

**Woburn License Commission
Regular Meeting
Committee Room
Thursday, December 15, 2022**

Voting Members present: Chairman Thomas Skeffington, Commissioner David Gilgun
and Commissioner William Pappalardo.

Also present: Woburn Police Capt. John Murphy and City Solicitor Ellen Callahan
Doucette

Chairman Skeffington convened the meeting of the License Commission at 6:11 p.m.

MOTION made by Commissioner Gilgun and seconded by Commissioner Pappalardo to take item #4 out of order from the posted agenda; approved, 3-0.

1. **Extended Stay hotel, 831 Main St., incident on October 23, 2022 (continued from meeting of November 17, 2022):** Representing Extended Stay were Jofre Nieto, General Manager, and Chesterfield Coppin, Manager, 831 Main Street, Woburn, MA. Mr. Nieto said he would first like to read a statement. He said he first wants to apologize for not attending the License Commission's meeting on November 17. He said the email that went out was sent directly to the hotel rather than to his company email address. He said he has given the clerk his email address. He said he did attend the commission's October meeting and advised the commission that any communication to the hotel could be sent to him. He said he met with Capt. Murphy and the other hoteliers in the city and on November 30 for a brainstorming session to help out the city. He said all guests at the hotel are required to show a valid government ID. He said all vehicles parked at the hotel must have a parking pass. He said they have installed nine CCTVs. He said they are looking at installing more surveillance equipment. He said an interim manager has been working at the hotel for the past 2-3 months. He said they expect to hire a new manager by the end of the month. He said the police requested CCTV footage from the incident on October 23, but the hotel's policy is that a subpoena is supposed to be presented to the hotel staff. He said this policy is not just for Woburn but for the entire country. He said the security director at the hotel has reached out to the Woburn Police Dept.'s chief to increase communication. He said he and Mr. Coppin have to improve the hotel's image and make sure they provide a safe environment. He said regarding the incident on October 23 they did allow the officer to make a copy of the footage. Chairman Skeffington asked if the hotel has its own security. Mr. Nieto said the hotel has a security vendor but did not go to the hotel. Chairman Skeffington asked the clerk if he sent an email to Mr. Nieto about the November 17 meeting. Clerk answered affirmatively. Mr. Nieto said he asked the clerk to which he email address he sent the notice of meeting and the clerk to an address that is used for licensing. He said he did try to speak to the clerk. He said he does not have any email in his record. Chairman Skeffington said they asked Mr. Nieto to attend the November meeting to discuss the 52 calls from the hotel to the police station. He said Extended Stay topped the list of hotels that made calls to police. He said on October 23 there was a call to police about a stolen motor vehicle and larceny

at Extended Stay. He said Woburn Police Det. Jeffrey Carreau called to obtain video and he was told by a desk clerk named Katie that it was not available. Mr. Nieto said Katie no longer works at the hotel. Chairman Skeffington said Det. Carreau was told the police had to have a court order to obtain the video and there was no further communication from Extended Stay. Chairman Skeffington said the lack of cooperation is troubling, especially since Mr. Nieto said at the October meeting he wanted to work cooperatively with the city. Commissioner Gilgun said the thing that really bothers him is the lack of cooperation. He said there was a previous incident when Capt. Murphy went to Extended Stay to inquire with the manager and the manager said he did not have time to meet with Capt. Murphy. He said he would like to appeal to the Woburn City Council to help the License Commission make sure the Woburn Police Dept. has access to video. He said Extended Stay may say releasing the video is against their policy, but the city can't have that. He said he knows there are members of the City Council in attendance and he wants to make a proposal to them that they create legislation that makes video evidence available to police. Chairman Skeffington said after the holidays he is going to meet with City Solicitor Callahan Doucette and draft an ordinance that allows the commission to impose fines on hotels that make an excessive number of calls to police, and they could make allowing police access to evidence part of that ordinance. Commissioner Pappalardo said he was alarmed when Capt. Murphy told the commission the manager at Extended Stay didn't have time for him. Commissioner Gilgun agreed that was unacceptable. Commissioner Pappalardo asked if there has been a decrease in the number of incidents since Capt. Murphy issued his report of about the number of calls from each hotel. Capt. Murphy said the October 23 incident was the police department's last major incident at the hotel. Commissioner Pappalardo said 52 calls in a short time span is too many. He said he feels like Extended Stay is trying to smooth things out, but he said he is still worried about police responding to calls and going in blind. He said Extended Stay still needs to be more cooperative. Mr. Nieto said the hotel does have a security director. He said the new security director is going to make a concerted effort to cooperate with police. Mr. Nieto said he has met with Capt. Murphy. He said hotel staff will not shy away from letting police know what is going on at the hotel. He said he oversees 12 hotels. He said they want to work cooperatively with each community. He said Extended Stay wants to bring good business to the city. He said he will jump through hoops if the Woburn Police Dept. makes a request. He said he also has to answer to his corporate leaders. He said he spoke to Det. Carreau. He said their door is always open. He said if the city makes changes to its ordinance, they will have to follow the rules. Commissioner Gilgun said Mr. Nieto ought to inform the executives at Extended Stay that if the ordinance is passed, there might be a fine, but the commission may also end up revoking the innkeepers license. He said the commission controls licensure in the city. He said it is up to the commission's discretion whether to issue the license. He said the only thing the commission wants is access. He said when the Woburn Police Dept. asks for video surveillance, the commission would appreciate some cooperation. Chairman Skeffington asked if anyone in the audience wished to address the commission in regard to the agenda item. Lou DiMambro, Ward 6 City Councilor, asked how long Extended Stay hotel has been in Woburn. Mr. Nieto said the hotel was opened in either 1999 or 1998. Councilor DiMambro said Extended Stay does not have a security option in place despite the hotel being in proximity to a highway. He said issues at the hotel have been

