



Licensing Board
TOWN OF WATERTOWN
ADMINISTRATION BUILDING
149 Main Street
Watertown, Massachusetts 02472
TEL (617) 972-6486
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BOARD MEMBERS

DONNA B. DOUCETTE
SANDRA KASABIAN HOFFMAN
JOHN LABADINI

ALTERNATE MEMBER
JIM TSEKREKAS

MINUTES NOVEMBER 18, 2021

ACCEPTANCE OF MINUTES: OCTOBER 21, 2021

Approved 3-0

1. Special Licenses:

- Donohue's, 87 Bigelow Ave Approved 3-0
Annual 5k Road Race Turkey Trot /November 25

John Donohue appeared in support of the application. He stated that this is the 16th year of the race, to benefit the Watertown Boys and Girls Club and other charitable organizations. It will start at 8:30 a.m. and conclude by noon at the latest. It is estimated that there will be about 1,000 participants. The DPW and Police Department have been contacted, and there will be assistance from the Police Department, as needed, for any medical issues, although there have not been any over the years of the event. The DPW will mark the route and close off the last portion of the course at Bigelow Avenue. Mr. Donohue stated that there would be a crowd manager present. Sgt. Swift reported that the Police Department had no objection to the granting of a license, subject to the conditions in the department's written report. The Board acknowledged receipt of a report from the Fire Department, and voted to grant the license subject to the conditions requested by the Police and Fire Departments. [Board member Labadini recused himself from this matter, noting that he was a member of the Boys and Girls Club's board of directors, and Alternate Member Tsekrekas participated as a voting member.]

- 2. Zahra Rafiei Fallahabadi Approved 3-0
d/b/a Crown Café
106 Main Street
Common Victualer
- 3. Vadeshwar, Inc. Approved 3-0
d/b/a Convenience Plus
99 School Street
Transfer of All Alcohol Package Store License

4. Archon Inc,
d/b/a Conley's Pub & Grille
164-168 Belmont Street

2-Day License Suspension Imposed 2-1

5. Issue of fees for 2022 Renewals

Board chair Doucette informed the Board that one common victualer establishment, newly in operation, and an alcohol service common victualer, that is not scheduled to open until next year, had contacted the Board clerk regarding license renewal fees, since they had recently paid application fees. Board clerk Abby Swenson reported that the alcohol license had just been approved by the ABCC at the end of September; it is a special act license, Chapter 73 of the Acts of 2016, so there was a fee of \$8,100 for issuance of the license and \$8,100 to renew. Chair Doucette noted that the Board approved an across-the-board fee waiver last year for 2021 renewal fees – fees due at the start of the year or coming due in 2021. She stated that individual treatment can lead to confusion, and that a doubling up of fees because of end-of-year timing has come up before. She commented that she found it difficult to believe that the restaurant could stay in business if the \$150 fee for a common victualer license is a burden, but that the situation was a little different for the alcohol license. Chair Doucette further stated she was not comfortable with making a special exception; the issue will happen again, and a question is how many months of a 'look back' should be used to determine any fee relief.

Board member Tsekrekas stated that if the Board made an adjustment here, it is a slippery slope, noting that a person who gets into a business needs to be cognizant of when fees are due. Board member Kasabian-Hoffman commented that the Board could get into a trouble situation if it started making exceptions.

6. Comments by Board Clerk and Police Department

Chair Doucette made a concluding comment that for remote meetings, via Zoom, Board members should stay muted until the meeting starts.

Start: 7:15PM
End: 9:20PM


Donna B. Doucette, Chairman

Present: Donna B. Doucette, Sandra Kasabian-Hoffman, John Labadini, Jim Tsekrekas
Also Present: Abby Swenson – clerk, Watertown Police Sgt. Ken Swift,
Attorney David Doneski

Zahra Rafiei Fallahabadi
d/b/a Crown Café
245 Main Street, Apt. 31
Watertown, MA 02472

The Watertown Licensing Board met to consider the application of Zahra Rafiei Fallahabadi d/b/a Crown Café for a Common Victualer License to be exercised at 106 Main Street.

Zahra Rafiei Fallahabadi appeared in support of the application, together with her son.

