

MINUTES FOR THE JUNE 16, 2015 MEETING OF THE BOARD OF LICENSING COMMISSIONERS HELD AT 2 PM IN THE COUNCIL CHAMBERS, WEYMOUTH TOWN HALL, 75 MIDDLE ST.

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

Chairperson Deree called the meeting to order at 2 PM.

1. APPROVALS

- Minutes: May 19, 2015

Mr. McCormack made a MOTION to approve the May 19, 2015 meeting minutes as submitted. Chief Stark seconded and the motion was UNANIMOUSLY VOTED.

- Carnival Permit: “4th of July Celebration” (7/3/15)

- One-Day Food Vendor License: “4th of July Celebration”

Mrs. Casey Maloney, Mayor's Assistant, was present. She stated the Fourth of July Committee has solicited for vendors and asks for permission for the following vendors to be approved for the celebration. Police details will be hired and emergency management will assist. The Fourth of July Committee also approved the list of attached food vendors for approval of the Board.

Mr. McCormack made a MOTION to approve both permit requests. Chief Stark seconded the motion and it was UNANIMOUSLY VOTED.

- One-Day Food Vendor License: Legion Memorial Field Reopening (6/20/15)

- One-Day Entertainment License: Legion Memorial Field Reopening (2 PM –6 PM)

Mrs. Maloney requested on behalf of the Weymouth Hall of Fame Committee the One-Day permits for June 20, 2015 from 2 PM - 6 PM to be held at the Legion Memorial Field. Police details will be hired and emergency management will assist.

Mr. McCormack made a MOTION to approve both permit requests. Chief Stark seconded the motion and it was UNANIMOUSLY VOTED.

- One-Day Liquor Permit: Weymouth Lodge of Elks #2232 for Mullin Charity Bike Run (7/11/15, 12 PM – 6 PM)

Mr. McCormack made a MOTION to approve the One-Day Liquor Permit for the Weymouth Lodge of Elks as submitted. Chief Stark seconded and the motion was UNANIMOUSLY VOTED.

2. HEARING PURSUANT TO M.G.L. CHAPTER 138, LIQUOR VIOLATION HEARING TO CONSIDER MODIFICATION, SUSPENSION, REVOCATION OR CANCELLATION OF THE ALL ALCOHOLIC RESTAURANT LICENSE OF: VINNIE’S EURO, INC. D/B/A CANNOLI’S, 920 WASHINGTON ST.

(Continuation of 4/21/15)

Mr. Vinnie Axios, owner of Cannoli's and Ms. Jennifer Cavata, Bartender and all parties testifying were sworn in by Solicitor George Lane.

Solicitor Lane showed the notice of the hearing to Mr. Axios and asked if he would have any objection of it being entered in to the record.

Mr. Axios stated he didn't object.

Solicitor Lane called Det. Metcalf forward. She identified herself at Weymouth Police Department Detective Erinne Metcalf. He asked Det. Metcalf for her duty that evening and the hours of operation.

Det. Metcalf replied she was conducting alcohol compliance checks between 7 PM - 11 PM on November 27, 2015. Detective Timothy Browning and an undercover operative were present as well. She identified them in the audience. Det. Metcalf read her report in to the record.

Solicitor Lane said there was mention of the undercover operative being sanitized. He asked for an explanation of such.

Det. Metcalf stated that all the monies and identification are removed from the undercover operative. The person enters the establishment with only the \$20 that they provide to them. The age is checked of the underaged operative by checking the Registry of Motor Vehicles database.

Solicitor Lane provided a copy of the police report to be submitted in to the record.

Mr. Axios had no objection.

Mr. Axios asked if the Detective would describe the establishment and describe how busy it was. He stated that night they had a music night and it was a busy night; there were 20-25 people around the bar. Everyone was adults (50-60 years of age) and everyone had a good time. It was the night before Thanksgiving and everyone was relaxed, and the bartender was busy. He saw someone who looked like an undercover officer with someone with him.

Solicitor Lane asked Mr. Axios if he had any questions of Sgt. Metcalf.

