

Minutes of the Board of License Commissioners for their meeting held on Tuesday, November 9, 2004, 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; Richard Marino, Director of Public Health; Police Chief James Thomas; Town Solicitor George E. Lane, Jr.; Licensing Officer Brian King and Lisa VanWinkle, Secretary

Chairman Fryer called the meeting to order at 2 PM.

REVIEW OF THE ISSUANCE OF THE ANNUAL ENTERTAINMENT LICENSE OF MAURA, INC. D/B/A NEXT PAGE CAFÉ, 550 BROAD ST.

Mr. Edward Page, President/Manager and Mrs. Maura Page were present.

Mr. Page informed the Board that they purchased a decibel meter reader and it has been in use since. They are monitoring the entertainment and it typically reads at a level of 80-85 decibels.

Mrs. Page stated they are going to keep it behind the bar and will continue to measure the level at all times when the entertainment is offered.

Mr. Marino stated measurements were taken recently from the outside of the establishment while entertainment was playing. They were within the ten decibels rating per law. He reported a positive result of the inspection and suggested that the Annual Entertainment license is issued on a permanent basis.

Chief Leary said they heard the testimony from several participants during the last meeting held on October 19, 2004. At such hearing he imposed the condition that the licensee purchases a decibel meter reader. The outside reading is not to read above 60 decibels. He went to the establishment Saturday evening and was pleasantly surprised with the family atmosphere and good food. Chief Thomas happened to be at the restaurant at the same time he was. They observed the music from the outside of the establishment; it was loud but they did not have a decibel meter to take a reading. From the inside, they were able to monitor the level from the Page's device and it was within the 85 decibel limit. It wasn't too loud; they were able to hold a conversation. He was pleased to see that the level was within the permissible limit and he would like to see a continuation of such.

Chief Leary made a motion to grant the permanent Annual Entertainment License. Chief Thomas seconded.

Chief Thomas stated that the device needs to be installed on location and be in use. He cautioned that the entertainment should continue to be monitored with such.

Chairman Fryer stated there is a motion before the body—UNANIMOUSLY VOTED.

APPLICATION OF R.K. MARKETING INC. D/B/A R.K. MART FOR A FOOD VENDOR LICENSE, 141 BROAD ST.

Mr. Ratan Lillanney, President/Manager, was present as well as Attorney Gregory Galvin.

Attorney Galvin stated they were before the Board at the last meeting and the application was continued due to the matter of outstanding taxes.

Attorney Galvin stated at the past meeting, Mr. Lillanney had just acquired the business. The transaction took place in Rhode Island; at the closing the taxes were going to be paid. It was his understanding that the taxes had been paid in full. Mr. Lillanney received the FY05 taxes by mail yesterday and those were paid in full today.

Mr. Richards made a motion to grant the Food Vendor license to R.K. Marketing Inc. d/b/a R.K. Mart. Chief Leary seconded. UNANIMOUSLY VOTED

DISCUSSION WITH DAUGHTER'S, INC. D/B/A THE ODYSSEY, HOLDER OF AN ALL ALCOHOLIC RESTAURANT/COMMON VICTUALLER LICENSE, RE: PAST POLICE INCIDENTS, 1073 MAIN ST.

Mr. Bill King, President/Manager was present.

Chairman Fryer stated the Board received documentation from Chief Thomas on past incidents which occurred at the establishment.

Chief Thomas stated he has an issue with the way the club is being managed. The list of incidents includes several drunk and disorderly incidents; this is a concern of his, as the patrons should be monitored for consumption.

Mr. King replied he is aware there is a problem. He is trying to run his business and the problems seem to happen when the live entertainment is being held. He is hoping to change the theme of the restaurant to get a new clientele, going from the current to a sports theme. This is a lot of stress on him as the establishment owner and he know it is a burden to the Town. It is hard to monitor the clientele when they are bringing substances on the premises and consuming them in the parking lot.

Chairman Fryer asked the Board if anyone had any questions or suggestions.

Chief Thomas suggested hiring someone to monitor the parking lot. He informed Mr. King that he needs to do a better job monitoring the clientele. His establishment is creating the most calls to the station out of all of the establishments in Town.

Officer King questioned if someone causes a problem if they are banned from the establishment.

Mr. King replied it depends on the situation. He will do the best he can to prevent future incidents and he will educate his staff as well. The smoking ban has made the situation worse as people go out to the parking lot to smoke.

Chief Thomas questioned Mr. King how many are on his staff.

Mr. King replied stated he hires a police detail, has a bouncer at the door and three people on the floor.

