

Minutes of the Board of Licensing Commissioners for their meeting held on Tuesday, November 18, 2014, at the Weymouth Town Hall, Chambers, 75 Middle Street

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

Chairperson Deree called the meeting to order at 1:30 PM.

Mr. Richards made a MOTION to take APPROVALS out of order. Chief Stark seconded and the motion was UNANIMOUSLY VOTED.

## **APPROVALS**

- Minutes: October 28, 2014

Mr. Richards made a MOTION to approve the meeting minutes of October 28, 2014. Chief Stark seconded and the motion was UNANIMOUSLY VOTED.

- Special Event Request: Columbian Building Association

Mr. Richards made a MOTION to approve the Special Event Request for the Columbian Building Association for the December 13, 2014 event to be held in Columbian Square. The event includes Christmas festivities and Christmas Tree Lighting between 4 PM – 7 PM. Chief Stark seconded the motion and it was UNANIMOUSLY VOTED.

Applications for a Change of Sunday Opening Hours to 10 AM for the following Package Stores:

- Elli Idaris d/b/a The Wine Cellar, 791 Broad St.

Mr. Richards made a MOTION of approval for the change of Sunday hours to 10 AM for the package store license of The Wine Cellar. Chief Stark seconded the motion and it was UNANIMOUSLY VOTED.

- Mini Market Corporation, Inc. d/b/a Mini Market, 405 Middle St.

Mr. Richards made a MOTION of approval for the change of Sunday hours to 10 AM for the package store license of Mini Market. Chief Stark seconded the motion and it was UNANIMOUSLY VOTED.

PURSUANT TO M.G.L. CHAPTER 138, SECTION 64, VIOLATION HEARING TO CONSIDER MODIFICATION, SUSPENSION, REVOCATION OR CANCELLATION OF THE ALL ALCOHOLIC COMMON VICTUALLER AND COMMON VICTUALLER LICENSES OF: **BUCKSHOT, INC. D/B/A BUCK'S BAR & GRILL**, 416 MIDDLE ST.

Mr. McCormack stated the hearing was continued from the October 28, 2014 meeting and subject to a Health Inspection of Buck's, 416 Middle Street. He stated the inspection showed two residential fans strapped to the ceiling. The FDA does allow air curtains for temporary air flow for deliveries only. The current set up does not comply with their regulations which specifically requires screen doors or that doors remained closed. The matter is back before the Licensing Board today.

Mr. Richards recommended that they disseminate a finding of a first offense violation.

Mr. McCormack agreed that it be assessed as a first offense, but to issue a warning to comply, and if they should not, they will be called back for another hearing and a possible suspension.

Mr. Richards made a MOTION for a zero suspension warning.

Solicitor Lane asked if the Health Department had notified or speak w/ Mr. Buckley with the outcome of the inspection.

Mr. McCormack replied yes. They have been dealing with the situation for over a year and it hasn't been resolved yet.

Mr. Richards made a MOTION for a zero day suspension, as a first offense. Chief Stark seconded and the motion was UNANIMOUSLY VOTED.

APPLICATION OF **GEORGE J. ELDER D/B/A G&G DELI** FOR A COMMON VICTUALLER LICENSE AT 312 BRIDGE ST.

Mr. Richards stated the Common Victualler license application was in order. The ownership change will reflect Mr. Elder only, as a sole proprietorship.

Firefighter Myers stated the Fire Department inspected the location and it is okay.

Mr. Richards stated the Building Department did as well, same results.

Mr. Elder stated he intends to keep going with the current operation and will continue to improve.

Mr. Richards made a MOTION of approval. Chief Stark seconded and the motion was UNANIMOUSLY VOTED.

APPLICATION OF **ETLEVA GJURA D/B/A SUNNY SIDE UP RESTAURANT** FOR A COMMON VICTUALLER LICENSE AT 400 BRIDGE ST.

Mr. Richards made a MOTION to continue the hearing in order to meet public notice requirements. Chief Stark seconded and the motion was UNANIMOUSLY VOTED.

APPLICATION OF **PIZZAIOLA, LLC D/B/A PAPA JOHN'S PIZZA** FOR A FOOD VENDOR LICENSE AT 856 WASHINGTON ST.

Mr. Richards stated abutters have been notified and a complete application was submitted as a new license holder. Plans have not been changed. There have been three franchisees at the location.

Mr. Kevin Morin, Papa John's representative, stated they have just signed to operate three stores in the area. Papa John's has also signed a contract with the New England Patriots.

Mr. Bob Thomas, abutter, stated the hours of operation are listed on the application as 10 AM – 12 AM, which are different from previous operation. This means a later clean-up and dumpster use. Where the applicant is from Virginia, Mr. Thomas questioned who would manage the business. He also asked if someone spelled out the ZBA case, noting privacy fence and previous delivery issues.

Solicitor Lane stated the franchisee was established in 1984 and there is knowledge of particular problems at the site. Past problems at the site whether or not current problems, could be reduced as particular condition on the license.

Chairperson Deree stated the applicant before the Board is a new franchisee and would be a new owner/operated. They should be given a chance.

Mr. Thomas stated there is a history and he has spoken about concerns a number of times before the Board.

Mr. Richards made a MOTION to close the public hearing comment period. Chief Stark seconded and the motion was UNANIMOUSLY VOTED.

Mr. Richards asked Mr. Morin if they would be willing to amend the application to reflect a 11 PM closing hour.

Mr. Morin agreed.

Mr. Richards made a MOTION to grant the Food Vendor license to Pizzaiola, LLC d/b/a Papa John's at the location of 856 Washington Street with the hours of operation as 10 AM through 11 PM. Chief Stark seconded the motion and it was UNANIMOUSLY VOTED.

**APPLICATION OF ADEL ADAM D/B/A NANA'S KRISBY KRUNCHY CHICKEN & PIZZA** FOR A COMMON VICTUALLER LICENSE AT 336 WASHINGTON ST.

Mr. Richards stated in regards to the public notice requirements, the Legal Notice was advertised in the Brockton Enterprise not a local newspaper.

Solicitor Lane stated the notice must be placed in a local newspaper. The City of Brockton has no interest whatsoever. Therefore, it is required to be re-advertised and the hearing should be continued.

Mr. Richards made a MOTION to continue the hearing to the December 16, 2014 meeting so that the applicant may re-advertise. Chief Stark seconded the motion and it was UNANIMOUSLY

VOTED.

APPLICATION OF **GRANITE PACKAGE STORE OF WEYMOUTH, INC. D/B/A GRANITE PACKAGE STORE** FOR A CHANGE OF MANAGER ON THEIR ALL ALCOHOLIC PACKAGE STORE LICENSE AT 622 MIDDLE ST.

Mr. Richards made a MOTION to approve the change of manager on the All Alcoholic Package Store license of Granite Package Store of Weymouth, Inc. to Joseph Mangel. Chief Stark seconded the motion and it was UNANIMOUSLY VOTED.

#### **CHAIRMAN'S REPORT**

- Meeting Schedule

Mr. Richards announced the next meeting as December 16, 2014 at 1:30 PM.

#### **NEW/OLD BUSINESS**

- Renewals for Licenses expiring December 31<sup>st</sup> are due by November 28<sup>th</sup>

#### **ADJOURNMENT**

Mr. Richards made a MOTION to adjourn at 2:18 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