

Minutes of the Board of Licensing Commissioners for their meeting held on Tuesday, January 28, 2014, at the Weymouth Town Hall, Chambers, 75 Middle Street

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

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

**APPLICATION OF TNT FOOD CONCEPTS, LLC D/B/A TNT RESTAURANT AND CAFÉ FOR A TRANSFER OF THE ALL ALCOHOLIC RESTAURANT/COMMON VICTUALLER LICENSE OF MERLIS RESTAURANT MANAGEMENT, INC AT 75 FINNELL DR.**

Attorney Raymond Jennings, III attended with Ms. Tamera Mixon, Manager of TNT Food Concepts, LLC.

Mr. McCormack wanted the application to be clarified.

Mr. Richards stated the application was looked at for a building and fire protection standpoint and is being proposed at this time, although requesting 75 seats; it was reduced for the upstairs only with 50 seats, based on the Fire Code and a Common Victualler license for the first floor by the pool.

Attorney Jennings stated he represents TNT Food Concepts, LLC and provided backgrounds for Ms. Tamera Mixon and Ms. Latashia Surrey-Thomas, who have had experience in Atlanta, Georgia. Ms. Mixon is Serve Safe Certified. They moved to New England for this opportunity and to work with the Weymouth Club.

Attorney Jennings stated they are looking for an All Alcoholic Restaurant/Common Vicuttaller license for fifty (50) seats only in the upstairs area to serve dinner. The downstairs area will provide breakfast and lunch only without alcohol. It is a transfer of the existing license and they are not looking to do anything more. Eventually they made propose to increase the capacity, which would require some code updates. They are proposing to keep the Common Victualler licenses for upstairs and downstairs and the liquor license for the upstairs area only.

Mr. Richards stated on the license being transferred, it was for the second floor from May to September. He questioned if the license would be proposed for an annual operation.

Attorney Jennings stated it was always a seasonal operation and that is what they are seeking.

Mr. Richards replied the lease did not depict such.

Chairperson Deree announced the public hearing for comment.

Mr. Bob Montgomery Thomas questioned the applicants if they had ever been at the callan castle outside of Atlanta.

The applicants replied they had not.

Mr. McCormack stated for clarification the hearing they are hearing now is for an All Alcoholic Restaurant/Common Victualler license for the second floor only for 50 seats for a seasonal operation from September to May. As far as the Health Department, the health permit will be issued for year-round.

Firefighter Myers stated when the Fire Department and Building Department went to the site, issues were pointed out and subsequent inspections would be required to make sure everything is up to code.

Mr. Richards stated a Certificate of Occupancy would be required.

Mr. Richards made a MOTION to approve the All Alcohol Restaurant License transfer to be restricted to the second Floor from September to May for 50 seats total. Mr. McCormack seconded the motion and it was UNANIMOUSLY VOTED.

**APPLICATION OF TNT FOOD CONCEPTS, LLC D/B/A TNT RESTAURANT AND CAFÉ FOR A COMMON VICTUALLER LICENSE AT 75 FINNELL DR.**

Mr. Richards stated the Common Victualler License application shows the upstairs operational hours of Monday – Thursday: 5 PM – 10 PM, Friday: 5 PM – 9 PM and closed Saturday and Sunday. Downstairs hours: Monday through Sunday 9 AM – 3 PM. The plan shows the downstairs license as 43 seats.

Chairperson Deree announced the public hearing for comment. No comments were presented.

Attorney Jennings stated there is additional work to be done before they may apply for the beer and wine downstairs. The building has undergone some changes and therefore code updates are required.

Mr. McCormack stated if approved today, the upstairs would only be operational—subject to Certificate of Occupancy. Downstairs will be constructed and they are hoping to operate in the late spring, per Attorney Jennings comments.

Mr. Richards questioned if they were TIP's trained last month.

Ms. Mixon replied yes.

Mr. Richards stated the license would read September through May for second floor use and May through September for the Common Victualler use on the first floor.

Mr. Richards made a MOTION to approve the Common Victualler license for 75 Finnell Drive downstairs for the hours of Monday – Sunday: 9 AM – 3 PM and the upstairs hours of Monday –

Thursday 5 PM – 10 PM and Friday 5 PM – 9 PM. Chief Stark seconded the motion and it was UNANIMOUSLY VOTED.