going on for 10 years. He said Extended Stay drains police resources. He said he does not understand why there is a hotel near a residential neighborhood. He asked why Extended Stay would not take the precaution of screening its guests. He said he does not understand why Extended Stay would not share information with the Woburn Police Dept., especially when the police are there to keep the area safe. He said he will support the License Commission and he will get the City Council to come up with an ordinance that will be put on the books. He said he does not know if any of the other hotels in the city experience the same sort of problems as Extended Stay. He said there may be one other hotel that does. He said the License Commission has his support. He told the officials from Extended Stay that it is in their best interests to cooperate with the License Commission. Mr. Nieto said they are looking at their records to determine if the calls to public safety involve medical, fire or criminal proceedings. He said Extended Stay does not want to deter calls. He said they want to keep people safe. He said the hotel has kitchenettes that could be the source of fires that result in calls to public safety. He said people get sick and require medical services. He said the hotel does have screening procedures for guests. He said they get valid IDs from everyone. He said they try to anticipate potential problems. He said he would be willing to work with the City Council. He said the hotel will take suggestions. He said he has started working with other hotels in the city. Chairman Skeffington said in fairness, there are other hotels in the city that generate a high volume of calls to public safety, including the Red Roof Inn with 50 calls, the Crowne Plaza with 48 calls, Hilton with 25 calls and Best Western with 20 calls over the same time period. Councilor DiMambro said it sounds like the ordinance needs to be changed if there are that many calls. Jeffrey Dillon, Ward 3 City Councilor, said it sounds to him there is a disconnect between the local manager at Extended Stay and he advised senior management to get that fixed. He said the police do not know what's going on behind the closed doors of the hotel. He said he worries about the safety of public safety personnel. He said this has to stop. He said the City Council is going to work with the License Commission to get this issue fixed. He said this is going to get squared away. Charles Viola, Ward 7 Councilor, said he has a background in law enforcement. He said there are too many calls to police and an ordinance needs to be changed to keep residents, police, and fire safe. He urged Extended Stay officials to work with the Woburn Police Dept.

- 2. Dave & Buster's, 271 Mishawum Road, application for change of officers/directors/LLC managers:** Representing Dave & Buster's was Attorney Albert DeNapoli, Tarlow, Breed, Hart & Rodgers PC, 101 Huntington Avenue, Suite 500, Prudential Center, Boston, MA. Attorney DeNapoli said Dave & Buster's is seeking a change of officers at its locations in Braintree, Woburn, and Natick. He said the former President/Treasurer is no longer with the company. He said the Vice President and Secretary has been promoted to Treasurer and President and there is a new Vice President and Secretary. Chairman Skeffington asked Capt. Murphy if he has anything to add. Capt. Murphy said Dave & Buster's has been a good corporate citizen. Motion made by Commissioner Pappalardo and seconded by Commissioner Gilgun to grant the application for change of officers; approved, 3-0.

