

Minutes of the Board of Licensing Commissioners for their meeting held on Tuesday, August 28, 2007, at the Weymouth Town Hall, Chambers, 75 Middle Street

Attendance: Chairman Franklin Fryer, Town 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.

**PURSUANT TO M.G.L. CHAPTER 138, SECTION 23 & 64, LIQUOR VIOLATION HEARING TO CONSIDER MODIFICATION, SUSPENSION, REVOCATION OR CANCELLATION OF THE ALL ALCOHOLIC RESTAURANT LICENSE OF RIVERWAY RESTAURANT GROUP, INC. D/B/A TIO JUAN'S MARGARITAS MEXICAN RESTAURANT, 765 BRIDGE ST.**

Neil Sharp, District Manager, Brisbane Vaillancourt, Manager, and Bob Ray, Vice President of Store Openings, were present.

Solicitor Lane swore in all testifying parties. The licensee acknowledged receipt of the notice of the hearing. He called Detective Joseph Partch forward.

Det. Partch acknowledged being involved in the Police Compliance Operation conducted on July 17, 2007. He read his police report into the record. "On 7/17/07, he reported at the station for a liquor compliance check. Detective Perchard, Officer Best, a twenty-year-old underaged female operative and I conducted a compliance check on fifteen liquor establishments in the town of Weymouth under the supervision of Lt. George Greenwood...On this date, at 1541 hours, Detective Perchard and I monitored the female operative and Officer Best enter the establishment, located at 765 Bridge Street. At 1546 hours both exited and returned to our vehicle. We were told that the both of them had been served at the bar with no request for identification. Officer Best was given a Budweiser Beer and a glass, the female operative was given a Miller Light beer and a glass. The female stated that she had paid a total of \$6.85 for both beers. They described the server as the bartender who was white, had a shaved head and was wearing a bright orange shirt. At 1910 hours we returned to Margaritas. It was extremely crowded and busy. The hostess informed us it was opening night. Lt. Greenwood identified ourselves as police officers and requested the manager. The manager arrived a short time later and was advised of what has occurred. He then escorted us over to the bar area where Officer Best and the operative identified the bartender. Officer Best and the operative then returned outside to Detective Perchard. The bartender was brought into the office by the general manager of the restaurant, Neal Sharp, 9/20/72. The bartender produced an ID that showed him to be Joseph Primo of 52 Rhodes Circle, Hingham, with a DOB of 3/9/78. He also stated that his function was bartender. When asked about the sale he said he could not remember the two because he has been straight out since they opened and most everybody was a blur. He did state that he knew he was to ID people and he believed he did ID but could not honestly remember the two we were referring to. I then asked the manager for the liquor license and he produced that from the front hallway as you enter the establishment. The license number was 05102 and was listed for Riverway Restaurant Group d/b/a Margaritas. While I was examining the license I asked

him if it was always that busy and he advised me that it was opening night and the restaurant had an hour wait for the restaurant and the bar area was non-stop. Lt. Greenwood advised them of the procedures that would now follow and we left the establishment. Upon leaving we observed at least 25 people waiting to enter the establishment that was not being allowed in by management to avoid overcrowding. During the whole interview all employees were courteous and helpful on anything we requested."

Solicitor Lane asked Mr. Sharp if they had any questions of the Detective or the Officer.

Mr. Sharp replied none.

Mr. Richards made a MOTION for a finding that on July 17, 2007 a sale of alcohol was made to an underaged operative. Chief Thomas seconded. UNANIMOUSLY VOTED

Mr. Sharp stated they have had no past liquor violation in the states of Connecticut, Massachusetts or Rhode Island for the past 10 years. He stated they take this seriously and apologized for the incident. He also asked for leniency.

Chief Thomas asked if the bartender who was involved with the incident was TIPS certified.

Mr. Sharp replied yes; 85% of their employees are certified.

Mr. Richards made a MOTION for a one-day suspension of the All Alcoholic Restaurant license to be served on September 13, 2007. Chief Thomas seconded. UNANIMOUSLY VOTED

**APPLICATION OF PEKING KITCHEN RESTAURANT, INC. D/B/A WEYMOUTH  
PEKING KITCHEN FOR A COMMON VICTUALLER LICENSE, 35 WASHINGTON ST.**

Attorney Rocco DiFazio and Mr. Peter Leung, owner, were present.

Mr. Richards stated the B-1 Zone allows a restaurant in this location and the parking is adequate for the 14 seats requested. He read the departmental referrals into the record. The Municipal Finance Department reported a balance of \$.21 for personal property taxes. The Health Department reported they have not spoken with the owner; plans are adequate. Officer King reported no public safety objection.

