart, Fitchburg Economic Development Director

Dan Curley, FRA Executive Director and landlord for the River Styx property

Larry Casassa, former Fitchburg Community Development Director

No one spoke in opposition to the application.

Hearing closed and application approved with the condition that barriers be installed as described 2/0

V. CONTINUED

Lodging House licensing procedure

(Continued from June 2017)

Commissioner Pawlak stated that she would send final draft of the licensing procedure paperwork.

Continued to June 18, 2018

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 from December 2017)

Commissioner Pawlak stated that she has not been able to find in the transportation laws that it is illegal to call a taxi licensed to do business in one municipality for a pick-up in a different municipality.

No vote taken on disposition of this matter.

Continued to June 18, 2018

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.)

Continued to June 18, 2018

Letter from Attorney Roy W. Pastor, representing Peter Cote and Beemer's Pub and Grill enclosing a Motion to Reconsider or, in the alternative, a stay of the 1-day license suspension issued on February 5, 2018 pending appeal to the ABCC.

(Continued from March 19, 2018)

Attorney Pastor and Mr. Peter Cote were present. Attorney Pastor provided his summary of the current situation: Beemer's Pub has not been provided with the name of the individual who was driving the vehicle in the incident and therefore is unable to obtain a police report as a basis from which to formulate a defense; As a result they have not been afforded their right to due process; It is now an issue of fairness in that they have no name, no tape (because it was copied over before they were aware of an issue), no police report and

it was so long ago that they cannot ask employees to test their memory on the events of the date in question. Commissioner Pawlak stated that the Board is reviewing the issue of due process and developing forms to be used to notify establishments the day after an incident occurs so that records may be preserved. Captain Lemay stated that anyone may come to the police station to look at the log and obtain a name of an individual involved in a police response. Attorney Pastor stated that he was unaware of the process and that it is too awkward to be helpful.

DECISION AND FINDING: After reconsideration the Board finds that the owner was not given sufficient information to present a defense and the finding made by the Board on February 5, 2018 is reversed. 2/0

Beemer's Pub, 310 Main St – re: FPD report #17-41209-OF – Sale of alcohol to a person under the age of 21.

(Continued from April 2, 2018)

The Board determined that, due to the fact that the issue detailed above has been resolved and reversed, further discussion of this issue is not necessary. The violation will remain on file but no further action to be taken at this time.

Proposed change to License Commission regulation 3.12 Compliance Checks: "Notice of Violation" form.

(Continued from May 7, 2018)

Commissioner Pawlak stated that she will send final draft of proposed forms consolidated to one page.

Continued to June 18, 2018

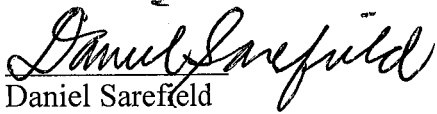
The meeting adjourned at 7:36 PM

Respectfully submitted,



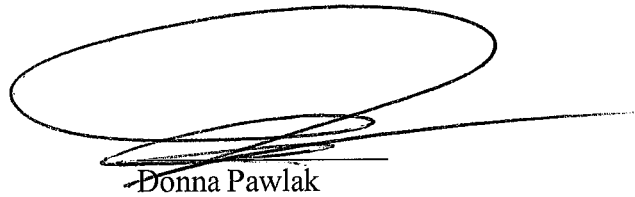
Anna M. Farrell
City Clerk

Approved:



Daniel Sarefield

 ABSENT
Glenn Fossa



Donna Pawlak