

**Woburn License Commission
Regular Meeting
City Council Chamber
Thursday, November 18, 2021**

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

Also present: Woburn Police Capt. John Murphy, liaison to the License Commission

Chairman Skeffington convened the regular meeting of the License Commission at 6:02 p.m.

- 1. St. Charles Borromeo Church, 280 Main St., application for a 1-day liquor license for a dinner-dance on Saturday, Dec. 4, 2021, from 7-11 p.m.:** Representing the applicant were Moyara Pesotti and Fr. Raphael Pinto, St. Charles Borromeo Church, 280 Main St., Woburn, MA. Ms. Pesotti said the dinner-dance is an annual event that is usually held toward the end of the year. She said the funds that are raised go toward the parish and the community. She said they are asking to serve beer and wine. Chairman Skeffington asked if the alcohol will be served by licensed bartenders. Ms. Pesotti answered affirmatively. Commissioner Gilgun said the parish did a nice job with this event last year. Chairman Skeffington asked if anyone in the audience wished the address the commission in regard to the petition. Jeffrey Dillon, Ward 3 Councilor, said Fr. Pinto and Fr. Capuci do a great job helping the community. He said an event like this helps the parish raise money. He humbly requested the commission approve the application. Motion made by Commissioner Pappalardo and seconded by Commissioner Gilgun to grant the 1-day liquor license and waive the application fee; approved, 3-0. Commissioner Gilgun asked if the applicant will need a storage day for the alcohol. Chairman Skeffington asked what day the alcohol is arriving. Ms. Pesotti said the alcohol will arrive the day of the event.
- 2. Shallots, Inc., 920 Main St., alleged violation - M.G.L. c.138, §77 – Ceasing to Conduct the Licensed Business:** Representing the license holder was Veasna Nong, 248 Kings Hill Road, Lynn, MA. Ms. Nong said Covid-19 disrupted business at the restaurant, which has been closed at least temporarily. She said the principals are discussing whether to re-open, sell the business, or renew the license so the landlord can obtain it. Chairman Skeffington asked if the restaurant will re-open. Ms. Nong said they are discussing future plans. Chairman Skeffington said if Shallots is not open, it cannot hold onto the license as a pocket license. He said Shallots has been closed for more than 30 days and the license should come back to the License Commission. He said the license cannot be sold. He said there is a process that needs to transpire. Ms. Nong said they are discussing re-opening the restaurant. She said a decision has not been made. Commissioner Pappalardo asked why the restaurant closed. Ms. Nong replied they were short-staffed. She said the principals are trying to operate two other businesses. She said they are thinking about re-opening or selling the business. Commissioner Gilgun said if they decide to the business and try to sell the licenses, that is fraudulent. He said what happens is the License Commission gives out a license, it remains the property of the

commission. He said the license holder does not own the license; the licensee just holds it. He said any prospective buyer has to come in and apply for that license. He said there is a process and he does not want to see Ms. Nong get in trouble for selling the license. He said the clerk can advise Ms. Nong accordingly. Chairman Skeffington said his big concern is Ms. Nong does not know if the restaurant is re-opening. He said he is just one member of the commission but he would like to continue the hearing until next month. He said the commission is going to need an answer by then. He asked if Ms. Nong has submitted the paperwork for the renewal of the liquor license. He said he thinks Ms. Nong needs to contact the Building Dept. for an inspection. He said Ms. Nong has until Nov. 22 to submit the paperwork for a renewal. He said if the restaurant isn't inspected, the license can't be renewed. Commissioner Gilgun advised Ms. Nong to contact Capt. Murphy. Capt. Murphy said he will be around next week. Motion made by Commissioner Pappalardo and seconded by Commissioner Gilgun to continue the hearing until the commission's meeting on Dec. 16; approved, 3-0.