Attorney DiFazio stated Mr. Leung currently runs the Peking Kitchen across the street from the proposed location. The landlord is planning on tearing down the building, which has forced him to move. There is live parking as well as the municipal lot. They will have 14 seats. They are depending on the transit traffic to support their restaurant.

Chief Leary questioned if they were moving into the old sign shop.

Attorney DiFazio replied yes.

Chief Leary stated the proposed location is at 35 Washington Street and they are currently located across the street at 44 Commercial Street. He pointed out the difference of addresses stating the street was split.

Mr. Richards made a MOTION to approve Weymouth Peking Kitchen for a Common Victualler license. Chief Leary seconded. UNANIMOUSLY VOTED

**APPLICATION OF 99 WEST, INC. D/B/A 99 RESTAURANT/PUB FOR A CHANGE OF MANAGER ON THEIR ALL ALCOHOLIC RESTAURANT/COMMON VICTUALLER LICENSE, 1094 MAIN ST.**

Mr. Paul Chapin, proposed manager, was present.

Mr. Richards stated he had no objection to the change. The Municipal Finance Department reported an outstanding DPW bill. The Health Department reported no objections; will need food handler certification.

Mr. Chapin stated he had managerial experience the past nine years. He has never been involved in an liquor violation incident.

Mr. Richards made a MOTION of approval for the change of manager. Chief Thomas seconded. UNANIMOUSLY VOTED

**APPLICATION OF DANIEL'S TOWNLINE II, INC. D/B/A TOWNLINE II RESTAURANT & SPORTS BAR FOR A KENO LICENSE, 117 BRIDGE ST.**

The applicant was not present.

Chief Thomas noted he had an issue with the application as the business has been closed and has not reopened. They haven't served their suspension.

Solicitor Lane stated if there is an objection to the license issuance they need to notify the Massachusetts State Lottery Commission. The statute calls for an official action by the Licensing Board.

Chief Thomas made a MOTION of objection. Mr. Richards seconded. UNANIMOUSLY VOTED

**APPLICATION OF VB DINING GROUP, INC. D/B/A PEPPERCORNZ FOR A CHANGE OF OPERATIONAL HOURS ON THEIR WINE & MALT RESTAURANT/COMMON VICTUALLER LICENSE, 435 COLUMBIAN ST.**

Ms. Linda Varasso, owner/manager, was present.

Mr. Richards stated he has no issues with the change. He read the departmental referrals into the record. The Health Department reported no objection. The Municipal Finance Department reported

personal property taxes as current. Officer King reported no public safety objection.

Ms. Varasso stated she is requesting the following change of hours: Mondays (beginning Monday after Labor Day to Monday before Memorial day): 10 AM – 3 PM; Mondays (from Memorial Day to Labor Day): closed; Tuesdays – Saturday: 10 AM – 9 PM; Sundays: closed for regular business; available only for customer pickups/ordering of catering. They close every year during the week of July 4<sup>th</sup>.

Chief Leary applauded Ms. Varasso for being able to manage her time, while others remain open 80 hours per week.

Mr. Richards made a MOTION to approve the noted change of hours of operation. Chief Leary seconded. UNANIMOUSLY VOTED

Chief Thomas made a MOTION to take items #13-15 out of order. Mr. Richards seconded. UNANIMOUSLY VOTED

**APPLICATION OF SUN BUSINESS, INC. D/B/A MANHATTAN DELI FOR A COMMON VICTUALLER LICENSE, 1690 MAIN ST.**

Attorney Jon Aieta and Mr. Christopher Asirvatham, President, were 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.

Attorney Aieta stated Mr. Asirvatham is the owner of Quick Pix within the same plaza. He is food handler and TIPS certified. He has the experience and would like to reopen the business; there will be no operational changes.

Mr. Richards made a MOTION to approve the Common Victualler license. Chief Leary seconded. UNANIMOUSLY VOTED

**APPLICATION OF JBDJR, LLC D/B/A N A AUTO SALES FOR A CLASS II AUTO DEALER LICENSE, 787 MAIN ST.**

Mr. Frank Lopez, President, was present.

Mr. Richards said the use of the premises for the retails sales of automobiles is permitted in the B-1 Zone in which it is located. The existing parking and repair facilities are adequate provided that the total number of cars for sale on the site does not exceed ten as shown on submitted plans. He read the departmental referrals into the record. The Municipal Finance Department reported outstanding personal property taxes. The Health Department reported the facility in good standing. They have been selling used vehicles for years with no issues.

Mr. Lopez stated he is in the process of purchasing the existing lease to operate the gas station and auto dealer business. The operation will remain the same with 10 vehicles for sale.

