

**Minutes of the Board of Licensing Commissioners
September 26, 2006 @ 2:00 p.m.
Weymouth Town Hall Chambers
75 Middle Street, Weymouth, MA 02189**

Attendance: Chairman Franklin Fryer, Town Clerk
Jeffrey E. Richards, CBO, 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
Doreen C. Teodorson, Secretary

Chairman Fryer called the meeting to order at 2:00 p.m.

**WEYMOUTH DAY (WEYMOUTH HIGH SCHOOL – SEPTEMBER 30, 2006 –
REQUEST FOR ONE DAY CARNIVAL/FOOD VENDOR PERMITS**

A MOTION was made by Fire Chief Robert Leary and was seconded by Police Chief James Thomas to APPROVE the request of Mayor Madden through Lee Hultin for a one day carnival and food vendor permits at the Weymouth High School on September 30, 2006 from 1:00 p.m. until 6:00 p.m. in celebration of Weymouth Day and was UNANIMOUSLY APPROVED.

**HEARING: PURSUANT TO M.G.L. CHAPTER 138, SECTION 15, 23, & 64,
LIQUOR VIOLATION HEARING TO CONSIDER MODIFICATION,
SUSPENSION, REVOCATION OR CANCELLATION OF THE ALL
ALCOHOLIC PACKAGE STORE LICENSE OF WASHINGTON STREET
LIQUOR MART, INC. D/B/A WASHINGTON STREET LIQUORS, 21
WASHINGTON STREET (7/3/06 INCIDENT)**

Town Solicitor George E. Lane, Jr. stated there would be two separate hearings for the 7/3/06 and 7/24/06 incidents. Mr. Lane asked and received permission to proceed on the 7/3/06 hearing. Mr. Lane proceeded with the swearing of all those who would testify. Mr. Lane introduced the statement for the record to the Board. Mr. Lane introduced Sergeant Richard Fuller. Mr. Lane asked Sgt. Fuller to state his observations.

Sergeant Fuller stated that on 7/3/06, he was monitoring activities in the Weymouth Landing Area. At approximately 2120 hours, he observed a silver sedan pull up to Washington Street Liquor Mart. There were several young females in the vehicle. He observed the operator get out of the vehicle and enter the package store. The female who went into the store appeared to be approximately 18-20 years old. He ran the registration on the vehicle and it came back to 19 year old Amanda Regan DOB 12-23-86. At that point, he pulled up and parked directly in front of the front door which was propped open. He was within 20-25 feet of the counter area. Within a couple of minutes the female

walked up to the counter carrying several different alcoholic beverages. She appeared very nervous and kept looking out at my vehicle. I then observed her remove identification from her purse and handed it to the clerk. The clerk looked at the ID for only 3-5 seconds and handed it back to the female. The female then paid for the alcohol and began walking out with it. I exited my cruiser and approached the female. I asked her if I could speak to her and she stopped. I then asked her how old she was and she stated “21”. I then pointed at her vehicle and asked if that was her vehicle and she stated it was. I advised her that the registry computer has her listed as 19 years old. She then admitted to being 19. I asked her where the ID was that she showed the clerk and she removed it from her purse along with her real license. At that point, Lt. Grimes arrived to assist me. She was identified as the registered owner of the vehicle, 19 year old Amanda Regan DOB 12-23-86. The false ID she gave me was that of her sister Lauren Regan DOB 11-21-81 S15839468. She stated that she took it from her sister without her knowledge. I compared the sisters ID to Amanda Regan and they appear somewhat similar in hair color, etc., however, it is obvious that it is not the same person.

At that point I went in to speak to the clerk who was identified as Tung H. Dang. I advised her that the female she just sold alcohol to was only 19. She stated that she had looked at her ID and asked what she supposed to do. She then stated “she has blonde hair”. I asked her if that was her only criteria and she did not respond. I then advised her that I watched her look at the ID and it was no longer than 5 seconds. I asked Dang if she asked any questions or asked for some kind of back up and she stated no. I then had her look at the ID and pointed out that the female on the ID looks much older than that girl that used it. She replied that the picture could have been taken two or three years ago. I pointed out to her that if the picture was taken two or three years ago, then the person pictured on the ID should look two or three years older now then when the picture was taken, not two or three years younger. I advised her that it is her responsibility to scrutinize the identifications more thoroughly. It is my opinion that she is not properly trained to check ID.

