



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

TEL. (617) 972-6486
FAX (617) 972-6595

BOARD MEMBERS
DONNA B. DOUCETTE
GEORGE B. NEWMAN

ALTERNATE MEMBER
SANDRA KASABIAN HOFFMAN

Minutes March 17, 2016

1. ACCEPTANCE OF MINUTES: On the April 21, 2016 Minutes
2. Special Licenses (see below)
 - a. Watertown – Belmont Chamber of Commerce @ Vanasse Hangen Brustlin
101 Walnut St. Approved 3-0
3. Miller’s Ale House, Inc. d/b/a Miller’s Boston Ale House
617 Arsenal Street
Show Cause Letter of Warning
4. Archon, Inc. d/b/a Conley’s Pub & Grille
160-168 Belmont Street
Show Cause Continued to May 19, 2016
5. Burnham-Manning Post #1105 VFW of U.S., Inc.
295 Arsenal Street
Continued from January 21, 2016 Concluded 3-0
6. GoBeers, Inc. d/b/a Go Beers
23 Elm Street
Continued from February 25, 2016 Continued to April 21, 2016
7. Rules and Regulations Regarding the Issuance of
“Bring Your Own Bottle. Approved 3-0
8. Comments by Board Clerk and Police Department

7:20 PM to 10:30 PM

Donna B. Doucette, Chairman

Present: Donna B. Doucette, George B. Newman, Steven W. Aylward, Sandra Kasabian Hoffman (Alternate)

Sitting on decisions: Donna B. Doucette, George B. Newman, Sandra Kasabian Hoffman

As newest Board member, Mr. Aylward requested that Ms. Kasabian-Hoffman act in his stead until he becomes more familiar with the regulations and procedures.

1. Minutes from the February 18, 2016 hearing were unavailable.
2. The following Special Licenses and Permits were approved by the licensing board 3-0:
 - a. Watertown – Belmont Chamber of Commerce @ Vanasse Hangen Brustlin
101 Walnut St.
3. Burnham-Manning Post #1105 VFW of U.S., Inc.
295 Arsenal Street
Watertown, MA 02472

The Watertown Licensing Board held a continued show cause status hearing on the matter of the 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 (ABCC) 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 previously continued from October 15, 2015 to November 19, 2015, to January 21, 2016 and then to March 17, 2016.

Attorney Ken Leitner appeared on behalf of the licensee, together with Derek Mayerhoffer, interim post commander. He reported that there had been a mathematical error in the documentation relating to the club alcohol taxes owed for 2013 and 2014, the payment of which is a requirement for issuance of a certificate of good standing from the Department of Revenue. The sales amount had been overstated, resulting in the amount owed being overstated and this delayed the process, but the amount owed was paid on March 14. For meals tax, all amounts owed have been paid. Attorney Leitner stated he expected to receive a certificate of good standing within two weeks.

Attorney Leitner also reported there are two potential new board members, from among the club's active members. The annual meeting currently takes place in May. Board chairman Doucette suggested the club might want to change that to a March date, in order to comply with officer names filing requirement. Attorney Leitner responded that the club could do that.

Based on the information presented, the Licensing Board voted to deem the show cause issues satisfied by the licensee, and concluded the hearing. The Post was reminded that they must now file the appropriate forms with the state for the current year.

4. GoBeers, Inc.
d/b/a Go Beers
23 Elm Street

Watertown, MA 02472

The Watertown Licensing Board has continued its hearing on the application of GoBeers, Inc. d/b/a GoBeers for a Wine and Malt Package Goods Store License to be exercised at 23 Elm Street. The continued hearing will be held on April 21, 2016 at 7:15 p.m. in the Philip Pane Hearing Room, Administration Building, 149 Main Street, Watertown, MA.

5. Miller's Ale House, Inc.
d/b/a Miller's Boston Ale House
617 Arsenal Street
Watertown, MA 02472

The Watertown Licensing Board held a show cause hearing on a complaint of the Watertown Police Department alleging a violation of G.L. c.138 (the Liquor Control Act) on December 13, 2015 at the premises located at 617 Arsenal Street licensed for all alcohol common victualler service, to wit: improper management of the licensed premises in violation of G.L. c.138, §23.

Attorney Timothy Perry appeared on behalf of the licensee, together with general manager John McCazzio, Charlene Doyle – the proposed successor manager, Ray Holden – president and chief operating officer, Tom Archer – vice president and general counsel, and Anthony Rovet – vice president of northeast operations.

