

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 April 17, 2019 in the Fitchburg Fire Department Community Room, 33 North St., Fitchburg, and called to order by Commissioner Sarefield at 6:08PM. Commissioner Pawlak and FPD Lt. Howe were present. Commissioner Fossa arrived at 6:18PM

I. REVIEW AND ACCEPTANCE OF MINUTES FROM PREVIOUS MEETING

Minutes of the previous meeting were reviewed and signed.

II. APPLICATIONS

Taxi Driver applications:

Joshua Jacob Moore – City Cab

Approved 2/0

Nicholas Bishop – City Cab

The Board entered in to Executive Session at 6:18PM by unanimous vote to discuss the applicant's criminal history background and resumed open session at 6:30PM.

Motion to review the application in one year and deny until that time passed by unanimous vote. 3/0

Solicitor applications:

Chris Stanford – Power Home Remodeling

Approved 2/0

Erik Mayer – Power Home Remodeling

Approved 2/0

Willard Orcutt – Power Home Remodeling

Approved 2/0

Dean Coen – Power Home Remodeling

Application withdrawn. Applicant transferring to different office. No action taken.

Special One Day Wine and Malt Beverages:

Fitchburg State University, by Hank Parkinson and Victoria Weisenhorn, for Casino Game Night from 8PM – 12AM on May 3, 2019 for 500 people in Hammond Hall street level

Commissioner Sarefield recused himself and left the room.

Approved 2/0

Fitchburg State University, by Hank Parkinson for BBQ from 5P – 7P on May 13, 2019 for 75 people in the main lounge and main lounge patio

Commissioner Sarefield recused himself and left the room.

Approved 2/0

Compass Group NA for NES/MAA Conference Reception and Dinner from 5:30PM – 7:30PM on May 31, 2019 for 100 People in Hammond Building main lounge located on 1st floor

Commissioner Sarefield recused himself and left the room.

Approved 2/0

Special One Day All Alcoholic Beverages:

Fitchburg Lion's Club for Fundraiser – 3rd Annual Karing 4 Kids Chili Cook-off from 5:30PM – 9:30PM on May 4, 2019 for 200 people in O'Neill Hall

Approved 3/0

Entertainment Monday – Saturday:

Mill Street Music, 412 Main Street/Mill Street (outdoors) by AJ Tourigny: live acoustic music, live amplified music, DJ, dancing on May 17, 2019 from 5PM – 10PM and May 18, 2019 from 10AM – 10PM. Mr. AJ Tourigny, Chief of Staff for Mayor DiNatale was present and stated that Strong Style Coffee has arranged for multiple musical performers and that there will also be food trucks on site. Lt. Howe stated that the FPD supports this application.

Approved 3/0

Riverfront Park, Commercial St. by Trevor Bonilla: live amplified music on June 29, 2019 from 1PM – 6PM

Mr. Bonilla was not present. Later in the meeting, Mr. Nate LaRose arrived to discuss the application. He amended the application and the Board decided that it was a substantive change therefore continued the application as amended to the May 6, 2019 meeting. 3/0

Fitchburg State University, 160 Pearl St. by Henry Parkinson: MP3 player through speakers on May 3, 2019

Commissioner Sarefield recused himself and left the room.

Approved 2/0

Hammond Campus Center, 160 Pearl St. by Joe Flanagan: mock casino games on May 3, 2019

Commissioner Sarefield recused himself and left the room.

Approved 2/0

Fitchburg State University by student group running a Pop Up Petting Zoo: DJ at the Main St. Parking Garage on May 4, 2019

Commissioner Sarefield recused himself and left the room.

Approved 2/0

Fitchburg State University, 160 Pearl St. by Joe Flanagan for Annual Entertainment Permit in Hammond Campus Center: Live acoustic music, live amplified music, DJ, dancing

Commissioner Sarefield recused himself and left the room.

Approved 2/0

III. HEARING

The Fay Club, Inc., 658 Main St. for Alteration of Premises – extending the licensed premise to encompass the entire premises including the parking lot, front lawn as well as the exterior porches for a total exterior space of 23, 803 square feet +/- . This is in addition to the interior of the club building which is currently licensed.

Commissioner Pawlak recused herself and left the room. Hearing was opened and discussion of the application was deferred as it was done at the last hearing. This second hearing was conducted because the applicant failed to send out the notices to abutters for the last one. The notices were sent out for this hearing thereby giving the abutters the required opportunity to comment on the application. The Chair invited anyone in the audience to speak. One person, Mary Jo Bohart, City of Fitchburg Economic Development Director, spoke in support. No one else requested to speak. Hearing closed and application approved 2/0.