Zahra Rafiei Fallahabadi stated that she is a doctor by training, in her native country of Iran, without experience in the U.S. food industry, but has taken various on-line courses for restaurant and small business management. She does have a business in Iran, which she oversees. The current expected staff is four persons, family members, but she hopes to increase the size as the business grows. The subject property is the site of an existing restaurant under the name Crown Café, and her son explained that they will trim the menu that was offered previously, to avoid unpopular items, and will modify it as the business goes forward. He stated that he and his mother will be full-time at the restaurant.

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

Board chair Doucette stated that there were no other Town department comments on the application. She also noted that the plans submitted show no public restrooms, and that although this is an existing restaurant site, the Board requests that the applicant confirm with the Health Department that the premises are acceptable for restaurant operation.

After hearing, the Licensing Board voted unanimously to grant a Common Victualer License, subject to the following conditions:

1. The description of the licensed premises is as follows: approximately 850 square feet, front entrance, no public bathroom, kitchen, and main seating area.
2. Seating capacity shall be 36 persons, as shown on the plan submitted (sketch plan entitled "Crown Café floor Plan," received in the office of the Town Clerk on September 23, 2021); with no outdoor seating.
3. The hours of operation shall be 6:00 a.m. to 10:30 p.m., Monday through Sunday.
4. There shall be no alcoholic beverages on the premises.

Vadeshwar, Inc.
d/b/a Convenience Plus
99 School Street
Watertown, MA 02472

The Watertown Licensing Board met to consider the application of Vadeshwar, Inc. d/b/a Convenience Plus for a transfer to it of the wine and malt package goods store license exercised at 99 School Street by Shiv Shakar Corporation d/b/a Convenience Plus.

Attorney John Mooradian and Mukesh Patel, president of the corporation and the proposed manager of the premises, appeared in support of the application.

Attorney Mooradian stated that there is an agreement for purchase of the existing business at the subject property by Vadeshwar, Inc., the corporation that will hold the license, and that Mukesh Patel is the sole shareholder. Mr. Patel is TIPS certified, a U.S. citizen, and has 15 years of experience in alcohol sales. Mr. Patel added that he will be solo for this location, but has a partnership for another package store business. He stated that there will be two employees, who are TIPS certified.

Sgt. Swift reported that the Police Department had no objection to the proposed transfer provided that the conditions stated below were imposed.

Board chair Doucette noted that there were no other Town department comments on the application.

After hearing, the Licensing Board voted unanimously to approve the requested transfer, subject to the following conditions:

1. The hours of operation shall not exceed 6:00 a.m. to 11:00 p.m., Monday through Saturday, with alcohol sales from 8:00 a.m. to 11:00 p.m.; and 7:00 a.m. to 11:00 p.m. on Sunday, with alcohol sales from 10:00 a.m. to 11:00 p.m.
2. The alcoholic beverages sales area shall be as shown on the plan submitted (sketch plan entitled "Convenience Plus 99 School St. Watertown, MA. 02472," received in the office of the Town Clerk on September 23, 2021) The sales area must be locked or access-restricted during hours when alcohol sales are not permitted.
3. The manager, Mukesh Patel, and any employees engaged in the sale of alcohol must obtain a valid alcohol awareness training program (e.g., TIPS) certificate immediately upon hire or expiration of certification. A copy of employee certifications shall be maintained by the licensee and available for review upon request.
4. The property at 99 School Street shall be maintained by the licensee in accordance with all City ordinances.

5. No alcohol shall be consumed 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 September 10, 2021 at the premises located at 164-168 Belmont Street licensed for all alcohol common victualer service, to wit: sale or delivery of an alcoholic beverage to an intoxicated person, in violation of M.G.L. c. 138, § 69; and improper management, in violation of M.G.L. c.138, § 23, in allowing such over service of an alcoholic beverage.

Stephen Conley, president, appeared on behalf of the licensee. Sgt. Swift summarized the contents of Watertown Police Department reports for events of September 10, 2021.

