

**Woburn License Commission
Regular Meeting
Virtual format
December 17, 2020**

Voting Members participating: Chairman Thomas Skeffington, Commissioner David Gilgun and Commissioner William Pappalardo

Also participating: Woburn Police Capt. John Murphy, liaison to the License Commission; Ward 3 Alderman Jeffrey Dillon

Chairman Skeffington convened the regular meeting of the License Commission at 6 p.m.

- 1. Shake Shack Massachusetts LLC, 225 Varick St., #301, New York, NY, 10041, relative to an application for a new liquor license to serve wine and malt beverages and a Common Victualer's license at 300 Mishawum Road:** Representing Shake Shack Massachusetts were Attorney Mark Vaughan, Riemer & Braunstein LLP, 700 District Avenue, 11th Floor, Burlington, MA; Jennifer Lucas, Alcohol Licensing Specialist, Shake Shack LLC; L.C. Gene Cotten, proposed manager. Attorney Vaughan said Shake Shack intends to open a restaurant in Woburn Village, formerly the site of the Woburn Mall, with Edens as the developer. He said the new version of the mall will be vibrant and hopefully successful. He said Woburn Village is under constructions, which is visible from Mishawum Road. He said Shake Shack will occupy approximately 3,500-square-feet in a building located off one of the site driveways. He said Shake Shack is a successful restaurant chain which has many locations in Massachusetts that also serve wine and malt beverages. He said the Woburn location will have 123 seats in total, with 76 inside and another 47 seats on an outside patio with a roof. He said there are Shake Shack locations in Boston, Chestnut Hill and Watertown. He said customers will order over the counter at two point-of-sale cash registers. He said they will be able to order a glass of wine or beer which will be brought to the table by a staff member. He said his understanding is staff will routinely ask for identification from anyone who appears to be under the age of 40. He said there has been a recent modification to customer service due to Covid-19 and food will also be brought to customers via staff. He said Mr. Cotten is the proposed manager and he has been with Shake Shack since 2012. Attorney Vaughan said Mr. Cotten is currently the general manager at the Seaport location. Attorney Vaughan said Mr. Cotten has considerable experience with Shake Shack and alcohol service. Mr. Cotten said he has been with Shake Shack for coming up on eight years. He said he started on the grill and worked his way up the ranks. He said staff at the Woburn restaurant will be Tips-certified and will follow up with ID verification. He said there is a procedure to ensure no one who is intoxicated will be served. He said he is looking forward to growing the Shake Shack brand and the company. Attorney Vaughan said the developer of Woburn Village worked with the City Council to pass special legislation that allows for additional beer and wine and all-alcohol licenses. He said this is the first petition seeking to acquire one of those licenses. Chairman Skeffington said the plans for the restaurant include a walk-up window and asked if beer and wine will be served out of that window. Attorney Vaughan said there will be no alcohol service out of the walk-up

window. He said the window will be used for food service only by customers who order from an application on their mobile device. Commissioner Pappalardo asked about the time frame for the opening of Shake Shack. Attorney Vaughan replied the restaurant is under construction now. He said they are targeting an opening in late January for the restaurant. He said the beer and wine component is dependent upon approval by the ABCC. He said they hope to be serving alcohol by late February. Commissioner Gilgun said he has no questions for the applicant. Chairman Skeffington asked if anyone participating on the Zoom platform would like to address the Commission about the application. There were no respondents. Capt. Murphy said there is an ordinance in Woburn that prohibits customers standing while drinking alcohol. He said standing with an alcoholic beverage is not allowed without a permit. He said he is not sure whether Shake Shack intends to allow customers to walk from the counter to their tables with alcoholic beverages and if they do, they will have to apply for a permit. Attorney Vaughan said there is no intent to allow standing while drinking alcohol. He said alcoholic beverages will be transported from the counter to the tables by staff. Capt. Murphy said if Shake Shack wants to allow standing while drinking down the road, there is a process. Commissioner Gilgun said filing an application for standing while drinking should be Shake Shack's next step. Attorney Vaughan reiterated food and drink will be brought to the tables by staff. Mr. Cotten said once the food is ready, orders including alcoholic beverages will be brought by staff to the tables. Capt. Murphy said if Shake Shack wants to modify this procedure, it has to apply. Motion made by Commissioner Pappalardo and seconded by Commissioner Gilgun to approve the application from Shake Shack for a new liquor license and a new Common Victualer's license; Roll call: Commissioner Gilgun, aye; Commissioner Pappalardo, aye; Chairman Skeffington, aye; approved, 3-0. Chairman Skeffington told Mr. Cotten that Capt. Murphy is the Police Dept.'s liaison to the License Commission and advised Mr. Cotten to get to know Capt. Murphy. Mr. Cotten said he will reach out to Capt. Murphy. Capt. Murphy said he will stop by the restaurant.