- 3. Woburn Hotel Liquor LLC, dba Hilton Woburn Boston Hotel, 2 Forbes Road – application for change of manager:** Representing Woburn Hotel Liquor LLC was William Young, 2 Forbes Road, Woburn, MA. Mr. Young said he had approximately 40 years of experience in the hospitality industry. He said he has been at the Hilton in Woburn for the past seven months. He said he was formerly the general manager of the Sheraton in Newton, and the Sheraton in Needham, and he was also formerly employed at the Sheraton in Wakefield/Lynnfield. Motion made by Commissioner Pappalardo and seconded by Commissioner Gilgun to grant the application for change of manager; approved, 3-0. Chairman Skeffington advised Mr. Young to introduce himself to Capt. Murphy. He said Capt. Murphy is a good guy to get to know.
- 4. Communications from ABCC regarding liquor licenses quota based on 2020 U.S. Census:** Chairman Skeffington read a memorandum from the ABCC that indicates a new package store license and two new all alcohol restaurant licenses have been added to the city's quota, based on the 2020 U.S. Census. He said last time the U.S. Census was undertaken in 2010 there were approximately 38,000 people living in Woburn and the 2020 census indicates there are about than 40,800 residents. He said the commission has already received two applications for the Section 15 package store license, which he said can be granted upon approval by the License Commission. He said the commission will take into consideration what is best for the city. He said the commission will decide if the applicant is in good standing, and of proper age to manage a package store. He said the commission will decide if the city needs a new package store. He said he does not understand how there was a race to the door to apply for the new license. He said he would like for the commission to instruct the clerk to not accept any more applications for the additional licenses that were made available. He said there are a lot of things the commission will have to discuss. He said he can go about a mile from the locus in either direction on Main Street and find a liquor store. Commissioner Pappalardo said the city is already pretty condensed with liquor stores. Chairman Skeffington said the commission will have to determine if there is a need for another package store. Commissioner Pappalardo asked if there is a time frame for the commission to decide on the new licenses. Chairman Skeffington said he does not want to be bound to a time frame. Commissioner Gilgun said imposing a time frame may lead to very laborious work. He

said he would like to keep the applications the city has received so far on file and inform the applicants of anything that transpires. Chairman Skeffington said the commission can ask for requests for information. He said the commission just received notification the new licenses are available. He said he does not know how potential applicants were made aware of the availability of the new licenses before the commission received written notification. Clerk said the first applicant for the new package store license has been in contact with him on almost a monthly basis since at least the summer about the potential availability of a new package store license. Commissioner Gilgun said this is not a first come, first served process. Commissioner Pappalardo agreed the commission should not accept any new filings for the newly available licenses until a decision is made by the board about how to proceed. Chairman Skeffington said the commission will let the public know what the process will be. Commissioner Gilgun said if people do apply for these licenses, the clerk ought to keep them abreast. Motion made by Commissioner Pappalardo and seconded by Commissioner Gilgun to place a moratorium on the acceptance of new filings for any new licenses that are available due to the decennial census; approved, 3-0.

5. **Liquor Market Inc., dba Liquor Market, 375 Main St., Woburn, MA, application for a new package store license at 375 Main St.:** Representing the applicant were Attorney Arthur Pearlman, PO Box 2507, Framingham, MA; and Dev Khambhati, 59 Greenside Way, Methuen, MA. Attorney Pearlman said his client applied for the new package store license and notified abutters of the hearing before the commission imposed a moratorium on any new filings. He said he is not sure how the commission wants to proceed. He said Mr. Khambhati is seeking a package store license for premises at 375 Main St. He said Mr. Khambhati is the sole stockholder and he will also be the manager of the store. He said Mr. Khambhati lives in Methuen, and he currently operates a package store in Andover. He said he helped open another liquor store in Dover, N.H. He said Mr. Khambhati is very familiar with the business. He said Mr. Khambhati has no violations on file. He said the liquor store will be open from 9 a.m.-9 p.m. Monday-Saturday and 10 a.m.-8 p.m. He said Mr. Khambhati is certified in New Hampshire and will be Tips certified in Massachusetts. He said all employees will also be Tips certified. Commissioner Gilgun praised Attorney Pearlman for the paperwork associated with the application. He said he received notice on Monday of the new quota numbers from the ABCC. He said the last new package store license that was issued in Woburn was in the 1980s, and the approval process was a fiasco. He said the commission wants to take its time and do this right. He said he does not want the attorney or the applicant to think this is anything against them. He said the commission was kind of hit with a sucker punch. He said he is not prepared to vote tonight. Attorney Pearlman said he deals with the ABCC on a regular basis. He said there is a list of communities with newly issued licenses. Mr. Khambhati said after he is notified of any quota increases, he goes to the community to try to find a location. Chairman Skeffington asked what the age of the applicant is. Attorney Pearlman said the applicant turns 21 on January 30, 2022. He said if the commission is inclined to approve the application, he would ask it to wait until December to file it with the ABCC, which would likely not approve the application until after Mr. Khambhati turns 21. Chairman Skeffington said there are rules in place that need to be followed. He said the ABCC has rules that it expects the commission to follow. He said