IV. CONTINUED SUMMONS HEARING

Beemer's Pub and Grill, 310 Main St. regarding the following three Fitchburg Police Department reports regarding disturbances on premise:

1. FPD report #19-4186 on 02/20/2019. Report of intoxicated male leaving Beemer's Pub stumbling and falling as he exited establishment. Arrest was made.
2. FPD report #19-5192 on 02/10/2019. Report of two males involved in an altercation inside Beemer's Pub. Arrest was made.
3. FPD report #19-7007 on 02/24/2019. Report of large disturbance over 50 people. Mutual aid needed from FSU Police, Leominster Police, Lunenburg Police, State Police. Arrests made.

Mr. Peter Cote, Attorney Pastor and Beemer's security guard Antonio Ledesma were present. Attorney Pastor stated that, referencing the listed police reports, they have had no access to the records or to the applicant's file. He stated that these items are public record, that he is being denied access and that the practice is inappropriate and illegal. Commissioner Pawlak stated that the records were read aloud in their entirety at the last meeting. Commissioner Fossa stated that Attorney Pastor agreed at the last meeting that he would record the reading of the police records and that it would suffice in lieu of receipt of the actual hard copy reports. Commissioner Pawlak stated that all the information from the reports was provided by reading them aloud. Attorney Pastor stated that it was not the case that he agreed to the reading in lieu of receipt, that he did not agree and that it was the only choice he was given. He stated that he is here under protest and with the objection on the record.

Commissioner Pawlak motioned to table the hearing until all the cases referenced in the police reports are resolved at district court and that the Attorney must summons the police officers a second time if he wishes them to be present at the meeting. She stated further that Lt. Howe could keep the Commission advised as to when all cases have been resolved. Motion was seconded and passed by unanimous vote.

V. SUMMONS HEARING

KC's Pub re: FPD report #19-8814-OF incident 03/10/2019 patrons on premise after 2:00AM
(Manager has contacted City Clerk to state he will be on vacation and unable to attend and requests continuance to next meeting)
Hearing continued to May 6, 2019 at the applicant's request. 3/0

VI. CONTINUED MATTERS

1. Lodging House licensing procedure
(Continued from June 2017)

*Commissioner Pawlak stated that she attended a meeting at the Community Development Office with Steve Curry, BOH Director, Mark Barbadoro, Building Commissioner and Liz Murphy, Director of Housing to discuss Lodging House regulations. She stated that everyone is reviewing them again and that there are many issues that need to be addressed such as inspections, zoning and university apartments with multiple students. There is another group meeting scheduled for May where the issues will continue to be addressed. She will report back to the License Commission on status after that meeting.
Continued to July 15, 2019 3/0*

VII. CORRESPONDENCE

From FPD Lt. Howe:

1. FPD report #19-12564-AR. Tryst Lounge on April 5, 2019. Notice of Violation form delivered to licensee by PD.
Tabled until May 6, 2019 to give Commissioners time to review the video of the night in question. Tryst dropped off video of that night as requested to the City Clerk. Commissioner Pawlak took the video and will bring it back to the Clerk when she is done viewing it. The Clerk was instructed to email Commissioners Sarefield and Fossa when the tape comes back so they can pick it up and view it.
2. FPD report #19-12573-AR. Tryst Lounge on April 6, 2019. Notice of Violation form delivered to licensee by PD.
Tabled until May 6, 2019 to give Commissioners time to review the video of the night in question. Tryst dropped off video of that night as requested to the City Clerk. Commissioner Pawlak took the video and will bring it back to the Clerk when she is done viewing it. The Clerk was instructed to email Commissioners Sarefield and Fossa when the tape comes back so they can pick it up and view it.

3. FPD report #19-11659. Beemer's Pub on March 31, 2019. Notice of Violation form delivered to licensee by PD.

The Clerk was instructed to summons in Beemer's Pub for the May 6, 2019 meeting.

Discussion ensued regarding licensees needing to obtain copies of police reports for summons hearings. Commissioner Pawlak stated the issue needs to be resolved so that matters can be addressed in a timely manner. Fitchburg Economic Development Director Mary Jo Bohart was in the audience and supported the matters being addressed in a timely manner as she is concerned about what the patrons of neighboring establishments must see and endure what is going on in the shared parking areas.

Commissioner Fossa stated that the License Commission should not be distributing the police reports but that licensees can easily obtain them through the District Court. The Clerk suggested that the language on the summons letter template be changed to direct licensees to the District Court instead of the FPD to obtain copies of referenced police reports. Commissioners agreed that this should be done.

Commissioner Pawlak stated that she would like to write the language for the Beemer's Pub summons for FPD report #19-11659 and stated that she would do so and send it to the Clerk. In order to give Commissioner Pawlak enough time to craft the summons language, the summons hearing for this matter was changed to the meeting of May 20, 2019.

The meeting adjourned at 7:55 PM

Respectfully submitted,

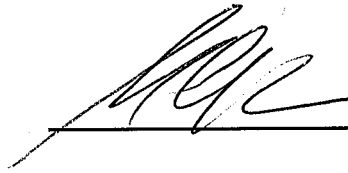


Anna M. Farrell
City Clerk

Approved:



Daniel Sarefield



Glenn Fossa



Donna Pawlak