- 3. Dog House Bar & Grill, 434 Main Street, application for change of manager (continued from meeting of November 17, 2022):** Representing Dog House Bar & Grill were Attorney Ariana Bond, Rubin Rudman, 500 Unicorn Park, Woburn, MA, and Jade Archdeacon, 434 Main Street, Woburn, MA. Motion made to take the applications for change of manager at the Dog House Bar & Grill and Tudo Na Brasa/Taste of Brazil collectively; approved, 3-0. Attorney Bond said Ms. Archdeacon is the proposed manager for both establishments and the proposed general manager. She said Attorney Joseph R. Tarby III, also of Rubin Rudman, has submitted a letter to the Chairman Skeffington, which she read, as follows: “Due to a conflict in my schedule, I cannot be present at the License Commission meeting on the above matter. This evening Attorney Arian Bond will present the above matters to the License Commission. After discussions yesterday and today with Attorney Paul Kelly, who represents Hugo Moraes, and the City Solicitor, Ellan Callahan Doucette, I have learned the following: 1.) The U.S. Attorney’s office has not yet taken a position on Jade Archdeacon as Manager of the two restaurants because she may be a witness in the criminal trial and such communications could compromise its ongoing investigation and prosecution. 2.) The U.S. Attorney’s office is not seeking to influence the Woburn License Commission in any way. 3.) The U.S. Attorney’s office does not appear to be in a rush to take a position on Ms. Archdeacon as Manager of both restaurants. 4.) If the U.S. Attorney’s office takes a favorable or unfavorable position on Ms. Archdeacon, its position is not binding on the License Commission. At the meeting on November 17, 2022, I discussed with the Commission the “Parties Joint Response to the Court’s Order of October 21, 2022.” The Court’s Order on October 21, 2022, addresses the terms of release of Hugo Moraes which included language prohibiting Mr. Moraes from going to either property or speaking to any employees. The Joint Response to the Court’s Order was filed by both the U.S. Attorney’s office and counsel for Hugo Moraes and Jesse Moraes in which both parties agreed that the restaurants may re-open under the interim management of Ms. Archdeacon (for the Dog House Bar and Grill) and Jose Ramirez (for Taste of Brazil). At the November 17, 2022, meeting, my request was for Ms. Archdeacon to be the interim manager until a permanent manager was approved. I understood that the Commission vote was to approve Ms. Archdeacon as the interim manager. According to the minutes of the meeting that may have not been the case. However, my file notes and a review of the video of the meeting indicates that due to the complication on the matter, the Commission requested additional time to vet the situation and determine what is allowed and what is not allowed, but in the meantime approved Ms. Archdeacon, on a temporary basis, to serve as the manager of the Dog House Bar and Grill, manager of Taste of Brazil, and general manager of both restaurants. However, since the U.S. Attorney’s office agreed in the Joint Order that Ms. Archdeacon may act as interim manager, we would like to make that formal request. In the meantime, I request that the Commission continue this matter for a status update at its next meeting in January. If you have any questions please feel free to contact me. Thank you. Very truly yours, Joseph R. Tarby III.” Chairman Skeffington said he read the minutes of the November 17 meeting and at no time was there a vote taken to approve anyone as the manager. He said the minutes indicate there was a 2-0 vote to continue the matter until tonight’s meeting. He said he does not know if there was a misunderstanding. He said he knows for a fact there was not a vote taken to approve anyone as manager. Attorney Bond said she watched the video and there was a vote that was quoted in Attorney

