

Minutes of the Board of Licensing Commissioners for their meeting held on Tuesday, February 23, 2010, at the Weymouth Town Hall, Chambers, 75 Middle Street

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

Chairman Fryer called the meeting to order at 2 PM.

APPROVALS

- Precious Metals License: Snyder Jewelers, 89 Pleasant St.

Mr. Richards MOTIONED to call out of agenda order the application under “Approvals” of Snyder Jewelers, 89 Pleasant St. for a Precious Metals License. Mr. Marino seconded. UNANIMOUSLY VOTED

Mr. Mark Snyder came forward and introduced himself, stating he purchased the old Fire Station at 89 Pleasant Street and plans to move his jewelry business to the new location from 12 Columbian Street. He has been in business for the past 18 years and the planned opening date is March 16th.

Mr. Richards made a MOTION of approval. Chief Grimes 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 a 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 approve the change of manager to Mr. Edward Giacomozzi. Chief Grimes seconded. UNANIMOUSLY VOTED

APPLICATION OF **WEYMOUTH LODGE OF ELKS #2232** FOR A CHANGE OF MANAGER ON THEIR ALL ALCOHOLIC CLUB LICENSE, 1197 WASHINGTON ST.

Ms. Gina Trapp, proposed manager, and Ms. Starr Keefe, Exalted Ruler, were present.

Mr. Richards read the departmental referrals into the record. Mr. David Kaplan, Health Inspector, reported no objections. Officer King reported no public safety objections.

Ms. Trapp stated she was present to be approved as the new manager of the Weymouth Elks. Ms. Debbra Baker’s name should be removed from the licenses.

Officer King questioned if Ms. Trapp was TIP's trained and stated the certification is good for three years.

Ms. Trapp replied that she has a current certification.

Mr. Richards made a MOTION to approve the change of manager on the licenses of the Weymouth Elks to Gina Trapp. Chief Grimes 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.

Attorney Robert Harnais and Ms. Eleanor McKenzie, owner/manager, were present.

Mr. Richards read the departmental referrals into the record. Mr. David Kaplan stated Health application and inspection would be required. Officer King reported no public safety objection.

Attorney Harnais stated the Licensing Board granted the license renewals on December 22, 2009 and appointed Ms. McKenzie as temporary manager. At this point Ms. McKenzie runs the business and has formed a new corporation: ThomasHannah, Inc. She respectfully asks for the approval of transfership.

Chairman Fryer announced the public hearing for comment; none.

Chairman Fryer asked Officer King if he had any comment.

Officer King replied he had no issue as the location has been peaceful.

Mr. Richards made a MOTION to approve the transfer of the All Alcoholic Restaurant license from Thomas Doris, Inc. to ThomasHannah, Inc. with the requirement that Ms. McKenzie attend the TIP's training. Chief Grimes seconded. UNANIMOUSLY VOTED

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

Mr. Richards made a MOTION of approval. Chief Grimes seconded. UNANIMOUSLY VOTED

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

Mr. Richards made a MOTION of approval. Chief Grimes seconded. UNANIMOUSLY VOTED

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

Mr. Richards made a MOTION of approval. Chief Grimes seconded. UNANIMOUSLY VOTED

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

Mr. Richards made a MOTION of approval for one golf machine. Chief Grimes seconded. UNANIMOUSLY VOTED

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

Mr. Richards made a MOTION of approval. Chief Grimes seconded. UNANIMOUSLY VOTED

REVIEW OF CHANGE OF OPERATIONAL HOURS ON THE COMMON VICTUALLER LICENSE OF: **BRIDGE STREET PIZZERIA, INC. D/B/A BRIDGE STREET PIZZERIA**, 117 BRIDGE ST. (APPROVED WITH A 60-DAY TRIAL PERIOD ON 12/22/09)

Mr. Richards stated a letter was mailed to Mr. Asirvatham, restaurant owner, asking for him to be present to discuss.

Officer King stated the change of hours was granted on a 60 day trial basis. The restaurant amended the hours just recently; it has only been a few weeks. He thought it was insufficient time to make a determination.

Mr. Richards made a MOTION to discuss the matter at their next meeting as Mr. Asirvatham was not present.

Mr. Asirvatham arrived at 2:17 PM. He was questioned on how the change of hours was running.

Mr. Asirvatham replied that they have been open at 6 AM, 7 days a week. They are on their 4th week now. He committed to be opened during the hours approved for.

Mr. Richards made a MOTION to approve the change of hours on the Common Victualler license of Bridge Street Pizzeria, Inc. to 6 AM for breakfast service. Chief Grimes seconded. UNANIMOUSLY VOTED

DISCUSSION WITH **RJ FLAHERTY, LLC D/B/A PAPA JOHN'S**, 856 WASHINGTON ST. RE: INCIDENT OF CONCERN WHICH OCCURRED ON JANUARY 22, 2010

Mr. Robert Flaherty, owner, was present with two of his employees. He stated the employees went to the store on their own time to prepare for a corporate inspection and noted they shouldn't be punished for volunteering their own time. Mr. Flaherty stated it was his own fault for not communicating to them the restrictions on the license; it was a complete unforeseen situation.

