

9. Burnham-Manning Post #1105 VFW of US, Inc.
295 Arsenal Street
Show Cause Continued to October 15, 2015

10. Stephen M. Boyce
Hackney Operator
Show Cause

11. Dino K. Spahillari
Hackney Operator
Show Cause

Present: Donna B. Doucette, George Newman, Sandra Kasabian Hoffman

1. Minutes from the August 20, 2015 hearing were approved by the Licensing Board.
2. The following Special Licenses and Permits were approved by the licensing board:
Commander's Mansion, 440 Talcott St
Oct. 1, 2015 Ecologic Development 6:30 PM – 9:30 PM
Oct. 23, 2015 Revels, Inc. 7:00 PM – 10:00 PM
Nov. 20, 2015 Revels, Inc. 7:00 PM – 10:00 PM
Watertown Boys & Girls Club, 25 Whites Ave.
Nov. 1, 2015 12th Annual Road Race 8:00 AM – 12:00 Noon
3. Nexdine, LLC
d/b/a Riverworks Café
480 Pleasant Street
Watertown, MA 02472

The Watertown Licensing Board met to consider the application of Nexdine, LLC d/b/a Riverworks Café for a common victualler license to be exercised at 71 Elm Street. The matter had been continued from August 20, 2015.

Dawn Sajdyk, manager, appeared in support of the application. Ms. Sajdyk explained that the licensee will operate a corporate café for tenants of the Watertown Holdings, LLC Riverworks office site. She indicated that the applicant will provide lunch and breakfast as well as some catering for tenants of the building. She also indicated that she had completed the Health Department review process.

The Building Department and Fire Department reported that it did not have any comments at this time.

The Health Department reported that the applicant has completed the food plan review application and has obtained a Food Service Operation Permit.

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

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

1. The hours of operation shall be 7:00 a.m. to 2:00 p.m. Monday through Friday.
2. The licensed premises shall be as shown on the plan on file with the Town Clerk's Office ("Project: 480 Pleasant St Watertown, MA" dated 3/21/2012 by United Restaurant Equipment Co., Inc. and the number of seats shall not exceed 60.
3. There shall be no alcoholic beverages on the licensed premises.

4. Boilerplate, LLC
d/b/a Branch Line
311 Arsenal Street, Building 312
Watertown, MA 02472

The Watertown Licensing Board met to consider the application of Boilerplate, LLC d/b/a Branch Line for a change in d/b/a name from Boilerplate to Branch Line for the common victualler license to be exercised at 311 Arsenal Street, Building 312.

Attorney Robert Dunkless appeared in support of the application, together with Andrew Holden, manager. Attorney Dunkless stated that in performing further research about the location of the licensed premises, the licensee determined that a branch line of the MBTA's Green Line formerly serviced the area, which prompted the change in name.

Attorney Dunkless reported that the premises are still under construction and that the licensee is in the process of obtaining Health Department approval for a Food Service Operation Permit.

The Health Department reported that the applicant needs to submit a change of d/b/a on the Health Department's Food Establishment Plan Review Application. The applicant also needs to comply with the Health Department provisions to receive a Food Service Operation Permit, including the completion of a Food Establishment Plan Review Application and pre-operation inspection.

The Building Department and Zoning Officer had no comments at this time.

Sergeant Grady stated that the Police Department has no objection to the change of d/b/a provided that the stipulations on the previously issued license remain the same.

The Licensing Board voted unanimously to grant the requested change in d/b/a, subject to the following conditions:

1. All stipulations on the previously issued common victualler license shall remain the same.
5. TFS Newco, LLC
d/b/a Tedeschi Food Shops #37341
14 Howard Street
Rockland, MA 02370

The Watertown Licensing Board met to consider the application of TFS Newco, LLC d/b/a Tedeschi Foods Shops #37341 for a 24-hour Opening License and Sale of Food at Retail License to be exercised at 164 Main Street.

Mr. Terry Bowden, vice president, Michael Sullivan, store manager and another representative of TFS Newco, LLC appeared in support of the application. The applicant reported that the assets of Tedeschi Food Shops were purchased on or about August 24, 2015, and Tedeschi is now a wholly owned subsidiary of Seven-Eleven, which is why the applicant has filed these applications with the Licensing Board.

The applicant further informed the Board that the store's operation will essentially remain the same, although in the future the store may be remodeled. At the present time, there are no plans in place to either remodel the store or to change the name to Seven-Eleven.

Sergeant Grady stated that the Police Department has no objection to the issuance of the requested licenses provided that the stipulations on the previously issued licenses remained the same.

The Licensing Board voted unanimously to grant the requested licenses, subject to the following conditions:

1. All stipulations on the previous licenses issued for the premises shall remain the same.
 2. The applicant shall comply with the Health Department provisions to obtain a Retail Food Operation Permit and Tobacco and Nicotine Delivery Products Sales Permit, including the completion of a Food Establishment Plan Review Application and pre-operation inspection.
6. Tarinee, Inc.
d/b/a J. Dee Asian Bistro
57 Dexter Road
Lexington, MA 02402

The Watertown Licensing Board met to consider the application of Tarinee, Inc. d/b/a J. Dee Asian Bistro for approval of a transfer to it of the wine and malt common victualler license exercised at 92-98 Main Street by Upper Crust Pizza, and for a new common victualler license to be exercised at 92-98 Main Street.