I then spoke with Regan again and she stated that she has purchased alcohol in this store several times from the same clerk and hasn’t even shown identification.

Attorney Lane asked if he made certain observations concerning the ID and the person who produced it and did you make any comparisons? Sgt. Fuller stated he did. It is his opinion that they looked similar, but definitely not the same person.

Attorney George Lane produced a report for the store owner, Tony Nguyen, and then provided it to the Board for introduction to the record.

Mr. Lane asked if Officer Fuller observed anything else at the scene. Officer Fuller stated he took the fake ID and the alcohol from the scene which was a 750 ml bottle of Bacardi rum and 16-12 oz. bottles of Twisted Tea Malt beverage. It was seized as evidence and turned over to the evidence department.

Complaint to be sought against Amanda Regan for minor in possession of alcohol (138-34c) and misuse of a liquor ID card/license (138-34b). A copy of this report was forwarded to Licensing Officer Brian King.

Store Owner, Tony T. Nguyen, 1000 Washington Street, Dorchester, MA 02124 stated that after 3 ½ years they are very careful to check the ID. He had his wife working in the store, and hired this clerk to work for him and she has been doing it since January 2006. He takes full responsibility for what happens in his liquor store. He stated it would never happen again. He took her to one side and explained how we must check the ID. If they look under 50 – no ID – no alcohol. He stated that whatever the Board does to him, he accepts as he takes full responsibility for what has occurred. He tried to train her to be careful and never sell without the proper ID. He stated it would never happen again in his store.

Mr. Fryer asked if there are any more questions from the Police Officer. Mr. Lane asked Officer Fuller if he identified the clerk who sold the liquor. Officer Fuller stated he asked her for her license, which identified her as Tung H. Dang DOB 01/31/68 Age 39.

Mr. Nguyen stated that he and his wife took care of the store for three years and nothing has happened. It only happened with this new hire. He has spoken to the clerk to ensure that no alcohol will be sold to minors.

Police Chief Thomas questioned Sergeant Fuller. He stated that the surveillance did not end with this violation. Sergeant Fuller stated the other observation for the record was as follows: Approximately one half hour later, Sgt. Fuller spoke with Eamon Shaughnessy DOB 7/5/87 who was turned down by the clerk during an attempt to buy alcohol. He stated that he has been buying alcohol from the same clerk for a long time. This time the clerk apologized to him and told him that the police had just left and she could not sell him alcohol tonight. She told him she thought the police were still around.

Police Chief Thomas stated the clerk apologized to this underage person instead of saying do not come back into this store again to purchase alcohol illegally. That goes to the whole attitude that seems to permeate that establishment.

Richard Marino asked the Sergeant the person the offered the false credential has also been responsible for committing a crime, correct? The Sergeant replied yes. The person is also subject to prosecution. The Sergeant stated she has been prosecuted and has been adjudicated.

Franklin Fryer asked what action the Board would like to take.

A MOTION was made by Police Chief Thomas and was seconded by Fire Chief Robert Leary that a violation did take place and was UNANIMOUSLY VOTED.

Attorney Lane stated that the operator is a first offense.

A MOTION was made by Police Chief Thomas based on the guidelines provided by the Board that the license be suspended for two days and was seconded by Fire Chief Robert Leary and was UNANIMOUSLY VOTED.

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Mr. Lane asked and received permission to proceed on the 7/24/06 hearing. Mr. Lane proceeded with the swearing of all those who would testify. Mr. Lane introduced the statement for the record to the Board. Mr. Lane introduced Detective Joseph Partsch. Mr. Lane asked Det. Joseph Partsch to state his observations.

Detective Partsch stated on 07/24/06 he was assigned to a liquor compliance operation with Detective Gervasi and a female operative under the supervision of Lt. Greenwood. At 1700 hours, all parties met at the station for a briefing. Lt. Greenwood advised the female operative that she was to enter various liquor establishments as assigned by us and attempt to purchase a six pack of Budweiser lite beer. She was to carry no ID and if asked to produce one, she was to state she had none. She was instructed to leave the store if she was turned down and not try to change the employees mind in any way. If she was served, she was to exit the store and return to Detective Gervasi and myself to turn over the alcohol, and be debriefed. At the time of the briefing, I photographed her, made a copy of her license and retained all of her personal property. She was then given \$50.00 to undertake the operation.