Chief Leary noted that the display area for the sale of automobiles should remain marked (roped off).

Mr. Richards made a MOTION for the approval of the Class II Auto Dealer license. Chief Leary seconded. UNANIMOUSLY VOTED

**APPLICATION OF T J FUNDING, INC. D/B/A TOWERS LIQUORS FOR ALTERATIONS TO THE LICENSED PREMISES (ALL ALCOHOLIC PACKAGE STORE), 825 MIDDLE ST.**

Mr. John Murray, owner, and Mr. Patrick Murray, manager, were present.

Mr. Richards stated the changes were approved by the Board of Zoning Appeals (Case #2943) on April 5, 2007 and recorded on May 1, 2007 with the following conditions: 1. The dumpster is to be enclosed 2. The retail space is not to be increased. 3. There is only to be one business on the premises. He read the departmental referrals into the record. The Municipal Finance Department reported all accounts as up-to-date. The Health Department reported no objection. Officer King reported no public safety objection.

Mr. Murray stated the alterations are strictly for storage. It will be permanent.

Chief Thomas stated they run a great operation and he is in favor of the application.

Mr. Richards made a MOTION of approval to include the conditions of the Board of Zoning Appeals. Chief Thomas seconded. UNANIMOUSLY VOTED

Chief Leary stated Lt. White will be by to address any fire protection issues.

**APPLICATION OF DANIEL'S TOWNLINE II, INC. D/B/A TOWNLINE II RESTAURANT & SPORTS BAR FOR A KENO LICENSE, 117 BRIDGE ST.**

Solicitor Lane stated Mr. Hoyng is present for the transfer application. The Board may reconsider the motion to object the Keno License.

Chief Thomas made a MOTION to reconsider. Mr. Richards seconded. UNANIMOUSLY VOTED

Mr. Hoyng asked for the approval of the license as it had been present at the location for a number of years. The gentlemen requesting for the approval of the transfer are in the process of applying for the Keno License as well. The Massachusetts State Lottery Commission recommended that he go forward with his application so their application would not be hindered.

Chief Thomas requested to convene in Executive Session to discuss disciplinary matters involving the applicant.

Mr. Richards made a MOTION to table the discussion. Mr. Marino seconded. UNANIMOUSLY VOTED

Chief Thomas made a MOTION to convene in Executive Session to discuss disciplinary matters and then reconvene in regular session for a vote. ROLL CALL VOTE: Chief Thomas, AYE; Mr. Marino, AYE; Chairman Fryer, AYE; Mr. Richards, AYE; Chief Leary, AYE  
UNANIMOUSLY VOTED

**APPLICATION OF BRIDGE STREET PIZZERIA, INC. D/B/A BRIDGE STREET PIZZERIA & SPORTS BAR FOR AN ALL ALCOHOLIC RESTAURANT LICENSE TRANSFER, 117 BRIDGE ST.**

Attorney Jon Aieta, Mr. Lawrence Spear, Jr., Manager, and Mr. Christopher Asirvatham, President, were present.

Mr. Richards stated he had no issues. He read the departmental referrals into the record. The Municipal Finance Department reported no outstanding taxes. The Health Department reported they had not met with the prospective owner/operator. Officer King reported no public safety objection for the transfer of the license.

Mr. Spear stated they are hoping to reopen the business after receiving approval. The only changes will be cosmetic (paint) and the d/b/a name change to Bridge Street Pizzeria & Sports Bar. There will be no structural changes. He has the experience as the manager of Townline Pizzeria and Murray's Deli. He has been TIPS and Serve Safe Certified.

Mr. Richards stated the chairs have been removed from outside. They were made aware that any increase of seating would need the approval of the Licensing Board.

Chief Thomas noted that he felt there was an inappropriate financial deal being made. He questioned the legitimacy of the transfer application.

Attorney Aieta stated he did not represent Mr. Hoyng.

Chief Thomas made a MOTION to deny the application. Mr. Richards seconded. MOTION FAILED (2-3, Mr. Marino, Chief Leary, Franklin Fryer opposed)

Mr. Marino made a MOTION for the approval of the transfer of the All Alcoholic Restaurant license. Chief Leary seconded. SO VOTED (3-2, Chief Thomas & Mr. Richards opposed)

**APPLICATION OF BRIDGE STREET PIZZERIA, INC. D/B/A BRIDGE STREET PIZZERIA & SPORTS BAR FOR A PLEDGE OF THE ALL ALCOHOLIC RESTAURANT LICENSE TO ELAINE QUIGG, DANIEL'S TOWNLINE II, INC. AND JAMES BURKE**