Attorney Christopher Coleman appeared in support of the application, along with Tarapong “Tony” Hongsamat, the owner of Tarinee. Attorney Coleman stated that Mr. Hongsamat will operate a restaurant specializing in Thai cuisine and sushi in the space formerly occupied by Upper Crust Pizza. The floor area will remain unchanged.

Mr. Hongsamat has previous experience as an owner/operator of this type of restaurant, as he owned and operated a similar restaurant outside of Cleveland, Ohio for approximately seven years. He also worked in the food service industry in Massachusetts from 2004 to 2007.

Mr. Hongsamat intends to employ five persons, including two full time employees and will provide TIPS training on site.

The Zoning Officer reported that there should be no increase in the number of seats from the previous license without zoning approval.

The Building Department and Fire Department had no comments at this time.

Sergeant Grady stated that the Police Department had no objection to the issuance of the license provided that the below condition nos. 2 and 3 were imposed. Sergeant Grady also reported that the Police Department had no objection to hours of operation from Monday through Sunday 11:00 a.m. until 11:00 p.m., which were the hours discussed with the applicant. Sergeant Grady was unable to provide a Police Department recommendation regarding a 12:00 a.m. closing time as it had not been considered by the Department.

The Licensing Board determined that the hours of operation for alcohol service, with the exception of Sundays, should be consistent with the hours of operation for the exercise of the common victualler license and did not find that an additional hour beyond what was reviewed and recommended by the Police Department would have any significant negative impact on the area.

The Licensing Board voted unanimously to approve the requested transfer and to grant a new common victualler license, subject to the following conditions:

1. The hours of operation shall be Monday through Sunday, 11:00 a.m. to 12:00 a.m. However, no alcoholic beverages shall be served on Sundays.
 2. The seating capacity shall be 34 as shown on the plan submitted (sketch plan entitled "J. Dee Asian Bistro 94 Main Street Watertown, MA") filed with the Town Clerk's Office on August 10, 2015.
 3. The new owner/manager, Tarapong Hongsamat, shall ensure that all bartenders and servers attend and successfully complete an alcohol awareness training program (e.g., TIPS) within 90 days of hire or expiration of certification. Copies of all certifications shall be forwarded to the Town Clerk's office.
 4. The applicant shall comply with the requirements of the Health Department regarding a Food Service Operation Permit, including the completion of a Food Establishment Plan Review Application and pre-operation inspection.
7. Power Café, LLC
d/b/a Power Café
209 Winchester Street
Brookline, MA 02446

The Watertown Licensing Board met to consider the application of Power Café, LLC d/b/a Power Café for a common victualler license to be exercised at 45 Lexington Street.

Ms. Galit Schwartz, the owner/operator, appeared in support of the application. Ms. Schwartz stated that she is the president and founder of the Power Cafe, which is a bakery and coffee shop that is intended to create employment opportunities and an inclusionary atmosphere for persons with disabilities. She intends to make changes to the layout of the premises in order to improve accessibility, which will likely result in fewer seats than the number approved.

The Building Department and Fire Department had no comments at this time.

The Zoning Officer reported that there shall be no increase in the number of seats from the previous license for the premises without zoning approval.

The Health Department reported that the applicant is currently engaged in the permit review process to receive a Food Service Operation Permit.

Sergeant Grady stated that the Police Department has no objection to the issuance of the license provided the below conditions no. 1-3 were imposed.

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

1. The hours of operation shall be Sunday through Saturday, 6:00 a.m. to 10:00 p.m.

2. The licensed premises shall not exceed 1,200 square feet, and the maximum seating capacity shall be 48 as indicated on the plan submitted (graphic floor plan filed with the Town Clerk's Office on August 10, 2015).
 3. There shall be no alcoholic beverages on the premises.
 4. The applicant shall comply with the requirements of the Health Department regarding a Food Service Operation Permit.
8. Not Your Average Joe's, Inc.
55 Main Street
Watertown, MA 02472

The Watertown Licensing Board met to consider the application of Not Your Average Joe's, Inc. for a change of manager for the premises located at 55 Main Street licensed for All Alcohol Common Victualler service.

Mr. Guy Hinkson, the proposed new manager, appeared in support of the application. Mr. Hinkson stated that he has 17 years experience in the food service industry, including 15 years in management. He has been employed for six years with Not Your Average Joe's, Inc. He worked at the Watertown location approximately two years ago and is currently working at the Needham location.

The Building Department, Fire Department, Zoning Officer and Health Department had no comments.

