

**MEETING OF THE  
WOBURN LICENSE COMMISSION  
SEPTEMBER 15, 2016 – 5:30 P.M.  
COMMITTEE ROOM  
WOBURN CITY HALL**

Present: Chairman Paul Medeiros, Member David Gilgun, and Member Thomas Skeffington.

Also attending: Woburn Police Liaison Captain John Murphy

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Discussion with City Solicitor relative to the matter of Natasha Miller v. Woburn License Commission. Motion made and 2<sup>nd</sup> to go into Executive Session pursuant to M.G.L. Chapter 30A, Section 21(a)(3) to discuss litigation in the matter of Natasha Miller v. Woburn Licensing Commission, et al, Middlesex Superior Court Civil No. 1681-CV-02578, ROLL CALL: Gilgun – Yes, Skeffington – Yes, Medeiros – Yes. Comm. Medeiros stated that the Commission would return to open session after this matter was completed. This portion of the meeting was held in Executive Session. Motion made and 2<sup>nd</sup> to return to the regular order of business, ROLL CALL: Gilgun – Yes, Skeffington – Yes, Medeiros – Yes.

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Comm. Medeiros thanked former Clerk of the License Commission Patricia Bergeron George for her service to the Commission and wished her well in her new position.

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Reading of Minutes of previous meeting. Motion was made and 2<sup>nd</sup> to accept the minutes, all in favor, 3-0.

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Discussion relative to amendments to restaurant, clubs and function rules and regulations. Appearing was City Solicitor Ellen Callahan Callahan Doucette and she reviewed the rules paragraph by paragraph with the Commission. City Solicitor Callahan Doucette stated that she revised the current rules of the License Commission relative to restaurants, clubs, functions room and function halls, that she added some new definitions, that she reviewed rules from other communities, that the Commission should consider increasing the fee for club licenses which is lower than most communities, and that if a club has a function it should be a club member who signs for the function hall. Comm. Medeiros stated that the Commission would be reviewing all of the license fees. The rules and regulations after review and amendment were as follows:

**RULES AND REGULATIONS  
CLUBS AND FUNCTION HALLS ASSOCIATED WITH CLUBS**

1. Hours for sale of alcoholic beverages:
  - a. Monday through Saturday 11:00 a.m. to 12:30 AM
  - b. Sundays 12:00 noon to 12:00 AM
  - c. Hours of service maybe extended through a special application to Commission

- d. No sales of alcoholic beverages shall be made on Christmas Day before 12:00 noon (amended 11/20/2014).
  - e. No child twelve (12) years old or under is allowed in the club area during the sale of alcoholic beverages except during special occasions conducted by the organization.
2. All tables shall be cleared of alcoholic beverages and member/guests shall leave within one half hour after legal hour of sale of same.
  3. The licensed premise shall be open to inspection to authorized agents of the Commission and/or Woburn Police Department, Fire Department, and the Board of Health during hours of operation.
  4. A current list of members and/or guests shall be open to inspection during serving hours to authorized agents of the Commission and/or Woburn Police Department.
  5. No member, guest or employee shall be served alcoholic beverages after the legal hour for the sale of same has ended.
  6. No alcoholic beverages may be taken from the licensed premises, and no alcoholic beverages, other than stock, may be brought into the licensed premises.
  7. All guests, other than those attending a function, shall be signed in by a member. The bartender or manager shall refuse to serve any person other than a member or a guest of member in the company of said member, and no guest shall be on the premises unless the member who signed him/her in is also on the premises.
  8. All functions must be sponsored by a member, and no person shall attend any function except upon the invitation of the member.
  9. The manager, bartender, or server shall refuse to serve any patron under the age of twenty-one (21). In accordance with M.G.L. c.138, §34B, valid forms of identification are:
    - a. A Massachusetts Driver's license;
    - b. A Massachusetts Identification card;
    - c. A Passport issued by the United States or a country recognized by the United States;
    - d. A Passport Issued by the United States or a government that is officially recognized by the United States;
    - e. A Passport Card for a Passport issued by the United States; and
    - f. A Military Identification Card.
  10. The bartender or manager shall refuse service to a member or guest who is intoxicated or approaching a condition of "under the influence."
  11. Each licensee hereunder acting by and through its Board of Directors or other governing body shall appoint a manager or bartender who is of good moral character and a responsible person. The manager or bartender will be in charge during open hours acting for and on behalf of the Board of Directors or other governing Board. Acting for and on behalf of the Board of Directors the manager or bartender shall be responsible for the conduct of the members and guests, accountable for keeping order and the prevention of undue noise and disturbances on the licensed premises, including the parking areas, and the neighborhood.

