

Minutes of the Board of License Commissioners for their meeting held on Tuesday, April 12, 2005, at Weymouth Town Hall in the Chambers

Attendance: Chairman Franklin Fryer, Town Clerk; Clerk Jeffrey Richards, Director of Municipal Licenses & Inspections; Fire Chief Robert Leary; Police Chief James Thomas; 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.

Chief Leary introduced Charles V. White, Acting Fire Prevention Officer, and motioned that he be a liaison to the Board in a similar capacity as Licensing Officer Brian King. Mr. Richards seconded the motion. UNANIMOUSLY VOTED

APPLICATION OF INTERNATIONAL MOTOR WORKS, INC. D/B/A INTERNATIONAL AUTO EXCHANGE & BROKERAGE FOR A CLASS II AUTO DEALER LICENSE, 1345 COMMERCIAL ST.

Attorney Rocco DiFazio stated he was present on behalf of his client, Mr. Nicholas Katsilieris, reapplying for a Class II Auto Dealer's license to read "International Motor Works, Inc., Nicholas Katsilieris, Manager". This is as a result of Mr. Katsilieris' visit to the Registry of Motor Vehicles to obtain a dealer's plate. They requested that the license read as such. Previously, they had been approved by the Board as an individual.

Mr. Richards made a motion to approve the Class II Auto Dealer license under the name of International Motor Works, Inc. Mr. Marino seconded. UNANIMOUSLY VOTED

APPLICATION OF R & R DAIRY MFG. CO. INC. D/B/A DAIRY QUEEN FOR A FOOD VENDOR LICENSE, 226 MAIN ST.

Mrs. Carol Rennie, owner, and Mr. Dianne Gilman, Manager, were present.

Mr. Richards read the departmental referrals into the record. The Municipal Finance Department reported outstanding taxes. The Health Department reported no objections; is a good operator. Mr. Charles White, Fire Prevention Officer, reported no objections. Officer King reported no public safety objection.

Mr. Rennie stated they were told recently to apply for a Food Vendor license through the Board. They have been in business since 1962. Therefore, they are present today for the Board's approval.

Mr. Richards made a motion to approve a Food Vendor license. Mr. Marino seconded. UNANIMOUSLY VOTED

PURSUANT TO M.G.L. CHAPTER 138, SECTION 23 & 64, LIQUOR VIOLATION HEARING TO CONSIDER MODIFICATION, SUSPENSION, REVOCATION OR CANCELLATION OF THE ALL ALCOHOLIC PACKAGE STORE LICENSE OF JASS ENTERPRISES, INC. D/B/A QUICK 6 DISCOUNT LIQUORS, 321 BRIDGE ST.

Mr. Davinder Singh, President of Jass Enterprises, Inc. and Mr. Gurmit Singh, Treasurer, were present.

Solicitor Lane swore in all parties testifying before the Board. He submitted for the record the hand delivered notice of the hearing as well as a copy of the police report. He called Detective Robert P. Gervasi forward and asked for him to read his report into the record.

Det. Gervasi read as follows: "On February 8, 2005, Lt. Greenwood, Detective Jakaitis, civilian (referred to as Jane Doe) and he, conducted a compliance check on all package stores in the Town of Weymouth. At approximately 1750 hours, Jane Doe walked into Quick 6 Liquors located at 321 Bridge Street with the intent of purchasing a six pack of Bud Light beer. Jane Doe went to the cooler and grabbed a six pack of 16 oz Bud Light bottles. She brought the beer to the register and placed the beer on the counter. Jane Doe handed the clerk, Subash, Baniya, twenty dollars, while the owner, Raginder Singh, rang up the sale of \$7.29. Jane Doe was given her change for the sale.

Jane Doe exited the store with a brown bag containing a 6 pack of Bud Light bottles, and walked to my unmarked vehicle. Jane Doe informed this officer that she was never asked for any identification for the beer. Be advised Jane Doe is twenty years old. With this information, Lt. Greenwood, Det. Jakaitis, Jane Doe, and he returned to the store ten minutes later to confront the salesperson who rang up the sale. Lt. Greenwood spoke with the co-owner, Raginder Singh, regarding the sale to a minor. Mr. Singh was told that he would be going in front of the Licensing Board because of a violation of his liquor license."

Solicitor Lane asked Mr. Singh if he had any questions of Det. Gervasi regarding the report.

Mr. Singh replied in the negative.

