

Minutes of the Board of Licensing Commissioners for their meeting held on Tuesday, January 26, 2010, at the Weymouth Town Hall, Chambers, 75 Middle Street

Attendance: Chairman Franklin Fryer; Jeffrey Richards, Director of Municipal Licenses & Inspections; Fire Chief Robert Leary; Police Chief Richard Grimes; Richard Marino, Director of Health; Town Solicitor George E. Lane, Jr., Lisa VanWinkle, Secretary; Licensing Officer Brian King; and Firefighter Justin Myers

Chairman Fryer called the meeting to order at 2 PM.

DISCUSSION – QUARTERLY REVIEW – **COLONIAL BOWL**, 1055 MAIN ST.

Ms. Lynne Burbine, owner, was present and stated that she was on schedule with her payment agreement through the Town.

Mr. Richards made a MOTION to continue the discussion until next quarter. Chief Leary seconded. UNANIMOUSLY VOTED

APPLICATION OF **WEYMOUTH ORDER OF EAGLES #2899** FOR A CHANGE OF MANAGER OF THEIR ALL ALCOHOLIC CLUB LICENSE, 1338 WASHINGTON ST.

Mr. Richards read the departmental referrals into the record. Officer King reported no public safety objection. Firefighter Myers reported he completed fire and life safety inspection, satisfactorily. Mrs. Paula MacLeod, Municipal Finance Department, reported the property as tax exempt; utilities current; police detail delinquencies. Mrs. Mary Williamson, Health Inspector, reported new manager must contact her prior to change to discuss current Health Department licensing and to schedule inspection.

Mr. Richards made a MOTION to continue the matter for the next meeting as the applicant was not present. Chief Leary seconded. UNANIMOUSLY VOTED

APPLICATION OF **SARAYA ENTERPRISES, INC. D/B/A DOMINO'S PIZZA** FOR A FOOD VENDOR LICENSE, 824 WASHINGTON ST.

Mr. Youssef Abourjaili, President of Saraya Enterprises, Inc., and Mr. Adam Story, Manager, were present.

Mr. Richards stated the use of the premises as a retail pizza store is permitted in the B1 HT Zone in which it is located. He continued to read the departmental referrals into the record. Firefighter Myers reported a satisfactory fire and life safety inspection was performed. Mrs. MacLeod, Municipal Finance Department, reported no delinquencies. Mrs. Williamson, Health Inspector, reported owner must contact me to discuss licensing requirements for Health Department prior to change of ownership. Officer King reported no public safety objection.

Mr. Abourjaili stated he purchased the store a month and a half ago. A Domino's was previously located there. He asked for the Board's approval.

Chairman Fryer announced the public hearing for comment.

Mr. Robert Montgomery Thomas came forward as an abutter, 848 Washington Street. He reminded the Board of the existing Order of Conditions, which limits activity on the property after 11 PM. He spoke opposed to the applicant's proposed hours of: 11 AM – 12 AM. He also noted that there are limited spaces for handicapped parking on the lot. Persons without handicapped plates have been known to utilize them illegally.

Mrs. Mary Williamson, Health Inspector, stated she has an appointment with the business owner tomorrow. She has yet to receive required documents. The Health Department will be holding their licenses until this has been satisfied.

Mr. Richards made a MOTION to approve the Food Vendor license with the hours of 11 AM – 11 PM; subject to the requirements of the Board of Health and Building Department. Mr. Marino seconded. UNANIMOUSLY VOTED

APPLICATION OF **THOMASHANNAH, INC. D/B/A RED ROSE CAFÉ** FOR A TRANSFER OF THE ALL ALCOHOLIC RESTAURANT LICENSE, 800 BROAD ST.

APPLICATION OF **THOMASHANNAH, INC. D/B/A RED ROSE CAFÉ** FOR A COMMON VICTUALLER LICENSE, 800 BROAD ST.

APPLICATION OF **THOMASHANNAH, INC. D/B/A RED ROSE CAFÉ** FOR AN ANNUAL ENTERTAINMENT LICENSE, 800 BROAD ST.