**APPLICATION OF CECE'S PIZZA AND CATERING LLC D/B/A CECE'S PIZZA AND CATERING FOR A COMMON VICTUALLER LICENSE AT 4 UNION ST.**

Mr. Emmanuel Dubois, owner was present.

Mr. Richards reviewed the application and stated the proposed hours are for Monday to Saturday 10 AM – 10 PM with 15 seats. He stated proper notifications were made and a floor plan was included.

Mr. Dubois introduced himself, stating he was from France and that he has been in the business, primarily catering weddings.

Mr. Richards questioned if there were any proposed changes to the interior at all. He also asked if the signage would be changed.

Mr. Dubois replied painting only of the interior. The sign awning font would be changed.

Mr. Richards stated a sign permit would be required through the Building Department.

Chairperson Deree announced the public hearing for comment.

Ms. Jean Maganaro, 129 Pleasant Street, stated the dumpster at the location has been an issue over the years, as the dumping of the dumpster is done on a limited basis and is never closed. Every time she comes before this Board, she reports the same issue. She also asked that they do not park in her parking lot.

Mr. McCormack stated there are dumpster regulations in place. He asked that Mr. Maganaro contact the Health Department to report dumpster issues. The Health Inspector would investigate and impose a potential fine.

Mr. Bob Montgomery Thomas suggested that a copy of Regulation 29 be supplied to the license holder and that the complaint be called in to the Health and Police departments. He stated he was very instrumental in having the regulation drafted where dumpsters were being emptied at 2 AM at the property next to his.

Mr. Dubois stated employees would park across the street from the location, allowing spaces for customers.

Mr. Richards read the departmental referrals into the record. The Health Department reported if the license is issued, a permit to operate a food establishment must also be obtained at the Health Department. They must submit a floor plan, food permit application, worker's compensation affidavit, Food Manager and Allergen Awareness Certificates and appropriate fees. The

establishment must be inspected prior to opening. Officer Chase reported no public safety objection.

Mr. Richards made a MOTION to approve the Common Victualler license at 4 Union Street. Chief Stark seconded the motion and it was UNANIMOUSLY VOTED.

APPLICATION OF **HAJJAR'S CORP D/B/A HAJJAR'S** FOR A POOL TABLE LICENSE AT 969 WASHINGTON ST.

Ms. Juliette Hajjar was present.

Mr. Richards read the department referrals into the record. The Health Department reported no objection. The Municipal Finance Department reported Real Estate taxes and utilities current. FY14 second quarter personal property taxes were past due. Officer Chase reported a concern that proposed location of pool table may not allow for proper access to emergency exit at side of building.

Ms. Hajjar stated they are discussing removing other video games to make room. The proposed table would be covered over the weekend.

Firefighter Myers stated Crowd Control compliance requirements have been in place since 2011. A Crowd Manager is required to be onsite and paperwork is to be maintained to date.

Mr. Richards stated the proposal would not affect the current operation, as it is a modified table.

Mr. Richards made a MOTION to approve the application for a Pool Table license as proposed. Chief Stark seconded and the MOTION was UNANIMOUSLY VOTED.

APPLICATION OF **SCOTT AND LIZ MOORE D/B/A POP BUMPERS PINBALL** FOR A COIN-OPERATED DEVICE LICENSE AT 407 BRIDGE ST.

Mr. Scott Moore and Mrs. Liz Moore were present.

Mr. Richards read the departmental referrals into the record. Officer Chase reported no public safety objection. The Municipal Finance Department reported outstanding taxes and utilities from various businesses at the location. The Health Department reported no objection.

Mr. Richards read a letter of support from the North Weymouth Civic Association, which read Scott and Liz Moore attended their monthly meeting to present their proposal. The Association stated they were in favor of Pop Bumpers Pinball operating at the location. They felt it would be a family orientated business with a focus on parties involving "nostalgia" entertainment and a good addition to our community, signed by Geoff Potter, President.