12. The licensee shall not keep for sale or sell alcoholic beverages in any part of the premises not specified on the license.
13. The licensed premises must be well lit at all times.
14. There shall be no indecent or immoral entertainment on the licensed premises.
15. Bona fide employees of the licensed establishment may remain upon or enter upon the licensed premises, outside of the regular hours of operation while actually engaged in cleaning, opening, closing, or preparing for the next day's business, but they may not dispense or consume any alcoholic beverage on the licensed premises during such non-public hours; nor may they remain upon the premises outside of the regular hours of operation any longer than necessary to complete their work.
16. The license is subject to suspension, revocation or forfeiture for breach of any of its conditions, regulations of the License Commission, or any law of the Commonwealth of Massachusetts or the City of Woburn.
17. The license will not be issued until the licensed premises has passed a yearly inspection of the Police Department, Fire Department, Building Inspector, and Board of Health.
18. All licenses to serve alcohol shall be posted in a conspicuous location within the licensed premises together with a copy of the Rules and Regulations of the Woburn License Commission.
19. Alcoholic Beverage Control Commission informational signs shall be posted in a conspicuous location within the licensed premises.
20. These rules and regulations may be superseded by rules and regulations adopted by Massachusetts Alcohol Beverage Control Commission
21. Annual license fee shall be \$100.00 per year.
22. The Commission shall have the authority to impose specific conditions on any license, which conditions, if more stringent than these Rules and Regulations, shall control.

## RULES AND REGULATIONS RESTAURANTS AND FUNCTION ROOMS

### I. DEFINITIONS.

1. Full Menu Dining Establishment. A restaurant which has a full menu dining area with a service bar or service bar and separate waiting area set aside as a waiting/overflow area where food and/or alcoholic beverages may be served while patrons are waiting to be seated in the main dining area or a function area pre- approved by the License Commission.
2. Service Bar. An area where alcoholic beverage orders are filled by qualified servers and is accessible exclusively by the establishment's wait staff.
3. Seating Capacity. In determining whether a facility meets the minimum seating capacity as set forth in M.G.L. c.138, §11(E) the License Commission shall apply the standards set forth

in the State Building Code, 780 Code of Massachusetts Regulation, Article 10; and, Section II, paragraph 23, below.

## II. REGULATIONS

1. Hours for sale of alcoholic beverages:
  - a. Monday through Saturday 11:00 a.m. to 12:30 a.m. the next day
  - b. Sundays 12:00 noon to 12:00 a.m. the next day
  - c. Hours of service maybe extended through a special application to Commission
2. There shall be no sale of alcoholic beverages on Christmas Day before 12:00 noon.
3. Last call shall be at least fifteen (15) minutes before closing time. Any alcoholic beverage served prior to the closing time must be consumed and cleared from the tables no later than one-half hour after closing time.
4. Alcoholic beverages shall be served no later than one-half hour after the full food menu has been discontinued.
5. All tables and bars must be cleared of all glasses, bottles and containers of alcoholic beverages, within one-half hour after closing time and all customers must be off the premises by that time. Licensees are not permitted to allow any patron or any guest or any employee to enter the premises after the closing time or prior to the time of opening posted on the license. No employee or owner shall serve any alcoholic beverages before the opening time or after the closing time.
6. Owners and employees must be off the premises no later than sixty (60) minutes after closing time, provided however, that such owners and employees may be on the premises at any time for the purpose of cleaning, making emergency repairs, providing security for such premises, or preparing food for the next day's business or opening or closing the business in an orderly manner, but they may not dispense or consume any alcoholic beverage on the licensed premises during such non-public hours; nor may they remain upon the premises outside of the regular hours of operation any longer than necessary to complete their work. No owner or employee shall consume any alcoholic beverages during working hours.
7. Sales and service of alcoholic beverages are prohibited in any areas or locations not identified on the approved floor plan or not expressly approved by the License Commission.
8. There shall be no alcoholic beverages taken from the licensed areas of the premises, except as permitted by 204 C.M.R. 2.18 (resealing of partially consumed bottles of wine), or brought into the licensed premises (other than stock)
9. No pitchers of malt beverages may be served later than one (1) hour before closing time. No pitchers of malt beverages may contain more than sixty (60) ounces and must be served to at least two or more persons.

