



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
STEVEN W. AYLWARD

ALTERNATE MEMBER
SANDRA KASABIAN HOFFMAN

Minutes May 19, 2016

1. ACCEPTANCE OF MINUTES: April 21, 2016
2. Special Licenses (See below)
 - a. Sons of Italy, Bike Run, June 5, 2016 Approved 3-0
 - b. Arsenal Center for the Arts, Gala June 7, 2016 Approved 3-0
 - c. Taxiarchae Archangels Church, Greek Festival, Entertainment, June 24,25,26 2016
 - Special License Approved 3-0
 - d. ACEC, Independence Day, June 25, 2016 Approved 3-0
 - e. St. James
 - Carnival/Festival/Entertainment, June 12, 2016 Approved 3-0
 - Special Alcohol License June 12, 2016 Approved 3-0
 - f. St. Stephen's , Fundraiser June 18, 2016 Approved 3-0
1. GoBeers, Inc. d/b/a goBeer Denied
23 Elm Street
Transfer of Wine & Malt Package Goods Store License
2. BYOB Permit
 - Farmers Market Kitchen, 222 Arsenal Street Approved 3-0
3. a. Carr's Ciderhouse Approved 3-0
295 River Drive, Hadley MA 01035
Farm Winery Permit at Watertown Farmer's Market
- b. Relish Management, LLC Approved 3-0
P.O. Box 47, Somerville, MA 02143
Entertainment License at Watertown Farmer's Market
4. Jalapeno Enterprise, Inc. d/b/a Ixtapa Mexican Grill& Cantina Approved 3-0
18 Mt. Auburn Street
Extension of License to Include Sunday
5. MGE Holding Co. Inc. Approved 3-0
610 Pleasant Street
Open Air Parking Space License
6. Madison Limousine Services, LLC Approved 2-1
433 Main Street
Livery/Limousine License

7. AVR Plus, Inc. d/b/a Alpha Omega Auto Body of Watertown Approved 3-0
 106R Pleasant Street
 Auto Repair with Auto Body License
 Class II Auto Dealer License
8. Archon, Inc. d/b/a Conley's Pub & Grille Letter of Warning
 160-168 Belmont Street
 Show Cause
11. Shuttle/Jitney Renewals Expires 4/30 1 vehicle Approved 3-0
 1. The Escort Limousine Corporation d/b/a Escort Limousine & Atlantic Coach
12. Spring Renewals
- | | | |
|----|---|--------------|
| 4 | Second-Hand Dealer License expires 6/1 | Approved 3-0 |
| 52 | Auto Repair License expires 6/1 | Approved 3-0 |
| 10 | Open-Air Parking Space License expires 5/31 | Approved 3-0 |
| 2 | Letting out of Motor Vehicles License expires 6/1 | Approved 3-0 |

7:30 PM to 11:05 PM

Donna B. Doucette, Chairman

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

GoBeers, Inc.
D/b/a Go Beers
23 Elm Street
Watertown, MA 02472

The Watertown Licensing Board met to consider 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 hearing was continued to March 17, and then to April 21.

On May 19, Attorney Aieta offered a summary of the application, which requests a transfer of the package goods store license previously exercised at the Bemis Market site, 129 Waltham Street. The primary sales mode for the GoBeers operation is delivery to customers, who may use a mobile phone app, or computer or telephone to place orders. The app is a proprietary one, specific to the proposed location. He noted that persons who transport and deliver alcoholic beverages are subject to licensure by the state. A store front business is also proposed at the Elm Street site.

Attorney Aieta described the floor plan document included in the information packet submitted on April 19 and the mode of operation for walk-in customers. There will be a sales area, counter, and storage area at the rear portion of the building. Customers may order using the app on a handheld communications device or place an order with the store clerk, who will be TIPS certified, as will the staff loading product for customers. He confirmed that customers would not be able to browse a shelving area. Attorney Aieta noted that the photograph of the storage area in the information packet is from GoBeers' Philadelphia location, and stated that storage would be locked during non-sale hours.

