

Minutes of the Board of Licensing Commissioners for their meeting held on Tuesday, December 19, 2006, 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; Lt. Charles White, Fire Prevention Coordinator and Lisa VanWinkle, Secretary

Chairman Fryer called the meeting to order at 2 PM.

**APPLICATION OF PAYLESS AUTO SALES, INC. FOR A CLASS II AUTO DEALER LICENSE, 1465 MAIN ST.**

Mr. Richards read the departmental referrals in to the record. The Municipal Finance Department reported taxes as current. The Health Department reported no objections. Officer King reported no public safety objection. Mr. Richards reported no objection.

Mr. Richards noted for the record that the legal advertisement requirement was not met. Therefore, the hearing was continued until the next meeting.

**APPLICATION OF VINNIE'S EURO, INC. D/B/A CANNOLIS FOR A CHANGE OF CORPORATE NAME AND OFFICERS/DIRECTOR ON THEIR ALL ALCOHOLIC RESTAURANT/COMMON VICTUALLER LICENSE, ANNUAL ENTERTAINMENT LICENSE, JUKE BOX LICENSE, AND SUNDAY ENTERTAINMENT LICENSE, 920 WASHINGTON ST.**

Mrs. Lisa Axios, President, was present.

Mr. Richards read the departmental referrals in to the record. The Health Department reported no objections. Officer King reported no public safety objection. Lt. White reported active permit for fixed fire suppression system; waiting for final upon completed construction. Mr. Richards reported no objection.

Mr. Richards stated they haven't opened yet. He has an issue with the sign, as it is 2 feet too low. He asked that Mrs. Axios contact the sign company to have it changed in accordance with the sign bylaw. He would like for it to be changed prior to the restaurant opening.

Chairman Fryer opened the public hearing for comment. Mr. Rick Curtis, Curtis Liquors, spoke recommending the application as he has known Mr. and Mrs. Axios for years. He believed the restaurant would be an asset to the Town and stated they run a first class operation.

Mr. Richards made a MOTION to approve the new corporate name as well as directors/officers. Chief Leary seconded. UNANIMOUSLY VOTED

**APPLICATION OF A.E.A. FOOD, INC. D/B/A MACY'S BEACHWAY LIQUORS FOR AN ALL ALCOHOLIC PACKAGE STORE LICENSE TRANSFER AND PLEDGE OF LICENSE, 701 BRIDGE ST.**

Ms. Jenny Ng, PrimeSite Business Brokers, and Mr. Himanshu Patel, were present.

Mr. Richards read the departmental referrals in to the record. The Municipal Finance Department reported no outstanding taxes. Lt. White reported the landing at stairs must be clear of stock; all other fire related items okay. Officer King reported no public safety objection, pending proof of US citizenship. The Health Department reported no objection. Mr. Richards reported no public safety objection.

Mr. Patel stated he would like to purchase the business and operate similarly, except opening to improve income. They would eventually like to offer new and different products.

Chief Leary informed the applicant when Macy's came before the Board a year ago there were floor and leaky roof issues. He hoped they would be rectified if they haven't already.

Chairman Fryer opened the public hearing for comment.

Mr. Michael Gardner, abutter, stated he has a problem with the parking and the trailer truck which has been parked on his property on the side of the building. The trailer is used to store returned bottles and cans temporarily. He asked that the trailer is removed from the private way and stored in the rear of the building.

Mr. Richards made a MOTION to reschedule the hearing to the next meeting for a review of the property line.

Chief Thomas asked for a proof of citizenship.

Ms. Ng stated Mr. Patel has a voter's registration as well as naturalization papers.

Chairman Fryer stated there is a MOTION before the body; all in favor. UNANIMOUSLY VOTED

**APPLICATION OF EZ MART CONVENIENCE, INC. D/B/A EZ MART FOR A FOOD VENDOR LICENSE, 1235 WASHINGTON ST.**

Mr. Fahim Ullah, President, was present.

Mr. Richards read the departmental referrals in to the record. Lt. White reported rear door deadbolt and lock removed; hanging signs moved away from sprinklers; fire extinguisher sign – remove/add extinguisher. The Health Department reported no objection. Mr. Richards reported no objection.

Mr. Ullah stated the application was for a change of ownership. The store operations will remain the same.

Chairman Fryer opened the public hearing for comment; none.

Mr. Richards made a MOTION for approval. Mr. Marino seconded. UNANIMOUSLY VOTED

## **APPROVALS**

- Minutes: November 14, 2006

Mr. Richards made a MOTION of approval. Mr. Marino seconded. UNANIMOUSLY VOTED

- Change of Manager - Common Victualler License: Immaculate Conception Parish, 1199 Commercial St.

