

Minutes of the Board of License Commissioners for their meeting held on Tuesday, November 15, 2005, at Weymouth Town Hall in the Chambers

Attendance: Chairman Franklin Fryer, Town Clerk; Tom Barry, Building Inspector; Fire Chief Robert Leary; Police Chief James Thomas; Richard Marino, Director of Public Health; Town Solicitor George E. Lane, Jr., Licensing Officer King; Charles White, Acting Fire Protection Officer Licensing Officer Brian King and Lisa VanWinkle, Secretary

Chairman Fryer called the meeting to order at 2 PM.

**APPLICATION OF B&K LIQUORS LLC D/B/A B&K LIQUORS FOR AN ALL ALCOHOLIC PACKAGE STORE LICENSE TRANSFER, 1212 WASHINGTON ST. (CONTINUATION FROM 10/18)**

Attorney Stuart Ivimey, Mr. Justin Le and Mrs. Kelly Vien were present.

Mr. Marino read the departmental referrals into the record. The Department of Municipal Finance noted excise tax delinquent from John's Liquors I. The Health Department reported no objections; they will need to apply to the Health Department for necessary permits. Officer White reported rear exit door must remain unbolted during business hours. Sprinkler system is okay. Officer King reported no public safety objection.

Mr. Marino questioned if the outstanding taxes would be a reason to hold up the granting of the license.

Solicitor Lane stated he would review the ordinance and report back.

Attorney Ivimey stated his clients are personal friends of the transferor. The seller requested to work with Justin and Kelly for a period of 120 days if the license is transferred. Attorney Ivimey stated he worked with Officer King on the application as there were issues with the Naturalization papers. He thanked him for his assistance.

Chairman Fryer stated the past owner got in trouble previously and he warned the applicants to check ids when in doubt.

Chief Thomas stated the Police Department holds an Alcohol Awareness Program which will require a mandatory attendance by the applicants if the license is granted.

Chief Leary reiterated that the business has been a target for underaged persons purchasing alcohol. He warned them to be aware of this and to check ids.

Officer King stated he worked with Attorney Ivimey on the application. He has no current issues.

Chief Leary read a letter from Mr. Robert Fitzsimmons into the record recommending the approval of the transfer.

Chairman Fryer opened the public hearing for comments; no one spoke.

Mr. Marino made a motion to approve the transfer of the All Alcoholic Package Store license to B&K Liquors, Inc. with the condition that any tax liabilities are rectified. Chief Leary seconded.  
UNANIMOUSLY VOTED

**APPLICATION OF KUJTIM & MIRELA PEMA D/B/A AROMA BAKERY FOR A FOOD VENDOR LICENSE, 19 UNION ST.**

Mr. and Mrs. Pema were present.

Mr. Marino read the departmental referrals into the record. The Health Department reported the establishment needs updates. The Health Department will need copy of food manager certification; workman's company insurance, applications and license fees, etc. The Municipal Finance Department reported outstanding personal property taxes for Swanson's Swedish Bakery. Officer King reported no public safety objection. Mr. Richards reported the use of the premises as a bakery is permitted in the B-2 Zone in which it is located. The premise is non-conforming regarding parking as a retail store. Accordingly, the application conforms to all applicable requirements of the Town's Zoning Ordinances and may be granted. Firefighter White recommended contacting a fire extinguisher contractor to properly equip the store; no other issues.

Mrs. Pema stated they wish to operate a bakery at the old Swanson's Bakery, which is vacant. They specialize in wedding and birthday cakes. She is the designer and her husband is the baker.

Mr. Marino questioned if the applicant would be responsible for the outstanding taxes.

Solicitor Lane replied it would be the same caveat as the other approval.

Mrs. Pema stated they are renting the property and did not buy the business from the previous licensee. They are buying their own equipment; the premise is currently vacant.

Chairman Fryer opened the public hearing for comments. No one spoke.

Chief Thomas commented that he thought the applicant shouldn't be subject to the payment of outstanding personal property taxes. They are not buying the business from Swanson's Swedish Bakery.

Solicitor Lane agreed that personal property taxes wouldn't be the applicant's responsibility. Real estate taxes would be the property owner's responsibility. A call should be made to the property owner to pay the outstanding liabilities.

Mr. Marino made a motion to approve the issuance of the Food Vendor license to Kujtim and Mirela Pema, with the condition that outstanding taxes are paid.

Mr. Barry stated he inspected the premises; they are currently vacant.

Mr. Marino withdrew his motion and made a motion to approve the Food Vendor license. Chief Thomas seconded. UNANIMOUSLY VOTED

**DISCUSSION OF THE POSSIBLE SUSPENSION, REVOCATION, CANCELLATION OF THE COMMON VICTUALLER LICENSE OF AHMET BEQO D/B/A SUNNY SIDE UP RESTAURANT, 400 BRIDGE ST.**

Mr. Ahmet Beqo and Ms. Rebeka Beqo were present.