Mr. Gola stated that in-store customers will be able to use a menu program on a large iPad to choose product and place an order for the clerk to retrieve. He added that this would be GoBeers' fourth alcohol license, counting Philadelphia, Washington, D.C., which is a full liquor store, and New York. In response to a question from the Board, Mr. Gola stated that sales percentages are 40% retail and 60% delivery in Philadelphia and approximately 60% retail and 40% delivery in Washington, and noted that the New York location has just recently been approved. He further explained that there would be signage on the Elm Street face of the building, and that all types of media would be used to attract customers, including a dedicated YELP website.

Attorney Aieta addressed parking, stating there are 10 spaces in front of the main entrance and 14 spaces opposite the entrance.

Mr. Gola described use of the product ordering app for delivery service, stating that when a person signs in, he or she must register as a user. The software requires entry of a birthdate and a credit card, which must match the customer's i.d. At delivery, the customer's i.d. and credit card would be scanned; if they do not match, the driver will not transfer the product and the person ordering will be assessed a 50% re-stocking fee and will also be 'black-listed' from future orders.

In response to questions from Board chairman Doucette, Mr. Gola stated that in Philadelphia most users of the app are in their late 20's. Attorney Aieta added that combining users of the companion business service, GoPuff, lowers the overall age, and stated that alcohol sales are a newer venture of the applicant's principals and will move the average age higher. Mr. Gola stated that the

business was changing the convenience shopping method. Chairman Doucette commented that the distinction is less about technology than how product is delivered.

Mr. Gola explained that the business model area is a four mile radius from the storefront location, and that persons wishing to order from a long distance location are re-directed to an e-commerce platform within the sales software. Attorney Aieta stated that every purchase must be documented and that there would be a scanner on site at the storefront.

District A Councilor Angeline Kounelis addressed the Board and stated she did not know how the Police Department would do enforcement for the type of operation proposed. Attorney Aieta responded that the ABCC has enforcement means through the delivery license process. Mr. Gola stated that a traditional store does not keep scanned i.d.'s on file for permanent access.

Sgt. Grady reported that he had walked the proposed space approximately two months prior, and that the photographs submitted show an unoccupied area. Mr. Gola stated that the beverage coolers would be in the beer and wine storage area.

Sgt. Grady stated that the Police Department recommended a denial of the application. He read a report for the record identifying the reasons for the recommendation, including:

Benefit to Town of Watertown: The proposed business does not provide a common good and/or convenience to Watertown, based on location, business model and intention; does not have a store front visible from the public way, or provide direct access for vehicles and/or pedestrians; design of the business and license is to provide alcoholic beverages and grocery delivery service to surrounding college communities.

Application Process: failure of named director of the corporation, Jeffrey Gavani, to meet and answer questions related to residency in Massachusetts, with noted contact on February 17, 2016 while he was boarding a plane to Florida with no return date and his statement that he would contact Police Department upon return. In a subsequent Conversation he offered a tax return for Massachusetts, but there was no further contact and no tax return was submitted.

Named Manager of Record – Nansi Peshtani: On May 10, 2016 Sgt. Grady spoke to Mr. Peshtani to arrange a meeting, and Mr. Peshtani stated he was in Philadelphia without a scheduled return date but would call upon returning. Mr. Peshtani called on May 13, 2016 from Philadelphia to arrange an appointment on May 17, 2016 at 3:15 pm. On May 17th at 3:17 p.m. Sgt. Grady received a phone message from Mr. Peshtani stating he was busy and requesting Sgt. Grady call him back. It was made known via phone conversations and at Board hearings that an appointment should be scheduled to discuss the business plan and the need for interviews of the director and manager of record.

Plot plan submitted unacceptable for what would be required for a retail wine and malt package goods store.

Residency of Corporate Director: Mr. Gavani is a registered voter in Florida with a mailing address in Boston (past 2 years); property owner in Largo, FL; Florida phone number on application; Massachusetts and Florida driver's licenses; Florida pleasure boat registration; currently enrolled in Harvard University Extension School (part-time) with Brighton mailing address.

Lease Requirement(s): Commercial lease submitted, # 7 Use, states lessee shall use premises only for general office, and warehouse purposes and any other uses which are authorized in writing by lessor and which comply with local zoning and not for other purposes - nothing that suggests a retail package store for sale of alcohol would be an acceptable use.

Addendum to lease, # 29 Signage, states lessee shall be allowed to install building standard signage over front of entry door subject to lessor's prior written approval; all building signage must be approved and in compliance with regulations of Watertown and State of Massachusetts. This would not account for proposed Elm Street signage advertising package store in the rear basement of 23 Elm Street.

