

Minutes of the Board of Licensing Commissioners for their meeting held on Tuesday, February 27, 2018, at the Weymouth Town Hall, Chambers located at 75 Middle Street, Weymouth, MA

Attendance (present): Chairperson Kathleen A. Deree, Town Clerk; Daniel McCormack, Director of Public Health; Jeffrey E. Richards, Director of Municipal Licenses & Inspections, Clerk; Police Chief Richard Grimes; Fire Captain Justin Myers (absent): Fire Chief Keith Stark and Licensing Officer Edward Chase

Chairperson Deree called the meeting to order at 2:00 PM.

**NEXT PAGE CAFÉ, 550 BROAD ST. -- RE: LICENSED HOURS ON ANNUAL ENTERTAINMENT LICENSE**

Mr. Richards MOTIONED to continue the hearing until later in the meeting as Mr. Page was not present. Mr. McCormack seconded the motion and it was UNANIMOUSLY VOTED.

**APPROVALS**

- Minutes: December 19, 2017

Mr. Richards made a MOTION to approve the minutes of December 19, 2017. Mr. McCormack seconded the motion and it was UNANIMOUSLY VOTED.

- One-Day Wine & Malt Permit: Cocktails, LLC

Mr. Richards made a MOTION of approval for a One-Day Wine & Malt Permit for Cocktails, LLC for a Baby Shower to be held at the Pond Plain Improvement Association on March 3, 2018 from 12:30 PM – 4 PM. Mr. McCormack seconded the motion and it was unanimously voted.

- One-Day Wine & Malt Permits: Saint Jerome School

Mr. Richards made a MOTION of approval for a One-Day Wine & Malt Permit for Saint Jerome School for the following: a Trivia Night on February 10, 2018 from 7 PM – 11 PM; SJS Bingo Night on March 10, 2018 from 6 – 11 PM and a \$10K drawing to be held on April 7, 2018 from 6 PM – 11 PM. Mr. McCormack seconded the motion and it was UNANIMOUSLY VOTED.

- One-Day Liquor Permit: Weymouth Club, Inc.

Mr. Richards made a MOTION of approval for a One-Day Liquor Permit for a charity event held at the Weymouth Club on January 20, 2018 from 5 PM – 12 AM. Mr. McCormack seconded the motion and it was UNANIMOUSLY VOTED.

- One-Day Liquor Permit: Immaculate Conception Parish Knights of Columbus

Mr. Richards made a MOTION of approval for a One-Day Liquor Permit for the Immaculate Conception Parish Knights of Columbus for a St. Patrick's Day Dinner to be held on March 10,

2018 from 5 PM – 11 PM. Mr. McCormack seconded the motion and it was UNANIMOUSLY VOTED.

### **CHAIRMAN'S REPORT**

- Next Meeting:

Mr. Richards stated the next meeting would be held on Tuesday, March 27, 2018 at 2 PM. He made a MOTION of approval. Mr. McCormack seconded and the motion was UNANIMOUSLY VOTED.

### **CORRESPONDENCE**

- Officer Chase RE: Incident at McSwiggans, 450 Washington St.

Mr. Richards stated the Board is in receipt of the Police reports of Sgt. Mark Sirignano and Officer Michael Chesna. The report has been reviewed and he MOTIONED to schedule a hearing for their next meeting. Mr. McCormack seconded the motion and it was UNANIMOUSLY VOTED.

- Massachusetts Lottery Commission – Lincoln Sq. Sunoco, 185 Washington St.

Mr. Richards MOTIONED to acknowledge the correspondence from the Mass State Lottery Commission regarding the Keno to Go application of Lincoln Sq. Sunoco, 185 Washington Street. Mr. McCormack seconded the motion and it was UNANIMOUSLY VOTED.

### **NEXT PAGE CAFÉ, 550 BROAD ST. -- RE: LICENSED HOURS ON ANNUAL ENTERTAINMENT LICENSE**

Mr. Richards stated there was an incident that took place a few months back in regards to their Annual Entertainment License and signage and offering live entertainment on two Wednesday nights offered by the Manager of the establishment. He spoke to the owner of the establishment and he was supposed to be present today. The neighbor Mr. David Crawford notified the Board that the sign banner did exist and advertised hours outside of their license for Wednesday nights. The Town did take steps to notify the establishment that they were in violation of their license. The second incident happened when Mr. Page was in Florida. The Licensing Board called for the hearing for Mr. Page to come in to explain the incidents. The banner was taped to exclude the Wednesday hours. He announced the matter for comment.

Mr. David Crawford, Broad Street resident, came forward, stating the sign was indicative of a much larger management problem. Next Page Café has operated outside of their live entertainment hours and this has been a blatant disregard of his license. Bands have been playing until 1 AM for two years now. The police have been called. When they show up there is no issue so as a consequence there is no consequence. The matter has been ongoing for two decades. The fence was installed as part of the noise abatement agreement and Mr. Page took it down. The sign is a complete disregard to their license having it up. The restaurant is located in a dense residential area with children and

elderly. Music goes until 1 AM and the crowds don't leave until closer to 2 AM. There is an air of hostility because of such. Neighbors want some peace and just to have a quiet peaceful life. The security light that has been installed is so bright in the back parking lot that it shines into his bedroom at night. The existing sign only proves a lack of respect. Last time he appeared before the Board he presented a petition signed by 17 people.

Mr. Richards stated it is a densely populated area. He views it as similar to the Red Rose site and doesn't see where there are issues as they have entertainment and a bar as well.

