

Minutes of the Board of Licensing Commissioners for their meeting held on Tuesday, May 9, 2006, at the Weymouth Town Hall, Chambers, 75 Middle Street

Attendance: Chairman Franklin Fryer, Town Clerk; Jeffrey Richards, Director of Municipal Licenses & Inspections; Police Chief James Thomas; 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 WITH RICK CURTIS OF CURTIS LIQUOR STORES, INC. RE: AN ESTABLISHMENT OF A BEVERAGE ASSOCIATION; DISTRIBUTION OF BEER BALLS, ALCOHOL AWARENESS TRAINING; WINE SALES IN FOOD STORES BALLOT INITIATIVE

Mr. Rick Curtis, President of Curtis Liquor Stores, Inc., presented information to the Board, giving his views on his goal to establish a Beverage Association, as well as the distribution of beer balls, and the Wine Sales in Food Stores Ballot Initiative. He asked for the Board's endorsement of the formation of the Association, who would regularly meet with the Licensing Board.

After a brief discussion, Chairman Fryer stated he felt the Board could not get involved with the Association as it is a private group and the Licensing Board is the license issuing authority.

The Board members agreed that there needed to be regulations for the sale of beer balls. It was questioned whether they would fall under the same regulations as kegs per Massachusetts General Laws. The item of discussion was tabled to be researched.

APPLICATION OF JEWELRY OUTLET, LLC FOR A PRECIOUS METALS LICENSE, 35 PLEASANT ST.

Mr. Ralph Mayer was present on behalf of the applicant, Mr. Charles Young who was not available to attend.

Mr. Richards read the departmental referrals in to the record. Mr. Marino reported main concern centers on compliance with new ordinance with respect to pawning, identification; record keeping; reporting and cooperation with police authorities. Officer King reported no public safety objection. Mr. Richards reported the use of the premises as a retail establishment is permitted in the B-1 Zone in which it is located. Accordingly, the application may be approved per Zoning Ordinance. A certificate of occupancy is required.

Mr. Mayer stated the business name should read "Jewelry Outlet, LLC" as opposed to what was submitted, "Jewelry Factory Outlet, LLC".

Mr. Richards stated as long as that name is on the business certificate, it isn't an issue.

Chief Leary questioned where the business would be located.

Mr. Mayer replied next door to CVS in the Pleasant Shops.

Mr. Richards made a motion to approve a Precious Metals license to Jewelry Outlet, LLC. Chief Leary seconded. UNANIMOUSLY VOTED

APPLICATION OF D & K PACKAGE, INC. D/B/A QUICK PIX FOR A WINE & MALT PACKAGE STORE LICENSE, 1690 MAIN ST.

Attorney Jon Aieta and Mr. Hemal Patel, President of D & K Package, Inc. were present.

Mr. Richards read the departmental referrals in to the record. The Health Department reported no objection; new owner must apply for retail food license. Officer King reported no public safety objection to the request. Lt. White reported no fire issues; if sprinklers are in accordance with permit.

Attorney Aieta stated Mr. Patel has been in the business since 1999. Most recently he worked at two locations in a supervisor position. He recently became TIPs certified. Mr. Asirvatham is also certified.

Chief Thomas informed the applicant all employees must be TIPs certified.

Mr. Richards made a motion to approve a Wine & Malt Package Store license to D&K Package, Inc. d/b/a Quick Pix. Chief Leary seconded.

Chairman Fryer opened the public hearing for comments; no one spoke. He stated there is a motion before the body; all in favor. UNANIMOUSLY VOTED

APPLICATION OF D & K PACKAGE, INC. D/B/A QUICK PIX FOR A FOOD VENDOR LICENSE, 1690 MAIN ST.

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

Mr. Richards reminded the applicant they would need to obtain necessary licenses through the Health and Building Departments as well.

APPLICATION OF VINCENT PEREZ D/B/A SUBWAY FOR A COMMON VICTUALLER LICENSE, 740 MIDDLE ST.

Mr. Vincent Perez, owner, was present.

Mr. Richards read the departmental referrals in to the record. The Health Department reported Subway has placed food manager certified individuals in this location to prepare food until actual change of owner takes place. Prospective owner did have non-food manager certified personnel

working there previously until they were shut down overnight and qualified food handlers were in place the next day. Officer King reported no public safety objection. Lt. White reported no fire issues. Mr. Richards reported the use of the premises as a restaurant is permitted in the B-1 Zone in which it is located. Accordingly, the proposal conforms to all applicable requirements of the Town of Weymouth Zoning Ordinances and the requested license may be granted.

Mr. Perez stated he has been in the business for the past four years; this is his eighth store.

Mr. Richards made a motion to approve the issuance of the Common Victualler license.

Mr. Marino seconded. UNANIMOUSLY VOTED

APPLICATION OF RITA O'CONNOR D/B/A SABOR TROPICAL FOR A FOOD VENDOR LICENSE, 1235 WASHINGTON ST., SUITE #2

Ms. Rita O'Connor, owner, was present.

Mr. Richards read the departmental referrals in to the record. The Health Department reported the applicant was found to be operating without a permit at 11:50 AM on March 22, 2006. He left application and insurance form with Faria Juventino, who stated he would file the paperwork at Town Hall. Officer King reported no public safety objection.

