

**MINUTES OF THE MEETING OF THE
MARLBOROUGH LICENSING BOARD
FEBRUARY 22, 2023, 6:30 PM
COUNCIL COMMITTEE ROOM, 140 MAIN STREET, 1ST FLOOR**

Attending: Greg Mitrakas, Chairman; David Bouvier, Member; Mary Jo Nawrocki, Member
Tina Nolin, Clerk

The meeting was called to order by Chairman Mitrakas at 6:30 pm.

New Business

1. One-day Liquor Licenses

- Stevie's Back Road Café, 377 Main St, Hudson, MA for an event at Jacob's Hall Masonic Hall, 8 Newton St., Marlborough, MA
Stephen Dembro attended the meeting to present the application

Member Bouvier motioned to approve the application, it was seconded by Member Nawrocki and the motion passed with a 3-0 vote.

- St Matthias Parish, 409 Hemenway St., for a St Patrick's Day Dinner Party
April Lowe presented the application.

Member Nawrocki motioned to approve the application, it was seconded by Member Bouvier and the motion passed with a 3-0 vote.

- Lost Shoe, 19 Weed St., for St. Patrick's Day event. Lanna Mosca presented the application

Member Bouvier motioned to approve the application, it was seconded by Member Nawrocki and the motion passed with a 3-0 vote.

2. Discussion with manager/owner Desmond McKane of Funky Murphy's regarding alcohol service and control procedures for not overserving.

Manager, Desmond McKane was present representing Funky Murphy's.

Chairman Mitrakas began by entering into the record the letter sent out in January informing the establishment that they had been cited in the DUI list compiled by the state AG's office.

Mr. McKane assured the Board that they take over-serving patrons very seriously and are doing all they can to prevent it, including, but not limited to having all staff TIPs certified and having frequent staff training, and reminders for what to watch for, having staff watching people come in from the parking lot, being aware and mindful of people who appear to have recently smoked cannabis before coming in, and having a door person on Thursday, Friday and Saturday nights, and having the overall establishment being run as a restaurant and continually and foremost pushing the food options over bar options.

Member Bouvier brought up a concern with the issue of the lateness with which the establishment remains open at night and thus being a last-call stop. In a similar vein, Chairman Mitrakas asked if there was any thought for when someone comes in after 11:00 that there be a maximum drink service. Mr. McKane explained that his kitchen stays open very late to serve workers coming in after 11:00 pm. Therefore, their hours are helpful for those folks, and thus have not considered a cut-and-dry minimum to serve.

Mr. McKane also mentioned that while they did not disagree that one DUI is one too many, if one looked at the number of people served and the number of DUI mentions for the establishment it would be quite small over the one to one-and-half-year range of the report.

The Board did not disagree and was glad to hear of the systems that they had in place for trying to minimize over-serving and that they continue to give it some thought. Chairman Mitrakas thanked Mr. McKane for coming in to discuss the issue and reminded him to let his staff know that he came in and to also review their service procedures and protocols regularly.

3. Application for a new Wine and Malt License, Buffalo-Marlborough Associates, LLC (DBA Hampton Inn Marlborough), 277 Boston Post Rd. W, Mark Myles, Manager
Mr. Myles was present at the meeting.

The public hearing opened at 6:47 pm. Mr. Myles presented the application explaining the alcohol would be offered from a small kiosk monitored by the front desk and videos as well. Mr. Myles is TIPs trained and he will be the only one with access to the alcohol storage unit so if he is not at the hotel, there will be no kiosk restocking of the kiosk.

Chair Mitrakas then asked if there was anyone present to speak in favor of the application, but there was not. Nor did anyone speak up in opposition to the application.

When asked by Member Bouvier how they would monitor for minors in the rooms Mr. Myles reported that have a monitor that walks the property including the pool and hockey areas who would be on the lookout for signs of such behavior. Training of all staff will be comprehensive and complete before offers are made available to customers.

In response to Chair Mitrakas' questions concerning the kiosk, Mr. Myles responded that alcohol would be handled by the front desk person who would get the beer or wine from the refrigerator unit behind the front desk. The kiosk will offer other items as well, such as snacks and sundries.

Chairman Mitrakas also reminded Mr. Myles, that per the statute there could be no sales of alcohol between 2:00 am and 8:00 am on any day.