the applicant is here in November but does not turn 21 until January 30. Attorney Pearlman said the statute says an applicant can apply before he or she turns 21. He said the processing time at the ABCC is usually 6-8 weeks. Chairman Skeffington said the commission can't approve the license until January 30. He said the applicant is requesting approval for someone who is not 21. He said to him, that's everything. He said the commission just talked with a previous licensee about a pocket license. He said he does not feel comfortable approving a license for a business with a manager who is not 21. He asked why the ABCC only made certain people aware of the availability of new licenses. He said if more people were aware there is a license available, then there would be more applications. He said the application was time-stamped and the commission will follow regulations, but he does not feel comfortable continuing the hearing for two months until the applicant becomes of age. He said he is not sure whether the commission's regulations require an applicant to be 21. He said the commission has never been down this road before. Commissioner Pappalardo said Mr. Khambhati is applying for a license the commission is not inclined to give out at this point. Chairman Skeffington said the commission does not grant licenses on a first come, first served basis. He said the commission has to determine whether there is a need. He said the commission has to consider the proposed location. He said 375 Main St. is a terrible location for a package store. He said there is no parking there. He said there is a busy restaurant with a bar next door. He said parking in Woburn Center is a problem. Commissioner Gilgun said he does not care about parking. He said that is none of his business. He said he cares about the license. He said if the commission was more prepared, it could grant the license subject to the applicant being 21 years old, but he feels like he's been blind-sided. Attorney Pearlman asked if the commission could hold the application in abeyance. Commissioner Pappalardo said the commission is not granting the license right now. He said he thinks the site is a moot point. He said the applicant is in the queue just like everyone else. Commissioner Gilgun asked if the applicant can ask to maintain the application on file. Chairman Skeffington said the application can remain on file. Chairman Skeffington asked if anyone in the audience wished to address the commission in regard to the application. There were no respondents. Motion made by Commissioner Pappalardo and seconded by Commissioner Gilgun to close the public hearing; approved, 3-0. Motion made by Commissioner Gilgun and seconded by Commissioner Pappalardo to accept the application from Liquor Market Inc. and place it on file. Commissioner Gilgun said the commission has 30 days to act on the application and can at least place on file. Attorney Pearlman said he will send something in writing to the clerk to waive the 30-day requirement for action by the commission. Commissioner Gilgun said he does not think that is necessary. Vote to receive the application and place it on file, approved; 3-0. Motion made by Commissioner Pappalardo to deny the license application form Liquor Market, Inc. Commissioner Gilgun said he does not see how the commission can deny the application. Chairman Skeffington said if the commission denies the application, the applicant can submit another application. Motion to deny the application seconded by Chairman Skeffington. Motion to deny approved, 2-1, with Commissioner Gilgun opposed. Attorney Pearlman said Mr. Khambhati is one the most diligent clients he has ever represented. He said it was amazing how quickly Mr. Khambhati got the application together. He said no one gets a liquor license application together this fast. He said Mr. Khambhati's abilities impressed him very much.

- 6. Requests for extended hours on Thanksgiving:** Chairman Skeffington said the commission has received requests for extended hours on Thanksgiving from the American Legion, the Woburn City Club, the Irish American Club of Woburn, St. Anthony's Club of North Woburn, the Towanda Club, and the Woburn Moose Family Lodge, all with an opening hour for liquor service of 7 a.m. Chairman Skeffington said he will talk to Capt. Murphy to make sure the only clubs that are open early on Thanksgiving are the ones that have been approved by the License Commission. Commissioner Pappalardo asked if these establishments open early on Thanksgiving as a pre-game for the Winchester/Woburn football game. Chairman Skeffington replied not necessarily. He said there does not have to be a connection to the football game. He said a lot of clubs open early on Thanksgiving for events. He said the commission accepts similar requests for late hours on New Year's Eve. He said the Woburn Police Dept. needs to know which establishments are open earlier on Thanksgiving. Motion made by Commissioner Pappalardo and seconded by Commissioner Gilgun to grant the requests for extended hours on Thanksgiving; approved, 3-0.
- 7. No shows from mandatory meeting on October 21, 2021:** Clerk said Peggy Daly from Best Western hotel was in the audience earlier but was sick, so her told her to go home. Representing the VFW was Lawrence Guiseppe. Mr. Guiseppe said he was unable to attend the meeting in October but he has submitted all the required license renewal documents to the clerk. He apologized for not having a representative at the mandatory meeting. He said he doesn't not know what happened.
- 8. Approval of meeting minutes from October 21, 2021:** Motion made by Commissioner Gilgun and seconded by Chairman Skeffington to approve the minutes of the meeting and October 21, 2021; approved, 2-0.
- 9. Any other matters that may be legally before the Commission:** The commission will meet on the following dates: December 16, 2021; January 27, 2022; February 17, 2022; March 24, 2022.
- 10. Motion made by Commissioner Pappalardo and seconded by Commissioner Gilgun to adjourn; approved, 3-0.** Chairman Skeffington adjourned the meeting at 6:56 p.m.

A TRUE RECORD

Gordon Vincent
Clerk of Committees