For the record, according to her Massachusetts drivers license the operative has a DOB of 04/22/86, which makes her 20 years of age. They commenced operation at 1718 hours. At 1755 hours, the operative entered the Washington Street Liquor Mart at 21 Washington Street. As a result of parking restrictions, which made it impossible to view the operative at the store, I approached on foot and stood outside of the front doors, which were both open. I observed the operative enter the store and then moments later come up to the cash counter carrying a six pack of bud lit bottles. I then observed the operative place the beer on the counter, the clerk then rang it up on the case register. The operative handed over currency and the clerk returned some money and then placed the beer inside a black plastic bag. The operative then returned to the vehicle and advised us that she was able to purchase the beer for \$5.99 and was not asked for an ID. She stated that the person who sold it to her was an Asian woman with glasses.

Be advised the operative was unaware that I was observing. At 1851 hours we returned to the store and I along with Lt. Greenwood and interviewed the clerk. Upon our return, I asked the operative to identify the individual who sold her the alcohol and she identified the individual behind the counter. I asked the clerk if she recognized the operative and

she stated “yes”. I then told her that she had sold liquor to a minor and she said, “No. I did not.” The operative was then removed from the store by Detective Gervasi.

I told the clerk that she had indeed sold to her and again she denied it. I advised her that I was standing outside and I observed the whole thing, I also told her that she had looked up at me twice while in the process of doing the sale. She told me that “I check everyone’s ID – I did not sell to her.” I asked her if there were still surveillance cameras in the store and she said, “Yes. Look at the tape.” I asked her if I could take it for evidence and she stated “Yes”.

I then took the tape, had her sign it along with me and advised her to put in a new tape. I then asked her if her store uses black plastic bags and she said “Yes”. I then told her that the beer was put in a black plastic bag. She then responded that “Everybody uses black plastic bags.”

At this point, I asked her for identification which she produced a Mass drivers license that identified her as Tung H Dang of 81 Guilford Street, Milton, MA DOB 01/31/67. She also stated that she was only an employee and that she was working alone. I then asked for the Alcohol License and she showed me on the wall in plain view Alcohol License #04409. This identified the license for Washington Street Liquor Mart, 21 Washington Street, Weymouth, MA and Tony T. Nguyen as the manager.

The employee was advised to contact the manager, advise him of the incident and that the Licensing Board would be contacting them. I then left the property. Both the alcohol and the tape were turned over to the Evidence Technician West. The tape was found to be defective and unable to be read or seen due to the number of times it had been rewound and used. The tape gets stretched and unreadable. There was no audio on the tape. It would have to go to a professional photographer to try to straighten it out.

The report that was filed the evening of the incident was presented to the store owner and introduced into record.

Store Owner, Tony T. Nguyen, 1000 Washington Street, Dorchester, MA 02124 stated that after 3 ½ years they are very careful to check the ID. He feels very badly that two incidents have happened in a month after three years with no incidents. George Lane asked if the Tung H. Dang, Store Clerk, was still employed by the store. Mr. Nguyen stated she was. He talked to his clerk and told her from now on that no person from now on with no license you cannot sell it. He stated it would never happen again in his store.

Police Chief Thomas asked if the clerk has been TIPS trained. Mr. Nguyen stated she has not been trained yet. She will attend in November. He is very sorry she has not been to class before this time. She is very sorry for the problem she has caused.

Fire Chief Leary stated it would be good for you to impress upon her that she is costing you money with the additional suspension. She has already cost you a two day suspension, and with a second offense, he is sure there will be an additional suspension.

This is a person you must rein this employee in to make sure she does not sell to underage people.

Chairman Fryer asked what action the committee would like to take.

A MOTION was made by Richard Marino they make a finding that a sale to an underage person did occur on 07/24/06 and was seconded by Jeffrey E. Richards and was UNANIMOUSLY VOTED.

A MOTION was made by Police Chief Thomas that this is a second offense and according to the guidelines, he suggests a four day suspension for the second offense with Jeffrey Richards seconding the motion. The MOTION was UNANIMOUSLY VOTED.

Mr. Fryer stated there are four days for this suspension and two days on the previous. The license will be suspended October 12 through October 17, 2006 with a re-opening of the store on October 18, 2006. The license will be picked up by Officer Brian King the evening before the closing, October 11, 2006. The license will be delivered to the establishment on the October 18th in the morning.