Parking – Sgt. Grady noted the lease specifies five spaces, and continued with information in the written recommendation: the five spaces afforded the business are proposed to include two overnight parking spots for vehicles used in association with the business; not knowing how many delivery vehicles or personnel on staff will be used it cannot be determined how many spots may be accessible to patrons, forcing patrons to park in locations that may be in violation of parking restrictions and/or in violation of the lease. The rear parking lot location appears to have been designed for commercial delivery of products and supplies for Elm Street businesses, not for pedestrian travel to access the proposed business site.

Business Compliance and Controls: business model and plan was not designed to be a wine and malt package store accessible to the public for the sale of alcoholic beverages; proposed controls suggested by the applicant have not been sufficiently explained or examined with reference to prevention of sales to minors and/or intoxicated persons; inability of Police Department to accurately observe and ensure compliance where the business model would suggest the majority of sales will occur outside the city limits – almost always making license jurisdiction a factor in examining potential violations and compliance, and leaving reliance on outside agencies as maybe the only means of determining compliance. For the proposed mode of operation, there are no means or resources to manage or have oversight of the proposed exercise of the license.

Board member Newman stated that the Police Department's comments were items of concern to him as well.

Captain Rocca stated that the Police Department had serious concerns regarding the applicant and a failure to be diligent regarding issues the department had identified with the application. He noted that the Elm Street site involves a steep approach and is not a real storefront-type location. Captain Rocca added his view that the applicant had not fully described the application to the Police Department, and that where the operation would involve delivery outside Watertown there are serious jurisdictional issues with what he described as basically an on-line sales environment.

Board member Newman stated he recommended denial of the application and that he was not in favor of the concept of delivery operations outside of Watertown, for the reasons stated by the Police Department. Board member Kasabian-Hoffman stated she agreed with Mr. Newman's position for the same reasons, and that she was concerned regarding the ability of the Police Department to enforce license compliance.

Chairman Doucette stated that the potential need for the type of business proposed seemed limited; persons in other communities would be users. She observed that there is not a Watertown need to be fulfilled, but that Watertown would have an enforcement need for such a business. She further explained she saw two ways to look at the concerns expressed: an applicant may say whatever it will about an operation but not be diligent; or, from her view, there is a business model that does

not meet the public good or address a public need at this time. She also stated that physical access to the proposed premises was a concern and appeared dangerous.

The Licensing Board voted unanimously to deny the application.

KCAN, LLC
D/b/a Farmers Market Kitchen
222 Arsenal Street
Watertown, MA 02472

The Watertown Licensing Board met to consider the application of KCAN, LLC d/b/a Farmers Market Kitchen for a BYOB permit to be exercised at the applicant's restaurant at 222 Arsenal Street.

Kathleen Cook, manager, appeared in support of the application. Ms. Cook stated that since the restaurant began operation there has been a demand for higher end menu items and that availability of BYOB beer and wine would help with customers for such offerings. She explained that she is a certified alcohol manager and has 15 years' experience in the food service industry, and will ensure alcohol certification for the restaurant workers who will serve customers. The restaurant has 21 seats and no change of hours is proposed; the request is simply in aid of offering a higher end dinner experience.

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

The Licensing Board voted unanimously to grant a Bring Your Own Bottle permit, subject to the following conditions:

1. BYOB service is limited to wine and malt beverages only.
2. The hours of operation shall not exceed Monday through Friday 10:30 a.m. to 10:00 p.m. and Saturday 9:30 a.m. to 10:00 p.m.
3. BYOB service shall be limited to the hours of 12 noon until one half-hour prior to closing time.
4. Kathleen Cook shall ensure that all servers of alcoholic beverages are at least 21 years of age, successfully complete alcohol awareness training (e.g., TIPS), and demonstrate an understanding of the rules, regulations and ordinances associated with the exercise of a BYOB permit.
5. All servers of alcohol shall be properly trained in the proper resealing and bagging of partially consumed wine in accordance with the method designated in the regulations of the Alcoholic Beverages Control Commission, as stated in 204 CMR 2.18.