10. No more than (2) alcoholic beverages may be sold to or placed in front of a patron at any one time.
11. Each licensee hereunder shall appoint a manager who is of good moral character and a responsible person. The manager will be in charge during open hours acting for and on behalf of the licensee who shall be responsible for the conduct of employees and patrons, and who shall be accountable for keeping order and the prevention of undue noise and disturbances on the licensed premises, including the parking areas, and the neighborhood.
12. No cocktail lounges or bars shall be permitted in the City of Woburn.
13. There shall be no indecent or immoral entertainment on the licensed premises.
14. The manager, bartender, or server shall refuse to serve any patron under the age of twenty-one (21). In accordance with M.G.L. c.138, §34B, valid forms of identification are:
  - a. A Massachusetts Driver's license;
  - b. A Massachusetts Identification card;
  - c. A Passport issued by the United States or a country recognized by the United States;
  - d. A Passport Issued by the United States or a government that is officially recognized by the United States;
  - e. A Passport Card for a Passport issued by the United States; and
  - f. A Military Identification Card.
15. The bartender or manager shall refuse service to a patron who is intoxicated or approaching a condition of “under the influence.”
16. The licensed premises shall be subject at all times to inspection by agents of the License Commission, Police Department, Fire Department, and the Board of Health during hours of operation.
17. The Licensed premises must be well lighted at all times.
18. No advertising matter, screen, curtain or other obstruction, which prevents a clear view of the interior of the restaurant, shall be maintained in or on any window or door.
19. The license is subject to suspension, revocation or forfeiture for breach on any of its conditions, regulations or any law of the Commonwealth of Massachusetts and/or the City of Woburn.
20. No license shall be “pledged” and/or transferred to another party or location, without approval of the License Commission.
21. Annual license fees:       \$2,500.00 All Alcohol  
                                          \$2,500.00 Beer & Wine Only

22. A plan of existing or proposed building, plus a capacity of said restaurant and parking facilities shall be kept on file and open to inspection.
23. Seating capacity: 100 or more persons for establishments licensed to serve all alcoholic beverages  
50 or more persons for establishments licensed to serve beer and wine;  
A schematic of the seating plan shall be posted in a conspicuous location within the licensed premises.
24. Only servers who has received the beverage from person in charge of making alcoholic beverages shall serve same.
25. No alcoholic beverages shall be served to, carried by, or consumed by any person who is not seated, except within such areas of the licensed premises as shall be specifically designated on a plan approved by the License Commission. Approved Standing licenses as determined by the Woburn Building Department and with approval of the License Commission, shall be posted in a conspicuous location in or near the standing area; capacity listed and including a schematic of said area.
26. All licenses to serve alcohol shall be posted in a conspicuous location within the licensed premises along with a copy of the Rules and Regulations of the License Commission of the City of Woburn.
27. Alcoholic Beverage Control Commissions informational signs shall be posted in a conspicuous location within the licensed premises.
28. These rules and regulations may be superseded by rules and regulations adopted by Massachusetts Alcohol Beverage Control Commission.
29. The Commission shall have the authority to impose specific conditions on any license, which conditions, if more stringent than these Rules and Regulations, shall control.

Motion made and 2<sup>nd</sup> that the RULES AND REGULATIONS CLUBS AND FUNCTION HALLS ASSOCIATED WITH CLUBS AND THE RULES AND REGULATIONS RESTAURANTS AND FUNCTION ROOMS be ADOPTED all in favor, 3-0

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Woburn Irish-American Club, 147 Main Street, Woburn, MA, requesting a Special One-Day License for an event to be held October 2, 2016 at Irish-American Club at 147 Main Street. Appearing was Joseph McDonough, 78 Harrison Avenue and she stated that this is the 32<sup>nd</sup> Step Out for Hospice fundraiser, that the event includes a walk and five-mile road race, that there will be approximately 200 runners and 200 walkers, that a tent will be set up outside the club in the event of inclement weather, that there will be a band playing on a flatbed truck, that the bartenders are TIP trained, that only draft beer will be served outside, and that the club will be open for members. Mr. McDonough offered a copy of a plan of the event. Motion made and 2<sup>nd</sup>

that the document be received and made part of the record, all in favor, 3-0. Comm. Skeffington stated that this is a great fundraiser every year. PUBLIC COMMENTS: None. Motion made and 2<sup>nd</sup> that the SPECIAL ONE-DAY LICENSE be GRANTED for October 2, 2016 between the hours of 11:00 a.m. to 4:00 p.m. and that the fee be waived, all in favor, 3-0.

