

Minutes of the Board of Licensing Commissioners for their meeting held on Tuesday, March 22, 2016, 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; Daniel McCormack, Director of Public Health; Fire Lieutenant Justin Myers and Licensing Officer Edward Chase (absent): Fire Chief Keith Stark

Chairperson Deree called the meeting to order at 2 PM.

Mr. Richards made a MOTION to take #10 APPROVALS out of order. Mr. McCormack seconded the motion and it was UNANIMOUSLY VOTED.

APPROVALS

- Minutes: February 23, 2016

Mr. Richards made a MOTION to approve the minutes. Mr. McCormack seconded and the motion was UNANIMOUSLY VOTED.

- Carnival Permit: Dean & Flynn d/b/a Fiesta Shows (Weymouth Carnival 4/22-26)
- Sunday Entertainment Permit: Dean & Flynn d/b/a Fiesta Shows

Mr. Kerry Knapp, Assistant to the Mayor, presented the application, stating it is for the approval of Dean & Flynn d/b/a Fiesta Shows to conduct annual “Weymouth Carnival” at the Weymouth High School, 1 Wildcat Way, Weymouth, MA from April 20th through April 24, 2016. Set up would take place on April 18th. The hours would be: Wednesday and Thursday: 2 PM – 10:30 PM; Friday: 2 PM – 11 PM; Saturday: 1 PM – 11 PM and Sunday: 1 PM – 8 PM. Carnival will include games, rides and food. This will be a fun event over school vacation week for the kids.

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

- One-Day Liquor Permit: The Arc of the South Shore

Mr. Richards made a MOTION to approve the One-Day Liquor Permit application of the The Arc of the South Shore for fundraiser on June 9, 2016 from 6:30 PM – 9:30 PM. Mr. McCormack seconded the motion and it was UNANIMOUSLY VOTED.

- One-Day Liquor Permit: Masonic Temple

Mr. Richards made a MOTION to approve a One-Day Wine & Malt Permit for Masonic Temple Sunday Brunch to be held on March 27, April 3, April 10, April 17 and April 24 at 10 AM - 2 PM. Mr. McCormack seconded the motion and it was UNANIMOUSLY VOTED.

- One-Day Liquor Permit: Weymouth Club

Mr. Richards made a MOTION to approve a One-Day Wine & Malt Permit for the Weymouth Club to be held on April 1, 2016 from 6 PM – 10 PM. Mr. McCormack seconded the motion and it was UNANIMOUSLY VOTED.

Errata item was approved on April 26, 2016 for a One-Day Wine Malt Permit for the Weymouth Club to be held on April 16, 2016 from 6 PM – 9 PM.

- Poppy Permit: Wessagusset V.F.W. Post #1399

Mr. Richards made a MOTION to approve a Poppy Permit for the Wessagusset V.F.W. Post #1399 for the following dates: April 29 – May 1 and May 6 - 8. Mr. McCormack seconded the motion and it was UNANIMOUSLY VOTED.

HEARING PURSUANT TO MASSACHUSETTS GENERAL LAWS AND THE RULES AND REGULATIONS OF THE BOARD OF LICENSING COMMISSIONERS OF THE TOWN OF WEYMOUTH TO CONSIDER MODIFICATION, SUSPENSION, REVOCATION, CANCELLATION OR IMPOSITION OF CONDITIONS ON THE ALL ALCOHOLIC RESTAURANT, COMMON VICTUALLER LICENSE AND/OR ANNUAL ENTERTAINMENT LICENSE OF **MAURA, INC. D/B/A NEXT PAGE CAFE**, 550 BROAD ST.

Attorney David Macdonald and Mr. Edward Page were present for the hearing.

Solicitor Callanan swore in all testifying parties. He stated Detective Patricia Critch is not available today for the testimony as she is with an ill family member. Sgt. Paul Sandonato would be presenting the testimony.