Sgt. Metcalf stated she was not inside of the bar.

Detective Timothy Browning came forward and Solicitor Lane questioned him for the record.

Det. Browning stated he was on duty on the night in question between the 4 PM and 12 AM shift and assisted Sgt. Metcalf during the compliance checks, along with the under-aged operative. He stated he was present during the sanitization process and during the verification of the under-aged operatives age.

Det. Browning read his report of the incident. "At 10:04 PM UC1 and I walked in to Cannoli's located at 921 Washington Street. He walked behind UC1 in to the restaurant and remained about five feet behind as he approached the bar. They were not checked for identification when they entered the restaurant or the bar area. UC1 walked up to the bar and asked the blonde bartender for one Bud Light bottle. The bartender was later identified as Jennifer Cravota. Ms. Cravota handed UC1 a bottle of Bud Light and did not ask for any identification. UC1 provided a \$20 bill and was given \$16 and change. UC1 exited the bar and left the bottle of beer at the bar.

Solicitor Lane asked for a description of the scene.

Det. Browning stated it was very busy and he remained about five feet behind UC1 and ten feet from the bartender.

Solicitor Lane asked how long Det. Browning has been working for the Town.

Det. Browning replied 14 years, 3 years of which he had been a Detective.

Solicitor Lane asked Mr. Axios if he wished to ask questions of Det. Browning.

Mr. Axios asked for a description of the crowd around the bar.

Det. Browning replied he did not know.

Solicitor Lane dismissed Det. Browning and called the under-aged operative forward for testimony.

Jason Halpin identified himself for the record, stating he was a 19 year old and was a landscaper. He verified that he took part in the Weymouth liquor sting on the evening in question. He stated he was told to ask to purchase a Bud Light bottle of beer if served, pay for the beer, don't touch the bottle and if he were asked for an id to leave the establishment immediately. He didn't have any personal belongings on him and was given a \$20 bill to pay for the beer.

Solicitor Lane asked what took place that evening at Cannoli's.

Mr. Halpin stated he went in asked for a Bud Light bottle, was served, and gave the bartender a \$20 bill, and was given \$16 and change back and then he walked out.

Solicitor Lane asked for a description of the bartender.

Mr. Halpin replied she was a blonde and about his height, or a little taller. She had a star tattoo on her back shoulder. She was about five feet away from him when ordering.

Ms. Cravota questioned Mr. Halpin if he had facial hair on that night.

Mr. Halpin replied no.

Ms. Cravota stated he stated he walked up to the bar, which wasn't the case, where there were people around the bar. She was the only bartender on so the time frame from when he ordered the beer and received it was not immediate. She's a mother and felt horrible that she served the under-aged person. She has been bartending for over ten years. She was unfamiliar with this process.

Mr. Axios stated he has been in the restaurant business for 25 years and has worked hard. He asked that the Board be lenient and it is a time of hard times.

Solicitor Lane stated a finding would be in order as to whether there was a violation or not.

Mr. McCormack asked if Ms. Cravota was alcohol trained with the Town of Weymouth.

Ms. Cravota stated she was TIP's trained but had not attended with the Weymouth. She felt horrible, is a good person and a mother. Guidelines use your discretion based on how they look in age. She is not someone who is that lenient. She was so busy and it was a mistake on her part.

Chief Grimes made a MOTION for a finding of Cannoli's serving an under-aged person. Mr. McCormack seconded and the motion was UNANIMOUSLY VOTED.

Solicitor Lane reviewed the Liquor Violation Guidelines, stating this would be Cannoli's second violation and treated as such.

Mr. McCormack thanked the police officers for conducting the program. It is very important for the Town to insure that minors are not being sold liquor to. The Health Department has the Drug Free Community Grant subsidy, Lyn Frano, who works very hard with the schools and other organizations. He was concerned that this would be the second violation at the location in a little over a year. The Guidelines show the option of a three to six day suspension.