Carr's Ciderhouse
C/o Nicole Blum
295 River Drive
Hadley, MA 01035

The Watertown Licensing Board met to consider the application of Carr's Ciderhouse – Nicole Blum for A Special Farmer-Winery License under Section 15F of Chapter 138 of the General Laws for Sale of Wine at an Agricultural Event, to wit: the Watertown Farmers Market at the Arsenal on the Charles, 311 Arsenal Street.

Mimi Graney of Relish Management LLC, manager of the Farmers Market, appeared in support of the application. Ms. Graney explained that 2016 would be Carr's third year of participating in the Farmers Market, which is sponsored by athenahealth. Carr's will be one of 18 vendor booths at the green adjacent to the Arsenal Center for the Arts and Arsenal Street. It will sell hard cider and non-alcoholic cider products, as well as provide samples of products. Three varieties of cider will be offered for tasting, and the tasting size is one ounce or less. Samples are provided in single-use glasses.

Sgt. 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 a Special Farmer-Winery License for Sale of Wine at the Watertown Farmers Market for the market's 2016 season: Thursdays from June 2 to October 27 during the hours of 2:00 p.m. to 6:00 p.m., subject to the following conditions:

1. The hours of operation shall not exceed 2:00 p.m. to 6:00 p.m., beginning the first Thursday in June and ending the last Thursday in October.
2. The applicant, Nicole Blum, manager and/or designee employed by the licensee shall attend and successfully complete an alcohol awareness training program (e.g., TIPS) prior to participation in the Farmers Market event.
3. Copies of all alcohol awareness training program certificates shall be provided to the Town Clerk's office.
4. A copy of the license shall be posted during the hours of the event and available for review upon request.

Relish Management, LLC
P.O. Box 47
Somerville, MA 02143

The Watertown Licensing Board met to consider the application of Relish Management, LLC for an entertainment license to be exercised at the Watertown Farmers Market at the Arsenal on the Charles, in the greenspace adjacent to the Arsenal Center for the Arts and Arsenal Street.

Mimi Graney of Relish Management LLC, manager of the Farmers Market, appeared in support of the application. Ms. Graney explained that the Farmers Market hires performers to add to the ambience of the market. They will perform from a wooden stage area, shown on the aerial photograph as "music," which may be moved from the location shown to the corner of the space closest to the Kingsbury Avenue and Arsenal Street intersection. The entertainment will generally be one or two persons, playing guitar or banjo for example.

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

The Licensing Board voted unanimously to grant an entertainment license for the market's 2016 season, subject to the following conditions:

1. The license may be exercised in conjunction with the time of operation of the Farmers Market, every Thursday beginning the first week in June (June 2) and ending the last Thursday in October (October 27).
2. The hours of exercise shall not exceed 2:00 p.m. to 6:00 p.m.
3. Performers/band will be limited to four persons, one of which may be a singer.
4. There shall be no amplified percussion instruments.
5. Entertainment provided shall be reasonable and remain consistent throughout the duration of the event.
6. The entertainment/performance area shall be limited to that shown on the aerial photograph submitted (the green at the corner of Kingsbury Avenue and Arsenal Street, adjacent to the Arsenal Center for the Arts).

Jalapeno Enterprises, Inc. d/b/a
Ixtapa Mexican Grill & Cantina
18 Mt. Auburn Street
Watertown, MA 02472
Attention: David E. Brambila

The Watertown Licensing Board met to consider the application of Jalapeno Enterprises, Inc. d/b/a Ixtapa Mexican Grill & Cantina for modification of its all alcohol common victualler license exercised at 18 Mt. Auburn Street to include authorization of Sunday sales.

Attorney Nicholas Felici, together with Jose Brambila, president, and Ramon Zarazua, manager, appeared in support of the application. The Board noted at the outset that it had approved transfer of the license to the applicant in March 2014; it had authorized the applicant to request approval for Sunday service of alcohol six months after the premises were opened for business, whereas the usual waiting period is 12 months, per the Licensing Board's rules and regulations (section IV.C.1.b.).

Board chairman Doucette acknowledged receipt of a food/alcohol sales report from the licensee's accountant showing food sales accounting for 75% of total sales for the months of

September, 2015 to March, 2016. Attorney Felici noted that the Brambila family has several food service operations in eastern Massachusetts.