Mr. Richards stated the departmental referrals reported no objection.

Mr. Richards MOTIONED to approve the change of manager to Eileen Collins. Chief Leary seconded. UNANIMOUSLY VOTED

- Fortune Teller's License: Allison Murphy – Homi's European Skin Care & Spa, 1284 Washington St.

Mr. Richards MOTIONED to table the matter as Ms. Murphy was not present. Chief Thomas seconded. UNANIMOUSLY VOTED

- Fortune Teller's License: Connielyn Coughlin – Homi's European Skin Care & Spa, 1284 Washington St.

Mr. Richards stated the departmental referrals reported no objection.

Mr. Richards made a MOTION to approve the application. Chief Leary seconded. UNANIMOUSLY VOTED

- Extension of Hours on New Year's Eve: The Sand Trap, 327 Bridge St.

Mr. Richards read the request in to the record, stating they had been approved for such a request in past years.

Mr. Richards made a MOTION of approval to allow The Sand Trap to extend their hours of New Year's Eve, December 31, 2006, to 2 AM. Service of alcohol is to cease by 1 AM.

UNANIMOUSLY VOTED

Chief Leary noted the request is for a private party.

- Extension of Hours on Christmas Eve & New Years Eve: Curtis Liquors, 486 Columbian St.

Mr. Martin Block, Michael's Wine & Spirits and Broad & Vine Liquors; Mr. Rick Curtis, Curtis Liquors and Mr. John Murray, Tower Liquors were present with the request.

Mr. Block stated they are requesting for an extension of hours on the Sundays prior to the Christmas and New Year's holidays. This is to be on an equal playing field as the surrounding towns. They are requesting to be able to remain open until 9 PM on the two Sundays instead of 6 PM. State laws allows for them to remain open until 11 PM with the Licensing Board's approval.

Chief Thomas voiced his objection, stating he felt there was no need for the stores to remain open for an additional three hours; although, he understood the need to remain competitive.

Chief Leary stated the issue is due to the fact that it lands on a Sunday, any other day of the week it wouldn't matter.

Chairman Fryer asked for action on the matter.

Chief Thomas made a MOTION to allow all package stores to remain open until 8 PM on Christmas Eve and 9 PM on New Year's Eve. Mr. Richards seconded. UNANIMOUSLY VOTED

- Fortune Teller's License: Virginia Drury – Angel Crossing, 440 Washington St.

Mr. Richards stated the departmental referrals reported no objection.

Ms. Terry Porter, owner of Angel Crossing, was present recommending Ms. Drury and Ms. McDonnell. She stated they are students of hers and powerful mediums.

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

- Fortune Teller's License: Deanne McDonnell – Angel Crossing, 440 Washington St.

Mr. Richards stated the departmental referrals reported no objection.

Ms. McDonnell stated she is a resident of Scituate and is looking for fulltime work at the same address as Ms. Drury.

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

- Fundraiser: Weymouth High School Strength & Conditioning, Inc.

Mr. Richards stated the request was submitted to have the event on New Year's Day, January 1, 2007 at Wessagussett Beach for their annual fundraiser.

- One-Day Wine & Malt Permit

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

- One-Day Food Vendor Permit

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

- One-Day Entertainment Permit

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

## **ANNUAL LICENSE RENEWALS**

- **All Alcoholic Restaurant**

Mr. Richards read the inspectional report from Officer King regarding All Alcoholic Restaurant licenses which stated all were found to be in compliance, except for Euro Café, 836 Washington Street, who will not be renewing their license and Cannolis, 920 Washington Street, is under construction.

Mr. Richards made a MOTION to approve the All Alcoholic Restaurant license renewals, with the exception of Euro Café. Chief Leary seconded. UNANIMOUSLY VOTED.

- **All Alcoholic Club**

Mr. Richards read Officer King's report stating all All Alcoholic Club licenses were in compliance.

Mr. Richards made a MOTION to approve the All Alcoholic Club license renewals. Chief Leary seconded. UNANIMOUSLY VOTED

- **All Alcoholic Package Store**

Mr. Richards read Officer King's report stating All Alcoholic Package Store licenses were in compliance.

Mr. Richards made a MOTION to approve the All Alcoholic Package Store license renewals. Chief Leary seconded. UNANIMOUSLY VOTED

- **Wine & Malt Restaurant**

Mr. Richards read Officer King's report stating Wine & Malt Restaurant licenses were found to be in compliance.

Mr. Richards made a MOTION to approve the Wine & Malt Restaurant license renewals. Chief Leary seconded. UNANIMOUSLY VOTED

- **Wine & Malt Package Store**

Mr. Richards read Officer King's report stating Wine & Malt Package Store licenses were found to be in compliance. He noted that Mini Market, 405 Middle Street, was under construction.