HEARING: APPLICATION OF LEE'S BEER AND WINE, 1614 MAIN STREET, FOR A WINE/MALT PACKAGE STORE LICENSE

Jeffrey Richards asked if the certified abutters receipts in hand. The applicant stated they have been submitted except for two. Everyone has a copy of the floor plan in the record. It is a condo sale. It is a convenience store proposing to sell beer and wine in the confines of a convenience store. Attorney Lane identified the applicants as Dennis Regan, Attorney for the applicant and Dung Ngoc Thi le, Applicant. Attorney Regan represents Ms. Le. She is a 38 y.o. married resident of Abington with two children.

Mr. Richards read into the record a report from the Fire Department. If alterations to the tenant space are to be performed, additional sprinkler coverage may be required. Fire extinguishers must be located at the front and rear doors. Emergency lights must be operable and means of egress kept clear at all times. This would be subject to the Building Departments review if this was to open as a convenience store. From the Municipal Licenses & Inspections Department – The site is approved for a retail use and conforms to the Town of Weymouth Zoning Ordinance and the above license may be granted. A building permit, a certificate of occupancy and a sign permit are required if this license is approved. There is a petition that was submitted by the area residents that stated in 1986, a permit for the Merchants Mall at 1592 Main Street, Weymouth, MA was approved with two conditions being agreed upon on behalf of the neighbors of Pond Street. Condition 1: Dumpsters would not be dumped until 7:00 a.m. and 2: Dumpsters would be place beside the wall, along the back of the building. Currently, both conditions are not being followed. Dumpsters are dumped as early as 5:00 a.m. and since there are multiple trash pick up companies, neighbors are awaked by the noise no less than twice a week. Also, it appears someone is leaving food out for the wildlife

inhabitants. This is causing an increase of mice, skunks, squirrels, snakes and seagulls, and sometime the food is carried onto the Pond Street neighbor's properties.

There were ten signatures. The petition was entered into the record.

Attorney Dennis Regan stated Mrs. Le had was self-employed in a nail business in Whitman for 8 ½ years. It is an intense business and she wishes to change her occupation. She would be the owner and operator. She would be assisted by her father, mother, sister and husband. They will attend the November TIPS program to ensure they receive training to not sell to underage people. She was a waitress in a Boston restaurant for one year and carded the people. He is sure the Town of Weymouth would not have a problem with her. She currently runs a beautiful business. He submits to the Board she is an appropriate person to hold the license and hopes the Board votes favorably upon her application.

Police Chief Thomas on the age of the clerks that will be working there, he assumes they will all be adults and TIPS trained. Attorney Regan replied they would be. Chief Thomas stated he saw the layout of the store would have milk and bread and chips along with the liquor. Attorney Regan stated it would not have many convenience store items. The age of the clerks would be 30's to 60's along with TIPS training. Police Chief stated the short distance there are already three wine & malt and two alcoholic beverage locations. That is a concern for him. The area is starting to being saturated. He wanted to raise that concern. Attorney Regan stated they contemplated that, and decided to proceed with this family run operation.

Fire Chief Leary asked what business was there prior to this. Attorney Regan stated it was a travel agency. There is also a restaurant there now called Sweet Lemons II.

Jeffrey Richards asked if the intent is to go more with a wine specialty store and have a convenience store. When he first met with them, it was more a convenience store with a wine and malt as an accessory. Attorney Regan stated the husband was calling it a convenience store, but they are applying for a beer and wine license. If he can have some convenience items, but not like a market of any kind. They will have cigarettes and lottery. Mr. Richards is looking for a standpoint for convenience for the area. They have five spots within a one mile radius to purchase alcohol. Is this meeting the public needs for this area. Attorney Regan stated it is a small store, 1,300 s.f., and therefore limited to the amount of space of what they can sell. Mr. Richards asked if there is a traffic flow issues. Officer King stated there are no traffic flow issues. Mr. Richards asked if this is the last license left available in the town, is this the best place for the package store to be placed.

Frank Fryer stated there are too many alcoholic stores there now along with all the restaurants in the area. He cannot vote for this as the area is saturated now. He stated he would like to hang onto that license for another part of town.

Attorney Regan stated the operation at 1616 Washington Street is a restaurant.

The Chairman asked the Board what action they would like to take on the matter.

Richard Marino asked if the Attorney would continue to represent the client for the acquisition of the Health Permit, to which the Attorney stated he would.