Mr. Marino stated a Common Victualler license was issued to Mr. Beqo. There was a requirement for shift managers to become food safety certified, but they are not. Due to the fact that the requirement has not been met the Board called the licensee in today for a hearing.

Ms. Beqo stated they run a family owned business. Her sister is currently taking the food safety course to become certified. She has taken the exam twice previously without achieving a passing grade. She is scheduled to take the exam again.

Mr. Marino stated Mr. Beqo needs to become certified. He is the permit holder of the Health Department's records.

Ms. Beqo stated Mr. Marino was given the course information.

Mr. Marino replied he reviewed the information. It does not demonstrate necessary requirements.

Chief Thomas questioned if the course is offered in their primary language.

Ms. Beqo replied it is not.

Mr. David Kaplan, Health Inspector, stated the course is not offered in Albanian.

Mr. Marino stated this is an issue which has been ongoing for six months. They are able to bring a translator to the course.

Ms. Beqo stated her sister failed the course twice by one point.

Mr. Marino made a motion to suspend the Common Victualler license on November 24, 2005 and November 25, 2005. A review will be scheduled at a future meeting to correct the violation. Chief Thomas seconded. UNANIMOUSLY VOTED

Mr. Marino explained to the Beqo's that they needed to have two people certified. If they do not meet the requirement they will be called in again for the Board to take further action.

**APPLICATION OF V. IGNACIO GARCIA D/B/A STETSON PLACE CAFÉ FOR A COMMON VICTUALLER LICENSE, 541 MAIN ST.**

Mr. Ignacio Garcia, owner, was present.

Mr. Marino read the departmental correspondence into the record. The Municipal Finance Department found nothing on record. The Health Department reported the new owner must contact the Health Department for necessary applications; fees; food manager certified is required prior to operation. Officer King reported no public safety objection. Firefighter White reported café area appeared neat with clean egress. Management called on November 11, 2005 to ensure an NFPA 25 sprinkler test would be conducted in near future. Mr. Richards reported the use of the premises as a retail/takeout establishment is permitted in the B-1 Zone in which it is located. The eight seat designation is permitted at the location as an accessory use and therefore, the existing parking is adequate per 120-69 of the Town's Zoning Ordinance. Accordingly, the license request conforms to all applicable requirements of the Town's Zoning and Building Regulations and may be granted. Note: A building permit and certificate of occupancy must be filed with the Building Department prior to the change.

Mr. Garcia stated he is purchasing the business. It will be the same as existing. Proposed hours of operation: Monday-Sunday: 7 AM – 3 PM. They will be serving fresh salads and sandwiches as well.

Mr. Marino asked Mr. Garcia if he was certified in food safety.

Mr. Garcia replied yes.

Chairman Fryer opened the public hearing for comments. No one spoke.

Chief Leary noted Mr. Richards's referral which stated eight seats would be permissible. This needs to be clarified as they are requesting twelve seats on the application.

Officer King and Officer White verified by their inspections of the premises that there is sufficient room for additional seats.

Chief Leary asked for the layout of the seating.

Mr. Garcia gave him a set of plans to view.

Mr. Marino made a motion to grant a Common Victualler license with seating for eight with the permission to petition the Building Department for twelve seats. Chief Leary seconded.

UNANIMOUSLY VOTED

**APPLICATION OF TOWN LINE DELI & PIZZA INC. D/B/A TOWN LINE PIZZA FOR A COMMON VICTUALLER LICENSE, 1690 MAIN ST, UNIT B**

Mr. Lawrence Spear, Jr., President/Manager, was present.

Mr. Marino read the departmental referrals into the record. The Municipal Finance Department

reported taxes current. The Health Department reported no objections. Officer King reported no public safety objections. Firefighter White reported all fire protection and suppression systems in order at the time of inspection. Mr. Richards reported 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.

Chairman Fryer opened the public hearing for comments.

Mr. James Parker spoke on behalf of Mr. Spear stating he has known him for years. He recommended the approval as Mr. Spear has significant experience in the business and he will be an asset to the town.

Mr. Marino made a motion to approve the Common Victualler license. Chief Thomas seconded.  
UNANIMOUSLY VOTED

**APPLICATION OF FRATERNAL ORDER OF EAGLES #2899 FOR A CHANGE OF  
MANAGER ON THEIR ALL ALCOHOLIC CLUB LICENSE, 1338 WASHINGTON ST.**

Mr. Robley Ray, Secretary and Mr. Richard Lenihan, Manager, were present.

