Woburn License Commission
Woburn City Hall
Committee Room – 5:30 p.m.
February 15, 2018

Voting Members: Chairman Paul Medeiros, Commissioner David Gilgun. Absent: Commissioner Thomas Skeffington.

Also attending: Woburn Police Capt. John Murphy, liaison to the License Commission

Chairman Medeiros convened the meeting at 5:30 p.m.

Annunciation of the Virgin Mary Greek Orthodox Church, 70 Montvale Ave., application from the Panmacedonian Association, Inc. for special 1-day liquor license for a dinner-dance on February 17, 2018, from 7 p.m. to 12 a.m.: Appearing for the petitioner was Wilma Thomas, 3 Independence Drive, Woburn. Chairman Medeiros asked if the event is open to the public. Ms. Thomas said it is. Chairman Medeiros asked if anyone in the audience wished to address the Commission about the petition. There were no respondents. Motion made by Commissioner Gilgun and seconded by Chairman Medeiros to grant the license; approved, 2-0.

St. Charles Church, 8 Myrtle St., application for special 1-day liquor license for a Trivia Night on April 27, 2018, from 6-11 p.m.: Appearing for the petitioner was Margaret Pinkham, 42 Pleasant St., Woburn. Chairman Medeiros asked if liquor storage would be required the day before the event. Ms. Pinkham said the alcohol will be delivered the same day as the event. Chairman Medeiros asked if the event is open to the public. Ms. Pinkham replied that it is, that the event is a fund-raiser and that tickets are available on the St. Charles School's website. Chairman Medeiros asked if anyone in the audience wished to address the Commission about the petition. There were no respondents. Motion made by Commissioner Gilgun and seconded by Chairman Medeiros to grant the license and waive the $50 application fee; approved, 2-0.

James L. McKeown Boys & Girls Club of Woburn, 1 Charles Gardner Way, application for special 1-day liquor license for a St. Patrick's Day Social on Saturday, March 17, 2018, from 6-11 p.m.: Appearing for the petitioner was Julie Gage, Executive Director of the Boys & Girls Club of Woburn, who said the event is the annual St. Patrick's Day Social with a raffle grand prize of $20,000. Ms. Gage said this is the 16th or 17th year of the St. Patrick's Day Social and it has been a big success in the past. She said this is the first St. Patrick's Day Social that will be held at the club since it was renovated. Chairman Medeiros said the event will be a good opportunity for people to see the renovations to the club. Ms. Gage said the club always has room for new people. Chairman Medeiros asked if anyone in the audience wished to address the Commission about the petition. There were no respondents. Motion made by Commissioner Gilgun and seconded by Chairman Medeiros to grant the license and waive the $50 application fee; approved, 2-0.

North Woburn Package Store, 2 Elm Street, transfer of retail package store license Kajal & Kevin LLC, 345 Washington St #16, application for change of beneficial interests at Liquor Junction: Appearing for the petitioner was Ketul Patel and Jasmin Patel, both of 345

Washington St. Chairman Medeiros said the change of beneficial interest appears to be a one-third transfer of the business to Manish Patel. Ketul Patel said that is correct. Chairman Medeiros asked if Manish Patel is present. Ms. Patel said Manish Patel had to attend to a family emergency in India. Chairman Medeiros said the Commission usually likes to meet anyone who is applying for a change of beneficial interest, but he added the application seems pretty straightforward. Chairman Medeiros asked if anyone in the audience wished to address the Commission about the petition. There were no respondents. Motion made by Commissioner Gilgun and seconded by Chairman Medeiros to grant the change of beneficial interest application; approved, 2-0.

Correspondence regarding change of manager at Waxy O'Connor's, 1 Rainin Road: Clerk of the Commission said Waxy's Principal Paul McKenna notified the Commission via email on February 5 the change of manager application would be submitted "soon," but there has been no further information submitted by Mr. McKenna or a prospective new manager. Chairman Medeiros said he and the Clerk have been communicating with City Solicitor Ellen Callahan Doucette who suggested sending a communication to Mr. McKenna advising him to appear at the Commission's next meeting for a show cause hearing because he is in violation of MGL Ch. 138 Sect. 26 about not having a licensed manager in charge of the premises. Chairman Medeiros said the Clerk of the Commission has spoken with ABCC Executive Director Ralph Sacramone about the change of manager issue and there seems to be no standard for a timeline for submitting a change of manager application if the manager leaves the company abruptly or is dismissed. Chairman Medeiros said he has come up with language that the Commission could incorporate into its rules and regulations and he will read it later in the meeting. Chairman Medeiros asked Capt. Murphy if Waxy's is abiding by the stipulations of its 3-day license suspension that was issued at the January meeting. Capt. Murphy said Woburn PD has been monitoring Waxy O'Connor's and Waxy's is complying with the terms of the license suspension. Capt. Murphy said a report of after-hours drinking at Waxy's was investigated last month and no violation was found. Chairman Medeiros noted the final day of the 3-day suspension is Monday, February 19. Chairman Medeiros said Waxy's license may end up being suspended again for not having a licensed manager on premises. Commissioner Gilgun said Waxy's has been a problem for the Commission since day one and they continue to refuse to abide by the Commission's rules and regulations. Chairman Medeiros said he was initially excited to have Waxy's come to the city but they have created nothing but problems since they opened. Chairman Medeiros noted there is a Waxy O'Connor's in Lexington and asked Capt. Murphy if there have been similar problems in that community. Capt. Murphy said he believes the Woburn location is a franchise and the Lexington location is run by the corporation that controls Waxy O'Connor's and that there have not been problems in Lexington. Motion made by Commissioner Gilgun and seconded by Chairman Medeiros to hold a show cause hearing at the Commission's meeting on Thursday, March 15, to consider punitive action against Waxy O'Connor's for not having a licensed manager on the premises; approved, 2-0.