A MOTION was made by Police Chief Thomas and seconded by Fire Chief Leary to approve the application of Lee's Beer and Wine, 1614 Main Street, for a wine malt package store license and was VOTED FOR APPROVAL with FRANKLIN FRYER OPPOSED.

Jeffrey Richards stated he would like to see the dumpsters dumped after 7:00 a.m.

HEARING: APPLICATION OF GRANITE PACKAGE STORE OF WEYMOUTH, INCORPORATED D/B/A GRANITE PACKAGE STORE, 622 MIDDLE STREET, FOR A CHANGE OF MANAGER ON THEIR ALL ALCOHOL/RETAIL PACKAGE GOODS STORE LICENSE

Jeffrey Richards received correspondence from Brian D. King, Licensing Officer which stated he can see no public safety objection to the above requested change of manager.

Mary Williamson of the Health Department has no objection.

Correspondence received from Lt. Charles White stated the premises was inspected on 09/20/06 and found the following deficiencies must be corrected prior to Fire Department approval: 1. Combustible material must be removed from the electrical room or room must be equipped with sprinklers. 2. Combustible material must be removed from above coolers or the area must be equipped with sprinklers. 3. Fire extinguisher at rear door must be mounted.

Attorney Carl R. Johnson III was representing Granite Package Store of Weymouth, Inc. and Kevin S. Connors, Proposed Manager. He asked the Board approve Kevin as the new Manager at 622 Middle Street. He has been an employee for 7 years and is 26 years of age. Currently, there are five full time and four part time employees. Several employees are TIPS trained. They choose to card potential purchasers who are less than thirty years of age. The current manager, Michael Pipp, has left.

The Fire Chief commented that he believes as he has not been before the board before for disciplinary action, and has been a long time employee, he believes it to be a good fit.

A MOTION was made by Jeffrey E. Richards and seconded by Fire Chief Leary to approve the change of manager on their all alcohol/retail package goods store license at 622 Middle Street and was UNANIMOUSLY VOTED FOR APPROVAL.

A MOTION was made by Jeffrey Richards and seconded by Fire Chief Leary to approve the minutes of 07/25/06 and was UNANIMOUSLY VOTED.

ONE-DAY WINE/MALT PERMITS: LAKOTA KIDZ (NEW ENGLAND WILDLIFE CENTER – SEPTEMBER 30, 2006)

Stephen Martin, President of Lakota Kidz, came before the Board to request a wine and malt one day permit for the purpose of fundraiser with TIPS certified bartenders.

A MOTION was made by Jeffrey Richards and seconded by Police Chief Thomas to approve the one day wine and malt permit for Lakota Kidz at the New England Wildlife Center on September 30, 2006 and was UNANIMOUSLY APPROVED.

ONE-DAY ALL ALCOHOL PERMIT: ST. JEROMES ON OCTOBER 21, 2006

A MOTION was made by Jeffrey Richards and seconded by Fire Chief Leary to approve the one day all alcohol permit for St. Jerome's on October 21, 2006 from 7:00 p.m. until 11:00 p.m. and was UNANIMOUSLY APPROVED.

PIZZA BY DESIGN – CLOSING AS OF 6/30/06

A MOTION was made by Jeffrey Richards and was seconded by Fire Chief Leary to accept the surrender of the license of Pizza by Design and was UNANIMOUSLY VOTED.

APPLICATION OF KCDD, INC. D/B/A MAIN STREET BAR & GRILLE FOR A PLEDGE OF THEIR ALL ALCOHOLIC RESTAURANT LICENSE AT 1400 MAIN STREET – DENIAL BY ABCC

The Commonwealth of Massachusetts ABCC Form 43 was disapproved for failure to comply with Mass Tax Laws on September 11, 2006. Christopher DiMambro was present. They were denied as they were behind on the meals tax which are now up to date. He asked if it could be resubmitted to ABCC. Mr. Richards stated they can resubmit this month with the same application.

CORRESPONDENCE FROM OFFICER KING RE: POSSIBLE LIQUOR VIOLATION AT VFW – POST 1399, 601 BROAD STREET ON AUGUST 26, 2006

Mr. Richards read a statement dated 09/18/06 from Brian D. King, Licensing Officer that stated based on the attached report from Sergeant Richard Fuller; we feel that there was a license violation, that is, illegal Texas Holdem Poker Game that was to take place on Saturday August 26, 2006.

