



CITY OF GARDNER
 OFFICE OF THE
BOARD OF LICENSE COMMISSION
 ROOM 29, CITY HALL
 GARDNER, MASSACHUSETTS 01440



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Michael Fitzsimmons, Chairman

Kenneth Arsenault, Member

Nancy Binder, Member

Meeting Minutes
Regular Meeting

06/21/18

Location: Council Chambers

Present: Mike Fitzsimmons Chairperson
 Kenneth Arsenault
 Nancy Binder
 Arthur M. Pearlman- Attorney for Pragnesh
 Pragnesh Patel
 Peter Moutsos- Paramount Café
 Paul Johnson- South Gardner Hotel

In Attendance: Jennifer Daigle

Call to order: 4:30

- Transfer of Liquor License for Short Stop Variety- The premise to be licensed will be a change in ownership on the beer and wine liquor license 00049-PK-0436 to be transferred from Short Stop Convenience Store to Pragnesh, Inc. d/b/a Town Convenience located at 3 Pine Street, Gardner, MA 01440. Attorney Arthur Pearlman submits documents and affidavits to the board for the purpose of the above. Atty Pearlman gives particulars of the new proposed owner's hours and intent as well as hours of operation, layout and all pertinent information. States all TIPS training and certifications have been completed by the petitioner of the new license. Board members review all documents submitted. Chair asks Atty. Pearlman how many employees will be at the store. Mr. Patel answers, "two or three more" Chair asks if anyone present has and questions, comments, or concerns. Member Arsenault advises that he would like to make a motion for the change of license to be put forth. Atty Binder seconds. Chair advises motion carried, license transfer approved for above as listed.
- One Day Beer and Wine Liquor License – Paramount Café 46 Main Street- Sidewalk Sale – August 3rd 9-6pm, August 4th 9-4pm, 2018. Peter Moutsos appearing for license. Chair asks Mr. Moutsos if it is the same layout as previous years. Mr. Moutsos confirms same 10x10 area. Atty Binder questions the times on the application. Mr. Moutsos advises that they don't start serving until 11am. Chair asks Mr. Moutsos if he minds that they change license to reflect 11am. Chair and Atty Binder ask D.C. Braks if he remembers if it was 11am. 11 am start time was agreed upon. Atty Binder directs question to D.C. Braks, asking if there have ever been any issues. D.C. Braks states that there have never been any issues. Atty Binder moves to approve the license with the 11am start time amended. Member Arsenault seconds. Chair notes change on license and has Mr Moutsos to change the time on the application and initial as well. Mr Moutsos does same. Chair notes motion carried, One day license approved.
- South Gardner Hotel –Request for appeal before the Liquor Commission regarding license time change- based on hardship of business. Paul Johnson representing. Mr. Johnson addresses the board to let them know that he is struggling with the restriction of closing time placed on him by the board last month. He offers the board his financials and advises that he has a \$7,000 quarterly tax and water bill that was issued by the city last month that he cannot pay. Mr. Johnson also advises

in 10 years and 37,000 days of serving alcohol he has only received 27 OUI's with 9 of those happening in the first year of business. Prior to the OUI in April it was 2 years since the last. Bartenders are adamant about overserving. He further advises that this restriction is destroying his business. Chair advises that this is the 4th meeting on this issue. Chair reminds Mr. Johnson that this is not a permanent restriction and that it could change if there are no further issues until relicensing begins in October. Mr. Johnson reminds the board that the new licenses are not issued until Jan 1st. He goes further to state that he cannot pay the bills from the city if he is in a deficit in his checkbook and continues to lose money every month by losing the one hour of income each day, and business has dropped off due to the restriction. He remarks that it is devastating. Chair asks Mr. Johnson would it have been as devastation if a suspension from the board was levied. Mr. Johnson answers that he had once received a 75 day suspension from the state for a poker machine infraction and he lost less than he is losing from this restriction. It cost him 17,685 for the poker machines, and this past month he lost 26,000 difference from April to May-June to the restriction of the license. Chair asks Mr. Johnson if there is anyone that he is seeking advice from in regards to this hearing, the Gardner Police Department suggested that this sanction be levied. Chair asks D.C. Braks if there have been any additional issues at the SOHO since the last meeting. D.C. Braks advised that there was one assault on his site analysis. Mr. Johnson stated that there was an assault outside the bar and woman asked to use the phone and he denied her because he feels like all calls for service are being held against him. Chair advised that the Board felt that they were compelled to do something because the issue was brought to the Board from the Gardner PD. Mr. Johnson said he will not be in business by Jan 1st if this continues. Chair advises after discussion with Mr. Johnson, that the Board will require proof of impact to business before any sort of roll back is considered. Mr. Johnson, very upset, advised that his business will not survive. Chair advises from the Board perspective there has to be something done about his business and some measure of control has to be met to insure that this will not continue. Chair consults D.C. Braks to see what the Gardner PD stance is. DC Braks states that there has to be a compromise because there was far too many incidents occurring. More discussion from all sides without coming to an agreement. Chair stops discussion and tells all that the Board will have to take it under advisement and discuss further. Chair asks D.C. Braks if he was in meeting with Mr. Johnson, the Gardner Police Chief and the Mayor. D.C. Braks confirms that he was and elaborates that the discussion at the meeting was such that the Mayor and the current Police Chief suggested that Mr. Johnson should request a meeting before the board to show them the financials and how this sanction was affecting his business. Discussion about instituting a cover charge and how the cover charge was discussed prior. Member Arsenault states that the Board will discuss and let Mr. Johnson know the decision before the next monthly meeting.

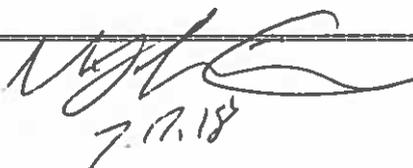
Chair asks if there is any new business to discuss. Discussion ensues regarding the withdrawal of Moon Hill Brewing regarding the licensing of a beer garden on the Maki property. Board notified via email that Application was withdrawn officially with the Board due to the cost and requirements of licensing the property.

Discussion amongst board members regarding how and when the SOHO's license will be reviewed to amend back to the original hours of 2am. Again Board decided to wait to see if Mr. Johnson can produce financials to show loss of revenue within the time period outlined.

Signatures for the 5/8/18 meeting, Motion entered by Member Arsenault, seconded by Atty Binder.
Motion approved minutes entered.

1. Date of Next Meeting: 07/17/18
2. Adjournment: Moved to adjourn from, Atty. Binder, Seconded Member Arsenault, meeting adjourned at 5:45pm.

Approved by:
Date Approved:



7.17.18

Secretary: