

Minutes of the Board of Licensing Commissioners for their meeting held on Tuesday, December 23, 2008, at the Weymouth Town Hall, Chambers, 75 Middle Street

Attendance: Acting Chairman Jeffrey Richards, Director of Municipal Licenses & Inspections; Fire Chief Robert Leary; Acting Police Chief Brian Callahan; Daniel McCormack, Chemical Specialist; Town Solicitor George E. Lane, Jr., Licensing Officer Brian King and Lisa VanWinkle, Secretary

Chairman Richards called the meeting to order at 2 PM.

**APPLICATION OF NBG, INC. D/B/A BASTA BAR & GRILL FOR ADDITIONAL MACHINES ON THEIR VIDEO GAME LICENSE, 1166 WASHINGTON ST.**

Mr. Richards stated the application was withdrawn by the owner, Mr. Silvestro.

Officer King stated he submitted correspondence regarding violations of the licenses regarding a portable bar on the premises and excessive video games. He asked that the violation be heard as well as previously submitted incidents.

Mr. Richards entertained a MOTION to set up a hearing at the next meeting for the portable bar and excessive video games violations. Acting Chief Callahan moved the motion and Mr. McCormack seconded.

Solicitor Lane stated he would like to add the other incidents to the hearing as previously discussed on November 18<sup>th</sup>. The incidents involved serving an underaged person and to failure to send a 2<sup>nd</sup> person to the annual alcohol training.

Mr. Richards entertained the MOTION to include all incidents. Mr. McCormack moved the motion. Acting Chief Callahan seconded. UNANIMOUSLY VOTED

**STATUS RE: COMMON VICTUALLER LICENSE OF AZIZ AYDUGAN D/B/A RIVER CAFÉ, 24 COMMERCIAL ST.**

Mr. Richards stated the Board was informed of the business closure by Officer King. Correspondence was sent by Certified Mail to the establishment for an update; no reply was received.

Solicitor Lane asked Mrs. VanWinkle if their renewal had been submitted.

Mrs. VanWinkle replied it had not.

**APPLICATION OF BALJINDER SINGH D/B/A WEYMOUTH MARKET FOR A WINE & MALT PACKAGE STORE LICENSE, 784 BROAD ST.**

Mr. Richards read correspondence into the record received from the applicant, requesting for a continuance of the hearing so that requested plans could be filed for review.

Mr. Richards entertained a MOTION to open the public hearing. Acting Chief Callahan moved the motion. Chief Leary seconded. UNANIMOUSLY VOTED

Attorney Gregory Galvin was present representing Mrs. Elli Idaris, The Wine Cellar, 791 Broad Street, Weymouth, MA. He submitted a letter to the Board on behalf of the Idaris' objecting to the issuance of the license. He stated there are already six licenses in a close proximity. Supreme Court rules that a reason to grant a license is to serve the public good. This criteria has been met. Therefore, the Board may vote to deny the license.

Mr. & Mrs. Idaris spoke stating their store will be opening soon. They have been renovating and a new cooler has been ordered to be installed. They respectfully requested that the Board deny the application.

Mr. Terrance Gibbons, Essex Street, stated he has a concern with the proliferation of alcohol licenses in the town. He also offered concerns as to the fact that the location is located within close distance to public schools.

Mr. Richards entertained a MOTION to continue the public hearing to January 27, 2009. Acting Chief Callahan moved the motion. Chief Leary seconded. UNANIMOUSLY VOTED

**ALLEGED VIOLATION OF BOARD OF HEALTH REGULATIONS – DUMPSTER – JACKSON SQUARE DONUTS, LLC D/B/A DUNKIN DONUTS, 1540 COMMERCIAL ST.**

Mr. McCormack, Chemical Specialist—Health Department, gave an update to the Board. He informed the Board that it had been an ongoing issue and the trash removal company Allied Waste had been fined.

An abutter came forward noting the persistent issues resulting because of the location of Dunkin Donuts: traffic, moving violations, trash pick up, etc.

Mr. Richards stated if the issues persist to contact Mr. McCormack.

Mr. Richards entertained a MOTION to close the hearing without action. Chief Leary moved the motion. Acting Chief Callahan seconded. UNANIMOUSLY VOTED

**APPLICATION OF WOK-N-GRILL, INC. D/B/A PANDA PALACE FOR JUKE BOX AND SUNDAY ENTERTAINMENT LICENSE, 35 PLEASANT ST.**

Mrs. Sara Lin, owner, was present. She informed the Board that she would like to have a juke box at her establishment for the patrons.

Mr. Richards, Building Department reported no objection. He continued to read the departmental referrals into the record. The Health Department reported no objections. Lt. White reported no fire code violations were noted during a December 5, 2008 inspection. Officer King reported no public safety objection.

Mr. Richards entertained a MOTION to approve a Juke Box license. Chief Leary moved the motion. Acting Chief Callahan seconded. UNANIMOUSLY VOTED

Mr. Richards entertained a MOTION to approve a Sunday Entertainment license for a Juke Box.

Chief Leary moved the motion. Acting Chief Callahan seconded. UNANIMOUSLY VOTED

**APPLICATION OF THREE STAR FOOD CORP. D/B/A SUBWAY FOR A COMMON VICTUALLER LICENSE, 740 MIDDLE ST.**

Mr. Iqbal Salewala, Franchisee, was present.

Mr. Richards stated the use of a portion of the premises as a restaurant is permitted in the B-1 Zone in which it is located. Adequate parking is provided for the addition of 12 seats in the existing retail store. Accordingly, the application conforms to all applicable requirements of the Town's Zoning and Building Regulations and therefore, the requested change of ownership may be granted. He continued to read the departmental referrals into the record. Mrs. Mary Williamson, Health Department reported she hadn't heard from the applicant; paperwork, fees and certifications needed to be submitted. Officer King reported no public safety objection as there is no physical change at the location. Lt. White reported tenant space was inspected on November 18, 2008 for annual renewal and no fire code violations were noted.

Mr. McCormack stated Mrs. Williamson is working with the proposed owner; there are no outstanding issues.

Mr. Richards questioned the applicant if there would be any physical changes.

Mr. Salewala replied no.

Mr. Richards opened the public hearing for comment; none.

Chief Leary made a MOTION to approve the Common Victualler license to Three Star Food Corp. d/b/a Subway at 740 Middle Street. Acting Chief Callahan seconded. UNANIMOUSLY VOTED

**APPLICATION OF SANJIB RAYAMAJHI D/B/A 7-ELEVEN 32487C FOR A FOOD VENDOR LICENSE, 1453 COMMERCIAL ST.**

Mr. Richards read correspondence into the record from 7-Eleven, Inc, asking for the withdrawal of the application. Mr. Marino made a MOTION to withdraw the application without prejudice. Chief Leary seconded. UNANIMOUSLY VOTED

**APPROVALS**

- Minutes: November 18, 2008

Chief Leary made a MOTION of approval. Acting Chief Callahan seconded. UNANIMOUSLY VOTED

## **CALENDAR YEAR 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

Mr. Richards entertained a MOTION to approve the All Alcoholic Restaurant license renewals. Chief Leary moved the motion. Acting Chief Callahan seconded. UNANIMOUSLY VOTED.

- **All Alcoholic Club**

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

Mr. Richards entertained a MOTION to approve the All Alcoholic Club license renewals. Chief Leary moved the motion. Acting Chief Callahan seconded. UNANIMOUSLY VOTED

- **All Alcoholic Package Store**

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

Mr. Richards entertained a MOTION to approve the All Alcoholic Package Store license renewals.

Chief Leary moved the motion. Acting Chief Callahan seconded. UNANIMOUSLY VOTED

- **Wine & Malt Restaurant**

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

Mr. Richards entertained a MOTION to approve all Wine & Malt Restaurant license renewals. Chief Leary moved the motion. Acting Chief Callahan seconded. UNANIMOUSLY VOTED

- **Wine & Malt Package Store**

Mr. Richards read Officer King's report stating all Wine & Malt Package Store licenses were in compliance.

Mr. Richards entertained a MOTION to approve the all Wine & Malt Package Store license renewals. Chief Leary moved the motion. Acting Chief Callahan seconded. UNANIMOUSLY VOTED

- **Common Victualler**

Mr. Richards read Officer King's report stating all Common Victualler licenses were in compliance. He noted that Classic Pizza, 1305 Pleasant Street, was out of business; New England Wildlife Center, 500 Columbian Street, was not renewing; Previte's Meats, 1348 Washington Street, had not opened for business yet; River Café, closed; Noodle Planet, 1025 Main St. and Grille Eighteen, 119 Main St. failed to submit their renewal application to date.

Mr. Richards entertained a MOTION to approve Common Victualler license renewals except those noted. Acting Chief Callahan moved the motion. Chief Leary seconded. UNANIMOUSLY VOTED

Officer King stated Grille Eighteen and Noodle Planet may operate until December 31, 2008.