- 2. Sophisa Restaurant, 37 Main Street, application for BYOB:** Representing Sophisa Restaurant was Cristiano Barbosa, 15 Silver Leaf Way, Peabody, MA. Mr. Barbosa said he is the owner of Sophisa Restaurant and has applied for permission to allow BYOB at his establishment. He said he has 32 seats. He said his restaurant is Italian-style and there will be both dining and take-out. Commissioner Pappalardo asked if the restaurant is already open. Mr. Barbosa replied he has obtained a Common Victualer's license and he is planning to open in 7-10 days. He said he will start with take-out and then offer seating in January. Commissioner Gilgun asked Chairman Skeffington to explain the BYOB component to Mr. Barbosa. Chairman Skeffington said the restaurant cannot be involved in the service of alcohol in any way. He said Mr. Barbosa cannot charge corking fees, nor can any restaurant employee store or handle the alcohol. He said customers must bring in their own alcohol and leave with their own alcohol. Mr. Barbosa asked if he can offer ice. Commissioner Gilgun said Mr. Barbosa can provide ice but he cannot charge customers for it. Capt. Murphy said Mr. Barbosa cannot charge for anything related to the service of alcohol. Chairman Skeffington asked if anyone participating on the Zoom platform wished to address the commission regarding the application. There were no respondents. Motion made by Commissioner Pappalardo and seconded by Commissioner Gilgun to

approve the application from Sophisa Restaurant for BYOB; Roll call: Commissioner Gilgun, aye; Commissioner Pappalardo, aye; Chairman Skeffington, aye; approved, 3-0.

- 3. Extended Stay Hotel, 831 Main Street, status update:** Representing Extended Stay Hotel was Lawrence Borrmann, general manager. Mr. Borrmann said he has been working with Capt. Murphy. He said he has implemented training with his team. He said there will be cameras and monitors installed at the hotel and greater scrutiny of bookings at the front desk. He said they will keep an eye on local residents who are booking rooms. He there has been a greater emphasis on security, and they are taking things seriously at the hotel. Chairman Skeffington said he appreciates Mr. Borrmann taking the time to meet with the commission. He said the commission didn't appreciate the email from Mr. Borrmann at 2:45 p.m. on the day of the November meeting indicating he would not be able to attend. Mr. Borrmann said the reason he missed the meeting was because his dog was very sick. He said he does take the situation seriously. He said a district manager attended the November meeting in his place. Chairman Skeffington said Capt. Murphy provided the commission with a list of calls from the hotel to police. He said there were 16 phone calls in 24 days. He said the situation needs to be rectified. Capt. Murphy said some of the calls can be attributed an individual who is dealing with mental health issue. He said the calls to police are trending toward being more appropriate. He said they have seen a reduction in the number of calls to police in regard to parties at the hotel that are out of control. He said he is not sure if the reduction in the number of calls can be attributed to Covid-19. Chairman Skeffington asked Capt. Murphy if he has met with Mr. Borrmann. Capt. Murphy said he plans to meet with Mr. Borrmann after the first of the year. He said he has spoken on the phone with Mr. Borrmann. Commissioner Pappalardo said he feels like the commission should still be monitoring the situation at Extended Stay Hotel. He said he feels the situation was egregious. Capt. Murphy said he will continue to provide the commission with call listings. He said he will send a list of calls to the clerk prior to the January meeting. Commissioner Gilgun asked Capt. Murphy if Mr. Borrmann had time for him. Capt. Murphy said there was an instance two months ago went he went into the hotel and asked to speak to the manager. The clerk at the desk informed Capt. Murphy that the manager did not have time for him and that he had better things to do. Commissioner Gilgun said the commission's job is to regulate innholders licenses. He said the commission decides whether a hotel is going to be open or closed. He said Mr. Borrmann ought to advise his staff that when an agent of the License Commission asks to speak to the manager, there needs to be a response. Mr. Borrmann said he wasn't the person who said he did not have time for Capt. Murphy. He said he can assure the commission that if a member of the police department needs to talk to the manager, that request will be accommodated at any time. Commissioner Gilgun said as far as he is concerned, there will be consequences if something like that happens again. Chairman Skeffington said he concurs. Chairman Skeffington asked Mr. Borrmann how often he is on-site. Mr. Borrmann replied he is at the hotel five days a week. He said he is always available via cell phone, email or text. He said there is no reason for him to be unreachable. Commissioner Pappalardo said it is important that Mr. Borrmann advises his staff of his availability. Mr. Borrmann said he has developed a phone list of employees, up to and including the district manager. Chairman Skeffington said he would like to continue the matter until the commission's meeting in January. He said by that