Chief Leary made a MOTION to approve the application for a pledge of the All Alcoholic Restaurant license to Elaine Quigg, Daniel's Townline II, Inc. and James Burke. Mr. Marino seconded. SO VOTED (3-2, Chief Thomas & Mr. Richards opposed)

**APPLICATION OF BRIDGE STREET PIZZERIA, INC. D/B/A BRIDGE STREET PIZZERIA & SPORTS BAR FOR A COMMON VICTUALLER LICENSE, 117 BRIDGE ST.**

Chief Leary made a MOTION to approve the application for a Common Victualler license. Mr. Marino seconded. SO VOTED (3-2, Chief Thomas & Mr. Richards opposed)

**APPLICATION OF BRIDGE STREET PIZZERIA, INC. D/B/A BRIDGE STREET PIZZERIA & SPORTS BAR FOR A JUKE BOX LICENSE, 117 BRIDGE ST.**

Chief Leary made a MOTION to approve the application for a Juke Box license. Mr. Marino seconded. SO VOTED (3-2, Chief Thomas & Mr. Richards opposed)

**APPLICATION OF BRIDGE STREET PIZZERIA, INC. D/B/A BRIDGE STREET PIZZERIA & SPORTS BAR FOR A VIDEO GAME LICENSE, 117 BRIDGE ST.**

Chief Leary made a MOTION to approve the application for a Video Game license. Mr. Marino seconded. SO VOTED (3-2, Chief Thomas & Mr. Richards opposed)

**APPLICATION OF BRIDGE STREET PIZZERIA, INC. D/B/A BRIDGE STREET PIZZERIA & SPORTS BAR FOR AN ANNUAL ENTERTAINMENT LICENSE, 117 BRIDGE ST.**

Chief Leary made a MOTION to approve the application for an Annual Entertainment license. Mr. Marino seconded. SO VOTED (3-2, Chief Thomas & Mr. Richards opposed)

**APPLICATION OF BRIDGE STREET PIZZERIA, INC. D/B/A BRIDGE STREET PIZZERIA & SPORTS BAR FOR A SUNDAY ENTERTAINMENT LICENSE, 117 BRIDGE ST.**

Chief Leary made a MOTION to approve the application for a Sunday Entertainment license. Mr. Marino seconded. SO VOTED (3-2, Chief Thomas & Mr. Richards opposed)

**APPLICATION OF DANIEL'S TOWNLINE II, INC. D/B/A TOWNLINE II RESTAURANT & SPORTS BAR FOR A KENO LICENSE, 117 BRIDGE ST.**

Mr. Richards made a MOTION to remove the item from the table. Chief Thomas seconded. UNANIMOUSLY VOTED

Mr. Hoyng asked for a favorable action to keep the process going forward. The prospective owners have applied for a license amendment. (Lottery is non-transferable).

Chief Thomas made a MOTION for no action. Mr. Richards seconded. UNANIMOUSLY VOTED

## **APPROVALS**

- Minutes: June 12, 2007 & July 31, 2007

Mr. Richards made a MOTION to approve the amended minutes of June 12, 2007. Mr. Marino seconded. SO VOTED (4-1 Chief Leary abstained)

Mr. Richards made a MOTION to approve the minutes of July 31, 2007. Mr. Marino seconded. UNANIMOUSLY VOTED

- One-Day Liquor Permit: Immaculate Conception Parish, 1199 Commercial St.

Mr. Richards stated the application was for a Parish Appreciation Dinner to be held on October 5, 2007 at 5 PM – 11:30 PM.

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

- Request for Holiday Opening (12/31/07) All Alcoholic Restaurant License Holder: Blue Pointe Bistro, 61 Washington St.

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

It was noted that the restaurant is usually closed on Monday.

## **CHAIRMAN'S REPORT**

- Next Meeting

Mr. Richards announced the next meeting as September 25, 2007 at 2 PM.

## **CORRESPONDENCE**

- Surrender of Video Game License – The Qwerty, 532 Pond St.

Mr. Richards made a MOTION to accept The Qwerty's request to surrender the Video Game license. Mr. Marino seconded. UNANIMOUSLY VOTED

- Notification of Holiday Closings – Blue Pointe, 61 Washington St.

Mr. Richards stated the Board received notice that Blue Pointe is going to be closing their restaurant on the following holidays: November 21, 2007 at 10 PM; November 22, 2007 for Thanksgiving; December 25, 2007 for Christmas; January 1, 2008 for New Year's Day.



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

**ADJOURNMENT**

Mr. Richards made a MOTION to adjourn the meeting at 3:50 PM. Chief Leary seconded.  
UNANIMOUSLY VOTED

Respectfully submitted by Lisa VanWinkle, Recording Secretary