- **Food Vendor**

Mr. Richards read Officer King's reported stating that all Food Vendor licenses were found to be in compliance.

Mr. Richards entertained a MOTION to approve Food Vendor license renewals. Chief Leary moved the motion. Acting Chief Callahan 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 entertained a MOTION to approve Bowling Alley license renewals. Chief Leary moved the motion. Acting Chief Callahan 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 entertained a MOTION to approve Annual Entertainment license renewals. Chief Leary moved the motion. Acting Chief Callahan 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 entertained a MOTION to approve Sunday Entertainment license renewals. Chief Leary moved the motion. Acting Chief Callahan seconded. UNANIMOUSLY VOTED

- **Video Game**

Mr. Richards read Officer King's report stating that all Video Game licenses were found to be in compliance, except Basta Bar & Grill, 1166 Washington Street, found to have more and different machines than licensed for.

Mr. Richards entertained a MOTION to approve Video Game license renewals except those noted. Chief Leary moved the motion. Acting Chief Callahan 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 entertained a MOTION to approve Coin-Operated Device license renewals. Chief Leary moved the motion. Acting Chief Callahan 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 entertained a MOTION to approve Pool Table license renewals. Chief Leary moved the motion. Acting Chief Callahan 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 entertained a MOTION to approve Juke Box license renewals. Chief Leary moved the motion. Acting Chief Callahan 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 entertained a MOTION to approve Class I Auto Dealer license renewals. Chief Leary moved the motion. Acting Chief Callahan 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.

Mr. Richards entertained a MOTION to approve Class II Auto Dealer license renewals. Chief Leary moved the motion. Acting Chief Callahan 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 entertained a MOTION to approve Class III Auto Dealer license renewals. Chief Leary moved the motion. Acting Chief Callahan 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 entertained a MOTION to approve Lodging House license renewals. Chief Leary moved the motion. Acting Chief Callahan seconded. UNANIMOUSLY VOTED

## **CHAIRMAN'S REPORT**

- Next Meeting: January 27, 2009

Mr. Richards noted the next meeting was scheduled for Tuesday, January 27, 2009 to be held at 2 PM in the Chambers.

## **CORRESPONDENCE**

- Mass State Lottery Commission – Keno-to-Go: Jenny's Food Market, 992 Middle St.

Mr. Richards read the correspondence into the record from the State Lottery Commission. There was no objection of the Board.

- Mass State Lottery Commission – Keno-to-Go: Tedeschi's #388, 474 Columbian St.

Mr. Richards read the correspondence into the record from the State Lottery Commission. There was no objection of the Board.

## **NEW/OLD BUSINESS**

- Fire Code Compliance: Basta Bar & Grill, 1166 Washington St. & Next Page Café, 550 Broad St.

Chief Leary read Lt. White's report into the record regarding an inspection performed at Basta Bar & Grill and Next Page Café on December 5, 2008.

Chief Leary made a MOTION to support Lt. White's requirement that the Next Page Café have a signed contact with date certain of completion within 60 days. The contract should be delivered to the Fire Department.

Mr. Richards entertained a MOTION for a letter to be sent to the Next Page Café notifying them of the 60 day compliance requirement. Chief Leary moved the motion. Acting Chief Callahan seconded. UNANIMOUSLY VOTED

Chief Leary also read Lt. White's report regarding the inspection of the Basta Bar & Grille which recommended that if the licensee doesn't comply by December 31, 2008, the licenses shall be subject to suspension by the Board at a hearing.

Mr. Richards entertained a MOTION that a letter is sent to the licensee asking for compliance of Lt. White's requirements prior to December 31, 2008. If not in compliance by date certain, licensee will be brought in for a hearing. Chief Leary moved the motion. Acting Chief Callahan seconded. UNANIMOUSLY VOTED

Solicitor Lane requested that a draft of specific charges be available.

- Alcohol Awareness Training

Officer King noted that three licensees did not have two representatives attend the mandatory training as required. (Wessagusset Yacht Club, Basta Bar & Grille & Cannolis)

Solicitor Lane stated they must be notified of the requirement and mandate that they attend a future training at their own cost. Failure to comply would be a cause for the Board to revoke their license.

Acting Chief Callahan moved the MOTION. Chief Leary seconded. UNANIMOUSLY VOTED

## **ADJOURNMENT**

Chief Leary made a MOTION to adjourn at 3 PM. Acting Chief Callahan seconded. UNANIMOUSLY VOTED

Respectfully submitted,

Lisa VanWinkle,  
Recording Secretary