Sgt. Sandonato confirmed that he had been working on cruiser patrol as the supervisor for the 12 AM – 8 AM shift for the Weymouth Police Department on the evening of December 21st and was called to the Next Page Café by Det. Critch who was on site. She was checking the bar and saw someone leaving the building and made observations. Originally, she was called to the location regarding loud music. Sgt. Sandonato stated he was called to the site at about closing time. Det. Critch had reported that she observed Mr. Page with a beer in his hand and a glass of beer on the bar. There was a bartender and another person were on site cleaning. The individual outside of the bar observed leaving was picked up and given a ride. Sgt. Sandonato stated it was in their opinion that the three individuals inside the bar were intoxicated; there were no other witnesses. He observed an individual outside of the bar and a female pulled up outside the bar, who stated that she was there to give the bartender a ride home. Sgt. Sandonato mentioned he met Mr. Page at the doorway.

Attorney Macdonald questioned Mr. Page if he was present in question on December 21st at 12:30 AM.

Mr. Page replied yes he was. 12:30 AM is when Sgt. Critch came and asked to be acknowledged.

Attorney Macdonald asked who the question was questioned to.

Mr. Page replied Ms. Dittrick, their bartender.

Attorney Macdonald noted that Ms. Dittrick wasn't present today, as she was on a previously scheduled vacation.

Mr. Page stated Det. Critch was there briefly, told them to turn down the music and left. At 1:25 AM she returned.

Attorney Macdonald asked what the interaction was at that time.

Mr. Page stated that it was said that everyone should be out of the bar.

Attorney Macdonald asked Mr. Page if he is aware that all patrons are to be out of the premises by 1:30 AM.

Mr. Page acknowledged he was aware of the regulation. He stated a friend of the bartender was helping clean the pizza oven.

Mr. Richards stated the initial complaint involved loud music. All entertainment is to cease at 12 AM per your Entertainment License.

Mr. Page said that the juke box music was on low. There weren't any live bands that night, as it was a Sunday night.

Solicitor Callanan clarified the times between when the first incident was reported and when Det. Critch returned to the establishment. 12:25 AM is when the first music complaint was received and 1:30 AM is the time of the second call when Det. Critch observed someone leaving the building.

Attorney Macdonald asked Mr. Page if he was aware that patrons are to leave establishment at 1:30 AM.

Mr. Page confirmed.

Mr. Richards stated the time in question for the loud music complaint was at 12:30 AM. The entertainment is required to cease at 12 AM.

Mr. Page stated that the music was from the juke box and that it was on low at that time. He stated the three of them were cleaning the establishment at the time and getting ready to leave as it was a Sunday night. They have a policy is to walkout the bartenders at night. He was discussing changing the menu previously and it was a rarity that he was working on a Sunday night.

Attorney Macdonald commented that complaints that have been received at the site have all originated from the same complainant.

Mr. Page confirmed that complaints had decreased over the years since 2012 and after money was spent to soundproof the building, to his knowledge none of the complaints were acted upon.

Solicitor Callanan made discussions on the number of complaints and whether there had been any complaints since the incident. Mr. Page replied that he wasn't aware of any. Complaints had decreased since he had soundproofed the building. Solicitor Callanan stated Mr. Page may not have been aware because he stated he is not always there. Mr. Page replied that he is there Fridays and Saturdays but usually not Sundays.

Solicitor Callanan questioned whether there was drinking of alcohol on the site by the employees. Mr. Page replied he had a beer but stated his employees had not been drinking.

Solicitor Callanan noted that Mr. Page stated they walk bartenders out for safety at closing.

Mr. Page confirmed stating he always wants to make sure the bartenders are safe.

Solicitor Callanan asked if the bartender drove home.

Mr. Page replied no.

Solicitor Callanan asked Mr. Page if he drove home.

Mr. Page replied no, because he had had a beer. Bartender had a ride home and it was previously arranged as such. She gets picked up regularly.

Mr. McCormack stated the police report is usually read in to the record and there is interesting language contained in the report that should be included in the hearing. This is also in fairness to Det. Critch who is not here today.