APPLICATION OF **THOMASHANNAH, INC. D/B/A RED ROSE CAFÉ** FOR A SUNDAY ENTERTAINMENT LICENSE, 800 BROAD ST.

APPLICATION OF **THOMASHANNAH, INC. D/B/A RED ROSE CAFÉ** FOR A VIDEO GAME LICENSE, 800 BROAD ST.

APPLICATION OF **THOMASHANNAH, INC. D/B/A RED ROSE CAFÉ** FOR A JUKE BOX LICENSE, 800 BROAD ST.

Attorney Robert Harnais submitted a letter of request to continue the hearing until the February meeting.

Mr. Richards made a MOTION to continue the hearing until February. Mr. Marino seconded. UNANIMOUSLY VOTED

APPLICATION OF **KARMA RESTAURANT, LLC D/B/A KARMA RESTAURANT** FOR AN ALL ALCOHOLIC RESTAURANT LICENSE, 1073 MAIN ST.

Mrs. Karen Diep, owner, was present with Attorney Jon Aieta.

Mr. Richards read the departmental referrals into the record. Officer King reported no public safety objection. Firefighter Myers reported he was unable to gain access for an inspection due to business being closed. Mrs. Paula MacLeod, Municipal Finance Department, reported delinquent real estate taxes assessed to Fresh Tomatoes Enterprises, Inc; utility billed to David Brambila is delinquent; personal property taxes assessed to Acapulco's is delinquent as well. Mrs. Williamson, Health Department, reported she needs a new application, fees are paid, food manager certification copies, menu, etc. The Establishment has been fully rehabbed and is in compliance with applicable fire, building and health codes.

Attorney Aieta stated Mrs. Diep is looking to get up and running at the location of 1073 Main Street under a new corporation and name. She will be the sole owner and manager of the location.

Chairman Fryer asked Mrs. Diep if she was close to reopening.

Mrs. Diep replied fairly close—she's hoping for a March opening.

Solicitor Lane stated a signed lease was required to be filed with the application.

Mrs. VanWinkle confirmed that it was filed.

Mr. Richards made a MOTION to approve the All Alcoholic Restaurant license. Mr. Marino seconded. UNANIMOUSLY VOTED

APPLICATION OF **KARMA RESTAURANT, LLC D/B/A KARMA RESTAURANT** FOR A COMMON VICTUALLER LICENSE, 1073 MAIN ST.

Mrs. Diep informed the Board that she will have a new menu with a few new items.

Mr. Richards made a MOTION to approve the Common Victualler license. Chief Leary seconded. UNANIMOUSLY VOTED

APPLICATION OF **KARMA RESTAURANT, LLC D/B/A KARMA RESTAURANT** FOR AN ANNUAL ENTERTAINMENT LICENSE, 1073 MAIN ST.

Mr. Richards stated the application is for recorded music/live music and use of an amplification system. He stated the previous license was not for live music.

Mrs. Diep stated the music will be recorded music, piped into the facility.

Chief Leary noted there have been concerns of the abutters to the location in relation to such.

Mrs. Diep stated she would like the option.

Mr. Richards asked if she would be willing to withdraw that option.

Mrs. Diep stated she would speak with the neighbor and leave it up to the Board. She has had a good relationship with the neighbors.

Officer King stated he spoke with Mrs. Diep regarding past issues and if the request were to be approved it should be granted with a trial period.

Attorney Aieta stated his client would agree to no live music and have recorded music only with a DJ. She will have sensitivity to the issues.

Mr. Richards made a MOTION to approve Annual Entertainment license for recorded music and use of an amplification system. Chief Leary seconded. UNANIMOUSLY VOTED

APPLICATION OF **KARMA RESTAURANT, LLC D/B/A KARMA RESTAURANT** FOR A SUNDAY ENTERTAINMENT LICENSE, 1073 MAIN ST.

Mr. Richards made a MOTION to approve a Sunday Entertainment license. Chief Leary seconded. UNANIMOUSLY VOTED

APPLICATION OF **KARMA RESTAURANT, LLC D/B/A KARMA** RESTAURANT FOR A JUKE BOX LICENSE, 1073 MAIN ST.