Mr. Crawford replied that it is a well-managed bar.

Mr. Richards stated three years ago there was an extensive investigation.

Mr. McCormack stated improvements were made to the site as a result to eliminate noise. He has not heard complaints through the Health Department. The entertainment license hours were restricted previously and there still remains an issue if they are operating until 1 AM.

Mr. Crawford stated the fence has been removed and he doesn't know what can be done about it.

Mr. Richards stated Mr. Page feels he needs live music to make a business.

Mr. Crawford replied he should operate during licensed times. Enough is enough.

Mr. Richards stated they are located in a village. He is still confused on how it is different from the Red Rose.

Mr. Crawford said it is based on the times of the venues.

Mr. Richards replied they should be able to enjoy the food and live entertainment.

Mr. Robert Piazza stated he has Grandchildren who stay with him and they have been subject to fowl mouthed customer's comments which are inappropriate. He said Mr. Page doesn't set the customers straight. This is an issue as they should not be subject to such vulgarities.

Mr. Crawford said there is an agreement between this Board/Police and the licensee. He questioned when the abusing will stop. The neighbors want peaceful enjoyment. He suggested changing the entertainment hours to 7 – 9 PM.

Attorney David McDonald came forward, representing Mr. Edward Page, stating he has a right to run his establishment and can't change the people who smoke or how they act. Entertainment isn't offered on Monday or Tuesday nights. There is no solution that is going to please the neighbors. Mr. Page has done what he says he had done to deter the noise. He realizes he operated on the first Wednesday night and the second Wednesday night he was away in Florida and he reprimanded his employee who was managing the site for such. This is a witch hunt and is not appropriate.

Mr. Richards stated the manager should be responsible for the bar.

Chairperson Deree stated she specifically spoke with Mr. Page and he told her the entertainment would cease on Wednesdays. She said the buck stops here. Although, he took action and it hasn't happened since.

Mr. Richards stated the banner has been taped. If management doesn't have control over the establishment it is not acceptable.

Attorney McDonald replied he has had no turnover in staff.

Mr. Richards said Mr. Page determined that he would need live entertainment to survive. This is his livelihood. The license has been granted and is a privilege, not a right. They are not being harmonious and they have to get back to the philosophy to make it work.

Attorney McDonald stated the walls were built for noise abatement and the exits are clean. They need to keep their licensed hours. These people won't be happy until he loses his livelihood.

Chairperson Deree stated they aren't sticking to the hours on the license and on Wednesdays they shouldn't be offering live entertainment.

Attorney McDonald said he will speak with Mr. Page to suggest hiring a General Manager as he is required to manage his establishment.

Mr. Piazza stated Mr. Page is arrogant. He had the chance to get off the stool and speak to his customers but did not in the past.

Mrs. Dorothy Tener, Middle Street, stated enough is enough. The patrons have damaged her property and they have urinated on her property from the parking lot. She never got mad—life is too short.

Mr. Russell D'angelo spoke of his concern as well.

Chief Grimes stated there seems to be a disconnect. Ultimately, Mr. Page is responsible. The manager is responsible for what goes on at the property. The quality of staff matters and during the absence of Mr. Page there should be management as well. The outside smoking area needs to be monitored as well as the parking lot.

Attorney McDonald stated having a doorman would be a suggestion to Mr. Page or they may risk losing their entertainment license.

Chief Grimes stated they have to be professional at all times and know what their limitations are to remain control.

Attorney McDonald stated he would tell Mr. Page the money would be well spent.

Mr. McCormack stated there are several violations with the entertainment license. They are required to monitor noise levels and keep it within a responsible level. Hours have been restricted.

The fence is going to assist eliminating the sound. They have been talking about this for years, trying to assist the neighbors and making sure he complies. Mr. Page needs to make sure he runs a good business at the site without issues.

Mr. Crawford suggested that the entertainment be required to end at 9 PM.

Mr. Piazza stated there was no problem when Mr. Page's father ran the business.

Chairperson Deree stated, unfortunately, Mr. Page is not present today.

Mr. Richards stated there were two offenses of operating on Wednesdays, outside of their licensed hours. Bartender was reprimanded for such and the Licensing Board needs to take action.

Mr. Richards made a MOTION to suspend the Annual Entertainment License for one week on March 8, 9 and 10.

Chairperson Deree stated she felt it wasn't strong enough, but would go along with the Board.

Mr. McCormack stated he was concerned about the future; looking to deter future issues. He seconded the MOTION and it was UNANIMOUSLY VOTED.

Mr. Richards made a three part MOTION: to have Next Page Café back in May or June; to limit the hours of the Annual Entertainment license until 11:30 PM and for the fence to be fixed.

Mr. McCormack stated he felt having a doorman is important to having someone police the site.

Mr. McCormack seconded the MOTION in anticipation of having a future discussion about requiring a doorman. The MOTION was UNANIMOUSLY VOTED.

Mr. Richards stated he hoped that Mr. Page got the message.

Mr. Crawford suggested that police calls be monitored and if they are on scene three to five times it would equal an offense. The neighbors asked that they be notified of the future hearing.

Mr. McCormack stated that fines be considered as part of the suspension schedule.

## **ADJOURNMENT**

Mr. Richards made a MOTION to adjourn at 2:08 PM. Mr. McCormack seconded the motion and it was UNANIMOUSLY VOTED.

Respectfully submitted,

Lisa VanWinkle  
Recording Secretary

Approved:

Date:

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Jeffrey E. Richards, C.B.O., Clerk, Director of Municipal Licenses & Inspections