

Minutes of the Board of Licensing Commissioners for their meeting held on Tuesday, February 24, 2009, at the Weymouth Town Hall, Chambers, 75 Middle Street

Attendance: Chairman Franklin Fryer; Jeffrey Richards, Director of Municipal Licenses & Inspections; Fire Chief Robert Leary; Acting Police Chief Brian Callahan; Daniel McCormack, Chemical Inspector; Richard Marino, Health Director; Town Solicitor George E. Lane, Jr., Lisa VanWinkle, Secretary and Firefighter Justin Myers

Chairman Richards called the meeting to order at 2 PM.

APPLICATION OF K.C.N.B. LLC D/B/A K.C.'S PUB & GRILL FOR AN ADDITIONAL MACHINE ON THEIR VIDEO GAME LICENSE, 1284 WASHINGTON ST.

Mr. Nicholas Akoury, owner, was present.

Mr. Richards stated the Municipal Licenses and Inspections Department has no issues with the additional machine. He continued to read the departmental referrals into the record. Mr. David Kaplan, Health Department, reported no objections. Firefighter Justin Myers reported that a fire and life safety inspection was conducted on February 3, 2009. Storage was found 2 feet from ceiling in office area. Order was issued to correct. Exit and emergency lighting, extinguishers, Ansul and sprinklers were okay. The Municipal Finance Department reported no outstanding taxes/utilities.

Mr. Richards informed Mr. Akoury of the Video Game Rules & Regulations pertaining to such machines, "No so-name X rated or R rated video type machines depicting violence or containing sexually oriented material, or machines upon which one might gamble or place bets, i.e., black jack, poker, horse racing, etc., shall be allowed in the Town of Weymouth."

Mr. Akoury acknowledged that he spoke with Officer King regarding such regulations. Any card games will be removed by Commonwealth Vending.

Chairman Fryer announced the public hearing for comment; none.

Chief Leary made a MOTION to approve an additional video game machine for a Merit touch screen. Mr. Richards seconded. UNANIMOUSLY VOTED

APPLICATION OF ABIDENAS NEVES DIONIZIO D/B/A AUTO BRAZ – USA FOR A CLASS II AUTO DEALER LICENSE, 367 WASHINGTON ST.

Mr. Abidenas Neves Dionizio, owner, and his son, Mr. Daniel Neves were present.

Mr. Richards stated the use of the premises as a Class II Auto Dealer is permitted in the B-1 Zone in which it is located. The parking is adequate for three vehicles. Accordingly, the license may be granted. He continued to read the departmental referrals into the record. The Municipal Finance Department reported outstanding personal property taxes for FY07-09 as well as outstanding utilities bills. Mr. Dan McCormack, Health Department, reported the facility is in good standing

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with their department; no objections. Lt. White, Fire Department, reported the facility was inspected on January 2, 2009 as in good condition; fire extinguishers need service.

Mr. Daniel Neves spoke on behalf of his father, Mr. Abidenas Neves Dionizio, stating he will be helping him sell vehicles and providing service.

Chairman Fryer announced the public hearing for comment; none.

Mr. Richards made a MOTION to approve a Class II Auto Dealer license to Abidenas Neves Dionizio d/b/a Auto Braz-USA at 367 Washington Street for 3 vehicles. Acting Chief Callahan seconded. UNANIMOUSLY VOTED

APPLICATION OF URVASHI, INC. D/B/A SUBWAY FOR A COMMON VICTUALLER LICENSE, 622 WASHINGTON ST.

Mr. Vashi Patel, President, was present for the hearing.

Mr. Richards stated the use of the premises is allowed for retail use; however, no external signs of any kind are allowed without Board of Zoning Appeals approval. He continued to read the departmental referrals into the record. Municipal Finance reported no outstanding taxes/utilities. Firefighter Justin Myers reported he inspected the location on February 12, 2009. He reported Subway is a tenant of BJ's and as such the sprinkler and alarm system is maintained by BJ's. They were inspected and found to be okay. He ordered Subway to install one ABC type extinguisher near the gallery door. Mr. David Kaplan, Health Inspector, reported he spoke with the new owner regarding Health Department regulations; no objections.

Mr. Richards stated a letter was received from abutter: Greg O'Connor, 107 West Lake Drive, which will be copied to the Health Department for review and it will be referred to BJ's as well.

Chairman Fryer announced the public hearing for comment; none.

Chief Leary questioned if non-members of BJ's are able to purchase food from Subways.

Mr. Patel replied they are. He noted that the neighbors of the location are frequent customers.