Mr. Richards stated he interviewed Mr. Flaherty after the circumstance and his statement was the same as what was reported on the police report.

Mr. Robert M. Thomas came forward as an abutter. He stated Mr. Flaherty made a statement for the record that past issues wouldn't happen on his watch. Mr. Flaherty was granted a license and a month later he was called back before the Licensing Board to address a violation. He suggested that the Board issue a one-day suspension to Mr. Flaherty, but hold in it abeyance and given a second chance.

Mr. Richards stated he understands what happened—he spoke with the 19 year old employees who were volunteering their time. This is commendable and now they understand the regulations to follow for the future.

DISCUSSION WITH AUTOLUX, LLC, 767 MAIN ST. RE: CLASS II AUTO DEALER LICENSE

Mr. Ibrahim Koussa, business owner, came forward and informed the Board that he is no longer in business at the location as his lease expired. He voluntarily surrendered his Class II Auto Dealer license.

Mr. Richards made a MOTION to accept the request. Chief Grimes seconded. UNANIMOUSLY VOTED

Officer King informed Mr. Koussa that he is required to physically return the license.

CHAIRMAN'S REPORT

- Meeting Schedule

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

APPROVALS

- Minutes: January 26, 2010

Mr. Richards made a MOTION to approve the minutes of the January 26th meeting. Chief Grimes seconded. UNANIMOUSLY VOTED

- Ladies Auxiliary of George R. Bean Post #79 – Annual Poppy Drive

Mr. Richards made a MOTION to approve a Fundraiser Permit for the George R. Bean Post #79 Annual Poppy Drive to be held May 26 – May 30, 2010. Chief Grimes seconded. UNANIMOUSLY VOTED

- Precious Metals License: Gold to Green Parties, LLC

Ms. Laurie Souza, Partner of Gold to Green Parties, LLC was present to discuss her application for

a Precious Metals License. She stated her business holds parties at private residences. Gold is purchased from the attendees. Weighing devices are utilized and everything is documented.

Mr. Richards stated per zoning, a license for precious metals must be located in an area which allows a retail type use. Accordingly, this license may not be issued. He read the departmental referrals into the record. Officer King stated they have a public safety objection. This is based on the Town Ordinances, as there would be an inability of direct access by the Police Department, due to the fact that the business is located out of town.

Officer King cited the ordinance and that such a business would not comply. He stated the Weymouth Police Department needs to have access to the business office, as there are high incidents of burglaries in town.

Solicitor Lane stated the ordinance is jurisdictional in nature. The Board has say in accordance with the ordinance. A Charlestown place of business is not compliant as the ordinance physically requires a Weymouth office.

Ms. Souza replied she has two employees who reside in Weymouth. She inquired if they could apply for the license to operate out of their home.

Mr. Richards stated, no, it doesn't comply with the Town's Zoning Ordinance. The license is issued to the principal location of business.

Ms. Souza stated other towns in the Commonwealth of Massachusetts and New Hampshire have no problems with the business operating out of their locality.

Solicitor Lane informed Ms. Souza that she may come back again, if they have a properly zoned Weymouth location of business. The business records are required to be kept at the office location.

Ms. Souza inquired as to the ordinance reference.

Solicitor Lane noted that it was Ordinance 9-601, part b.

Ms. Souza stated she would like to withdraw her Precious Metals License application as submitted.

Mr. Richards made a MOTION to withdraw the application of Gold to Green Parties, LLC for a Precious Metals License without prejudice. Mr. Marino seconded. UNANIMOUSLY VOTED

- One-Day Wine & Malt Permit: Immaculate Conception Parish

Mr. Richards made a MOTION to approve a One-Day Wine & Malt Permit for an event at the Immaculate Conception Parish to be held on March 13, 2010 at 5 PM -10 PM. Chief Grimes seconded. UNANIMOUSLY VOTED

NEW BUSINESS

- Last Drink Notices from Brockton and Plymouth Courts

Officer King stated “Last Drink” notices were sent to the Board from the Trial Courts, involving the establishments of: Martini’s and Main Street Bar & Grill.

Solicitor Lane stated the information does not constitute an accusation of criminal or negligent conduct by the establishments. He recommended that the document is placed on file without effect.

ADJOURNMENT

Mr. Richards made a MOTION to adjourn at 2:45 PM. Mr. Marino seconded. UNANIMOUSLY VOTED

Respectfully submitted,

Lisa VanWinkle,
Recording Secretary