Mr. Moore stated they had been before the Board and denied a license at a different location. They feel this location is a better location. They are proposing to operate with open play times and birthday party functions. They ran a bowling center for 11 years—the Needham Bowl-a-way.

Mrs. Moore stated they operate a pinball restoration center in Rockland and have tested the operation there. The kids loved it.

Mr. Richards stated they are proposing non-coin operated, having free play times.

Mr. Moore stated it eliminates those there to hangout and be a disturbance. The site has parking and a good buffer zone from residential neighbors. Their proposal was a matter of finding a place that was affordable and where it would be allowed.

Mr. Richards stated the floor plan shows there is plenty of room and parking as well.

Mr. Jim Marella, North Weymouth Civic Association, stated he hoped the concept catches on. This is the first step to Bicknell Square becoming revitalized.

Mrs. Becky Haugh, District 1 Town Councilor, spoke in favor of the application, stating the other application was denied, as the location did not meet all the criteria. She stated the proposal would help Bicknell Square.

Mr. Jeff Porter, North Weymouth Civic Association, spoke in favor of the application, stating he could not find anything negative about it. It will bring a wonderful birthday party environment.

Mr. McCormack asked where they are proposing functions, where the food would be provided from.

Mrs. Moore replied the party would bring in the food; no food preparation would be done onsite.

Mr. Richards made a MOTION to approve the Coin-Operate Device License for the site of 407 Bridge Street. Mr. McCormack seconded and the MOTION was UNANIMOUSLY VOTED.

## **APPROVALS**

- Minutes: December 17, 2013

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

- One-Day Wine & Malt Permit: Immaculate Conception Parish, 1199 Commercial St.

Mr. Richards made a MOTION to approve the application for a One-Day Wine & Malt Permit for a corned beef dinner to be held on March 15, 2014 from 5 PM – 10 PM. Mr. McCormack seconded the motion and it was UNANIMOUSLY VOTED.

- Request to Surrender Class II Auto Dealer License: Columbian Street Auto, 540 Columbian St.

Mr. Richards stated a letter was delivered to Robert Maynard as his lease agreement for the licensed site had expired. Subsequently, the licensee surrendered the license.

Mr. Richards made a MOTION to accept the Class II Auto Dealer License for the location of 540 Columbian Street. Chief Stark seconded and the motion was UNANIMOUSLY VOTED.

- Extension of Hours Request: Jackson Square Tavern Restaurant, 1530 Commercial St.

Mr. Richards made a MOTION to approve the extension of hours request for Jackson Square Tavern Restaurant for Monday, March 17, 2014 from 11 AM – 10 PM. Chief Stark seconded the motion and it was UNANIMOUSLY VOTED.

### **CHAIRMAN'S REPORT**

- Meeting Schedule

Mr. Richards made a MOTION to schedule the next meeting for Tuesday, February 25, 2014 to be held at 1:30 PM. Chief Stark seconded and the motion was UNANIMOUSLY APPROVED.

### **CORRESPONDENCE**

- Liquor Compliance Operation Results

Solicitor Lane requested that the underaged operative be present. There were eight violators and he requested that liquor hearings be scheduled for two meetings, half in February and half in March. He stated he would coordinate the requirements to schedule with Chief Grimes and Officer Chase.

Mr. Richards stated the following establishments were found to sell to the underaged person on the evening of December 27, 2013:

Asia Palace, 35 Pleasant Street  
Fishtail Kitchen, 532 Pond Street  
Lime Leaf, 435 Columbian Street  
Pacini's, 836 Washington Street  
Sweet Lemons, 824 Washington Street  
Red Rose Café, 800 Broad Street  
Hajjars, 969 Washington Street  
Cannolis, 920 Washington Street

Mr. Richards made a MOTION to hear four & four for liquor violation hearings in February and March. Chief Stark seconded and the motion was UNANIMOUSLY VOTED.

**NEW/OLD BUSINESS**

Mr. Bob Montgomery Thomas asked to speak in regards to correspondence he delivered to the Board involving a Papa John's commissary truck delivery at 4:30 AM on January 6, 2014.

**ADJOURNMENT**

Mr. Richards made a MOTION to adjourn at 2:25 PM. Chief Stark 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