Solicitor Callanan read the Police Report of Det. Patricia Critch in to the record as follows: "On 12-21-15 I was working in Car 832 on the 12 to 8 shift. At 12:30 AM I received a call for loud music coming from the Next Page on Broad Street. I am aware there is an ongoing issue to music and neighbors. I arrived and pulled up front of the bar. I could hear the music from the bar. The doors were closed but the music was loud. I went inside and the bartender, Loretta Dittrich, did turn down the music. I told them the music was way too loud and that it should be over for the night. I was in my car and a male came along side my passenger side. He stated he was Eddie. Page. He stated they could be in the bar till 1:15 and the music was not too loud. I told him I thought it was too loud. He asked me if I had a meter, I told him no.

At 1:25 I was on Broad St. when I saw a male walk out of the bar. I called Sgt. Sandonato over the air what time the bar had to have customer's out of the building. He stated 1:15. I called in that I was going to check on the Next Page. When I got out of my car I could hear the loud music again. There was a red SUV out front. The female driver stated she was picking up the bartender. The music was so loud I had to really bang on the door to get them to open. The music was so loud I had to really bang on the door to get them to open. When they did open the door I noticed that there

was a male, Stephen Rotondi, standing at the juke box. I had seen Stephen sitting at the bar when I was there before. I noticed him because he had a lime green knit hat on his head. Also on the bar was a half glass of beer. Then Mr. Page came around the corner with a beer in his hand. I had

Loretta turn down the music. I asked why there were still beers on the bar and why did Mr. Page still have a beer in his hand. I also asked who the male that had just walked out was. Loretta stated he was the guy cleaning the pizza ovens. When asked why the beer was still on the bar she stated it was because she had to clean the pizza ovens and didn't have the time to clean the bar. I don't think she remembered she told the male who had just walked out was the person cleaning the ovens. She claimed that Stephen was there to work taking out the trash. Loretta was upset to the point of yelling at me. She kept saying she doesn't usually work on Sunday and she was just trying to make a living. All three people in the bar appeared to be under the influence. Loretta kept getting louder and yelling. I informed Mr. Page that I would be writing a report about the violation of the liquor license. I also told Stephen he had to leave. Officer Aldoupolis was also inside with me at this point. Stephen went outside and stated he was going to walk home. I had run his plate and stated he did not live nearby and he needed to call for a ride. He called or texted someone. Sgt. Sandonato came to the Next Page. I expressed my concern that the bartender and owner both seemed to be under the influence. Sgt. went to talk to them, he knocked on the door and Loretta and Mr. Page came to the door. Mr. Page wanted to know why I was at his bar to begin with. He did not understand the reason of my stopping. Sgt. Sandonato explained that part of my duty is to check on establishments. Mr. Page was getting louder and would not listen to the Sgt. I also attempted to explain myself to them but instead of listening Mr. Page just kept interrupting me. Sgt. told them there will be a report on file. Officer Aldoupolis was standing with Stephen waiting for a ride. Stephen claimed to have texted his mother for a ride. Loretta and Mr. Page went back inside and came out a short time later. While we were still waiting with Stephen for a ride. Loretta and Mr. Page came outside and, again, started being argumentative toward Sgt. Sandonato. Loretta was unsteady on her feet. Mr. Page was also unsteady on his feet. Loretta made a point to tell us she was no driving, they had a ride. They said they would give Stephen a ride. We explained Stephen had called his mother. Loretta told Stephen to get in the car, which he did. I will forward the report to Officer Chase for follow up."

It was questioned who Stephen Rotondi was. It was noted that he was a friend of Ms. Dittrich, the bartender, who was helping clean the pizza ovens, so that she could get out on time.

Mr. Richards asked it was possible to shut off all music at 12 AM.

Attorney Macdonald stated that there are tenants living above the restaurant. He questioned Mr. Page if they have ever received complaints from them.

Mr. Page replied no.

Chief Grimes spoke stating observations were made by a seasoned police staff. In relation to MGL Chapter 138 of the liquor laws patrons are to be out of the premises 30 minutes prior to the 1:30 AM mark. There is a concern for the manner in which the establishment's staff reacted to the police. He would expect more and reasonable cooperativeness from a bar owner.

