



Licensing Board
TOWN OF WATERTOWN
ADMINISTRATION BUILDING
149 Main Street
Watertown, Massachusetts 02472
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BOARD MEMBERS

DONNA B. DOUCETTE
SANDRA KASABIAN HOFFMAN
STEVEN W. AYLWARD

ALTERNATE MEMBER

Minutes February 21, 2019

ACCEPTANCE OF MINUTES

SPECIAL LICENSES:

1. Belmont-Transmissions, Auto Repair & Towing, LLC Approved 3-0
174 Belmont Street
Auto Repair License

2. Taha Grill, Inc. d/b/a Jana Grill & Bakery Approved 3-0
2 Watertown Street
All Alcoholic Common Victualer License

3. Yogi Resources Inc. Approved 3-0
218 Waverly Ave
Alteration of Premise

4. Maslow Restaurant Concepts, Inc. d/b/a Strip T's Restaurant
93-95 School Street Continued to March 21, 2019
Status Hearing

5. Halfway Café, Inc d/b/a Halfway Café 1 Day Suspension
392-394 Main Street
Show Cause Hearing

Start: 7:15PM
End: 9:00PM

Donna B. Doucette, Chairman

Present: Donna B. Doucette, Sandra Kasabian Hoffman, Steven W. Aylward

Belmont-Watertown Transmissions, Auto Repair and Towing, LLC
174 Belmont Street
Watertown, MA 02472

The Watertown Licensing Board met to consider the application of Belmont-Watertown Transmissions, Auto Repair and Towing, LLC for a motor vehicle repair license to be exercised at 174 Belmont Street.

Joseph Arria, manager of the LLC, appeared in support of the application. Mr. Arria stated that he has worked at the business since 1997. His father opened the business in 1979 but is now retiring. Mr. Arria formed the LLC for the purpose of taking over operation of the business. He explained that there will be no change in the manner of operations.

The Health Department reported that it had no objection to the granting of the requested license.

Sergeant Grady stated that the Police Department had no objection to the granting of the requested license, provided that the conditions stated below were imposed.

The Licensing Board voted unanimously to grant the requested motor vehicle repair license, subject to the following conditions:

1. The description of the licensed premises is as follows: first floor office, 400 square feet; ramp to basement level, 700 square feet; one story building at 174 Belmont Street, including 5,600 square feet used for auto repair.
2. The number of vehicles allowed shall be 19, 9 inside and 10 outside, as presented on the plan submitted (plan entitled "Certified Plot Plan #174 Belmont Street in Watertown, MA (Middlesex County)" dated 9/18/2018 by Rober Survey).
3. The hours of operation shall be 7:00 a.m. to 7:00 p.m. Monday through Friday, and 8:00 a.m. to 5:00 p.m. on Saturday.
4. All deliveries and transfer of vehicles shall be made on the property and not on the public way.
5. No alcoholic beverages shall be allowed on the premises.
6. The property located at 174 Belmont Street shall be maintained by the licensee in accordance with all Town ordinances.

Taha Grill, Inc.
d/b/a Jana Grill & Bakery
2 Watertown Street
Watertown, MA 02472

The Watertown Licensing Board met to consider the application of Taha Grill, Inc. d/b/a Jana Grill & Bakery for an All Alcohol Common Victualer License to be exercised at 2 Watertown Street. [The alcohol license requested is one of the additional licenses authorized by special act of the Legislature, Chapter 73 of the Acts of 2016.]

Attorney Ken Leitner appeared on behalf of the applicant. Attorney Leitner stated that the restaurant has been in operation since 2017. It is looking to keep pace with its restaurant competition and would like to offer alcohol service. No changes to the premises are proposed. The site includes seven coolers and 42 seats. Attorney Leitner stated that Suren Keryan, the manager, is present on-site all the time, and that Moe Taha, treasurer of Taha Grill, Inc., is also on the premises regularly. He added that both Mr. Keryan and Mr. Taha are TIPS certified.

Sgt. Grady stated that the Police Department had no objection to the granting of the license, provided that the conditions stated below in items 1 - 6 were imposed.

The Health Department reported that the applicant has a permit to operate a food service establishment, and the Zoning Enforcement Officer reported that there may be no increase in the number of seats beyond existing conditions unless reviewed and approved by the Zoning office.

