

Minutes of the Board of Licensing Commissioners for their meeting held on Tuesday, May 19, 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 Timothy Carr; Daniel McCormack, Chemical Inspector; Town Solicitor George E. Lane, Jr., Lisa VanWinkle, Secretary and Licensing Officer Brian King

Mr. Richards called the meeting to order at 2 PM.

APPLICATION OF MMLD, INC. D/B/A GABRIELLA'S FOR A COMMON VICTUALLER LICENSE, 1690 MAIN ST.

Mr. Richards made a MOTION to table the hearing until later in the meeting. Chief Leary seconded. UNANIMOUSLY VOTED

DISCUSSION TO CONSIDER THE SUSPENSION, REVOCATION OR CANCELLATION OF THE COMMON VICTUALLER LICENSE OF BANJO'S II, INC. D/B/A BANJO'S, 655 BRIDGE ST.

Mr. Richards stated the hearing was scheduled due to the fact that the business has been closed since February. Banjo's II, Inc. is the holder of a Common Victualler license. They have not informed the Board of their closure. He noted that no one was present from the business and they were given due notice by certified mail.

Solicitor Lane stated at the last meeting the Board voted to issue a notice of a hearing to the respective business owner. The lease of the property at 655 Bridge Street has been terminated. The existing license was issued to serve the public need. The notice of lease termination was submitted for the record. Solicitor Lane stated it was in order for the Board to make a motion to revoke the Common Victualler license.

Chief Leary made a MOTION to revoke the Common Victualler license of Banjo's II, Inc., 655 Bridge Street. Mr. Richards seconded. UNANIMOUSLY VOTED

APPLICATION OF MMLD, INC. D/B/A GABRIELLA'S FOR A COMMON VICTUALLER LICENSE, 1690 MAIN ST.

Mr. Mark Weare, Owner, was present.

Mr. Richards stated the use of the premises as a restaurant is permitted in the B-1 Zone in which it is located. The allocated parking of 7.5 cars is adequate for a seating capacity of 12 persons. Accordingly, provided the seating capacity is limited to 12 persons, the application conforms to all applicable Town Zoning and Building Regulations and may be granted. He continued to read the departmental referrals into the record. The Municipal Finance Department reported no record of Personal Property Assessment for "Gabriella's". Real Estate Taxes assessed to "Weymouth Realty Trust" Yiannis Davos, Trustee" are delinquent. Mr. Kaplan of the Health Department reported the

application was incomplete through their department. Officer King reported no public safety objection.

Mr. Weare introduced himself as the new owner of the business, stating the current operations will remain the same.

Chairman Fryer announced the public hearing for comment; none.

Mr. Richards made a MOTION of approval for the issuance of a Common Victualler license to MMLD, Inc. d/b/a Gabriella's. Chief Leary seconded. UNANIMOUSLY VOTED

APPROVALS

- Minutes: April 28, 2009

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

CHAIRMAN'S REPORT

- Next Meeting

Mr. Richards announced the June meeting as Tuesday, June 30, 2009 at 2 PM. The July meeting has been suspended.

- License Renewal Approvals for Licenses Expiring June 30, 2009

CORRESPONDENCE

- Municipal Licensing Corporation Meeting: June 2, 2009

Mr. Richards announced the meeting of the Municipal Licensing Corporation. He asked for anyone who was interested to contact Mrs. VanWinkle for reservations.

- Officer King – Reporting Closed Businesses

Officer King reported the following closed businesses: C.D. Jewelry, 318 Washington Street; Noodle Planet, 1025 Main Street and Domino's Pizza, 824 Washington Street.

Mr. Richards made a MOTION to have Mrs. VanWinkle send out notices of hearings to the prospective businesses for the June 30, 2009 meeting. Mr. McCormack seconded. UNANIMOUSLY VOTED

- Blue Pointe, 61 Washington Street

Mr. Richards stated the Board received a letter from Mr. Todd Barclay of Blue Pointe, notifying them of the restaurant closure for the Memorial Day holiday, Monday, May 25, 2009.

NEW/OLD BUSINESS

- Video Game Regulations & Alcohol Awareness Training Certification

Mr. Richards stated proposed procedural changes have been submitted to the Board for review. Documentation will be amended for official approval at a future meeting.

- Basta Bar & Grill, 1166 Washington Street

Officer King submitted an alleged violation which happened at the establishment on May 13, 2009.

The report was submitted to Solicitor Lane for review.

Officer King noted that the Fire Department detail is still outstanding.

- Flammables Licensing

There was a brief discussion regarding licensing of flammables. Mr. McCormack, Mr. Richards and Chief Leary agreed that per the ordinance of the Town the licensing is under the Chief of Fire's jurisdiction.

EXECUTIVE SESSION

Solicitor Lane stated there was no reason to convene in Executive Session.

ADJOURNMENT

Chief Leary made a MOTION to adjourn at 2:15 PM. Mr. McCormack seconded.
UNANIMOUSLY VOTED

Respectfully submitted,

Lisa VanWinkle,
Recording Secretary