

Minutes of the Board of License Commissioners for their meeting held on Tuesday, May 10, 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.

APPLICATION OF A & P LEMONS INC. D/B/A SWEET LEMONS II FOR AN ALL ALCOHOLIC RESTAURANT/COMMON VICTUALLER LICENSE, 1616 MAIN ST.

Attorney Jack Milgram and Mr. Aroon Neampong, President of A & P Lemons, Inc., was present.

Mr. Richards read the departmental referrals into the record. Acting Fire Prevention Officer Charles White reported no fire issues; unit has complete fire and life safety protection; owner is aware of reinspection date for portable fire extinguishers. Licensing Officer Brian King reported no public safety objection to the request and noted there had been a license at the location in the past. Mr. Richards, Inspector of Buildings, reported the use of the premises as a restaurant is permitted in the B-1 Zone in which it is located. The application proposed 69 seats, which was allowed under a former restaurant in which no change in capacity or in the number of required parking spaces will occur. Accordingly, the requested license conforms to all applicable Zoning and Building Regulations, and therefore, may be granted. Mr. David Kaplan, Health Inspector, reported no objections. The Municipal Finance Department reported outstanding personal property taxes.

Attorney Milgram stated Mr. Neampong currently owns and manages Sweet Lemons in East Weymouth. He and his wife have thirty years of combined experience. They are aware of the outstanding personal property taxes and are holding escrow funds sufficient to pay. They would be able to pay them today if it is necessary and do not wish to have the license granted with a contingency.

Chief Thomas questioned if the taxes are the obligation of the applicant or the past owner.

Attorney Milgram stated that they are under the past owners Jubilee Restaurant and Moran Jewelers.

Mr. Richards stated they received correspondence from Attorney James Lampke, Assistant Town Counsel. Solicitor Lane excused himself from the hearing. The decision of Attorney Lampke was that the Town Ordinance speaks to real estate property taxes.

Mr. Richards asked the applicant if they had attended the Town's Alcohol Awareness course.

Attorney Milgram confirmed such.

Chairman Fryer opened the public hearing for the audience to speak.

Mr. John Smith, 595 Pond Street, stated he was concerned about odors that may be emitted from the restaurant as his wife is asthmatic.

Attorney Milgram stated his client would comply with the rules and regulations of the Town's Health and Building departments.

Mr. Smith stated the property is abutting a residential neighborhood. They are also concerned about trash pickup times and would like to see that wine and malt only be granted.

Mr. Richards stated the location was most recently a vegetarian restaurant. They also came before the board for approval. At such time an odor filtration system was installed. If the neighbors do experience a problem they may call him and he will address it.

Chief Thomas made a motion to grant an All Alcoholic Restaurant/Common Victualler license to A & P Lemons, Inc. d/b/a Sweet Lemons II, 1616 Main Street. Mr. Marino seconded.

UNANIMOUSLY VOTED

APPROVALS

- Minutes: 4/12/05

Mr. Richards made a motion to approve the April 12, 2005 meeting minutes as submitted. Chief Leary seconded. UNANIMOUSLY VOTED

- Annual Great Mass Getaway MS 150 Bike Tour

Mr. Richards announced the bike tour into the record stating Mayor Madden and Chief Thomas had already approved the event scheduled for June 25, 2005.

- One-Day Wine & Malt Permit: Sacred Heart Parish

Mr. Richards motioned to approve the One-Day Wine & Malt Permit for an event to be held at the Sacred Heart Parish on May 14, 2005 at 6 – 11 PM. Chief Leary seconded. UNANIMOUSLY VOTED

- One-Day Liquor Permit: Immaculate Conception Church

Mr. Richards motioned to approve the One-Day Liquor Permit for an event to be held at Immaculate Conception Church on June 6, 2005 at 10 AM – 4:30 PM. Chief Leary seconded. UNANIMOUSLY VOTED

CHAIRMAN'S REPORT

- Meeting schedule

Mr. Richards motioned to schedule the future meetings for June 7 and June 21 at 2 PM. Chief Leary seconded. UNANIMOUSLY VOTED

CORRESPONDENCE

- License fee increase

Mr. Richards submitted a letter for the Chairman's signature to be sent to the Mayor to activate a license fee increase of twenty-five percent (25%) as of today's date. This is in accordance with a fee schedule that was voted upon in 2003 based on a survey of surrounding municipalities' fees.

Mr. Richards made a motion to raise all license fees under the Board's jurisdiction by 25% to take effect May 10, 2005. Chief Leary seconded. UNANIMOUSLY VOTED

- Petition "to restore and clean up behind Bridge Street Plaza"

Mrs. Sandy Gildea and other members of the North Weymouth Civic Association were present in support of the citizens' petition. She stated they were present to inquire what had been done by the Town in response to the petition. This has been an ongoing issue. The neighbors submitted the petition in preparation for the summer.

Mr. Marino stated a health inspector was sent down to the Cliffhanger as a result of the petition. They were told to remove the grease from the rear parking lot.