The Licensing Board voted unanimously to grant an All Alcohol Common Victualer License, subject to the following conditions:

1. The description of the licensed premises is as follows: 1,696 square foot interior space with main entrance located on Watertown Street, two rear exits, two handicap accessible bathrooms, kitchen, and basement for storage.
2. Hours of operation shall be Sunday through Thursday 5:30 a.m. to 11:00 p.m., Friday and Saturday 5:30 a.m. until 12 midnight. No alcohol shall be sold or consumed before 11:00 a.m. Monday through Saturday or before 12 noon on Sunday.
3. The number of seats shall be no more than 42, as shown on the plan submitted (plan entitled "4 Watertown Street Watertown MA Wine & Beer Serving" dated 7/17/18 by NorDesign & Build LLC Architects, sheet A-4).
4. The owner/manager, Suren Keryan, and all servers employed by the licensed establishment shall attend and successfully complete an alcohol awareness training program (e.g., TIPS) immediately upon hire or expiration of certification.

5. Copies of all alcohol awareness training certifications shall be maintained by the licensee and reviewable upon request.
6. The property located at 2 Watertown Street shall be maintained by the licensee in accordance with all Town ordinances.
7. There shall be no increase in the number of seats unless reviewed and approved by the Zoning office.

Yogi Resources, Inc.
218 Waverley Avenue
Watertown, MA 02472

The Watertown Licensing Board met to consider the application of Yogi Resources, Inc. for approval of an alteration of its premises at 218 Waverley Avenue licensed for wine and malt package goods store sales.

Yogendrakumar Vyas, president, appeared in support of the application. Mr. Vyas explained that the owner of the premises is changing the glass panels at the storefront, to improve its appearance, but that there will be no interior changes. He added that he understood that after the work is done the owner may consider other renovations to the premises.

The Health Department reported that it had no objection to the proposed alteration.

Sgt. Grady stated that the Police Department had no objection to approval of the alterations, provided that the conditions stated below were imposed.

The Licensing Board voted unanimously to approve the alteration of premises, as described below, subject to the following conditions:

1. The description of the licensed premises is as follows: single story building with approximately 2,160 square feet of retail space in a strip of single-story retail stores, with two entrances/exits on the Waverley Avenue side of the building and emergency exit in the rear.
2. All other conditions of the license shall remain in place.

Maslow Restaurant Concepts, Inc.
d/b/a Strip T's Restaurant
93-95 School Street
Watertown, MA 02472

The Watertown Licensing Board has continued its hearing on the status of the All Alcohol Common Victualer License previously exercised by Maslow Restaurant Concepts, Inc. d/b/a Strip T's Restaurant at 93-95 School Street. Pursuant to the terms of the Board's renewal of the license for 2019, an initial status hearing was held on February 21, 2019. At that time Mr. Paul Maslow, president, appeared and stated had had accepted an offer for purchase of the license in December, contingent upon the purchaser entering into a lease at the Arsenal Yards development, and that the lease was being negotiated. He explained that the prospective purchase has a letter of intent with the developer.

The continued hearing on this application will be held on March 21, 2019 at 7:15 p.m. in the Philip Pane Hearing Room, Administration Building, 149 Main Street, Watertown, MA.

Halfway Café, Inc.
d/b/a Halfway Cafe
193 East Street
Dedham, MA 02026
Attention: John Grasso

The Watertown Licensing Board held a show cause hearing, on the application of the Watertown Police Department, concerning alleged violations of G.L. c.138 (the Liquor Control Act) on October 12, 2018 on the premises at 392-394 Main Street, Watertown licensed for all alcohol common victualer service, to wit:

1. Sale or delivery to an intoxicated person, in violation of M.G.L. c. 138, § 69.
2. Improper management, in violation of M.G.L. c.138, § 23 for:
 - a.) Allowing the over service of an alcoholic beverage.

John Grasso, president, and Kelly Forsyth, general manager, appeared on behalf of the licensee. Sgt. Grady testified and reported the events of an incident call to the Police Department on October 12, 2018. At approximately 1:20 a.m., officers were dispatched for a reported disturbance at the licensed premises. On arrival, officers identified the male patron in question standing out in front of the restaurant. The male patron stated to officers that he had been inside the Halfway Café and had been asked to leave by staff. Officers questioned the male patron, who at the time verified he was served alcoholic beverages on the evening in question. Officers on scene observed the male patron in question to be unsteady on his feet, leaning back and forth.