A MOTION was made by Jeffrey Richards to post this license violation hearing on the VFW Post 1399 for the next hearing and was seconded by Police Chief Thomas and was UNANIMOUSLY APPROVED.

RICK CURTIS OF CURTIS LIQUORS ON QUESTION #1 – WINE & GROCERY STORES

Rick Curtis of Curtis Liquors of South Weymouth was present and introduced Peter Kessell of the Wine Express of Norwood, Mr. Bill Kelback the owner of Bailey's Package, Marty Block of Michaels Wine & Spirits, Mr. Pat Murray of Towers Liquors, Mike Ferranti, a wine salesman with Commonwealth Wines & Spirits. He thanked the Board for allowing them to make a brief presentation. He was before the Board two months ago on another matter and he left information on Question #1, and recently left more information for the Board with Diane Hachey. He stated they would be more than happy to answer any questions the Board may have. He stated that if that Question passes on November 7th, 2,879 new licenses will be created in the State, by passing the Legislatures. Of those fifteen will go to the City of Weymouth. The City of Quincy will get twenty-two. Braintree will get eleven. In this tri-town area, forty-eight new licenses will be created. Those fifteen in Weymouth, added to the twenty-three that are current, is thirty eight. The food association would have you believe these licenses are meant only for supermarkets. As you know, there are only three supermarkets in the City of Weymouth. So, where are all the rest of these licenses going? Mr. Curtis demonstrated via a map where all the current license holders are located and where others may be going. He received the license holder's addresses from Officer King to create the map. He took the addresses of the supermarkets and drug stores and convenience stores along with gas stations that have food commodities that fit the proposal to create the map of where the licenses holders may be installed. What he does not know is where the Board would allow the licenses to go, as there are more stores that would be eligible than there would be licenses. He pointed out where his store is located in So. Weymouth and noted there is a Tedeschi's next door.

Frank Fryer stated that he spoke with Mr. Curtis three to four weeks ago to state he wanted to come before the Board for approximately five minutes.

Mr. Curtis stated he would wrap up his presentation in ten minutes. He stated there is one single problem by far in liquor stores is employee theft. That ranges from cigarettes, to lottery tickets, to candy bars. He cannot imagine what it would be like in the convenience stores if alcohol is brought into that equation. The food association would have you believe that wine is not the beverage of choice for teens. He stated they will drink anything they can get their hands on. There are plenty of sweet wines and wine based wine coolers. He takes his responsibility seriously in this industry. His livelihood depends on that, and of the gentlemen sitting behind him from the other stores. He suggests to the Board that there is a disparity here. If the food stores get licenses, unlike the liquor stores, if there is a violation that occurs, and they have to stop selling alcohol as a punishment, they simply close off the section with the alcohol and continue to sell their other products. Their livelihoods continue. The liquor store only license holder's livelihood stops should a fine of closing occur.

Mr. Peter Kessell, Vice-President of Mass PAC, stated he believes he is speaking for the other business owners present. He stated he is also the Chairman of the Statewide Vote

No on Question 1 group of retailers. The bottom line is that if you have more money, you have a bigger house and car. If you have more children, you have bigger phone bills, college bills and perhaps more headaches. The bottom line is that if we have 2,879 more licenses, we can only imagine how many more problems we will have.

Mr. Kessell asked for the Police Chief to assist him. Mr. Kessell asked the Board to imagine he was a 19 year old carrying a bag of groceries. He was leaving that store that sells food and liquor. He asked the Police Chief if he was out at a normal package store, and the 19 year old leaving the store, he asked if the Chief would have the right to stop him. Chief Thomas stated definitely, because he would have made an observation and due to his training and experience, he would appear to be under the age of 21 for the purchase of alcohol, coming out of a package store. He stated he would follow up and confront the buyer and find out if you were a legitimate patron. Mr. Kessell stated that based on the fact that 98 percent of the packages coming out of the liquor store are alcohol, you can make that assumption. If I was that same 19 year old walking out of a supermarket, would you have the same ability to stop the person? Police Chief Thomas stated his instincts would not rise to that level as he could not see what was in the bag and coming out of Stop & Shop or Walgreens, he would not be as alert to that fact.