Mr. Page replied that he was very calm during the incident and didn't call the officer out.

Chief Grimes replied it is subjective.

Solicitor Callanan stated in his opinion they've heard some testimony that a licensed establishment is running in to numerous different problems with both members of the Police Department as well as their neighbors some of the facts have been disputed and if the issue is a violation of Massachusetts law on serving of alcohol, in his opinion by preponderance of evidence, there is insufficient evidence in regards to the service of alcohol. In his opinion the Commission should not find the establishment responsible.

Mr. Richards made a MOTION per MGL Chapter 138 that there be no finding of a violation.

Mr. McCormack stated under the Licensing Board's Rules and Regulations for Alcoholic Restaurants #2 d, "No employee shall have an alcoholic drink during hours not licensed for sale if there is any patron, guest or other non-employee on the licensed premises." He was concerned because of the wording within the police report of Det. Critch reads, "...and Mr. Page came around the corner with a beer in his hand..." Mr. McCormack stated he wanted to cover all bases. He questioned whether this would be considered a violation.

Solicitor Callanan replied possibly. They are relying on not only the testimony of Det. Critch's report but also the testimony of Sgt. Sandonato and a denial from the establishment owner.

Chairperson Deree asked Mr. Page if he did or did not say earlier that he had a beer in his hand.

Mr. Page replied he was cleaning up and at the time he was not drinking.

Chairperson Deree stated there is a MOTION before the Board. Chief Grime seconded the motion and it was UNANIMOUSLY VOTED.

APPLICATION OF WOK-N-GRILL INC. D/B/A GOLDEN DRAGON FOR A VIDEO GAME LICENSE AT 35 PLEASANT ST.

Mr. Min Jie Li, manager, was present for the application.

Mr. Richards stated the applicant has met the public notice requirements. They are applying for a Golden Tee Golf machine.

Chief Grimes had no objection, stating there hasn't been a call volume at the site.

Mr. Richards asked if there has been any violations at the site.

Mr. Li replied there was a violation a long time ago with the previous license holder.

Mr. Richards made a MOTION to approve a Video Game License. Mr. McCormack seconded and the motion was UNANIMOUSLY VOTED.

APPLICATION OF WOK-N-GRILL INC. D/B/A GOLDEN DRAGON FOR A POOL TABLE LICENSE AT 35 PLEASANT ST.

Mr. Richards made a MOTION to approve a Pool Table License for two tables at the establishment of Wok-N-Grill, Inc. Mr. McCormack seconded and the motion was UNANIMOUSLY VOTED.

APPLICATION OF I.A.B.P. INC. D/B/A QUICK PICK FOOD SHOP FOR A FOOD VENDOR LICENSE AT 136 BRIDGE ST., UNITS D & E

Mr. Bhavesh Patel was present for the application.

Mr. Richards read departmental referrals in to the record. Officer Chase reported no public safety objection to the request. Mr. McCormack reported if the license is issue, a permit to operate a food establishment must be obtained at the Health Department. The establishment must be inspected prior to opening.

Lt. Myers verbally reported no objections from the Fire Department.

Mr. Patel stated they currently operate another location in Hull and are seeking to open a convenience store in Weymouth.

Mr. Richards advised that the location should be kept clean and requested that fugitive trash be disposed of.

Mr. Richards announced the public hearing for comment; there was none.

Mr. Richards made a MOTION to approve the Food Vendor License of I.A.B.P., Inc. d/b/a Quick Pick Food Shop at 136 Bridge Street, Units D&E. Mr. McCormack seconded the motion and it was UNANIMOUSLY VOTED.

APPLICATION OF PRECINCT 10, LLC D/B/A PRECINCT 10 FOR AN ALL ALCOHOLIC RESTAURANT LICENSE AT 116 MAIN ST.

Mr. Kevin Hynes and Mr. Erik Hynes were present for the hearing.