At 9:45p.m. on September 10, officers were dispatched for a report of a customer – employee argument. When the officers arrived, they were told that there were three customers involved and they spoke to witnesses who stated that: three people came into the restaurant at 4:25 p.m., two females and a male, and stayed until they learned police had been called; there was a disturbance at the bar between them and the bartender, an argument, and the manager interjected; one of the customers threw a drink at another patron; the manager asked the patrons to leave and offered them an Uber ride home; they exited the restaurant and walked across the street. The patron hit by the drink said the three customers were harassing the bartender, and the patron tried to intervene, asking them to stop, and that is when the drink was thrown. The bartender reported that: the three customers ordered meals, and drinks: 10 Bud Lights for the male; five glasses of Chardonnay for one female, and a Cosmopolitan and three vodka drinks for the other female; two of the three customers are frequent guests. The bartender stated he didn't think the male was overserved. The patron hit by the drink stated that the females appeared intoxicated, and were making jokes about the bartender's sexuality; the bartender said he would ask them to leave; the manager, Jennifer Corbett, did ask both women to leave and they then got upset. Ms. Corbett tried to take a drink away from one of the women, and it spilled on another patron. When it was stated inside the restaurant that the police had been called, the three customers left the premises.

On September 13, Sgt. Swift spoke with a second bartender on duty that evening, a female, who said saw the bartender 'shut off' the women in question. It was determined that the male customer had left the premises approximately 1 hour prior to the incident. Sgt. Swift also spoke to Ms. Corbett, on September 14, and she said the three customers arrived at about 4:15 – 4:30; the male bought 10 beers, though she did not know if they were all for him. She saw the party become unruly and make fun of the male bartender. Sgt. Swift spoke to the male bartender on duty, who gave the same essential statement regarding service of alcohol to the three customers, and stated he did not believe the male was intoxicated, though one of the females may

have been a little tipsy, but not intoxicated. When the bartender told the customers he would no longer serve them, that is when Ms. Corbett intervened. Sgt. Swift also spoke to Mr. Conley, who informed him that the surveillance video for that evening had been overridden. Sgt. Swift stated he did not believe the override was intentional, and that he confirmed the bartenders on duty are TIPS certified.

In response to a question from the Board, Sgt. Swift stated that the 911 call had been placed by a customer, and that it first went to the Belmont Police Department, which transferred the call to Watertown.

Mr. Conley responded to the police report information, and stated that: the restaurant has a record of calling Watertown Police when there is an incident; after extreme homophobic slurs were made, the male bartender was upset and said to the customers ‘we’ve had enough, I’ll take your drink’; the 911 caller was someone who was agitated, but the staff had the situation under control; the male customer drinks 12 oz. bottles of beer, and he gave some of those he ordered to other persons – he is a prior patron with no history of problems caused, and he weighs about 225 pounds; the male customer was there about 4 hours, left the premises before the incident and had nothing to do with the incident; the female customers left because the manager, Ms. Corbett, and the male bartender said ‘it’s time for you to go’; the managers addressed the situation but someone called 911 in the meantime, which Mr. Conley did not think was necessary because the female customers had left peacefully when asked to leave; there was no fight; he did not find 8 beers for the male customer over a period of 4 hours to be a problem.

In response to questions from the Board, Mr. Conley stated that: the restaurant was about 70% full, about 100 people; he always tells his servers to shut people off before there is an issue; the rude comments were made about an hour prior to the customers being asked to vacate the premises, and the comments escalated; there was no alcohol service after the comments were made.

Sgt. Swift, at the Board’s request, played a recording of the 911 call; and he commented that the caller walked to the street to tell both females the police were on the way.

The Licensing Board found, by a 2-1 vote (with Mr. Labadini opposed) that the violations as alleged had occurred. Board chair Doucette commented that there was a difficult equation, for two reasons: restraint by management was laudable, it took actions to see that other patrons were not being harassed; at the same time, the upsetting language went on for some time, and part of TIPS training is to recognize signs of people becoming intoxicated. She stated her view that the bartender withstood a lot of irritation, but that would have been a cue that something was not right with the harassing woman, so that the actions taken by licensee should have been triggered sooner.

The Board voted, 2-1, to impose a two-day license suspension, and the 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 to the Alcoholic Beverages Control Commission. Mr. Conley stated that he intended to appeal. The Board designated January 6 and 7, 2022 as the dates for the suspension to be served.