Mr. Kessell stated that as employees, they also must be concerned with theft. He had the Chief inspect the contents of the package. He pulled out a normal coca cola package, which had hidden in it alcohol. He also demonstrated the legislation was written so loosely, it allows items such as wine in a can to be sold, which can easily be slipped into a pocket. If this legislation passes, he believes it would do more to put illegal product onto the street than if all the liquor stores did not check identification of customers for the day. The reality is, you have five cans of wine and a bottle of alcohol hidden in a grocery bag and the Police Chiefs powers are reduced. Currently, liquors stores are set up to do their job at the registers, and try to maintain a safe and legal purchase with every purchase. Many of the employees are TIPS trained. Bottom line, he asked, as a community, what is the message we are sending. What has really happened is the other side has decided to call this convenience. If they were being legitimate, they would have said, lets just do away with licenses all together. Forget the licenses, and make this product available like water and Pepsi. We all say, that cannot be done. Because at the end of the day, it is alcohol we are talking about and it was never meant to be convenient. It was meant to be sure that owners of stores came before Boards such as these. That was done to ensure that the people of Weymouth were served properly, and that these powers were passed through local Boards and Legislatures. If this bill goes through it will create new licenses. The Town could decide that maybe it would not issues these. Large corporations could put pressure on the Town in the form of litigation to try to decide why you are not issuing the licenses. Those are positions that many Boards and Towns have faced.

Mr. Kessell read an August 2nd Police Log from the Town of Raynham. On July 23rd at a 24 hour Wal-Mart store at 4:20 a.m., a man came into the store, grabbed a case of beer, threw money down on the counter and left. The store cannot sell alcohol after 11:00 p.m. He stated that at their liquor stores, they are professionals. They close at 11:00 p.m.

Everyone who works behind the counter is above 18 years of age. These types of things do not happen.

This Question was not proposed by the State. This Question #1 was proposed by corporate America. They are seeking was to get around Boards and it is corporate greed behind all of it. Other Towns have written letters stating their position on the matter, along with voting as Boards to recommend rejection of the Wine in Food Stores ballot measure (Question 1) on the November ballot. The vote followed a presentation by a number of local businesses who voiced their concerns over the unfavorable impacts that might occur if this matter were to pass. Letters from the Towns of Seekonk, Rehoboth, City of Medford, and the City of Malden were presented to the Board. The letter was sent to the neighboring Towns as well. He asked the Board to take a vote similar to those towns. He asked the Board to take a proactive vote on the matter. He suggested that the additional licenses could result in a knock on someone's door at 3:00 a.m. to tell you why your son or daughter is not coming home. He stated that if they can save one more life by keeping the sales as they are now, instead of normalizing it by keeping it next to the peanut butter and jelly, then he believes they would be doing the Town a great favor. This product was never meant to be a convenient purchase. He asked the Board to consider the needs of the people and ask the Board to consider being proactive and joining the list of 50-60 towns that have come out against this. He believes it is a concern that we send the right message to our young.

Jeffrey Richards asked how many states currently have that law. Mr. Kessell state that no states have wine only. There are states that have wine and beer. This year today it is wine, and next year they will file for beer, and they will then ask for an extension of hours as some of the stores are open 24 hours. The one other thing to consider is that there are many foreign-owned organizations. They are not under the same sword as the liquor store owners. You have the ability at this time to call the local owners and work hand in hand with them to work out any issues. What do you do when you have a foreign corporation out of the Netherlands?

Mr. Richards asked if there was any proof that there was substantial revenue increase from the wine manufacturers when they did approve the other states to do that. Mr. Kessell stated that there was a study in the Globe last weekend that stated the \$26 - \$34 million savings that worked out to less than 20 cents per bottle, when they took a look at it. To answer your question, no, there was no large increase in sales. The states have not come back to say we have been able take the extra money and pay for law enforcement. By doubling the licenses, there is a higher incidence of drunken driving related fatalities. The later information will show that those other states that have the law rank at the bottom of the other states with respect to their performance of the drunken driving related fatalities. Massachusetts actually ranks as one of the better states thanks to our law enforcement and the job that we are doing.

Mr. Marino asked a question on the City of Medford letter dated September 18, 2006. In the letter the City of Medford made a motion to recommend the rejection of wine in food stores, Ballot Question #1. He asked if this was from a citywide ballot. Mr. Kessell

stated they wanted to send a message to the public and let them know the city was being proactive on the side of the State Ballot Question #1 by asking them to reject that item. He also stated that in the event the issue was passed, the city could say they would not choose to provide for those licenses.