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

APPROVALS

- Minutes: January 27, 2009

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

- Fundraiser/Poppy Permit: Ladies Auxiliary—George R. Bean Post #79, American Legion

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Mr. Richards made a MOTION to approve a Poppy Permit for the Annual Poppy Drive of the George R. Bean Post, Ladies Auxiliary on May 21-24, 2009. Chief Leary seconded. UNANIMOUSLY VOTED

- One-Day Wine & Malt Permit: Immaculate Conception Parish, 1199 Commercial St.

Mr. Richards made a MOTION for the approval of a One-Day Wine & Malt Permit for Immaculate Conception Parish, 1199 Commercial Street, Weymouth, MA for a dinner to be held on March 14, 2009 from 5-9 PM. Chief Leary seconded. UNANIMOUSLY VOTED

- One-Day Liquor Permit: Sacred Heart Parish, 55 Commercial St.

Mr. Richards made a MOTION to approve a One-Day Liquor Permit for the Sacred Heart Parish, 55 Commercial Street, Weymouth, MA for a school fundraiser Trivia Night to be held on April 4, 2009 from 6-11 PM. Chief Leary seconded. UNANIMOUSLY VOTED

- One-Day Wine & Malt Permit: Previte's Marketplace, 1350 Washington St.

Mr. Richards made a MOTION to approve a One-Day Wine & Malt Permit for Previte's Marketplace, 1350 Washington Street, for a private event to be held on March 8, 2009 from 3-7 PM. Chief Leary seconded. UNANIMOUSLY VOTED

CHAIRMAN'S REPORT

- Next Meeting

Mr. Richards made a MOTION to schedule the next meeting for Tuesday, March 24, 2009 to be held at 2 PM in the Chambers. Chief Leary seconded. UNANIMOUSLY VOTED

CORRESPONDENCE

- Mass State Lottery Commission – Keno to Go

Mr. Richards stated the Board received correspondence from the MLSC stating certain businesses in town who were applying for Keno to Go licenses: Tedeschi's, 425 Washington Street; Weymouth Market, 784 Broad Street; Tedeschi's, 1039 Washington Street; EZ Mart, 1235 Washington Street; Tedeschi's, 11 Sea Street. No action/vote is required as the license is issued by the Lottery Commission.

NEW BUSINESS

- Draft Operational Policy for Entertainment License Holders

Mr. Marino presented a draft policy to the Board. He stated he did some research, modeling the policy of the City of Boston. He stated the police officer responding to the noise complaint would use their auditory perception to determine whether the noise is heard from the outside of the

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establishment or not. If he/she determines in the negative he/she is to notify dispatch. If there is a noise issue the officer has the authority to shut down the entertainment. Appeal may be given before the Board within a reasonable amount of time. He asked that the Board members review the draft for discussion at a future meeting.

Solicitor Lane stated after reviewing the proposed policy he believes the policy has merit, but under the Code it also requires the complaint be filed with the Mayor's Office. He asked that the draft be placed under advisement. He will work on the document with Mr. Marino and report back to the Board.

Mr. David Crawford, Broad Street, the direct abutter of Next Page Café, 550 Broad Street, was present and submitted a document to the Board for their review. He appreciated the institution of any policies to help create and maintain a better quality of life for the residents of the Town.

Mr. Richard Godin, 114 Mutton Lane, and Mr. Louis Molinari, Mutton Lane, abutters of Basta Bar & Grill, 1166 Washington Street, also attended the meeting for input and agreed to Mr. Crawford's comments, stating that the policy would be a little more advantageous for the neighbors.

Solicitor Lane asked where the policy enforcement involves the Police Department that Acting Chief Callahan be involved with the drafting of the policy.

Acting Chief Callahan stated if the Board where to implement a policy the Police Department would develop their own departmental policy in regards to enforcement.

Chief Leary stated the matter involves the effort of the license holder to simply be a better neighbor. The point is to keep the noise within their premises and keep control of it. If it is getting through their walls it simply is too loud.

Mr. Marino added loud music is not a form of entertainment.

OLD BUSINESS

- Colonial Bowl, 1055 Main St.

Solicitor Lane stated that the Colonial Bowl is due for a review before the Board in regards to outstanding taxes. They are in receipt of a tax title notice.

Mrs. VanWinkle replied a discussion would be scheduled for the March 24, 2009 meeting.

ADJOURNMENT

Mr. Richards made a MOTION to adjourn at 2:40 PM. Chief Leary seconded. UNANIMOUSLY VOTED

Respectfully submitted,
Lisa VanWinkle, Recording Secretary