

Minutes of the Board of License Commissioners for their meeting held on Friday, January 9, 2004, held at the Tufts Library, Jones Room

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

Chairman Fryer called the special meeting to order at 2 PM.

SUNDAY SALES BY HOLDERS OF LICENSES UNDER M.G.L. CHAPTER 138 SECTION 15 ON AN ANNUAL BASIS PURSUANT TO CHAPTER 141 OF THE ACTS OF 2003

Chairman Fryer asked for Solicitor Lane to introduce the matter to the Board for review.

Solicitor Lane stated the Board received information from the Alcoholic Beverages Control Commission (A.B.C.C.) relative to the bill that was passed before the legislature. Under the law the local legislative authority (the Town Council) may declare the Town as dry on Sundays, but until such time, the local licensing authority (the Licensing Board) may accept/grant applications from package store license holders to be able to open for business on Sundays. If the Town Council would decide to declare the Town as dry, such permits would become void.

Solicitor Lane also stated the Board has called for a public meeting today to review applications that have been reviewed and potentially grant permits. He announced that Councilor at Large Sue Kay and District Councilor 3 Ken DiFazio were present and noted that the Town Council is very interested in the public feelings as to whether the Town of Weymouth should allow Sunday openings.

Mr. Richards stated the Board has received several applications from both all alcoholic and wine & malt package stores.

Mr. Marino questioned whether the Board could approve them together.

Solicitor Lane suggested that each application be reviewed individually as the meeting has been scheduled as a public hearing.

Stellenny Liquors, Inc. d/b/a Broad & Vine Liquors, 141 Broad Street
Stellenny Liquors, Inc. d/b/a Michaels Wine & Spirits, 461 Washington Street

Mr. Martin Block, President of Stellenny Liquors, Inc. was present. He stated it is his intention to be open seven days a week and Sunday hours will be from 12 Noon to 6 PM. They don't prefer to be open on Sundays but for competitive reasons they need to. It would be a big disadvantage not to have the option.

Chairman Fryer announced that it was a public hearing and asked if anyone wished to speak in regards to the application. No one spoke.

Acting Chief Thomas asked Mr. Block if he anticipates an increase in sales.

Mr. Block replied it would be different on a week to week basis. Overall there will be additional business; overall the net gain would be marginal.

Acting Chief Thomas stated it may not be economically feasible to staff the business, heat and electrify the building on Sundays.

Mr. Block replied he believed a study was conducted, but doesn't have any figures to back it up.

Mr. Richards stated he was under the assumption that if the Board didn't allow the package stores to open it would be a disadvantage if other communities allow the openings.

Mr. Richards made a motion to grant the permit for Sunday sales. Chief Leary seconded the motion. SO VOTED (Acting Chief Thomas was opposed).

Solicitor Lane stated the permit will be in effect for this Sunday forward unless there is action by the Town Council.

Mr. Richards noted permits will be issued for Sunday openings to each licensee.

Brady's, Inc., 1516 Commercial Street

Mr. George Brady, President, was present. He stated he was present and applied for competition concerns.

Chief Leary asked Mr. Brady if he wished to open the business seven days a week.

Mr. Brady replied no, but he is at the mercy of the other businesses for competitive reasons.

Chairman Fryer asked the audience if anyone wished to speak in regards to the application.

Councilor DiFazio stated he was concerned for the employee who does not wish to work on Sundays. They all live in a society where the employee feels they shouldn't refuse work, even though they really don't want to work. The employer will be required to pay the employee time and a half if they choose to work.

Mr. Richards made a motion to grant the permit for Sunday sales. Chief Leary seconded the motion. SO VOTED (Acting Chief Thomas was opposed).

Curtis Liquor Stores, Inc., 486 Columbian Street

Mr. Richard Curtis, President, was present. He stated they intend to open for business seven days a week and Sunday's hours would be from 12 Noon to 6 PM. Sunday work hours would be available to senior employees first and others who would want to work. They will be paid at a rate of time

and a half. He noted that there have been surveys completed in States that have allowed Sunday sales which show a measurable increase of sales. His customers are in favor of it. Presently, he is not working on Sundays and enjoys the day off once in a while. He believes the license holders will see a measurable increase in sales, especially during the summer.

Chairman Fryer asked the audience if anyone wished to speak on the application.

Councilor Kay asked Acting Chief Thomas to comment on whether the Police Department has seen an influx in crime and public safety issues over the holidays when the package stores were able to open on Sundays.

