

Minutes of the Board of Licensing Commissioners for their meeting held on Tuesday, November 16, 2010, at 1 PM in the Weymouth Town Hall, Chambers, 75 Middle Street

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

Chairman Fryer called the meeting to order at 1 PM.

APPROVALS

- Minutes: October 19, 2010

Mr. Richards made a MOTION to approve the October 19, 2010 meeting minutes as amended. Mr. McCormack seconded. UNANIMOUSLY VOTED

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

Ms. Lynn Burbine was present for the quarterly discussion.

Mr. Richards stated Municipal Finance Department submitted an updated balance. He suggested that the agreement is amended with the Town. The payments schedule should be in accordance with what can be made on a monthly basis. As a Board they do not want to put you out of business, but as a Town it doesn't work. He is nervous as a Board to have that amount of taxes outstanding.

Solicitor Lane informed Ms. Burbine that she is to understand that they are approaching a tax title process. This is getting into a high priority item. The Town is getting into an economy where it needs to collect every tax dollar that they can.

Mr. Richards directed Ms. Burbine to see the Tax Office to discuss and arrange a new agreement. She should request an amount that she is able to payment every single month.

Mr. Richards made a MOTION to table the discussion until the next meeting for Ms. Burbine to present the amended agreement. Mr. McCormack seconded. UNANIMOUSLY VOTED

DISCUSSION WITH MAURA, INC. D/B/A NEXT PAGE CAFÉ, 550 BROAD ST. RE: ANNUAL ENTERTAINMENT LICENSE

Attorney Paul Hajjar and Mr. Edward Page, owner, were present for the discussion.

Mr. Richards presented the police log of incidents to Attorney Hajjar.

Officer King stated there were 224 calls of service within the past two years, which adds up to one call every three days. Mr. Page has been before the Board in the past and told to simply turn down the noise and the bass.

Attorney Hajjar stated he and Mr. Page are present to appease the Board. They will take the necessary steps to rectify the situation. Alterations were made previously in an effort to appease the neighbors and eliminate the noise. A sound machine was purchased to test and comply with appropriate decibel levels. Apparently, this is still not enough as the Crawford's are still making complaints. Mr. Page will take the advice of simply turning down the music very seriously.

Chief Grimes stated the base level has been of the concern in the past. The level needs to be within normal and acceptable limits; the "thumping base" is not.

Attorney Hajjar asked to continue the discussion with the intent to reduce the noise and base levels while the entertainment is in session.

Mr. Richards stated this is not a club bar scenario. The license was issued for a family orientated type of business. They are losing their original intent of the site.

Attorney Hajjar replied the restaurant is a family-owned business. They run a good business and have plans to continue and are willing to try to appease the neighbors next door.

Officer King stated last week the station responded to calls all three nights: Thursday, Friday, Saturday in relation to noise.

Attorney Hajjar suggested the hiring of a police detail.

Officer King said the issue is the noise coming from the entertainment, not the patrons. It is not the answer to hire a police detail to monitor the noise level caused from the entertainment.

Mr. McCormack requested that Mr. Page hire a noise consultant to investigate dbase noise at the establishment. He is not sure that is going to be enough for the Crawfords.

Mr. Richards stated it is an issue if the Town--Police is determining there is an issue when showing up after receiving a call.

Attorney Hajjar replied he understands it is a community concern.

Chairman Fryer stated this has been going on for quite a while. The owner spent money and has listened to the concerns. The solution is to simply turn it down.

Chief Grimes suggested continuing the discussion until the December meeting. A further review may show a difference.

Solicitor Lane suggested not going into a hearing as it becomes an evidentiary matter. He would like to see Mr. Page succeed. It will come to that point, if necessary.

Mr. Richards made a MOTION to continue the discussion to their December 21st meeting at 1 PM. Mr. McCormack seconded. UNANIMOUSLY VOTED

APPLICATION OF **THE VENETIAN, INC. D/B/A THE VENETIAN**, 909 BROAD ST. FOR A PLEDGE OF THEIR ALL ALCOHOLIC RESTAURANT LICENSE

Mr. Richards read the request into the record, stating Mr. John Pica, Jr. of The Venetian submitted an application for a pledge of their All Alcoholic Restaurant license to Hingham Institute for Savings.

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

APPLICATION OF **MANAKAMANA, INC. D/B/A FISHTAIL KITCHEN** FOR A WINE & MALT RESTAURANT LICENSE, 532 POND ST. #3

Attorney Gregory Galvin and Mr. Ram Thapa, Manager, were present.

Mr. Richards read the departmental referrals into the record. Officer King reported no public safety objection to the request.

Attorney Galvin stated his client is seeking to open a restaurant primarily serving Indian and Nepalese cuisine. He has never owned in the past, but has worked in restaurants and is seeking to fulfill the American dream. The location is at the strip mall next to the CVS at the corner of Main and Pond Streets, which was formerly a Brazilian restaurant. He attended the T.I.P.'s course and is willing to continue to become educated.

Mr. Richards stated there is no issue with the location as it was formerly a restaurant, one year prior; they are not proposing to make any changes to the physical location. They are required to file for an Occupancy Permit and other necessary Building permits.

Mr. McCormack informed the applicant that a separate permit would be required through the Health Department. They should contact Mary Williamson, Health Inspector.

Attorney Galvin stated his clients are already paying rent and are anxious to move forward.

Officer King stated if the Board chooses to do so, the Common Victualler license may be issued while awaiting the Alcoholic Beverages Control Commission's approval.

Mr. Richards made a MOTION of approval of the Wine & Malt Restaurant license. Mr. McCormack seconded. UNANIMOUSLY VOTED

APPLICATION OF **MANAKAMANA, INC. D/B/A FISHTAIL KITCHEN** FOR A COMMON VICTUALLER LICENSE, 532 POND ST. #3

Mr. Richards made a subsequent MOTION for the approval of the Common Victualler license for 55 seats and the hours of operation of: 7 AM – 12 AM. Mr. McCormack seconded. UNANIMOUSLY VOTED

CHAIRMAN'S REPORT

- Meeting Schedule

Mr. Richards made a MOTION to schedule the December meeting date for Tuesday, December 21, 2010 at 1 PM. Mr. McCormack seconded. UNANIMOUSLY VOTED

CORRESPONDENCE

- 10 AM Sunday Alcohol Service Requests: Hearth 'n Kettle Restaurant, 151 Main St.

Mr. Richards made a MOTION to approve the change of Sunday hours for alcohol service to commence at 10 AM. Chief Grimes seconded. UNANIMOUSLY VOTED

NEW/OLD BUSINESS

- REMINDER: License Renewals are due on/by November 30th
- Officer King submitted a Police Report in relation to an incident that occurred at Curtis Liquors on October 26, 2010.

Mr. Richards made a MOTION to schedule a hearing for their January 25th meeting at 1 PM. Mr. McCormack seconded. UNANIMOUSLY VOTED

- Alcohol Awareness Training

Officer King reminded licensees that the annual trainings would be held the week of December 13th. Notices were hand-delivered with scheduled times. The make-up date will be held on Monday, December 20, 2010.

ADJOURNMENT

Mr. Richards made a MOTION to adjourn at 1:45 PM. Mr. McCormack seconded. UNANIMOUSLY VOTED

Respectfully submitted,

Lisa VanWinkle,
Recording Secretary

Approved:

Date:

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