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

The Licensing Board voted unanimously to grant the request for a change of manager, subject to the following conditions:

The new manager, Guy Hinkson, shall ensure that all bartenders and servers attend and successfully complete an alcohol awareness training program (e.g., TIPS) within ninety (90) days of hire or expiration of certification. Copies of all certifications shall be forwarded to the Town Clerk's Office.

All stipulations on the existing license shall remain the same.

9. Burnham-Manning Post #1105 VFW of U.S., Inc.
295 Arsenal Street
Watertown, MA 02472

The Watertown Licensing Board held a status hearing on the matter of your compliance with Chapter 138, Section 1 of the General Laws, which requires a club licensee to file with the local licensing authorities and the Alcoholic Beverages Control Commission annually, within three months after January first, a list of the names and residences of its officers, together with the amount of salary or compensation received by each employee engaged in the handling or selling of alcoholic beverages. The hearing was scheduled after a status hearing on August 20, 2015, which followed a decision of the Licensing Board on May 21, 2015, following a show cause hearing, that a violation of the filing requirement had occurred. At the August 20, 2015 hearing, the Licensing Board voted to take the following action:

If the required papers are not filed with the licensing board by September 17, the board will take further action under the show cause proceedings and consider suspension or revocation on the license.

Further, the Licensing Board voted to continue the matter to September 17, 2015.

At the continued hearing on September 17, 2015, Attorney Ken Leitner appeared on behalf of the licensee, along with Derek Mayerhoffer, interim post commander. Attorney Leitner stated that the licensee has filed annual reports with the Secretary of State's Office and is currently awaiting a Certificate of Good Standing from the Department of Revenue, which he will provide to the Town Clerk's Office. He also informed the Licensing Board that he has filed some of the required documentation and will file a list of the names of all servers with the Licensing Board forthwith.

The Licensing Board expressed concern with what appears to be a vacuum in leadership at the Post, which counsel acknowledged is an issue that he is working with the Post to correct.

The Licensing Board voted to continue the hearing until October 15, 2015 at 7:15 p.m. in the Philip Pane Hearing Room, Administration Building, 149 Main Street, Watertown, MA.

10. Mr. Stephen M. Boyce
403 River Street, Apt. #14
Waltham, MA 02453

The Watertown Licensing Board held a Show Cause Hearing on the Watertown Police Department's suspension of Taxi Operator's License No. 34, issued by the Town of Watertown to you, based upon an incident that occurred on or about August 24, 2015.

Sergeant Grady read Watertown Police Department Report No. 15-16472-OF into the record, which set forth in detail the circumstances of and investigation into a physical altercation that occurred between Mr. Boyce and Dino Spahillari, both of whom are employed by Watertown Taxi, on August 24, 2015.

Mr. Boyce appeared at the hearing. He stated that the facts contained in the Police Report were accurate, and that he wanted to move on with his life and return to work. He apologized to the Town, the Police Department and Mr. Spahillari for his actions. He informed the Licensing Board that he was embarrassed by this incident and that no further incidents like this will occur in the future.

Sergeant Grady stated that the Police Department did not have any objection to the reinstatement of the license, provided that a one-year probationary period was imposed.

The Licensing Board voted unanimously to reinstate Taxi Operator's License No. 34, subject to a one-year probationary period. If there are no further incidents within one year of September 17, 2015, the license will be reinstated in full.

11. Mr. Dino K. Spahillari
63 Carey Avenue, Apt. #7
Watertown, MA 02472

The Watertown Licensing Board held a Show Cause Hearing on the Watertown Police Department's suspension of Taxi Operator's License No. 54, issued by the Town of Watertown to you, based upon an incident that occurred on or about August 24, 2015.

Sergeant Grady read Watertown Police Department Report No. 15-16472-OF into the record, which set forth in detail the circumstances of and investigation into a physical altercation that occurred between Mr. Spahillari and Stephen Boyce, both of whom are employed by Watertown Taxi, on August 24, 2015.

Mr. Spahillari appeared at the hearing. He stated that he had no real memory of the incident, which began after he confronted Mr. Boyce concerning comments that he believed Mr. Boyce had made about him. Mr. Spahillari informed the Licensing Board that he suffered a broken nose, which requires surgery to correct, a broken wrist and an injury to his other hand. He stated that he is not a "street fighter" and that he was not interested in pursuing disciplinary action against Mr. Boyce that would prevent him from working as a taxi driver.

The Licensing Board expressed some concern that Mr. Spahillari, not Mr. Boyce, was the aggressor in the incident and seemed reluctant to put the incident behind him.

Sergeant Grady stated that the Police Department did not have any objection to the reinstatement of the license, provided that a one-year probationary period was imposed.

The Licensing Board voted unanimously to reinstate Taxi Operator's License No. 54, subject to a one-year probationary period. If there are no further incidents within one year of September 17, 2015, the license will be reinstated in full.

12. The licensing board clerk read into the record a letter from the owner, Xio Chen, of Cuisine Factory, Inc. d/b/a Wonder Bar that they have changed the dba to Home Taste.