



# BOARD OF LICENSE COMMISSIONERS

City Hall, 718 Main Street  
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FITCHBURG CITY CLERK

May 16 2023 8:47 am

Daniel Sarefield, Chairman  
Richard Boscardin  
John Zarrella

## MINUTES OF MEETING

*A regular meeting of the Board of License Commissioners was held on Monday, May 1, 2023 and called to order by Commissioner Sarefield at 6:00 PM. Commissioner Boscardin was present and Commissioner Zarrella was absent. FPD Liaison Lieutenant Jeffrey Howe, City Clerk Joanna Bilotta, Assistant City Clerk Elizabeth McNiff were present.*

### **I. REVIEW AND APPROVAL OF MINUTES OF PRIOR MEETING(S)**

*The minutes of April 19, 2023 were approved by roll call vote 2/0.*

### **II. NEW APPLICATIONS**

*Please note that the Commission may enter into Executive Session pursuant to G.L. c. 30A, sec. 21(a) (5) (Discussion of CORI results), if required during this portion of the Agenda, and will return to regular session upon completion.*

#### **Monday – Saturday Entertainment Permit**

Jackie Cullen, River Styx Brewing, at 166 Boulder Dr, Suite 112, for live amplified music on Saturday, May 20, 2023, from 1:00PM to 5:00PM for approximately 200 people.

*Desiree Moreno was present at the meeting. Commissioner Sarefield reviewed application and verified times for the music, applicant requested to extend the music to 5:30 PM.*

*Amended Application approved by unanimous roll call vote 2/0.*

James Bunnell, Fitchburg Parks & Recreation Department, Cogshall Park, 159 Electric Ave, for live amplified and acoustic music for annual concerts, annually for approximately 50-100 people.

*Mr. Bunnell was present at the meeting. Commissioner Sarefield reviewed application and verified the annual permits on behalf of the Parks and Recreation Department for City Properties.*

*Application approved by unanimous roll call vote 2/0.*

James Bunnell, Fitchburg Parks & Recreation Department, Summer Concert Series, “Concerts in the Park”, Upper Common, Main Street, for live amplified and acoustic music, Dancing, annually for approximately 50-100 people.

*Mr. Bunnell was present at the meeting. Commissioner Sarefield reviewed application and verified the annual permits on behalf of the Parks and Recreation Department for City Properties.*

*Application approved by unanimous roll call vote 2/0.*

James Bunnell, Fitchburg Parks & Recreation Department, Annual Concerts in the Park, Riverfront Park, 0 Boulder Drive, for live amplified and acoustic music, DJ, and Dancing, annually for approximately 50-100 people.

*Mr. Bunnell was present at the meeting. Commissioner Sarefield reviewed application and verified the annual permits on behalf of the Parks and Recreation Department for City Properties.*

*Application approved by unanimous roll call vote 2/0.*

James Bunnell, Fitchburg Parks & Recreation Department, Movies in the Park, Crocker Field, Broad Street, for live amplified movies, annually for approximately 50-100 people.

*Mr. Bunnell was present at the meeting. Commissioner Sarefield reviewed application and verified the annual permits on behalf of the Parks and Recreation Department for City Properties.*

*Application approved by unanimous roll call vote 2/0.*

Joe Ferguson, InTown Fitchburg Director, “Makers on Main”, Main Street, for live amplified and acoustic music, DJ, Saturday May 27, 2023, for approximately 2000-3000 people, 10:00 AM to 4:30 PM.

*Mr. Ferguson was present at the meeting. Commissioner Sarefield reviewed application and verified the times. Mr. Ferguson informed the commission that the rain date is Sunday May 28, 2023.*

*Application approved by unanimous roll call vote 2/0.*

Maria Millikin, Applewild School, 120 Prospect Street, for DJ, Saturday May 20, 2023, from 7:00 PM – 9:00 PM, for approximately 100 people.

*Ms. Millikin was present at the meeting. Commissioner Sarefield reviewed application and verified the times, applicant requested to extend time to 9:30 PM.*

*Amended Application approved by unanimous roll call vote 2/0.*

### **Sunday Entertainment Permit License**

James Bunnell, Fitchburg Parks & Recreation Department, Joe Ferguson, InTown Fitchburg Director, Riverfront Park, 0 Boulder Drive, for live amplified and acoustic music, DJ and Dancing, Sunday June 25, from 11:00AM – 11:00PM for approximately 750 people.