The public hearing was closed at 6:56 pm

Member Nawrocki motioned to approve the Wine and Malt License Application for Buffalo-Marlborough Associates, LLC application, Member Bouvier seconded, and the motion passed with a 3-0 vote.

4. Application for a Change of Officer & Director, Stockholder, Manager, Dhiren Market Corp. (dba Marlboro Market), 1 East Main St with Kosha Patel as Manager
Mr. Patel was present at the meeting, as was his attorney, John M. Mooradian.

The public hearing was opened at 6:57 pm

Mr. Mooradian presented the application explaining that all shares of stock are being transferred to new owners Kushan Patel, with Kosha Patel being the new manager.

No public spoke up in favor or opposition to the application and the Board had no questions about the application.

- Member Bouvier motioned to approve the Change of Officer & Director portion of the application, Member Nawrocki seconded, and the motion passed with a 3-0 vote.
 - Member Bouvier motioned to approve the Change of Stockholders portion of the application, Member Nawrocki seconded, and the motion passed with a 3-0 vote.
 - Member Bouvier motioned to approve the Change of Manager portion of the application, Member Nawrocki seconded, and the motion passed with a 3-0 vote.
5. Application for an online/office-only Motor Vehicle Dealership License - Class II, Chap Idyzz Global, 85 Preston St., Marlborough, MA, owner Charles Ahiwe

Mr. Ahiwe was present to present the application.

Chair Mitrakas asked if any vehicle spends any time at this location for inspection, review by client, pick-up, etc. to which Mr. Ahiwe responded that no, a car is bought at auction and goes directly to the customer, and there is never any delivery to the office.

Member Nawrocki motioned to approve the Class II Dealership application for Chap Idyzz Global, with no cars for sale ever allowed on the lot. Member Bouvier seconded the motion, and the motion passed with a 3-0 vote.

6. Reports from Chairman

Update on Board's visits at Marlboro Market, 1 East Main St., and Post Road Pantry, 21 Boston Post Rd. East.

- Marlboro Market, 1 East Main Street
The location was in compliance (alcohol occupied only 300 square feet of sales space including coolers and shelves) when the Board visited the location.
- Post Road Pantry, 21 Boston Post Rd E
Chairman Mitrakas noted that this location was in fairly dangerous shape with aisles too small for carts and meeting ADA requirements, the product is stocked too high, and is in a volume unfit for an establishment of its size. In addition, it was not being kept up well with dirt and debris collecting.

Chair Mitrakas suggested seeing what the building department determined from their inspection and contacting the city solicitor to determine if there is a way to get paperwork regarding the history of purchases and sales from that location, as the amount of beer is enough for a Wegman's sized store, and it seems unlikely that such volume is being sold to the public along suspect some wholesaling or something else is going on.

The Board concurred with Chair Mitrakas and deputized him to speak with the building department and the city solicitor on the Board's behalf.

7. Misc. correspondence and open issues - There were no correspondence or open issues

Business unknown before meeting

729 Farm Road

Building Commissioner, Tin Htway asked to speak briefly with the Board regarding a Class II Dealership located at 729 Farm Road. An inspection by code enforcement found approximately 23 cars being stored on the lot, not the 11 they are currently allowed. In addition, the Commissioner said the location should never have been allowed 11 cars, which was approved a few years back, as it is not zoned for automotive. The commissioner reported that he will be sending a citation letter to remove all but 3 cars from the lot. If the owners would like more than 3 cars, they will have to first apply to the city council for a special permit, followed by a review by the site plan committee and building for approval, and then the licensing board. The Board agreed and asked the commissioner to let the clerk know when the dealership had been notified.

8. Review of minutes from

- **January 25, 2023, meeting**
Member Bouvier motioned to approve January 25, 2023, meeting minutes as amended per the Chair; Member Nawrocki seconded the motion. The motion passed with a 3-0 vote.

MINUTES OF THE LICENSING BOARD -- FEBRUARY 22, 2023 -- p. 5

The next regular meeting of the Licensing Board will be on **Tuesday, March 28, 2023**, at 6:30 pm.

Member Bouvier motioned to adjourn the meeting at 7:28 pm; Member Nawrocki seconded the motion. The motion passed with a 3-0 vote.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Greg Mitrakas', with a horizontal line extending from the end of the signature.

Greg Mitrakas, Chairman

3/28/2023

Dated