Police Chief Thomas asked how many new licenses would go to the Town of Weymouth. Mr. Kessell stated fifteen. Weymouth has approximately 53,000 people, and you have five licenses for the first 5,000 and one license for every 5,000 above the threshold of five.

Chairman Fryer asked where the Board stands on the issue. Police Chief Thomas stated there is a request before this Board.

Mr. Kessell asked the Board to consider taking a vote or making a motion that the City of Weymouth would join the ranks of other cities and towns that are going proactive to come out against the issuance of wine in food store licenses and hopefully sign a letter to that effect similar to the other letters they have provided to the Board.

Chairman Fryer stated he appreciates what they are doing, but he does not think it is a function of the Board to go out and say one way or the other. He applauds the store owners for what they are doing, but he would not vote for it.

Police Chief Thomas asked Attorney George Lane, Jr. if it was appropriate for the Board to take a stand on the matter. Attorney Lane stated the individuals on the Board can be outspoken if they wish. It gets complicated sometimes to use public resources to advance political questions. Mr. Richards asked if Town Council would be a more appropriate venue. Mr. Lane stated he did not think it matters whether you are a city council member or a board member; you are still in the same governmental arrangement.

Richard Marino stated he believes there is merit to the package store association and the argument that this does provide more pathways to underage drinking. Underage drinking is a contributing factor in alcohol addiction. More access equals more addiction. It makes the Police Departments job more difficult as there are more areas to conduct compliance tests. Parents need to be concerned. It should be up to the parents to vote no on Question #1. He believes it is ill advised from a public health standpoint. He asked if it is a binding referendum.

Mr. Kessell stated it did not go through the legislature to begin with and no one knows what the legislature will do with it. They may sit on it for three years or act on their own interest. He would like a message to be sent from the Board to say whether or not this is in the best interest for the people of Weymouth. It is not binding.

Chairman Fryer asked for the Board members opinions.

Officer Brian King made an observation that when the base area is developed, there will be additional licenses on top of what is proposed to be if the Question were to be passed.

Attorney Lane stated that one of the enforcement arms on alcohol compliances, the ABC Commission presently have eleven investigators for all their matters in the state. The fact that there may be 2,875 more licenses that are issued in the State of Massachusetts, what would that do to the enforcement arm of the ABC Commission? What type of state resources would have to be committed to that and it may put a strain on this Board. The key item to granting these licenses is public convenience. If you have three stores in a row, you must access the public convenience. If there are more licenses, there will be more tests to the ABCC. From the legal standpoint, there will be more legal resources due to potential litigation.

Fire Chief Leary agrees with Mr. Curtis and Mr. Kessell. He thinks it is a terrific effort they are mounting. Package stores are open seven days a week now. The more stores allowed selling alcohol, the more difficult it will be for the Town to police that. Chief Leary would like to make a motion to join along with the other towns and come out against Question #1 as a Board.

Mr. Fryer stated there is a motion and a second on the motion from Police Chief Thomas.

Police Chief Thomas stated he would like to take a proactive stand to the stores in the town that he does not need any more headaches in the way of trying to do compliance checks. When they have clerks that are 15 or 16 years old, employee theft was brought up and he totally agrees with that, rather than calling over an 18 year old to scan it through, it could just go through. He stated he seconds the motion.

Mr. Richards asked for clarification on the motion.

A MOTION was made by Fire Chief Leary to make recommendation to reject wine in food stores ballot Question #1 and was seconded by Police Chief Thomas. The MOTION passed with Chairman Franklin Fryer in opposition to the motion.

Mr. Kessell asked if the Board could follow up with a letter to that effect. Mr. Richards stated they could do so.

A MOTION was made by Jeffrey Richards and seconded by Fire Chief Leary to schedule the next meeting was for October 24, 2006 at 2:00 p.m. in the Town Council Chambers and was UNANIMOUSLY APPROVED.

Officer King stated that Diane Hachey is not CORI certified, and as such, legally she cannot submit the CORI requests.

A MOTION was made by Jeffrey Richards and seconded by Fire Chief Leary to make available procedure to allow Diane Hachey to become CORI certified and was UNANIMOUSLY VOTED.

A MOTION was made by Jeffrey Richards and seconded by Fire Chief Leary to adjourn and was UNANIMOUSLY VOTED.

Respectfully Submitted,

Doreen C. Teodorson, Secretary

Approved:

Franklin Fryer, Town Clerk, Chairman