Officer White stated he also went to the location and relayed the complaint to the restaurant owner. He informed Mr. Marshall of the related requirements.

Chief Thomas stated he spoke to the owner of the Cliffhanger and told him to get his act together.

Mr. Richards stated he reviewed the Zoning Board of Appeals case in for the site and there were no restrictions.

Mrs. Gildea questioned if the license holder was under violation of the license requirements. She stated they should be required to pull their weight. This is not the first time the Town has been notified of issues.

Solicitor Lane stated the petition referenced issues regarding the auto parts store which is in a business zone and not regulated by this Board. As for the dumpster the violations may be addressed. The related departments will have to keep an eye on this.

Mrs. Gildea stated the back door of the Cliffhanger has been kept open and people smoke and drink in the rear parking lot. In addition the loud music emits into the neighborhood.

Chief Thomas stated the Police Department will keep an eye on it. If it continues to be a problem, he suggested calling the Police Department with a complaint.

Chief Leary questioned if these issues were happening with the new owner or if it continued from the past.

Mrs. Gildea replied that Mr. Santini, direct abutter, stated that this has been a continuing problem.

Mr. Richards stated the dumpster regulations are only subject to cases that have gone before the Zoning Board of Appeals.

Chairman Fryer stated the petition will be placed on file and they will under the watchful eye of the Town.

- ABCC decision: alleged violation of Chapter 138 by Campbell-Dee Inc. d/b/a JC Dee's, 312 Bridge St.

Solicitor Lane read the correspondence received from the Alcoholic Beverages Control Commission (ABCC) in regards to a violation hearing they held. JC Dee's was found to be in violation of M.G.L. Chapter 138, section 23 sale of alcoholic beverages other than those purchased from a licensee under section 18 or section 19 from a holder of a special permit under section 22A and the license will be suspended for a period of 12 days of which 6 must be served providing no further violations of Chapter 138 are committed within one year. The suspension is to be served June 8, 2005 through June 14, 2005.

Solicitor Lane stated the decision also noted that Ms. Campbell is no longer involved in the business and the licensee has not filed for a change of manager or stockholders of the corporation. The licensee was cautioned that the license may be suspended or revoked for failure to comply with the laws of the Commonwealth.

Officer King stated Mr. Dee informed him that he is contemplating pay the fine in lieu of the suspension or he may just remain open, serving food and non-alcoholic beverages only.

Chairman Fryer called Ms. Carol Campbell, former owner/manager, forward. She asked for the status of the license, stating that her name was on the license. She was concerned that she would be liable should an illegality occur.

Mr. Richards motioned to recess the meeting at 2:53 PM to review the file. Chief Leary seconded.
UNANIMOUSLY VOTED

Mr. Richards motioned to reopen the meeting at 3 PM. Chief Leary seconded. UNANIMOUSLY VOTED

Solicitor Lane stated the license shows Ms. Carol Campbell as the Manager and President of Campbell-Dee Inc. On February 15, 2005 the Board approved the application for a change of

manager by Mr. James Dee in accordance with a court ruling. There was also a letter (dated March 2, 2005) on file addressed to Mr. Dee requesting additional documentation in relation to the corporation. Mr. Dee in turn filed Articles of Corporation; he is listed as President, Treasurer, Secretary and Director. Mr. Dee also filed a vote of the corporate board approving the requested change on March 10, 2005.

Solicitor Lane suggested that correspondence is drafted to be sent to Mr. Dee requesting his attendance of the Board's June 7, 2005 meeting to address inadequate documentation and the status of the All Alcoholic Restaurant/Common Victualler license. A failure to respond may result in the suspension or revocation of said license.

Mr. Richards made a motion for the aforementioned letter to be sent to Mr. Dee. Chief Thomas seconded. UNANIMOUSLY VOTED

- Ordinance review: Precious Metals License

Officer King informed the Board there is a need to review the Precious Metals license ordinance. He made recommendations of changes to tighten up the ordinance to prevent the sale of stolen goods.

Solicitor Lane agreed with Officer King's suggestions and asked that it is forwarded to the Town Council Ordinance Committee for action.

Mr. Marino stated the jeweler should be required to make photos of the jewelry as well as the license of the person selling the item and submit it electronically to the Police Department daily.

Chief Thomas stated a form should be designed to be filed and a picture of the jewelry and person's identification would be attached. He asked Officer King to compile the form to be submitted to the Ordinance Committee for review and approval.

- Alleged violation of Precious Metals license: Harborlight Jewelers, 416 Bridge St. – schedule for a hearing

Mr. Richards made a motion to conduct a violation hearing with Harborlight Jewelers present on June 7, 2005. Chief Thomas seconded. UNANIMOUSLY VOTED

ADJOURNMENT

Mr. Richards made a motion to adjourn the meeting at 3:30 PM. Chief Thomas seconded. UNANIMOUSLY VOTED

Respectfully submitted by Lisa VanWinkle, Recording Secretary