*Mr. Bunnell & Joe Ferguson were present at the meeting. Commissioner Sarefield reviewed application and verified the annual permits on behalf of the Parks and Recreation Department for City Properties.*

*Application approved by unanimous roll call vote 2/0.*

**Special One Day Wine & Malt License**

Maria Millikin, Applewild Parents Spring Mixer, Applewild School Dining Hall, 120 Prospect St, for a Wine and Malt permit for Saturday, May 20, 2023, from 7:00PM to 9:00PM for approximately 100 people.

*Ms. Millikin was present at the meeting. Commissioner Sarefield reviewed application and verified that all servers are TIPS Certified and need to use Wholesale distributors. Applicant requested to extend the time to 9:30 PM.*

*Amended Application approved by unanimous roll call vote 2/0.*

**Taxi Driver Permit**

1. Davon Lindsay – City Cab, Inc.

*Mr. Lindsay was present at the meeting, Commissioner Sarefield discussed the Taxi and Livery Service Regulations, as well as his driving history.*

*Application approved by unanimous roll call vote 2/0.*

2. Roniel Fernandez – City Cab, Inc.

*Mr. Fernandez was absent at the meeting. This was the second missed meeting, commissioner’s move to vote to withdraw the license application due to non-appearance at the meeting.*

*Application denied by unanimous roll call vote 2/0.*

3. Irvine McConney – City Cab, Inc.

*Commission enter into Executive Session pursuant to G.L. c. 30A, sec. 21(a) (5) (Discussion of CORI results), if required during this portion of the Agenda, and will return to regular session upon completion.*

*Roll Call Vote to enter into Executive Session at 6:33 PM, approved by unanimous roll call vote 2/0*

*Commission return to regular session at 6:36 PM*

*The applicant withdrew his application.*

**Application for New License on Premise Restaurant Wine & Malt with Cordial Liquors Beverage Licensed**

IQarus LLC, DBA Rise & Grind Café, Mark McCaffrey, 805 Main Street  
(Refer to a Public Hearing Monday, May 15, 2023)

*Alex Schinas was present at the meeting. He shared with the commission that Mr. McCaffrey will be able to come and share his business plan at the public hearing meeting taking place Monday May 15<sup>th</sup>.*

*Application was moved to a Public Hearing on Monday May 5, 2023.*

### **III. PUBLIC HEARING**

#### **Application for Transfer of Annual All Alcohol Beverage Licensed**

D A Boyle Co Inc. DBA Kappy's, to Fitchburg Kappy's Inc. DBA Kappy's Fine Wine & Spirits, 220 Whalon Street.

*Commissioner Sarefield open the public hearing at 6:45 PM*

*Mr. Patel was present at the meeting and shared he is keeping everything the same, making no changes to the business.*

*There was no public comment in favor or opposed to the transfer.*

*Public Hearing was closed at 6:46 PM*

*Application approved by unanimous roll call vote 2/0*

### **IV. SUMMONS HEARING**

TOPPS's Liquors, 128 Water Street, regarding Fitchburg Police Incident Report #23-15494-A-OF

*Mr. & Mrs. Patel and Attorney Pearlman were present at the meeting. Mr. Pearlman spoke of behalf of the Patel's. Officer Bajana read the incident report. Mr. Pearlman explained the customer who was underage was a frequent customer and they had stopped asking for her identification, as she was a well-known customer. They understand that the Massachusetts law requires identification for any person under the age of 40. They have since brought in outside resources for the retraining of their employees and a new license scanner for their establishment to aid in this issue since the incident. Mr. Patel apologized profusely for what has taken place.*

*The commission thanked the applicants for their honesty. For this second violation, the Board voted that seven days suspension be held in abeyance for a period of eighteen months. Because of this violation, the two day suspension currently held in abeyance must automatically be served. This suspension of your liquor license will take place on Sunday, May 7, 2023 and Monday, May 8, 2023.*

*Approved by unanimous roll call vote 2/0.*

### **V. CORRESPONDENCE**

Mike Roy, The Cellar, cancelling event Saturday April 29, 2023

*The commission took no action on the correspondence.*

**VI. NEW BUSINESS**

Assistant City Clerk Elizabeth McNiff informed the commission that Mr. Graham of Kingston Island Cuisine came in and is still working on a new location for his new business. We've reviewed his original change of premise request application that Mr. Graham had withdrawn on April 3, 2023.

**NEXT REGULAR MEETING**

**Monday, May 15, 2023**

The meeting adjourned at 7:46 PM

Respectfully submitted,  
Joanna Bilotta, City Clerk  
Approved:



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Daniel Sarefield



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Richard Boscardin



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John Zarrella