Officer Rooney reported he observed an odor of an alcoholic beverage coming off the male patron's breath when speaking with him. Officer Rooney indicated the patron's speech was slurred and, at some points, he could not understand what the patron was saying. Officer Rooney reported he spoke with a witness that was present inside the establishment at the time of the incident. The witness indicated he was present when staff asked the male patron in question to leave at or around last call. The witness stated that the male patron returned a short time later and began banging on the front door and window of the Halfway Café. The male patron stated that he was looking for his cell phone. The witness stated that the male patron was screaming extremely loudly while banging on the door, causing a disturbance. Officer Rooney made contact with the reported manager on duty for the evening in question, Ms. Sarah Schofield. Ms. Schofield reported to officers that the male patron in question had entered the establishment at approximately 10:16 p.m. Ms. Schofield reported the male patron was served and consumed three Brooklyn Lager pints and was not served any food at that time. The first alcoholic beverage was served at approximately 10:16 p.m., the second pint was served and/or recorded at 11:58 p.m., and the third pint was served and or recorded at 12:43 a.m. Based on the officers' observation of the male patron and the obvious signs and symptoms of intoxication and incapacitation, the male patron was placed in protective custody for his safety. The male patron was offered the opportunity to take a Portable Breath Test after completion of the administrative booking process. PBT Test # 399 recorded a result of 0.183 blood alcohol content (BAC). Sgt. Jeffrey Pugliese arrived on scene and assisted officers with their investigation of the licensed premises. Sgt. Pugliese reported that in his opinion the Halfway Café staff did not show due diligence in monitoring the patron in question and over-served him on the evening in question.

Sgt. Grady also offered the live testimony of Officer Kyle Rooney, who testified as follows: he detected an odor of alcohol on the patron's breath, and the patron was unsteady on his feet and had slurred speech. A witness reported the patron was asked to leave the premises because he was intoxicated, but he later returned and banged on the door and screamed. Officer Rooney spoke to the manager on duty, who stated that the patron was served alcohol, but no food. Officer Rooney identified the receipts generated for the three pints of beer served. He determined that the patron was not able to care for himself at the time in question, and the patron gave multiple addresses when questioned regarding his residence.

Mr. Grasso cross examined Officer Rooney, who further testified that the witness he spoke to was a Mr. Helberg, and that he had not spoken to the witness regarding earlier observations of the patron, only the sequence of events regarding the patron being asked to leave.

Ms. Forsyth testified that after the patron was asked to leave, he was away from the premises for about 25 minutes.

In response to a question from the Board, Ms. Forsyth stated that she and Mr. Grasso were not aware that the restaurant had had any prior dealings with the patron in question. Mr. Grasso stated that if a patron has more than three drinks, staff puts a menu in front of the person. He commented that he did not find three beers in 2.5 hours to be excessive. Board chairman Doucette noted that a person's susceptibility to intoxication can vary based on metabolism and

other factors. The Board further noted that no staff member from the premises on duty that night was available for questioning by the Board, or for follow-up investigation by Sgt. Grady.

Mr. Grasso stated his business had been operating in Watertown for close to 24 years, and that he had a pretty clean record. He noted that after an incident with a patron in 2018, he brought in a more experienced manager and hired new bar staff who had substantial prior experience. He asserted that the patron in question showed no signs of intoxication while being served at the premises, and stated he did not know where the patron went for the half hour he was gone, and he did not know what the patron may have been carrying in the backpack he had with him. He explained that the patron had forgotten his phone and returned to the premises to retrieve it, and that is when the staff called the police. He added that the witness questioned by the police did not say the patron showed signs of intoxication, and stated that if the patron had initially arrived at the premises intoxicated, he would have shown signs of that during the two hours he was there.

Sgt. Grady further testified that he had called the manager in question, Sarah Schofield, several times after the incident, but could not obtain information from her.

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When asked by the Board, Sgt. Grady reported that the most recent incident at the premises had been in October of 2017, involving service of an intoxicated person.

The Licensing Board unanimously found that the violation of sale or delivery to an intoxicated person, as alleged, had occurred and voted to impose a one-day suspension. In addition, the Board voted to direct the licensee to inform the Board regarding efforts it has taken to address practices and procedures for staff responses to inquiries from the Police Department.

The Licensing Board offered the licensee the opportunity to choose the date the suspension would be served if the licensee chose to waive its right of appeal. Mr. Grasso stated that the licensee would serve the suspension and would waive the right to appeal to the Alcoholic Beverages Control Commission, and that the licensee would designate the date the suspension would be served by subsequent notice to the Board. Mr. Grasso subsequently telephoned the Police Department to report that the suspension would be served on Thursday, February 28, 2019.