Mr. Richards made a MOTION to approve the Wine & Malt Package Store license renewals. Chief Leary seconded. UNANIMOUSLY VOTED

- **Common Victualler**

Mr. Richards read Officer King's report which stated as a result of his inspection all license holders were found to be in compliance and noted the following: Subway, 740 Middle Street, had gone out of business as well as Below Zero, 1235 Washington Street.

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

- **Food Vendor**

Mr. Richards read Officer King's reported stating that all Food Vendor licenses were found to be in compliance and Domino's Pizza, 583 North Street, was not renewing their license.

Mr. Richards made a MOTION to approve all Food Vendor license renewals. Chief Leary seconded. UNANIMOUSLY VOTED

- **Bowling Alley**

Mr. Richards read Officer King's report stating that all Bowling Alley licenses were found to be in compliance.

Mr. Richards made a MOTION to approve all Bowling Alley license renewals. Chief Leary seconded. UNANIMOUSLY VOTED

- **Annual Entertainment**

Mr. Richards read Officer King's report stating that all Annual Entertainment licenses were found to be in compliance.

Mr. Richards made a MOTION to approve all Annual Entertainment license renewals. Chief Leary seconded. UNANIMOUSLY VOTED

- **Sunday Entertainment**

Mr. Richards read Officer King's report stating that all Sunday Entertainment licenses were found to be in compliance.

Mr. Richards made a MOTION to approve all Sunday Entertainment license renewals. Chief Leary seconded. UNANIMOUSLY VOTED

- **Video Game**

Mr. Richards read Officer King's report stating that all Video Game licenses were found to be in compliance.

Mr. Richards made a MOTION to approve all Video Game license renewals. Chief Leary seconded. UNANIMOUSLY VOTED

- **Coin-Operated Device**

Mr. Richards read Officer King's report stating all Coin-Operated Device licenses were found to be in compliance.

Mr. Richards made a MOTION to approve all Coin-Operated Device license renewals. Chief Leary seconded. UNANIMOUSLY VOTED

- **Pool Table**

Mr. Richards read Officer King's report stating all Pool Table licenses were found to be in compliance.

Mr. Richards made a MOTION to approve all Pool Table license renewals. Chief Leary seconded. UNANIMOUSLY VOTED

- **Juke Box**

Mr. Richards read Officer King's report stating all Juke Box licenses were found to be in compliance.

Mr. Richards made a MOTION to approve all Juke Box license renewals. Chief Leary seconded. UNANIMOUSLY VOTED

- **Class I Auto Dealer**

Mr. Richards read Officer King's report stating all Class I Auto Dealer licenses were found to be in compliance.

Mr. Richards made a MOTION to approve all Class I Auto Dealer license renewals. Chief Leary seconded. UNANIMOUSLY VOTED

- **Class II Auto Dealer**

Mr. Richards read Officer King's report stating all Class II Auto Dealer licenses were found to be in compliance. He noted Payless Auto Sales, 469 Washington Street, would not be renewing their license as well as John J. Benson, 265 Bridge Street.

Mr. Richards made a MOTION to approve all Class II Auto Dealer license renewals. Chief Leary seconded. UNANIMOUSLY VOTED

- **Class III Auto Dealer**

Mr. Richards read Officer King's report stating all Class III Auto Dealer licenses were found to be in compliance.

Mr. Richards made a MOTION to approve all Class III Auto Dealer license renewals. Chief Leary seconded. UNANIMOUSLY VOTED

- **Lodging House**

Mr. Richards read Officer King's report stating all Lodging House licenses were found to be in compliance.

Mr. Richards made a MOTION to approve all Lodging House license renewals. Chief Leary seconded. UNANIMOUSLY VOTED

## **CHAIRMAN'S REPORT**

- Meeting Schedule

Mr. Richards announced the next meeting as Tuesday, January 23, 2007, to be held at 2 PM.

## **CORRESPONDENCE**

- Alleged Liquor Violation: B&K Liquors, 1212 Washington St.

Mr. Richards stated Officer King submitted a police report on an incident which occurred at B&K Liquors. The matter was scheduled for a hearing to be held on Tuesday, January 23, 2007.

## **NEW/OLD BUSINESS**

- Papa John's, 850 Washington St. – complaint

Chief Leary stated he received a phone call from Robert Thomas regarding a late night delivery.

Mr. Richards stated the matter has been documented and filed. Mr. Williams, Papa John's,



apologized for the incident.

**ADJOURNMENT**

Mr. Richards made a MOTION to adjourn the meeting at 3:05 PM. Chief Leary seconded.  
UNANIMOUSLY VOTED

Respectfully submitted by Lisa VanWinkle, Recording Secretary