Tarby's letter. She said the Commission requested additional time. She said Ms. Archdeacon was authorized on a temporary basis for all three positions. She said Ms. Archdeacon is here to answer any questions the commission may have. Chairman Skeffington said when he reads the documentation, he reads it as a judge's order. He said there is an agreement by the parties that the restaurants are run by an independent manager. He said this is the only way the restaurants can operate. He said the initial agreement on October 18 was the Ms. Archdeacon and Mr. Ramirez would operate the restaurants separately until there is a general manager in place. He said that is how he reads it. He said there was an agreement to have an independent general manager for both places by November 18. He said now we are into December. He said the commission has allotted another 30 days to fulfill the court order. He said that came from a judge. He said his question to Ms. Archdeacon is whether she has been approved as the manager for both restaurants. Attorney Bond said to her knowledge, Ms. Archdeacon has been approved as the interim manager. Chairman Skeffington if the parties are on board with naming Ms. Archdeacon the permanent manager. Attorney Bond said the discussion only involves the interim manager. Chairman Skeffington asked if anyone in the U.S. Attorney's office has stated that the same person can manage both places. He said the conditions of Mr. Moraes' release indicate there will be two independent managers or one general manager. Attorney Bond said the U.S. Attorney's office would not influence the commission's decision. Chairman Skeffington said there is a condition that the U.S. Attorney's office has to approve an independent manager. He said Attorney Tarby's memo indicates the court case cannot supersede the License Commission's jurisdiction, but the way he reads the agreement is the U.S. Attorney's office needs to approve an independent manager. He said there were two proposed managers, one of whom is not qualified, according to Attorney Tarby. Chairman Skeffington said at the commission's November meeting that there was going to be a meeting on November 18 to discuss the permanent managers. He asked if that meeting took place. Attorney Bond said she is not sure. She said she can ask Attorney Tarby. Chairman Skeffington said there was no communication to the city about the meeting on November 18. He asked if the U.S. Attorney's office has spoken to Ms. Archdeacon. Attorney Bond said the U.S. Attorney's office has not spoken to Ms. Archdeacon because of the investigation. City Solicitor Callahan Doucette said she spoke with Asst. U.S. Attorney James Hebert and he said he has not spoken to Ms. Archdeacon. Chairman Skeffington said he thinks it's difficult for the License Commission to approve a manager without being told it's okay. Attorney Bond said her client hopes to get more information from the U.S. Attorney's office. She said they do want to get Ms. Archdeacon formally approved as the interim manager. City Solicitor Callahan Doucette said a motion was filed to modify the conditions of Mr. Moraes' release. She said there is a list of 150 people with whom Mr. Moraes cannot have contact. She said Ms. Archdeacon is not on that list. She said the U.S. Attorney's office has not taken a position on Ms. Archdeacon being the manager. She said they are a little more concerned about her being a potential witness. Chairman Skeffington said he is not going to go against the conditions of release. He said there is a supposed to be a meeting on December 23 in regard to the conditions of release. He said that has nothing to do with the applicant that is in front of the commission. He said he cannot stress enough that the commission needs more information from the U.S. Attorney's office. He said the U.S. Attorney's office needs to address whether one manager can be appointed

manager of both restaurants as a general manager. He said the commission needs to hear if that's okay. He said he would feel much more comfortable with that declaration. Attorney Bond said she does not have any written correspondence that discusses that issue. Chairman Skeffington said he would like something in writing to that effect. Attorney Bond said they will come to next month's meeting with more information. Chairman Skeffington said that would make him feel much better. He said the commission isn't looking to hurt anyone but it needs more information. Commissioner Gilgun asked about Ms. Archdeacon's experience in the restaurant industry. Ms. Archdeacon said she has worked for 10 years in the restaurant industry, with four years of management experience. She said she worked at the Brickyard in a managerial capacity for a year and a half. Commissioner Pappalardo said the commission is not here to override the criminal justice system. He said there is an argument to be made that Ms. Archdeacon should not be the manager because she may be a witness in the criminal trial. He said it sounds like the status quo should be kept until the commission hears back from the court. Capt. Murphy said the police department wants to make sure there is a manager there in case there is a violation. Chairman Skeffington asked if there have been any problems at either restaurant since Mr. Moraes' arrest. Capt. Murphy said there have been no major incidents since Mr. Moraes was arrested. Chairman Skeffington said that tells him Ms. Archdeacon is doing a good job. He said he does not think there will be a meeting on December 23, due to the proximity of that date to the holidays. He said he thinks the commission should continue the matter until its next meeting and keep Ms. Archdeacon as the interim manager of both places. He said the commission does not want vacant buildings in Woburn Center. He said the commission should keep the interim tag and hopefully Attorney Tarby will keep the commission in the loop. He said Capt. Murphy will remain vigilant. He said hopefully there will be no further incidents. He said he thinks the manager should be continued until January, if for some reason the U.S. Attorney's office does not think Ms. Archdeacon should be the manager. Motion made by Commissioner Pappalardo and seconded by Commissioner Gilgun to continue the matter until the commission's meeting on January 19 unless there is input from the court and the commission has to meet beforehand; approved, 3-0.