Mr. Richards stated the applicant is required to go before the Board of Zoning Appeals for a parking variance. Today will serve the purpose of the public comment period. The hearing will be continued until the Zoning Board decision has been completed.

Mr. Hynes stated the location is the former Hilltop Butcher Shop spot, which happens to be in Precinct 10. They are looking to operate a full service restaurant with 250 seats. He was a graduate of Weymouth High School, Class of 1968 and was a Weymouth Police Officer for 10 years. Since such time they have operated nine restaurants; current include: Inn at Bay Pointe, Stockholders and 42 Degrees North.

Mr. Richards asked what "soft seating" is.

Mr. Erik Hynes replied it is casual seating arrangements with cushioned seating. They will offer quick on the go accommodations as well as traditional dining.

Mr. Richards stated that 210 is the approximate seating number, pending ZBA review. The seating and floor plan will be attached to the license.

Mr. Richards announced the hearing for comment; there was none.

Mr. Richards made a MOTION to continue the All Alcoholic Restaurant License application for 116 Main Street; public hearing portion has been finalized; to continue application until after ZBA approval. Mr. McCormack seconded the motion and it was UNANIMOUSLY VOTED.

APPLICATION OF PRECINCT 10, LLC D/B/A PRECINCT 10 FOR A COMMON VICTUALLER LICENSE AT 116 MAIN ST.

Mr. Richards made a MOTION to continue the Common Victualler License application for Precinct 10, LLC. Mr. McCormack seconded and the motion was UNANIMOUSLY VOTED.

APPLICATION OF PRECINCT 10, LLC D/B/A PRECINCT 10 FOR AN ANNUAL ENTERTAINMENT LICENSE AT 116 MAIN ST.

Mr. Richards made a MOTION to continue the Annual Entertainment License application for Precinct 10, LLC. Mr. McCormack seconded and the motion was UNANIMOUSLY VOTED.

APPLICATION OF PRECINCT 10, LLC D/B/A PRECINCT 10 FOR A SUNDAY ENTERTAINMENT LICENSE AT 116 MAIN ST.

Mr. Richards made a MOTION to continue the Sunday Entertainment License application for Precinct 10, LLC. Mr. McCormack seconded and the motion was UNANIMOUSLY VOTED.

APPLICATION OF BEST AUTO MART, LLC D/B/A BEST AUTO MART FOR AN INCREASE TO 10 VEHICLES AT THE LOCATION OF 1603 MAIN ST.

Attorney Whitney was present with Mr. Moussa Kafal, owner.

Attorney Whitney stated his client wishes to extend the license from five cars to ten cars.

Mr. Richards stated the location itself is a gas station/repair facility. Repairs are its main business and he does not see a problem with a ten car license at the site.

Lt. Myers stated the number of cars on the lots has him concerned. Safety around the fuel pumps; number of vehicles on the entire lot should be of concern.

Mr. Richards asked Mr. Kafal if he could commit to the parking plan submitted.

Mr. Kafal agreed.

Mr. Richards announced the public hearing for comment; there was none.

Mr. Richards made a MOTION to amend location per the parking plan submitted. Mr. McCormack seconded and the motion was UNANIMOUSLY VOTED.

NEXT MEETING

Mr. Richards made a MOTION to schedule the next meeting for April 26, 2016 at 2 PM. Mr. McCormack seconded the motion and it was UNANIMOUSLY VOTED.

CORRESPONDENCE

- Mass State Lottery Commission – Keno Applications

Mr. Richards stated the Mass State Lottery Commission has informed the Licensing Board of the intentions of the following to be granted Keno License:

Weymouth Gulf, 237 Main St.

Mr. Richards made a vote of acknowledgement. Mr. McCormack seconded the MOTION and it was UNANIMOUSLY VOTED.

ADJOURNMENT

Mr. Richards made a MOTION to adjourn the meeting at 3:07 PM. Mr. McCormack seconded the motion and it was UNANIMOUSLY VOTED.

Respectfully submitted,

Lisa VanWinkle
Recording Secretary

Approved:

Date:

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