Sgt. Grady summarized the contents of Watertown Police Department reports for events of December 13, 2015. At approximately 1:00 a.m., officers responded to a call of a report of a fight at the parking garage adjacent to the licensed premises. They stopped a car with five male passengers, two of whom had injuries and were bleeding and who reported that there had been a fight at the UFC pay-per-view event held at the restaurant that evening. Upon inquiry, the officers learned there had been an incident inside the premises between two male patrons, and the staff had separated them and escorted one of the men outside. Subsequently, a fight broke out in the parking garage and the staff called the Police Department. During investigation at the scene, officers identified weapons present, including a baton and machete. The manager, Mr. McCazzio stated to the officers that he had not called the police at the time of the first altercation because the staff had been able to handle the incident. Sgt. Grady stated that alcohol over-service did not appear to be an obvious factor leading to the incidents, but that the Police Department found that there was no proper notification of the initial incident, as required by the Licensing Board's Rules and Regulations. [Section IV.A.1.b of the regulations provides that it is the responsibility of the manager to: "Notify the police of any disturbance or illegal activity on the licensed premises of which he becomes aware."]

Attorney Perry questioned Sgt. Grady, who stated that the licensee had cooperated with the Police Department in investigation of the incident, had provided surveillance video and has been cooperative with the police on compliance issues in the past. Sgt. Grady also testified that there is a criminal matter pending in connection with the events of the evening in question so police reports are not available to the licensee. He stated that witnesses reported that the initial, interior altercation included punching and swinging; he had not observed punches thrown in the surveillance video he viewed, but did not watch all of the video and had been told that the fighting was not captured on the camera view. It was Sgt. Grady's understanding that after patrons left the restaurant following the first incident, business returned to normal. The time of the manager's call to the Police Department to report the outside altercation was 12:59 a.m., and officers arrived about four minutes later.

The manager, Mr. McCazzio, was questioned by Attorney Perry and stated he has eight years of experience with Miller's Ale House, four in Watertown and four at other locations. He is ServSafe, TIPS and crowd control certified. Mr. McCazzio was on duty on the night in question, and submitted a timeline he had constructed from watching the surveillance video. He stated there had been about 45 prior UFC pay-per-view events at the restaurant without incident or police involvement. On December 13, last call was moved up from 12:30 a.m. to 12:15 a.m. At 12:45 he saw a fast walking patron who became involved in a confrontation with another patron. Mr. McCazzio stepped between the men and escorted the louder man and his companions out of the restaurant. He stated that the staff did not report any punches thrown, and that he had not seen any. Broadcast of the main UFC bout began at 12:54 a.m., but the contest lasted only one minute. Mr. McCazzio then turned on the lights, turned off the TV's and went to the front door. At 12:59 a.m. a patron informed him of a fight outside; he went to the scene and called 911.

In response to questions from the Board, Mr. McCazzio stated he had seen no punches thrown during the 12:45 a.m. incident, and that the surveillance video did not show the man who was escorted out. He did not speak to the bartenders during the time between the two incidents. The man who was escorted out was taken to the rear door, by the restrooms.

Sgt. Grady reported that the licensee did have a show cause incident when the restaurant first opened, but has since had a good relationship with the Police Department. The Department recommended a letter of warning be issued as a result of the violation.

Mr. Holden stated he had attended the hearing to show that Miller's takes the matter seriously. The restaurant policy in the event of an incident is to engage with the customers and try to handle it, but if that cannot be done to call the police. He reported that a new 360 degree surveillance camera system would be installed at the premises, and that the restaurant would test earlier closing hours for Sunday through Thursday. For now, pay-per-view events have been stopped; if the restaurant resumes such events it will hire police officers for security.

The Licensing Board unanimously found that the violation of improper management had occurred. The Board unanimously voted to issue a letter of warning on account of the violation.

6. Archon, Inc.
d/b/a Conley's Pub & Grille
160-168 Belmont Street
Watertown, MA 02472

The Watertown Licensing Board has continued the show cause hearing on alleged violations of G.L. c. 138 at the premises licensed for all alcohol common victualler service. The continued hearing will be held on May 19, 2016 at 7:15 p.m. in the Philip Pane Hearing Room, Administration Building, 149 Main Street, Watertown, MA.

7. BYOB Regulations

The Watertown Licensing Board discussed the draft proposals and then approved "Bring Your Own Bottle" additions to the Licensing Rules & Regulations. Attorney Doneski will prepare the final version per the Board's decisions and Chairperson Doucette will insert the new regulations into an updated set of Rules & Regulations.