Chief Thomas stated that someone needs to observe the people entering the establishment to determine when someone is already under the influence and not allow those people into the establishment.

Mr. King replied he is trying and he agrees there is always room for improvement.

Mr. Richards stated with the name change and theme change to a sports theme it may change the clientele and would create a different atmosphere.

Chief Thomas asked Mr. King if he intends to get rid of the live rock music.

Mr. King stated he already has. They have a DJ on board who is only playing 70's and disco music until 10:30 PM and then they change to a dance club. He is trying to establish a new clientele. He has been in the business for seventeen years and this is his livelihood. The restaurant has actually been on the market now for seven months.

Solicitor Lane suggested changing the evening in which the entertainment is offered.

Mr. King replied that the DJ entertains at other establishments throughout the week.

Mr. Marino asked Chief Thomas if he had any recommendations and whether an outside security officer would help.

Chief Thomas replied that security officers have no powers. If Mr. King would like to he could hire another detail officer to have one inside and one outside.

Officer King suggested keeping the bathroom doors propped open to deter illegal activities and to have a no hat policy.

Chief Leary suggested gradually phasing out some of the music that is drawing in some of the clientele. He needs to establish a more drastic break by possibly changing the evening the music is offered as well. A different look and different entertainment should bring in new clientele.

Mr. Marino suggested installing intensive lighting within the parking lot to deter illegal activities and have a bouncer outside as well.

Chairman Fryer stated the Board should give Mr. King the opportunity to make the change and see if it works.

APPLICATION OF DAUGHTER'S, INC. D/B/A THE ODYSSEY FOR A CHANGE OF D/B/A NAME ON THEIR ALL ALCOHOLIC RESTAURANT/COMMON VICTUALLER LICENSE, 1073 MAIN ST.

Mr. Richards read the departmental referrals into the record. The Municipal Finance Department reported outstanding taxes. The Health Department reported no objections. Officer King, Police Department, reported no public safety objection to the requested name change, but questioned if the licensee plans any renovations or changes to the existing building or any change in the seating capacity. Mr. Richards, Inspector of Buildings, reported no objection.

Mr. Richards motioned to allow the change of D/B/A name from The Odyssey to Playoff's. Chief Leary seconded.

Chief Leary reiterated that a drastic environment change is needed. Hopefully the name and theme change will allow such.

Chairman Fryer stated there is a vote before the body—all in favor. UNANIMOUSLY VOTED

APPROVALS

- Request for 7 AM Sunday opening: Shaw's Supermarket, 610 Middle St.

Mr. Marino stated that Sunday openings use to be under the jurisdiction of the police authorities. Since such time, the blue laws have been rescinded. He asked for guidance from Solicitor Lane.

Solicitor Lane replied that he would be happy to review such and report back to the Board.

Mr. Richards stated he would review the conditions of the Zoning Board of Appeals case in relation to the property.

Mr. Richards motioned to continue the request until the next meeting for review.

Chief Thomas made a motion of approval if everything is found out to be copasetic. Mr. Marino seconded. UNANIMOUSLY VOTED

CHAIRMAN'S REPORT

- Meeting Schedule

Mr. Richards stated next meeting had been scheduled for December 14, 2004 at 2 PM.

Mr. Richards motioned to schedule the January meeting date for Tuesday, January 11, 2005 at 2 PM. Chief Leary seconded. UNANIMOUSLY VOTED

- Calendar Year License Renewals due Tuesday, November 30th
- Alcohol Awareness Training to be held the week of November 29th

CORRESPONDENCE

- Officer King RE: license renewals

Mr. Richards read the correspondence regarding a possible change to the December meeting date. The Board determined it wasn't necessary to change the meeting date which had been previously scheduled for December 14, 2004 at 2 PM.

- Officer King RE: previous event held at J.C. Dee's, 312 Bridge St.

Mr. Richards read the correspondence into the record, stating that J.C. Dee's had held an under 21 event at their establishment and that the licensing authority previously not allowed such.

Officer King stated that this date was apparently not the only occasion at which they had such an event. He also noted that the gentleman who was spoken to at the establishment referred to himself as the General Manager and is not the manager on record. Therefore, they are required to apply for a change of manager.

Mr. Richards motioned to request that the licensee is notified to attend the next meeting for discussion purposes. Chief Leary seconded. UNANIMOUSLY VOTED

ADJOURNMENT

Mr. Richards made a motion to adjourn the meeting at 3:10 PM. Chief Leary seconded. UNANIMOUSLY VOTED

Respectfully submitted by Lisa VanWinkle