Mr. Marino read the departmental referrals into the record. The Municipal Finance Department reported the Eagles as tax exempt. The Health Department reported no objections. Officer King reported no public safety objections. Mr. Richards reported no objections. Firefighter White reported during the joint inspection performed with the Building Department on November 15, 2005, there were no fire protection concerns.

Mr. Lenihan stated he will become the new manager of the Eagles. He has well over thirty years of experience working for Brady Enterprises as manager.

Mr. Marino made a motion of approval. Chief Thomas seconded. UNANIMOUSLY VOTED

**APPROVALS**

- Minutes: 10/18/05

Chief Thomas made a motion to approve the minutes of their meeting of October 18, 2005. Chief Leary seconded. UNANIMOUSLY VOTED

- Extension of operational hours over the holidays: Walmart, 740 Middle St.

Chief Thomas stated he received a request for an extension of hours from Walmart. They are requesting to be able to stay open Monday through Sunday until 12 AM. This will be during the holidays, November 25, 2005 through December 23, 2005.

Chief Thomas made a motion of approval. Chief Leary seconded. UNANIMOUSLY VOTED

- Precious Metals license: Leonard Barnes, 1212 Washington St.

Mr. Marino read the departmental referrals into the record. The Municipal Finance Department reported several businesses with outstanding personal property taxes at said address. Officer King reported no public safety objection. Applicant should be aware of the 30 day hold on precious metals. Firefighter White reported no fire protection concerns.

Officer King stated Mr. Barnes met with him at the station and they talked about the store. He explained it is a franchise involving consignment of tangible items. Everything is photographed and documented and he tries to sell them on EBay for seven days. EBay has strict guidelines which he must meet. Mr. Barnes will also be required to comply with the ordinance.

Mr. Barnes stated he usually holds the items for 48 hours prior to listing on EBay. The total process is usually about 10 – 15 days.

Mr. Barry asked if he is strictly selling jewelry.

Mr. Barnes replied no, he sells instruments, antiques and collectibles, etc. All monies are handled electronically through PayPal.

Chief Thomas questioned how he would satisfy the town's ordinance.

Mr. Barnes stated it is typically a 7 day operation.

Chief Leary suggested if the precious metals portion of the business is small, that the items be held for 30 days prior to putting it up for auction.

Mr. Marino made a motion to approve the Precious Metals license in accordance with the town's ordinance, but applicant may petition Chief Thomas for different restrictions. Chief Leary seconded. UNANIMOUSLY VOTED

## **CHAIRMAN'S REPORT**

- Meeting schedule

Chairman Fryer set the meetings for Tuesday, December 6, 2005 and Tuesday, December 20, 2005 to be held at 2 PM in the Chambers.

## **CORRESPONDENCE**

- ABCC RE: Certificate of Inspection – Fire Safety Legislation

Officer White stated he and the Building Department are performing inspections for the annual

license renewals. There is a new form which is required to be signed by the Chief of Fire and Building Inspector for the inspection. This is a result of new fire safety legislation brought into effect as an outcome of the Rhode Island tragedy.

- Court ruling – eviction for non-payment of rent: J.C. Dee's, 312 Bridge St.

Mrs. VanWinkle notified the Board that the property owner of 312 Bridge Street contacted the office stating that he had brought J.C. Dee's to court for a non-payment of rent. The court ruled to evict the tenant as of November 30, 2005.

- Results of ABCC Hearing: Billy Budd's, 117 Bridge St.

Officer King stated a meeting was held by the Alcoholic Beverages Control Commission regarding the application which was approved by this Board. They also had similar concerns as the Board did. The Town has not heard of the final decision.

## **NEW/OLD BUSINESS**

- Precious Metals Ordinance

Officer King stated the proposal was approved by the Town Council. It is subject to a newspaper advertisement notifying the public. The Police Department will hold an informational seminar in 2006 with the licensees regarding the changes.

- License Renewals

Mr. Richards stated the notices were mailed out to the license holders. Renewals are due back by November 30, 2005. Approvals will be done at a meeting in December.

- Alcohol Awareness Training

Chief Thomas stated the Police Department will be holding the annual training during the last week of the month.

## **ADJOURNMENT**

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

Chief Leary noted correspondence received to be read in to the record.

Mr. Richards stated the Board received a letter from Replay Amusements regarding the license fee increases. It noted Massachusetts General Laws in relation to Automatic Amusements. They took the letter under advisement.

BOARD OF LICENSE COMMISSIONERS

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Mr. Marino made a revised motion to re-adjourn at 3:31 PM. Chief Leary seconded.  
UNANIMOUSLY VOTED

Respectfully submitted by Lisa VanWinkle, Recording Secretary