1. Board member Newman asked whether Sunday food sales are lower than on other days of the week, and Mr. Zrazua responded that food sales are consistent day-to-day.
2. Sgt. Grady stated that the Police Department had no objection to the approval of Sunday sales, provided that the conditions stated below were imposed

The Licensing Board voted unanimously to approve Sunday sales of alcohol, subject to the following conditions:

1. Sunday hours of operation shall be 8:00 a.m. until 12:00 midnight. No service of alcohol shall be made before 12:00 noon on Sundays.
2. All other conditions of the license shall remain in place.

MGE Holding Co., Inc.
6509 Poza Rica NW
Albuquerque, NM 87107

The Watertown Licensing Board met to consider the application of MGE Holding Co., Inc. for an open-air parking license to be exercised at 610 Pleasant Street.

Robert Nealon, property manager, appeared in support of the application. Mr. Nealon explained that there are three commercial tenants at the 610 Pleasant Street building location, and that their parking needs are satisfied. The rear of the parking lot at the site is vacant, but paved. The applicant has a contract with Madison Limousine for use of 10 parking spaces.

Sgt. 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 license, subject to the following conditions:

1. The 4,000 square foot paved surface shall store no more than 20 vehicles.
2. The parking spaces are to be clearly delineated with stripes in accordance with the plan submitted (sketch plan entitled "610 Pleasant St. Watertown, Mass. SITE PLAN," received in the office of the Town Clerk on April 7, 2016).

Madison Limousine Services, LLC
433 Main Street
Watertown, MA 02472

The Watertown Licensing Board met to consider the application of Madison Limousine Services, LLC for a modification of its livery/limousine license, exercised from 433 Main Street, to include authorization for 20 vehicles – all to be parked at rear, 610 Pleasant Street.

Attorney Timothy McGoldrick and Darren Cummings, manager, appeared in support of the application. Attorney McGoldrick stated that the previously approved license was for three vehicles. While the licensee is requesting approval for 20 vehicles, only 10 vehicles are currently proposed for operation, an increase of seven, and they have been inspected as required by the Licensing Board's regulations. The request for authorization of up to 20 vehicles is to account for business growth.

In response to questions by Mr. Newman regarding the increase from 3 vehicles to 20, Mr. Cummings said that the business could grow by 10 cars within a year. He also explained that vehicle drivers will park their personal cars in the spaces from which they take the livery vehicles.

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

The Licensing Board voted 2 to 1 to approve the requested modification (member Newman stating he would approve only 10 vehicles), subject to the following conditions:

1. The license shall be limited to pre-arranged transportation of persons rather than on-the-street pick up of persons.
2. The licensee shall maintain a current motor vehicle driving record of all employees hired as a driver of any motor vehicle to be used in connection with the license.
3. If any driver for the licensee is cited for more than three moving violations or is involved in more than one surchargeable accident in a 12-month period, he/she shall be required, within 90 days of exceeding those limits, to attend a defensive driving training course.
4. The licensee shall keep all records on file and they shall be made available for review by any agent of the Licensing Board.
5. The license is for up to 20 vehicles, to be parked at the rear of 610 Pleasant Street.

AVR Plus, Inc.
D/b/a Alpha Omega Auto Body of Watertown
32 Whites Avenue, Apt. 333
Watertown, MA 02472
Attn. Vasily Avram

The Watertown Licensing Board met to consider the application of AVR Plus, Inc. d/b/a Alpha Omega Auto Body of Watertown for a motor vehicle repair license, including auto body work, and a Class II Used Car Dealer License to be exercised at 106R Pleasant Street.

Attorney Emmanuel Meimaris appeared in support of the application, together with Vasily Avram, president, and Natalia Avram, his wife. Attorney Meimaris stated that Mr. Avram has many years of experience in the auto body business, having worked at Penta in Watertown and Herb Chambers in Boston. Mrs. Avram will do the bookkeeping and payroll for the proposed business, which will operate under the same name and during the same hours as the business currently licensed for the property. Attorney Meimaris noted that the landlord, Nicholas Darviris was present, and that the property at 106R Pleasant Street has been the site of an auto body business for approximately 40

years. He stated that the Class II used car dealer license would be an extra to the repair business, exercised occasionally when a vehicle may be too costly to repair. Mr. Avram added that he would also like to purchase vehicles from used car auctions, for re-sale, but that most vehicles to be sold would come from his repair customers.