Acting Chief Thomas responded he has not conducted a study on such, but that is why he opposed. He can foresee where someone is having a party on a Sunday, where someone leaves the party, gets in their vehicle and drives to the package store to buy additional alcohol.

Mrs. Adrienne Gowen, citizen, stated the health study results are available showing an alarming rate of under aged drinking of teenagers. The package store owners all seem to not want to be open, but they are applying for the convenience of their customers and to remain in competition with their fellow businesses. She is concerned for the youth of the Town.

Mr. Richards made a motion to approve the permit for Sunday sales. Chief Leary seconded the motion. SO VOTED (Acting Chief Thomas was opposed).

Quick 6, Inc. d/b/a Discount Liquors, 321 Bridge Street

Mr. Michael Shain, President, was present. He stated he plans on staying open seven days a week and his employees are looking forward to being able to make additional income and working alternate Sundays.

Chairman Fryer asked the audience if anyone wished to speak regarding the application. No one spoke.

Mr. Richards made a motion to approve the permit for Sunday sales. Chief Leary seconded the motion. SO VOTED (Acting Chief Thomas was opposed).

Granite Package Store of Weymouth, Inc. d/b/a Granite Package Store, 616 Middle Street

Mr. Michael Pipp, President, was present. He stated he would like to be open seven days a week. Their store is located next door to a grocery store which is open seven days a week; therefore, it will go hand in hand. As to Acting Chief Thomas's question in regards to profit and paying the employees time and a half, there may be a possibility of increased costs passed down to the consumer.

Chairman Fryer asked the audience if anyone wished to speak on the matter. No one spoke.

Mr. Richards made a motion to grant the permit for Sunday sales. Chief Leary seconded the motion. SO VOTED (Acting Chief Thomas was opposed).

John's Liquors, Inc., 1055 Main Street

J.L. 2 Nguyen, Inc. d/b/a John's Liquors 2, 1212 Washington Street

Mr. John Nguyen and Mr. Thuong Nguyen, owners, were present.

Chairman Fryer noted that when Mr. Nguyen came before the Board last, there was a discussion regarding the truck parked in front of the 1055 Main Street location displaying a sign, advertising the business. He stated he wasn't happy with the appearance of it and that they should be required to remove the sign as it is not permitted.

Mr. Nguyen replied he has been trying to work with the owner of the property, the bowling alley. If the Town would allow for him to install a sign he would be willing to install a freestanding sign.

Mr. Richards noted the Town's Zoning Bylaw stated commercial properties may have one freestanding sign. In order to have an extra sign an application would have to be filed with the Zoning Board of Appeals.

Chairman Fryer asked if there were any public comments. No one spoke.

Mr. Richards made a motion to grant the permit for Sundays sales. Chief Leary seconded the motion. SO VOTED (Acting Chief Thomas was opposed).

Macy's Beachway Liquors, Inc., 701 Bridge Street

Mr. Eliot Siegal, President, was present. He stated he has the same concerns as his predecessors. He would like to open on Sundays from 12 PM to 6 PM, as they would need to open in fair competition. Employees will be paid time and a half and won't be subject to working if they don't want to. He believes the business will be spread out evenly over the seven day week.

Chairman Fryer asked the audience if anyone wished to speak in regards to the application.

Mrs. Susan Cochrane stated she was opposed to all Sunday openings and noted if the business doesn't want to open on Sundays they shouldn't. Management will have to work on Sundays regardless. This is going to affect her quality of living as her husband works in this industry. Sundays is the only family time they have together and is precious to her. The licensees are thinking of the bottom line only; the money. The Town of Weymouth should think of their youth and the community.

Mr. Richards made a motion to grant the permit for Sunday sales. Chief Leary seconded the motion. SO VOTED (Acting Chief Thomas was opposed).

Billy's Liquor, Inc. d/b/a Washington Street Liquors, 21 Washington Street

Mr. Dung Huynh, President, was present. He stated he would like to open on Sundays to increase the business's profit and in the interest of competition for the store.

Chairman Fryer asked the audience if anyone wished to speak in regards to the application. No one spoke.

Mr. Richards made a motion to grant the permit for Sunday sales. Chief Leary seconded the motion. SO VOTED (Acting Chief Thomas was opposed).

