

Minutes of the Board of Licensing Commissioners for their meeting held on Tuesday, May 25, 2010, at the Weymouth Town Hall, Chambers, 75 Middle Street

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

Chairman Fryer called the meeting to order at 2 PM.

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

Mr. Richards made a MOTION to table the discussion until the end of the agenda as the licensee was not present.

**ESTABLISHMENT HAS CLOSED WITHOUT NOTICE TO THE LICENSING BOARD—
DELIBERATION TO CONSIDER THE SUSPENSION, REVOCATION OR
CANCELLATION OF THE PRECIOUS METALS LICENSE OF EYE SOLD IT.COM, 1212
WASHINGTON ST.**

Mr. Richards stated the license holder, Mr. Leonard Barnes contacted the office to inform the Board that the business was closed and he would mail in the Precious Metals License to be surrendered.

Mr. Richards made a MOTION for a revocation and/or acceptance of the surrender of the license. Mr. Marino seconded. UNANIMOUSLY VOTED

**DISCUSSION WITH ALL ALCOHOLIC PACKAGE STORE LICENSE HOLDER:
GRANITE PACKAGE STORE OF WEYMOUTH, INC., 622 MIDDLE ST. RE: INCIDENT
OF MARCH 19, 2010**

Mr. Kevin Connors, Manager, was present. He informed the Board he wasn't working on the night of the incident. He stated the gentlemen involved came into the store, purchased a 30 pack of beer and exited the store, placing the beer in the trunk of a vehicle; subsequently, driving off with a group of people in the vehicle. He stated Officer King brought in the individual afterwards to identify the clerk who sold the beer to him. Mr. Connors stated he was before the Board today as a result.

Solicitor Lane informed Mr. Connors he was called before the Board in relation to the incident as the clerk accepted a form of an id that is not considered a proper form of identification.

Mr. Connors replied that the acceptance is not a violation of Massachusetts General Laws, Chapter 138. He stated he likes to think they have a hard reputation; they have had no prior violation of this kind. All employees are T.I.P.S trained.

Officer King stated the individual involved was doing this business for a period of six months. A Mass ID card is not an acceptable form of id under the Board's regulations.

Chairman Fryer asked what action the Board wished to take.

Mr. Richards made a MOTION to take no action at this time. Mr. Marino seconded.
UNANIMOUSLY VOTED

**APPLICATION OF BRANDON Q. PHAM D/B/A MIDDLE STREET VARIETY FOR THE
TRANSFER OF A WINE & PACKAGE STORE LICENSE AT THE LOCATION OF 174
MIDDLE ST.**

Mr. Richards read the departmental referrals into the record. Firefighter Justin Myers reported rear exit must remain unlocked while open for business. Current owner was using a padlock to secure the door. He advised the owner of the violation and the lock was removed. Officer King reported no public safety objections to the transfer. Mrs. Mary Williamson, Health Inspector, reported at an inspection of 5/5/10, minor floor repairs required; defective gasket—milk chest; current owner to repair. Prospective owner must meet with Health Department prior to re-opening.

Attorney Truax stated his client, Mr. Brandon Q. Pham, is seeking the approval for the transfer of the Wine & Malt Package Store license of Middle Street Enterprises, Inc. Mr. Pham has been appointed as manager as well. The offer of \$50,000 was agreed upon, of which \$5,000 has already been paid and placed in escrow. Mr. Pham does not have prior retail experience; however, prior to taking over the store he'll have training sessions with the current owner. In addition, he'll have on the job training after taking over, as the current owner will be available twice a week for 6-8 weeks. The closing date is expected to occur in 2-3 months.

Mr. Marino informed Attorney Truax that Mr. Pham would be required to file for a new retail food permit through the Health Department.

Mr. Richards asked what kinds of products Mr. Pham would be offering.

Attorney Truax replied it would be the same configuration with beer & wine; coolers on the left-hand side of the interior and some shelved items.

Chief Grimes stated there are many postings/advertisements in the windows which make it difficult to see in and out of the premises--this is a public safety concern. He asked for the proposed hours of operation.

Attorney Truax replied 7 AM – 9 PM.

Mr. Richards asked Chief Leary if his department would re-inspect the lock of the rear door.

Chief Leary confirmed happily.

Mr. Richards made a MOTION to approve the transfer of the Wine & Malt Package Store license from Middle Street Enterprises, Inc. to Mr. Brandon Q. Pham. Mr. Marino seconded.
UNANIMOUSLY VOTED

APPLICATION OF BRANDON Q. PHAM D/B/A MIDDLE STREET VARIETY FOR A FOOD VENDOR LICENSE, 174 MIDDLE ST.

Attorney Truax informed the Board that the license approval is for the ability to sell coffee.

Mr. Richards made a MOTION to approve the issuance of a Food Vendor license. Chief Leary seconded. UNANIMOUSLY VOTED

APPROVALS

- Minutes: April 20, 2010

Mr. Richards made a MOTION to approve the minutes of the April 20th meeting. Chief Leary seconded. UNANIMOUSLY VOTED

CHAIRMAN'S REPORT

- Meeting Schedule

Mr. Richards made a MOTION to schedule the next meeting for Tuesday, June 29, 2010 at 2 PM. Chief Leary seconded. UNANIMOUSLY VOTED

CORRESPONDENCE

- Officer King RE: Restaurant Closure (Common Victualler License): CBI Enterprises, Inc. d/b/a Lil Brazil, 532 Pond St.

Officer King informed the Board that the restaurant had closed towards the end of April. Subsequently, the business owner should have notified the Board, but has not.

Solicitor Lane suggested that a notice be sent to the business asking for the license to be turned in or that an explanation is submitted as to why the license is not being used. Notice shall include a hearing date stating the license is subject to revocation by the Licensing Board.

- Municipal Licensing Group – Upcoming Meeting: June 15, 2010

Mr. Richards announced the meeting to the Commissioners and informed them to contact Mrs. VanWinkle should they wish to attend.

NEW/OLD BUSINESS

- License Renewal Applications (expiring June 30th) have been mailed to licensees for consideration on the June meeting agenda

- Massachusetts State Lottery Commission – KENO TO GO Applications for:

1. Tedeschi's, 259 Bridge St.
2. Pleasant Street General, 451 Pleasant St.
3. RK Mart, 141 Broad St.
4. Mini Market, 407 Middle St.

Mr. Richards made a MOTION to acknowledge the applications. Mr. Marino seconded.
UNANIMOUSLY VOTED

- Summary of ABCC Seminar of May 18, 2010

Officer King noted that Mrs. VanWinkle and he attended the Alcoholic Beverages Control Commission seminar in Boston. The seminar was informational and well attended.

ADJOURNMENT

Mr. Richards made a MOTION to adjourn at 2:30 PM. Chief Leary seconded. UNANIMOUSLY
VOTED

Respectfully submitted,

Lisa VanWinkle,
Recording Secretary