A letter from a resident of 111 Pleasant Street, addressed to the Board, was read for the record and identified concerns about noise from the proposed business, any extension of the hours of operation, and vehicles parking on the sidewalk abutting Pleasant Street. The letter also noted the impact of operations at Pleasant Street Car Care, at 106 Pleasant Street, the front portion of the site.

A resident living on the opposite side of Pleasant Street, Elaine Sokoloff, stated her agreement with the sentiments of the letter and that she had observed more than the number of permitted vehicles on site.

Attorney Meimaris stated that the applicant was requesting the same hours of operation as presently permitted, and noted that the application is for 106 Rear Pleasant Street and that the business at that location does not have cars parking on the sidewalk. Demetrios Kafkas, attorney for Pleasant Street Car Care, was present and stated his client did not oppose the proposed new tenancy at the 106R site, but noted his concern regarding disgruntled neighbors if the two businesses at the property do not coordinate operations.

Sergeant Grady stated that the Police Department had no objection to the granting of the requested licenses, 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 hours of operation shall be 7:30 a.m. to 5:30 p.m. Monday through Friday, and 8:00 a.m. to 2:00 p.m. on Saturday.
2. The total number of vehicles on the property shall not exceed 10, five inside the building and five outside, as shown on the plan submitted (sketch plan entitled "Alpha Omega Auto Body 106R Pleasant St Watertown, MA 02472," dated January 16, 2015, and filed in the office of the Town Clerk on May 13, 2016).
3. All exterior parking spaces shall be lined for easy identification.
4. All deliveries shall be made on the premises of 106R Pleasant Street, and not on the public way.
5. No alcoholic beverages shall be allowed on the premises.

Archon, Inc.
D/b/a Conley's Pub & Grille
164-168 Belmont 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 your premises located at 164-168 Belmont Street licensed for all alcohol common victualler service, to wit: sale/delivery of an alcoholic beverage to an intoxicated person in violation of G.L.

c.138, §69, and improper management of the licensed premises in violation of G.L. c.138, §23. The matter had been continued from February 18, 2016.

Stephen Conley, president, appeared on behalf of the licensee. Sgt. Grady summarized the contents of Watertown Police Department reports for events of December 13, 2015.

That evening, the Department received a 911 call from an off-duty employee of the licensee. Officers responded to the scene and a vehicle description for departing patrons in question was given. The vehicle was stopped a short distance away, and on questioning two of the three occupants appeared intoxicated and admitted to being served alcohol at Conley's. The driver admitted to being served a meal and one beer. When questioned, the bartender on duty stated he served one beer to two patrons, and then decided to halt service. An argument ensued between two groups of customers, including those two patrons, over a sporting event being televised and both groups were told to leave.

Mr. Conley stated that the Police Department presentation was factual in its whole.

On a question from the Board, Sergeant Grady stated that the driver of the vehicle was not intoxicated and was allowed to drive away. The police were able to identify only one of the two groups involved in the altercation; the issue was diffused and the parties sent away from the premises.

Mr. Conley explained that the man who called 911 felt the situation had passed the tipping point, but that he believed it had been quelled at the restaurant. He noted that the offending parties did have a drink, but that he knew they had been at another establishment earlier in the day. He explained that the bartender did identify an issue with the patrons, but not until after they had been served. He added that the parties, a man and a woman, were known to the restaurant staff and had never caused a problem before but the situation flared up. He further stated that the day in question was a busy one and he believed it was a Patriots' game on the television that had started the dispute. In response to a question from member Newman, Mr. Conley stated that the bartender took the beers away when he saw what was developing, but acknowledged that he saw in retrospect he could have picked up signs of trouble sooner, although that is not always an easy thing to do.

Sgt. Grady reported that the licensee had not had any violations in the last five years and was cooperative with the Police Department, which led to the discovery of one of the two groups involved in the altercation.

Chairman Doucette stated the finding of a violation was the result of the licensee's cooperation with the Police Department, and that was her reason for recommending a letter of warning. She added that any further violations would result in a license suspension.

The Licensing Board unanimously found that the violation of sale/delivery to an intoxicated person (two counts) had occurred, and found by a vote of 2 to 1 (member Newman opposed) that the violation of improper management (one count) had occurred. The Board unanimously voted to issue a letter of warning on account of the violations.