Mr. McCormack made a MOTION of a three day suspension to take place July 2nd through the July 4th and the license would be received back on July 5th. Chief Stark seconded the motion and it was UNANIMOUSLY VOTED.

3. HEARING APPLICATION OF THE WEYMOUTH CLUB RESTAURANT GROUP, LLC D/B/A SANO VITA BISTRO & MANAGED BY WELCH RESTAURANT MANAGEMENT, LLC FOR AN ALL ALCOHOLIC RESTAURANT LICENSE AT 75 FINNELL DR.

Attorney Gregory Galvin, Mr. Stephen Goldman, Owner of Weymouth Club, and Mr. Vance Welch, Owner of Welch Management Group, were present.

Attorney Galvin stated Mr. Welch would be operating the restaurant with the license held by Mr. Goldman. Application includes information of both parties and a management agreement. The Weymouth Club has operated a restaurant at the club for many years. During the past recent years, the licenses have been held by an independent contractor with issues. Mr. Goldman will hold the license, but doesn't want to be part of the day-to-day minutia. Mr. Welch has restaurant experience, operating in the past in Milton. Attorney Galvin went over the application and reviewed the two areas, including the upstairs as well as the area poolside during seasonal months.

Solicitor Lane stated the application is unusual, but was reviewed and it in accordance with law pursuant to the management agreement.

Mr. McCormack asked if there was a breach of the management agreement what would happen with the food license?

Solicitor Lane replied if there were any violation of MGL Chapter 138, a hearing would be held, with all parties given a notice of.

Mr. McCormack stated he had notified the establishment that they were operating a food establishment without permits for a few weeks.

Attorney Galvin stated they were under the impression that they could operate under a caterers license.

Abutter from Waterford Drive spoke asking if the general public could patronize the establishment if not a member of the club. He stated there is a concern of the location being within 50 feet of a residential district with lots of kids and traffic.

Attorney Galvin stated if someone outside appeared, they would be allowed to the restaurant. There would be some control where it is an club. He provided a menu to the Licensing Board.

Solicitor Lane stated zoning questions have been previously addressed.

Chairperson Deree stated they would find that situation throughout town.

Chief Grimes stated there are many within close proximity to residential neighborhoods. Should there be a concern to report a call could be placed to the Police Department.

Attorney Galvin stated the clubs operation is by Special Permit of the Zoning Board. There is only one way in and one way out of Finnell Drive without a direct access to Waterford Drive.

Mr. McCormack noted that the site has had a liquor license and has operated as a restaurant for several years. He noted that there need not be a stipulation as such. Hours of operation: 11 AM - 11 PM on a daily basis. 12 PM - 7 PM on Sunday. Charity evening events would be held on occasion.

Mr. McCormack made a MOTION of the All Alcoholic Restaurant License. Chief Stark seconded and the motion was UNANIMOUSLY VOTED.

4. HEARING APPLICATION OF THE WEYMOUTH CLUB RESTAURANT GROUP, LLC D/B/A SANO VITA BISTRO & MANAGED BY WELCH RESTAURANT MANAGEMENT, LLC FOR A COMMON VICTUALLER AT 75 FINNELL DR.

Mr. McCormack made a MOTION for the approval of the Common Victualler License. Chief Stark seconded and the motion was UNANIMOUSLY VOTED.

5. LICENSE RENEWALS

•Antique Dealers

1. Bridge Antiques, 398 Bridge St.

Mr. McCormack made a MOTION to approve Antique Dealer license renewal. Chief Stark seconded and the motion was UNANIMOUSLY VOTED.

2. That Little Basket, 1610 Main St.

Mr. McCormack made a MOTION to approve Antique Dealer license. Chief Stark seconded and the motion was UNANIMOUSLY VOTED.

3. Philip Smith d/b/a Landing Antiques, 95 Broad St.

Mr. McCormack made a MOTION to approve Antique Dealer license. Chief Stark seconded and the motion was UNANIMOUSLY VOTED.

•Fortune Tellers

1.Irene Mitchell, 1099 Main St.