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B. Good LLC, 4 Cummings Park, Woburn, MA relative to a request for Common Victualler's License at 4 Cummings Park. Appearing was John Schoeck, Director of Operations for B. Good LLC, 345 Washington Street, Woburn, Massachusetts 01801 and he stated that this is a local company, that the business was started twelve years ago, that they have sixteen locations, that their hours of operation are 11:00 a.m. to 9:00 p.m. Monday through Saturday and 11:00 a.m. to 8:00 p.m. Sunday, and that they began operating at this location two weeks ago with the permission of the License Commission as their common victualler's license does not include alcohol. Comm. Skeffington stated that the License Commission was good enough to allowed the petitioner to open before this meeting and asks that the petitioner file their renewal applications in a timely manner. PUBLIC COMMENTS: None. Motion made and 2<sup>nd</sup> that the COMMON VICTUALLER'S LICENSE be APPROVED with the hours of operation between 11:00 a.m. to 9:00 p.m. Monday through Saturday and between 11:00 a.m. to 8:00 p.m. Sunday, all in favor, 3-0.

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Lord Hobo Brewing Company, LLC, 5 Draper Street, Woburn, MA relative to request for a Special One-Day License for events to be held October 8, 2016 at 5 Draper Street. Appearing was Richard Maher, 23 Alden Circle, Reading, Massachusetts 01867 and he stated that the petitioner is partnering with a nearby gym, that there will be approximately forty to fifty people attending at their facility following a conference at the gym, that the event will be held on October 8, 2016 between the hours of 12:00 noon and 10:00 p.m., that the event will be open to the public, that they do not prepare food onsite, that the gym operator will arrange for a food truck or some other type of food to be available at the event, and that the servers are all TIP certified at the front of the house and will be the only ones authorized to pour from taps. PUBLIC COMMENTS: None. Motion made and 2<sup>nd</sup> that the SPECIAL ONE-DAY LICENSE be GRANTED for October 8, 2016 between the hours of 12:00 noon to 10:00 p.m., all in favor, 3-0.

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Uno Restaurant of Woburn, Inc. requesting submission of application and Form 43 to ABCC relative to transfer of stock and new officer/director application. Comm. Medeiros stated that the ABCC rejected the local approval of the application in May 2016 and returned the application to the city, that the ABCC has now approved the application and requests that the city resubmit the application and Form 43 for final approval. Motion made and 2<sup>nd</sup> that the CLERK be AUTHORIZED TO RESUBMIT THE APPLICATION AND FORM 43 TO ABCC FOR FINAL APPROVAL, all in favor, 3-0.

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Notice from ABCC relative to hearing concerning Doherty Bros Mkt. Inc., dba Busa Wine & Spirits. Captain Murphy stated that he will attend the hearing, contact ABCC regarding the

matter and report back to the License Commission. Motion made and 2<sup>nd</sup> to that the COMMUNICATION FROM ABCC be ACCEPTED and request Woburn Police Department Liaison Captain John Murphy attend the hearing and report the findings back to the License Commission, all in favor, 3-0.

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ABCC advisories regarding: 1. Extension of farmer-series pouring permit premises and new §19H pouring permit; 2. Alcohol sales the day after Christmas; 3. Ownership of §12 and §15 licenses in the same city or town. Comm. Medeiros stated that the advisories were received from ABCC for informational purposes. Motion made and 2<sup>nd</sup> that the COMMUNICATIONS be RECEIVED AND MADE PART OF THE RECORD, all in favor, 9-0.

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Home Rule petition relative to three additional liquor licenses. Comm. Medeiros stated that a copy of the City Council Order had been received for the record. Comm. Skeffington stated that the License Commission should have known about this action before the Order was submitted to the Legislature. Motion made and 2<sup>nd</sup> that the ORDER be RECEIVED AND MADE PART OF THE RECORD, all in favor, 9-0.

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Motion made and 2<sup>nd</sup> that the next meetings of the License Commission shall be as follows: 1. October 27, 2016 at 5:30 p.m. with all holders of alcohol licenses and representatives of the Board of Health, Department of Inspectional Services, Fire Department, Police Department and Office of the Treasurer/Collector in the Council Chamber followed by regular business, 2. November 17, 2016 at 5:30 p.m. in the Committee Room, and 3. December 15, 2016 at 5:30 p.m. in the Committee Room, all in favor, 9-0.

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Comm. Medeiros asked Captain Murphy if he had a report on the incident that occurred at Jake and Joe's. Captain Murphy stated that the matter was under investigation, and that the representatives of Jake and Joe's were cooperating.

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Motion made and second to adjourn, all in favor, 3-0. Meeting adjourned at 6:20 p.m.

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William C. Campbell  
Clerk of Committees, Pro Tem