Approval of liquor licenses renewals for Uno Chicago Grill, Pinxto Pincho and Sons of Italy; innkeeper's license for Best Western New Englander: Clerk of the Commission explained the aforementioned renewals were submitted after the deadline for approval at the Commission's meeting in December. Cleek said the three liquor licenses were submitted prior to the January meeting but he wanted to hold off putting them on the agenda until the outstanding innkeeper's license was submitted so the Commission wouldn't be approving the late licenses

piecemeal. Motion made by Commissioner Gilgun and seconded by Chairman Medeiros to grant the aforementioned licenses; approved, 2-0.

Annual report at ABCC: Chairman Medeiros asked about the "general on-premises" license cited in the letter to the ABCC. Clerk replied he believes that license was granted by special legislation to an entity in the Commerce Way overlay district. Motion made by Commissioner Gilgun and seconded by Chairman Medeiros to accept the annual report and place it on file; approved, 2-0

Change of manager timeline: Chairman Medeiros said the impetus behind the filing of legislation to stipulate a timeline for the filing for a change of manager is the situation at Waxy O'Connor's. He said the principle is very simple, in that if a manager leaves, the owner must file for a change of manager within two weeks. Chairman Medeiros read the following: "An application for change of manager must be filed with the Woburn License Commission at least two (2) weeks before the proposed effective date of the change, unless the approved manager has terminated his or her employment without prior notice to the licensee. In that case, the licensee must notify the Commission of the name of the person who will discharge the duties of manager pending selection and approval of a new manager by the close of the next business day following the manager's termination of employment. If the employment of the approved manager is terminated by the licensee, or if the approved manager is replaced, transferred, or for other reason due to action by the licensee is no longer serving as manager, the licensee must file an application for change of manager at least two weeks before the action is taken by the licensee and must obtain approval of the application before changing the manager. If circumstances other than those stated above require a licensee to make a change in manager without timely filing the required application, the licensee shall file the application at the earliest practicable time and must include a detailed statement of the circumstances. If the Commission finds that the circumstances justify the noncompliance, no penalty will be imposed. If the circumstances are not found to be sufficient, the Commission may impose a penalty or suspension that may be up to one day of suspension for each day of unjustified non-compliance, or such other penalty permitted by the city of Woburn Liquor License Violation Policy. When submitting an application for change of manager, the manager shall be certified as an alcohol server. Further, approval of a change in manager may be conditioned upon proof of payment of all outstanding local, state and federal taxes and fees." Commissioner Gilgun suggested adding the phrase "and address" to the second sentence after "… the licensee must notify the Commission of the name …" Chairman Medeiros also suggested adding "cell phone number" after "and address." Capt. Murphy agreed it would be helpful to have a cell phone contact number for the manager. Motion made by Commissioner Gilgun and seconded by Chairman Medeiros to add the change of manager legislation, as amended, to the License Commission's Rules & Regulations; approved, 2-0.

Approval of Minutes from the Commission's meeting on January 18, 2018: Motion made by Commissioner Gilgun and seconded by Chairman Medeiros to approve the minutes as submitted; 2-0.

Other matters before the Commission: Chairman Medeiros proposed the following meeting dates for the Commission: April 19, May 17, June 21, July 19 and August 16. Motion made by

Commissioner Gilgun and seconded by Chairman Medeiros to set the aforementioned meeting dates; approved, 2-0. Capt. Murphy referenced a letter that was sent to the License Commission regarding an allegation of over-serving at the Local, 350 Cambridge Road, and said an investigation by Det. Jeffrey Carreau indicated the situation involved a domestic dispute rather than an instance of over-serving. Chairman Medeiros said he gave the letter due attention because it was signed by the author and not sent anonymously. Capt. Murphy said the Woburn PD did look into the matter and all parties were satisfied with the outcome. Commissioner Gilgun thanked Capt. Murphy for looking into the matter and said he didn't want to leave the impression that the Commission ignores a complaint when one is received. Capt. Murphy suggested no further action against the Local would be required at this time.

Motion made by Commissioner Gilgun and seconded by Chairman Medeiros to adjourn; approved, 2-0. Chairman Medeiros adjourned the meeting at 5:57 p.m.

A TRUE RECORD

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Gordon Vincent
Clerk of Committees