Mr. McCormack made a MOTION to approve Fortune Tellers license. Chief Stark seconded and the motion was UNANIMOUSLY VOTED.

2.Terry Porter, 8 Union St.

Mr. McCormack made a MOTION to approve Fortune Tellers License. Chief Stark seconded and the motion was UNANIMOUSLY VOTED.

3.Terry Stanton d/b/a Psychic Vision, 177 Bridge St.

Mr. McCormack made a MOTION to approve Fortune Tellers License, subject to receipt of license renewal application. Chief Stark seconded and the motion was UNANIMOUSLY VOTED.

•Junk Dealers

1.Weymouth Salvage Co., 307 Middle St.

Mr. McCormack stated the Licensing Board is in receipt of a memorandum from Mary Ellen Schloss, Conservation Agent regarding the property.

Mr. McCormack made a MOTION to approve the Weymouth Salvage Company Junk Dealer license renewal subject to such. Chief Stark seconded and the motion was UNANIMOUSLY VOTED.

2.Ernie's Salvage, LLC, 86 Finnell Dr.

Mr. McCormack made a MOTION to approve the Junk Dealer license. Chief Stark seconded and the motion was UNANIMOUSLY VOTED.

• Precious Metals

1. Adrian's Jewelry, 140 Pleasant St.

Mr. McCormack made a MOTION to approve the Precious Metals license. Chief Stark seconded and the motion was UNANIMOUSLY VOTED.

2. Bridge Antiques, 398 Bridge St.

Mr. McCormack made a MOTION to approve the Precious Metals license. Chief Stark seconded and the motion was UNANIMOUSLY VOTED.

3. Del Greco Coins Inc., 399 Washington St.

Mr. McCormack made a MOTION to approve the Precious Metals license. Chief Stark seconded and the motion was UNANIMOUSLY VOTED.

4. Harborlight Jewelers, 416 Bridge St.

Mr. McCormack made a MOTION to approve the Precious Metals license. Chief Stark seconded and the motion was UNANIMOUSLY VOTED.

5. Harts, Inc., 1356 Washington St.

Mr. McCormack made a MOTION to approve the Precious Metals license. Chief Stark seconded and the motion was UNANIMOUSLY VOTED.

6. Snyder Jewelers, 89 Pleasant St.

Mr. McCormack made a MOTION to approve the Precious Metals license. Chief Stark seconded and the motion was UNANIMOUSLY VOTED.

6. CHAIRPERSON'S REPORT

- Meeting Schedule

Mr. McCormack made a MOTION to schedule the next meeting date for July 28, 2015 at 2 PM. Chief Stark seconded and the motion was UNANIMOUSLY VOTED.

CHAIRPERSON'S REPORT

CORRESPONDENCE

- Mass State Lottery Commission - notification of a KENO TO GO application by Smoke & Ashes Tobacco, 1602 Main St.

Mr. McCormack read the correspondence in to the record.

- Officer Chase RE: Alcohol Compliance

Officer Chase stated alcohol compliance check violations occurred on June 5, 2015 at Middle Street Variety, Beachway Liquors, Washington Street Liquor Mart. They are to be scheduled for future hearings.

- Municipal Licensing Corp. Meeting Review

Mrs. VanWinkle stated Mr. McCormack, Mr. Richards and she attended the informational meeting held in Randolph. Representatives from the Alcoholic Beverages Control Commission, Department of Revenue were present. They spoke about the E-Licensing system roll out, license renewals, taxes and insurance.

- George Lane, Jr. - Town Solicitor

Mr. McCormack announced that unfortunately this would be the last meeting held with Solicitor Lane present as he is retiring from the Town of Weymouth. He thanked him for his years of service to this Board and wished him well.

ADJOURNMENT

Mr. Richards made a MOTION to adjourn the meeting at 3:16 PM. Mr. McCormack seconded and the motion was UNANIMOUSLY VOTED.

Respectfully submitted,

Lisa Van Winkle
Recording Secretary

Jeffrey E. Richards, Clerk, Board of Licensing Commissioners

Date