Ms. O'Connor stated she opened the Brazilian store a month ago and would like to sell Brazilian appetizers and cake. They will be made at another location. She will have a warmer available or they may be purchased cold.

Mr. Richards made a motion to approve a Food Vendor license to Rita O'Connor d/b/a Sabor Tropical. Chief Leary seconded. UNANIMOUSLY VOTED

APPLICATION OF T & J FUNDING, INC. D/B/A TOWERS LIQUOR MART FOR AN ALL ALCOHOLIC PACKAGE STORE LICENSE TRANSFER, 825 MIDDLE ST.

Attorney Rocco DiFazio and Mr. John P. Murray, President/Manager, were present.

Mr. Richards read the departmental referrals in to the record. The Health Department reported no objections. Officer King also reported no objections.

Attorney DiFazio stated Mr. Murray is purchasing the store from his parents and has been working at the store for over 12 years. He is married with a baby on the way. He is qualified to serve alcohol to the public and certainly has the appropriate background.

Mr. Richards made a motion to approve the transfer of the All Alcoholic Package Store license of T&J Funding, Inc. d/b/a Towers Liquors. Mr. Marino seconded. UNANIMOUSLY VOTED

APPLICATION OF T & J FUNDING, INC. D/B/A TOWERS LIQUOR MART FOR A PLEDGE OF THEIR ALL ALCOHOLIC PACKAGE STORE LICENSE TO JOHN W. MURRAY

Mr. Richards made a motion to approve the pledge of the All Alcoholic Package Store license of T&J Funding, Inc. to John W. Murray. Chief Thomas seconded. UNANIMOUSLY VOTED

APPROVALS

- Minutes: 4/11/06

Mr. Richards made a motion to approve the meeting minutes of April 11, 2006. Mr. Marino seconded. UNANIMOUSLY VOTED

- Fundraiser Permit: National Multiple Sclerosis Society

Mr. Richards made a motion to approve a Fundraiser Permit for the National Multiple Sclerosis Society for the Annual Bike Tour to be held on June 24 & 25, 2006, traveling through the Town. Map of route was included with the application. Chief Leary seconded. UNANIMOUSLY VOTED

- One-Day Liquor Permits: Immaculate Conception Parish

Mr. Richards made a motion to approve a One-Day Liquor Permit for Immaculate Conception Parish for June 2, 2006 from 6-11:30 PM. Chief Leary seconded. UNANIMOUSLY VOTED

Mr. Richards made a motion to approve an additional One-Day Liquor Permit for Immaculate Conception Parish for June 5, 2006 from 10 AM – 4:30 PM. Chief Leary seconded. UNANIMOUSLY VOTED

CHAIRMAN'S REPORT

- Meeting schedule

Mr. Richards made a motion to schedule their next meeting for June 27, 2006 to be held at 2 PM in the Chambers. Chief Leary seconded. UNANIMOUSLY VOTED

CORRESPONDENCE

- Hours of operation: 7-Eleven, 1453 Commercial St.

Mr. Marino stated he had asked for the discussion to be scheduled on the agenda. He had received complaints from people in the area of activities happening outside or near the vicinity of 7-Eleven. He would like to discuss whether the public would be better off with a change of hours. They are currently open 24 hours.

Mr. Richards made a motion to table the discussion pending an investigation of the Board.

Chief Thomas stated he will look at the record regarding complaints coming from the area.

- Police Report: Weymouth Elks event

Chief Thomas stated he forwarded a police report to the Board involving a Texas Hold'em Poker Tournament held at the Weymouth Elks on April 28, 2006. They obtained the necessary permit and a detail officer was present for the event. Several violations were noted by the detail officer, of which the officer mentioned to the manager, but had continued throughout the night.

Solicitor Lane questioned whether a formal hearing procedure would be required under this Board. He requested a copy of the regulations related to the violations to render a decision.

Mr. Richards scheduled the matter on the agenda of the June 27, 2006 meeting.

NEW/OLD BUSINESS

- Compliance Operation of Package Stores
- Compliance Operation of Alcoholic Restaurants

Attorney DiFazio stated his client, Brady's Package Store, was involved. They had sold their business in May of 2005, but didn't go through the official process of approval of the Town and State. He stated if the violation hearing was to be scheduled for the meeting in June he would ask that it be continued as they will be filing for an approval of the transfer of the license.

Mr. Richards made a motion to reopen the Chairman's Report to schedule their July meeting. Chief Leary seconded. UNANIMOUSLY VOTED

Mr. Richards made a motion to schedule their July meeting for July 25, 2006 to be held at 2 PM in the Chambers. He stated the violation hearings would be scheduled for such date. Chief Thomas seconded. UNANIMOUSLY VOTED

- Beer Ball Regulations

The Board discussed the distribution of beer balls early in the meeting. They questioned whether there are any regulations in effect. The matter was tabled to be researched.

ADJOURNMENT

Mr. Richards made a motion to adjourn the meeting at 3:00 PM. Mr. Marino seconded. UNANIMOUSLY VOTED

Respectfully submitted by Lisa VanWinkle, Recording Secretary