Khanh Ngo d/b/a Jumbo Market, 407 Middle Street

Mr. Ngo attended on behalf of his father and stated his father is interested in being able to sell beer and wine seven days a week. They are already open on Sundays as they are a convenience store.

Mr. Richards made a motion to grant the permit for Sunday sales. Chief Leary seconded.

Mr. Marino questioned Solicitor Lane if they are able to take action without the applicant present.

Solicitor Lane replied this is an unusual circumstance. An instructional sheet was mailed out to the license holders last week. He left it up to the Board.

Chairman Fryer stated there is a motion before the body. SO VOTED (Acting Chief Thomas was opposed).

Lynn's Variety, Inc., 915 Washington Street

Mr. Patel, President, was present. He stated they are currently open seven days a week as a convenience store and would like to be able to sell beer and wine as well on Sundays.

Chairman Fryer asked the audience if anyone wished to speak on the application. No one spoke.

Mr. Richards made a motion to grant the permit for Sunday sales. Chief Leary seconded. SO VOTED (Acting Chief Thomas was opposed).

Kevin Finneran d/b/a Pleasant Street General Store, 451 Pleasant Street

Mr. Kevin Finneran, owner, was present. He stated like Lynn's Variety his store is a convenience store as well and is already open on Sundays. It would be a plus to be able to sell beer and wine as well.

Acting Chief Thomas asked Mr. Finneran if he was aware that he would be required to pay his employees at a rate of time and a half on Sundays.

Mr. Finneran replied he currently doesn't but will have to pay them additionally if approved for Sunday openings.

Chairman Fryer asked the audience if anyone wished to speak on the application. No one spoke.

Mr. Richards made a motion to grant the permit for Sunday sales. Chief Leary seconded the motion. SO VOTED (Acting Chief Thomas was opposed).

T&J Funding, Inc. d/b/a Towers Liquor Mart, 825 Middle Street

Mr. John Murray, President, was present. He stated he is requesting to be open seven days a week.

Chairman Fryer asked if anyone wished to speak from the audience. No one spoke.

Mr. Richards made a motion to grant the permit for Sunday sales. Chief Leary seconded the motion. SO VOTED (Acting Chief Thomas was opposed).

QP One, Inc. d/b/a Quick Pix, 1690 Main Street

Mr. Paul Galanis, President, was present. He stated that he would submit his application after the meeting. His store is currently open on Sundays and it would be a plus for them to be able to sell beer and wine as well.

Chairman Fryer asked if anyone wished to speak from the audience on the matter. No one spoke.

Mr. Richards made a motion to grant the permit for Sunday sales. Chief Leary seconded the motion. SO VOTED (Acting Chief Thomas was opposed).

Theodore Hawkes d/b/a Park Avenue Market, 46 Park Avenue

No one was present.

Chairman Fryer asked the audience if anyone wished to speak on the application. No one spoke.

Mr. Richards made a motion to grant the permit for Sunday sales. Chief Leary seconded the motion. SO VOTED (Acting Chief Thomas was opposed).

Chief Leary stated the motion was voted upon based on the business being open for business seven days a week.

Mr. Richards stated Twelve Sea Street, Inc. d/b/a Pizza Plus, 12 Sea Street, and Bailey's Package Store, Inc., 74 Pleasant Street, hadn't applied.

Officer King noted Pizza Plus does not open for business on Sundays and doesn't intend to.

Mr. Richards announced that Bailey's Package Store may apply in the future.

Mr. Martin Block, Stellenny, Inc. d/b/a Michael's Wine & Spirits, 461 Washington Street,

questioned if they will be obligated to open for business on Sundays now that they have been approved.

Solicitor Lane replied a similar question came up previously in a different setting involving Common Victualler licenses. This would be a matter of discussion for the Board and is not a matter of law, in regards to package store licenses.

Chairman Fryer asked Officer King if he had any comment.

Officer King replied he was concerned for the youth. Kids are trying to buy alcohol frequently. This will only exacerbate over the summer months.

Acting Chief Thomas stated his vote was based on his professional position and was not intended to hurt anyone economically.

Mr. Richards stated permits will be issued to the licensees approved today. They are allowed to open this Sunday for business.

Mr. Richards made a motion to adjourn the meeting at 3:04 PM. Chief Leary seconded the motion.
UNANIMOUSLY VOTED.

ADJOURNMENT

Respectfully submitted,

Lisa VanWinkle, Recording Secretary