Solicitor Lane confirmed through Mrs. VanWinkle, Secretary to the Licensing Board, that the offense was their first. He stated the licensee has been counseled and admits to the violation and agrees to serve a one day suspension. They also waived their right to an appeal. He asked Mr. Singh if he wished to communicate anything to the Board.

Mr. Singh apologized to the Board for the unfortunate incident and stated they would do their best to make sure it didn't occur again.

Solicitor Lane advised the Board they may motion for a finding of a violation that there was a sale of alcohol to an under-aged person and that the alcohol license is suspended for one day.

Chief Thomas made a motion to accept a one day suspension of the alcohol license.

Mr. Marino stated he takes the sale of alcohol to an under-aged person serious. He said Det. Gervasi didn't read the part of his report which stated the clerk couldn't remember selling the alcohol within ten minutes nor could he comprehend what was being asked of him. This is a concern. He informed Mr. Singh a good rule of thumb would be to card anyone who looks under 40 years of age. He would like to see that everyone is carded who is purchasing alcohol. He also informed Mr. Singh that there are electronic devices that may be purchased to help alleviate non-carding and identifying false ids.

Solicitor Lane asked that Chief Thomas amend his motion for a finding of a violation and that there be a one day suspension of the alcohol license (to be served on April 28, 2005) without an appeal. Chief Thomas said so moved. Chief Leary seconded. SO VOTED (4-1 Mr. Marino was opposed).

**REQUEST OF JASS ENTERPRISES INC. D/B/A QUICK 6 DISCOUNT LIQUORS,
321 BRIDGE ST. FOR AN EXTENSION OF HOURS ON SUNDAY, JULY 3, 2005**

Chief Thomas stated he was opposed to the request. He also commented that he was opposed to the original vote for Sunday openings.

Officer King reminded the Board that the evening of July 3, 2005 is when Weymouth holds the fireworks celebration. He has worked detail on the evening in the past and believes that the extension of hours is not a good idea.

Mr. Richards stated he was against the request as well. The opening of package stores on Sundays was approved by the Board in accordance with the legislature and they set hours which should be adhered to.

Chief Leary stated he didn't see a benefit for the store being open later that evening. The fireworks celebration starts earlier in the day. He's opposed as well.

Mr. Richard made a motion to deny the request for an extension of hours. Chief Leary seconded.
UNANIMOUSLY VOTED

APPROVALS

- Minutes of March 22, 2005 (Regular & Executive Session)

Mr. Richards made a motion to approve the regular session minutes as submitted. Mr. Marino seconded. UNANIMOUSLY VOTED

Mr. Richards stated the executive session minutes would be held as the matter is still under investigation.

CHAIRMAN'S REPORT

- Meeting schedule

Mr. Richards made a motion to set their next meeting for Tuesday, May 10, 2005 at 2 PM. Chief Thomas seconded. UNANIMOUSLY VOTED

NEW BUSINESS

- Dawn 'Til Dusk, 90 Pond St.

Mr. Richards stated it was brought to his attention that the license of Dawn 'Til Dusk, 90 Pond Street, may need two separate licenses as they took over the adjoining space for the business. The Engineering Department advised him that the business is located under one address. Therefore, the current license is sufficient. Building Permits were issued for the interior changes.

Officer King questioned if they had increased the seating.

Mr. Richards replied no. This is the same business; there is now an adjoining room. He feels they are compliant.

The Board agreed with Mr. Richard's decision.

- Designated Driver Program

Officer King stated he is in the process of implementing a Designated Driver Program in conjunction with 99 Restaurant. He would like to have it up and running prior to Memorial Day. This entails participating restaurants serving free non-alcoholic beverages, etc to the designated driver.

- Precious Metal Dealers

Officer King stated the Precious Metal Dealer Regulations are in need of updating. Currently, dealers are not reporting and those who are are offering haphazard documents. The ordinance of the Town in relation to the Precious Metals licenses needs to be updated. He provided sample documents/forms from the Town of Braintree which may be utilized. Pictures are supposed to be provided of the jewelry as well as a copy of a valid Massachusetts driver license when a transaction is being made.

Mr. Marino suggested having the license holders who are in violation attend a hearing before the Board.

Solicitor Lane recommended for Officer King to submit recommended amendments to the Board for review to be forwarded to the Mayor for approval. Mr. Marino moved the motion. Mr. Richards seconded. UNANIMOUSLY VOTED

Chief Thomas stated he will have his department identify who is non-compliant and will report it to the Board.

ADJOURNMENT

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

Respectfully submitted by Lisa VanWinkle, Recording Secretary