

Minutes of the Board of License Commissioners for their meeting held on Tuesday, February 10, 2004, 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; Town Solicitor George E. Lane, Jr.; Licensing Officer Brian King and Lisa VanWinkle, Secretary

Chairman Fryer called the meeting to order at 2 PM.

DISCUSSION RE: TOBACCO COMPLIANCE OPERATION

Solicitor Lane stated he attended a Town Council Ordinance Committee meeting in which a question came up by Councilor Mathews in relation to the Town's tobacco compliance operations. He informed the Board that there use to be a full-time Tobacco Control Officer, which was a grant funded position. Councilor Mathews questioned if the compliance operations were still being held and if there was police involvement. Solicitor Lane said he then contacted Chairman Fryer to have the matter discussed at today's meeting. He questioned whether the Board would like to be involved with it. After having the item scheduled on the agenda for discussion, he spoke with Mr. Marino who agreed it would be a good idea to be discussed before this Board.

Mr. Marino stated the tobacco program has been under the Board of Health's jurisdiction. They require that all retailers of tobacco obtain a permit through the Health Department. No fee is charged. This is a way to control at the local level that retailers do not sell to minors. In the past grant staff with the help of the Police Department has performed compliance operations with underaged operatives. Violators are subject to a hearing before the Board of Health. The Town Council recently approved funding for compliance checks. Compliance checks are already underway with underaged operatives and school police officers. Fines will be assessed with a non-criminal disposition. He stated he would consider having a measure submitted to have the purview changed to this Board. The Licensing Board already conducts compliance checks of the liquor license holders which is of a similar nature.

Chief Leary stated that the operations were originally grant funded. He questioned if there is police grant money available to continue the program.

Lieutenant George Greenwood, Police Department, replied he has been in touch with Mr. Marino and a representative of Quincy. The compliance checks will be conducted sometime in the near future. The procedure is very similar to the way they perform the liquor compliance checks. The funding will be directed to the Board of Health. He thinks there is money for this one operation, but was not sure about future operations. In answer to Chief Leary's question, he doesn't believe there is police grant money available.

Mr. Marino stated without funding he believes they should continue the way they are going through the Weymouth Police Department and using the underaged operatives and that the jurisdiction should remain under the Board of Health.

Chairman Fryer agreed that it should stay with the Board of Health. Of course the Board would like

to assist them through the process but at the same time they would not want to step on each other's toes.

Solicitor Lane commented that he thought the discussion was worthwhile and asked that the minutes of this meeting be forwarded to Councilor Mathews.

Officer King questioned if the compliance checks are for the sale of tobacco to underaged persons only or if they are checking restaurants for smoking within the licensed premises as well.

Mr. Marino stated they are performing checks of the retailers only.

Chief Leary noted that there would have to be a procedure in place, permits issued and fees charged.

Chairman Fryer replied that's something to be looked into.

Solicitor Lane stated he will review that with Chief Thomas, Mr. Marino and Lt. Greenwood.

APPROVALS

- Minutes: January 27, 2004

Mr. Marino made a motion to approve the minutes as submitted. Mr. Richards seconded. SO VOTED (Chief Leary abstained).

CHAIRMAN'S REPORT

- Meeting schedule

Mr. Richards made a motion to schedule the next meeting for Tuesday, March 9, 2004 at 2 PM. Chief Leary seconded the motion. UNANIMOUSLY VOTED.

Mr. Marino stated he wouldn't be available for the meeting but would send a representative. He also asked that the meeting be held at the Town Hall in the Chambers if permitted.

ADJOURNMENT

Mr. Richards made a motion to adjourn the meeting at 2:30 PM. Mr. Marino seconded the motion. UNANIMOUSLY VOTED.

Respectfully submitted,
Lisa VanWinkle, Recording Secretary

Approved by

Date