Mr. Richards made a MOTION to approve a Juke Box license. Chief Leary seconded. UNANIMOUSLY VOTED

APPLICATION OF **P.M. GENERAL INC. D/B/A WEYMOUTH FOOD MART** FOR A WINE & MALT PACKAGE STORE LICENSE, 1690 MAIN ST.

Attorney Jon Aieta, Mr. Salman Baig, Manager, and Mr. Zahid Rashid, President, were present.

Mr. Richards stated the location was previously a package/convenience store. There are no changes in the plan. He read the departmental referrals into the record. Mrs. Williamson, reported no objection—final inspection scheduled for January 26, 2010. All necessary paperwork has been completed; owner wants to open January 27, 2010. Officer King reported no public safety objection.

Attorney Aieta stated the location was previously licensed. The applicant has six years in the retail industry and is TIPS certified. He has experience in both sides of the operation. They have id machines for scanning of ids.

Officer King stated he spoke with the proposed owners regarding their past experience and checked with the Falmouth and New Bedford Police Departments who confirmed they had no issues—where they had owned/operated stores.

Mr. Marino advised them to check of ids and informed them that the Town has periodic compliance operations.

Mr. Baig replied a sale cannot be made without scanning the id into the system.

Mr. Richards made a MOTION to approve a Wine & Malt Package Store license. Mr. Marino seconded. UNANIMOUSLY VOTED

APPLICATION OF **P.M. GENERAL INC. D/B/A WEYMOUTH FOOD MART** FOR A FOOD VENDOR LICENSE, 1690 MAIN ST.

Mr. Richards stated the application is for coffee and pastry style items. He made a MOTION to approve the Food Vendor license. Mr. Marino seconded. UNANIMOUSLY VOTED

### **CHAIRMAN'S REPORT**

- Meeting Schedule

Mr. Richards made a MOTION to schedule the February meeting for Tuesday, February 23, 2010 at 2 PM. Mr. Marino seconded. UNANIMOUSLY VOTED

### **APPROVALS**

- Minutes: December 22, 2009

Mr. Richards made a MOTION to approve the minutes of the December 22<sup>nd</sup> meeting. Chief Leary seconded. UNANIMOUSLY VOTED

### **CORRESPONDENCE**

- Officer King RE: AutoLux, LLC, 767 Main St. (Class II Auto Dealer License)

Mr. Richards made a MOTION to send a notice of a hearing for Tuesday, February 23, 2010 to the license holder. Chief Leary seconded. UNANIMOUSLY VOTED

### **NEW/OLD BUSINESS**

- Incident at Papa John's, 856 Washington St.

Mr. Richards stated there was an incident on Friday, January 22, 2010 at 2 AM at the property of Papa John's.

Mr. Bob Montgomery Thomas, 848 Washington Street, came forward and submitted correspondence to the Board regarding the incident. He detailed the incident and attached the Police Department record on his phone call of complaint. Mr. Thomas stated to the Board that he felt the franchisee should be cited by the Police as they were in breach of their license. The license was granted for an 11 PM closing. He also suggested a one-day suspension of the license.

Mr. Marino made a MOTION to put the item on the agenda for February 23, 2010 for discussion. Mr. Richards seconded. UNANIMOUSLY VOTED

- Basta Bar & Grill, 1166 Washington St.

Solicitor Lane stated the appeal to the Alcoholic Beverages Control Commission (ABCC) by Basta Bar & Grill on the decision of the Licensing Board has been withdrawn.

- Littleneck's Grill, 1073 Main St.

Solicitor Lane stated the decision of the Licensing Board to non-renew the licenses of Littleneck's Grill, Inc. has been appealed to the ABCC at which at January 27, 2010 hearing date was set. The Board is in receipt of a notice from the ABCC to continue the hearing to February 17, 2010 at 9 AM. A new lease of the premises has been issued to a new organization; whether the hearing will go forward, we'll see.

## **ADJOURNMENT**

Mr. Richards made a MOTION to adjourn at 2:40 PM. Mr. Marino seconded. UNANIMOUSLY VOTED

Respectfully submitted,

Lisa VanWinkle,  
Recording Secretary