4. **Tudo Na Brasa/Taste of Brazil, 414 Main Street, application for change of manager (continued from meeting of November 17, 2022):** See preceding item.
5. **As Good As It Gets, 394 Washington Street, transfer of common victualer's license:** Representing As Good As It Gets was Abdul Hmina, 394 Washington Street, Woburn, MA. Mr. Hmina said As Good As It Gets is taking over the café on the second floor of Woburn Toyota. Chairman Skeffington asked if the café will be confined to the main building of the dealership. Mr. Hmina said the café is just for employees that work at the dealership. Chairman Skeffington asked if anyone in the audience wished to address the commission in regard to the application. There were no respondents. Clerk said the applicant has not submitted an insurance binder indicating there is a valid workmen's compensation policy. Motion made by Commissioner Pappalardo and seconded by Commissioner Gilgun to grant the Common Victualer's license contingent upon the applicant providing an insurance binder indicating there is valid workmen's compensation coverage; approved, 3-0.

- 6. Lord Hobo Brewing Co., 5 Draper St., request for extended hours for FIFA World Cup matches on December 17, 2022; and December 18, 2022:** Representing Lord Hobo Brewing Co. was Kate Ballinger, 5 Draper Street, Woburn, MA. Ms. Ballinger said Lord Hobo would like to open at 10 a.m. on the aforementioned dates for the third place and championship games of the FIFA World Cup. She said the early opening hour would attract a larger crowd for the games and add some revenue for the business. Chairman Skeffington asked if this is an indoor only event. Ms. Ballinger answered affirmatively. Chairman Skeffington asked if anyone in the audience wished to address the commission in regard to the petition. There were no respondents. Capt. Murphy said there have been very limited calls from Lord Hobo. He said he will provide notice of the early opening hours during roll call. Motion made by Commissioner Pappalardo and seconded by Commissioner Gilgun to grant the request for early opening hours on December 17, 2022, and December 18, 2022; approved, 3-0.
- 7. Request for extended hours on New Year's Eve:** Chairman Skeffington said the commission has received requests for extended hours on New Year's Eve from the following licensees: Woburn/Stoneham Lodge of Elks, George A., Campbell American Legion Post 101, St. Anthony Club of North Woburn, Irish American Club of Woburn, Victoria Function Hall & Décor, South End Italian Independence Club, and Sogno. (Scrivener's note: A subsequent request for extended hours was received from the Fox Den). Chairman Skeffington advised the clerk to send a memo to Capt. Murphy with a list of license holders that will be staying open late on New Year's Eve. Chairman Skeffington said last call will be at 1 a.m., all drinks will be off the table by 1:15 a.m. and everyone will be out the door by 1:30 a.m. He said he does not want any licensed premises to stay open until 2 a.m. Motion made by Commissioner Pappalardo and seconded by Commissioner Gilgun to grant extended hours on New Year's Eve to the aforementioned license holders; approved, 3-0.
- 8. Approval of Liquor, Innkeepers, Entertainment and Amusement licenses for 2023:** Chairman Skeffington asked if the commission wants to withhold approval of any license holder that has not submitted its entire application package. Commissioner Gilgun asked if the commission should wait to see how Capt. Murphy makes out with Extended Stay. Chairman Skeffington said he does not want to disrupt anyone with a reservation. Commissioner Gilgun said the licenses expire on January 1 if the commission does not vote to renew them. Chairman Skeffington said the commission could approve the licenses contingent upon the submission of any missing paperwork. Motion made by Commissioner Pappalardo and seconded by Commissioner Gilgun to grant the 2023 liquor, innkeepers, entertainment, and amusement licenses contingent upon any outstanding paperwork; approved, 3-0.
- 9. Approval of meeting minutes from November 17, 2022:** Motion made by Commissioner Pappalardo and seconded by Commissioner Gilgun to approve the minutes from the meeting of November 17, 2022; approved, 3-0.

10. **Any other matters that may be legally before the Commission:** Chairman Skeffington asked if any of the commissioners have conflicts with meetings on January 19, 2023, February 16, 2023, and March 16, 2023. There were no objections from Commissioners Pappalardo and Gilgun. Motion made by Commissioner Pappalardo and seconded by Commissioner Gilgun to approve the aforementioned dates for the commissioner's next three meetings; approved, 3-0. Chairman Skeffington wished everyone a Happy Holiday season. He thanked the City Council members for their support, which he said means an awful lot. He said the commission will definitely be in touch about the ordinance changes that were discussed earlier in the meeting. He also thanked William "Lefty" Johnson for the holiday cards that he submitted to the members of the commission.

11. **Motion made by Commissioner Pappalardo and seconded by Commissioner Gilgun to adjourn; approved, 3-0.** Chairman Skeffington adjourned the meeting at 7:29 p.m.

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