time Mr. Borrmann will have met with Capt. Murphy and Capt. Murphy can provide the commission with an update. Chairman Skeffington said he hopes the January meeting will be held in person. Motion made by Commissioner Pappalardo and seconded by Commissioner Gilgun to continue the Extend Stay Hotel matter until the commission's meeting on January 14, 2021; Roll call; Commissioner Gilgun, aye; Commissioner Pappalardo, aye; Chairman Skeffington, aye; approved, 3-0.

- 4. Approval of 2021 liquor and innholder licenses:** Chairman Skeffington asked about the status of liquor license renewals. Clerk replied there are about 12 license renewals that are incomplete, and that he is waiting for paperwork. Motion made by Commissioner Pappalardo and seconded by Commissioner Gilgun to approve the liquor license renewals for 2021: Roll call: Commissioner Gilgun, aye; Commissioner Pappalardo, aye; Chairman Skeffington, aye; approved, 3-0.
- 5. Applications for early opening hours on Christmas and New Year's Eve:** Chairman Skeffington said there will be no extended hours during the holiday season, per order of the mayor and the governor, due to the implication of Covid-19. Motion made by Commissioner Pappalardo and seconded by Commissioner Gilgun to deny all requests for extended hours on Christmas and New Year's Eve; Roll call: Commissioner Gilgun, aye; Commissioner Pappalardo, aye; Chairman Skeffington, aye; all in favor, 3-0.
- 6. Approval of minutes from meetings of November 19, 2020:** Motion made by Commissioner Pappalardo and seconded by Commissioner Gilgun to approve the minutes from the aforementioned meetings; Roll call – Commissioner Gilgun – aye; Commissioner Pappalardo – aye; Chairman Skeffington – aye; approved, 3-0
- 7. Any other matters that may be legally before the Commission:** Chairman Skeffington said the commission has received a couple of advisories from the ABCC that will be placed on file. Chairman Skeffington said he would like to talk about another incident at the Dog House Bar & Grill. Capt. Murphy said that incident is on his list of things to address. Chairman Skeffington said on December 12 or December 13 there was an ugly sweater party at the Dog House. He said it was originally scheduled for December 26 but moved to the 12th. He said Capt. Murphy will look into it. Capt. Murphy said there were no calls for service, but he will investigate to determine if there were any violations of Covid-19 protocol. Chairman Skeffington said the governor's order prohibits entertainment and live music from being performed at any establishment with a liquor license. Chairman Skeffington said he has been informed the South End Italian Club will be closed for three months due to the restrictions of Covid-19. He said members of the commission are all aware of an unfortunate incident at Jake & Joe's that involved a fatal shooting in the parking lot. Capt. Murphy said the incident occurred outside the restaurant and agreed it was an unfortunate set of circumstances. Chairman Skeffington said there is a little bit of a concern about the lighting in the parking lot. Capt. Murphy said the lighting in the parking lot was reduced to lessen the impact on residential neighbors, due to some complaints several years ago. Chairman Skeffington said he and

Commissioner Gilgun drove to Jake & Joe's in the aftermath of the shooting and from his point of view it was an unfortunate incident. He said there was exceptional police work. He said it was his first time at an incident like that. He said the police identified a suspect within minutes. He said the community should be proud of the police department. He said it was incredible to see.

- 8. Motion made by Commissioner Gilgun and seconded by Commissioner Pappalardo to adjourn:** Roll call – Commissioner Gilgun – aye; Commissioner Pappalardo – aye; Chairman Skeffington – aye; approved, 3-0. Chairman Skeffington adjourned the meeting at 6:40 p.m.

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Gordon Vincent
Clerk of Committees