

Gloucester Licensing Board –Meeting Minutes – November 10, 2015

Board Members
Meredith Fine, Chair
John S. Rando, Jr.
Michael Lane

Attendees: Meredith Fine, Michael Lane, John S. Rando, Jr. -Licensing Board Clerk: Mary-Ellen L. Feener

Licensing Board Chair, Meredith Fine called the Regularly Scheduled Meeting of the Licensing Board to order at 6:30 PM. The Meeting was held at 2 Dale Avenue at the Sawyer Free Library in the Weston U. Friend Room (ground floor).

PUBLIC COMMENT

There was no Public Comment.

PUBLIC HEARINGS

As Partners 786 Enterprise, Inc. – D/B/A Richdale – 120-22 East Main Street

The Public Hearing was opened at 6:31 PM by the Chair.

The Public Hearing was held so the Board could determine if the Annual Wine and Malt Package Store Liquor License should be suspended due to the recent past sale by the store to a minor.

The business is As Partners 786 Enterprise, Inc., doing business as Richdale and the store is located at 120-22 East Main Street, Gloucester, MA. The Manager/Owner of the establishment is Amjad M. Chaudhry.

City of Gloucester Police Officer Joseph Balbo was present and he shared with the Board Members an overview of the chain of events during the evening of the arrest.

Officer Balbo had brought to the meeting and showed the Board Members the driver's license used to purchase alcohol by the minor. Officer Balbo stated the driver's license used was a fake State of Maine ID.

Representing the store owner was Attorney Thomas Truax, 530 Loring Ave., Salem, MA. Attorney Truax explained he had just recently been hired by the Manager/Owner and he spoke with the Board Member on behalf of his client.

The Store clerk stated he had been employed by Richdale for 2 weeks prior to the incident and that he worked seven days a week. He said he had seen the individual a few times since he was hired; every Friday and Saturday night when it was busy.

The Clerk said he checked all IDs and that during this incident the Clerk said the picture on the driver's license did match. The Clerk said he did check the ID book. The Clerk said the officer was incorrect about what was purchased; he remembers the young man purchased Corona not Bud Light. The Clerk said he was asked by the Officer if had seen the car in the parking lot. The Clerk said no, he had not noticed the car; it was dark.

The Manager/Owner said the store does have a video camera but the store doesn't have the video available.

The Chair asked if the Manager had thought that saving the video would have been prudent. Attorney Truax had said that the Officers in Lynn suggest a store owner saves the video when there is an incident. Officer Balbo said he had not suggested the video be kept.

Attorney Truax said that the store owner has recently purchased an ID scanner.

The Healthy Gloucester Collaborative sponsors trainings for Retail Establishments and Mr. Lane asked if the Store Owner or the Employees had attended one of the trainings. He said felt they would not be standing before the Board now if they had been to the trainings.

The Manager/Owner said that most of the employees are family members and that trainings can be expensive.

Mr. Lane explained the fact that the trainings are free and he suggested that the store owner and manager should network with the other store owners or contact the Healthy Gloucester Collaborative for more information regarding trainings.

The Clerk said he was TIPS certified and that his uncle (the Manager/Owner) also trained him.

Mr. Lane said that he is in the store a lot and he notices that the employees and the owner are hardworking individuals. He said that what has been done by the manager and the employees

was due to the fact they are 'woefully' untrained and he hoped that they would begin to attend trainings.

Dan Driscoll, 3 Fort Avenue, spoke in favor of the store Manager/Owner and the employees and he said he felt that the store employees should be given a second chance.

Karen O'Donnell, 3 Orchard Road, Gloucester, said that she has seen the store owner and employees card people (ask for legal identification). She has said that she has witnessed occasions when they had saved video when someone steals from the store and after they have contacted the Police Department they have not had any response from the Police Department and she could empathize with their level of frustration when regarding videotaping the premises and she asked if this was perhaps why the owner did not have video from the night when the minor purchased alcohol.

The Public Hearing was closed at 7:00 PM.

The Board Members deliberated about what they had heard during the Public Hearing.

Mr. Lane made a motion to suspend the license of the Liquor License of As Partners 786 Enterprise, Inc. d/b/a Richdale located at 120-22 East Main Street for three days. The suspension may be stayed by an Appeal to the ABCC.

Mr. Rando seconded the motion.

The motion was approved unanimously.

J & MEM LLC - D/B/A Giuseppe's – 2 Main Street

The Public Hearing was opened at 7:05 PM by the Chair.

The Public Hearing was held so that the Board could determine if the Licensee has ceased to conduct the Licensed Business. The name of the business is J & MEM LLC, doing business as Giuseppe's and it was located at 2 Main St, Gloucester, MA. The last approved manager of the establishment was Joseph Gnerre.

Attorney Mark Nestor, 45 Middle Street, Gloucester, MA, was present representing the owner(s) of Giuseppe's.

Attorney John Cunningham, 59 Main Street, Gloucester, MA, was present representing the new possible tenant.

The Attorneys requested that a decision by the Board be postponed due to the fact that the landlord has found a new restaurateur who would like to open a restaurant in the location. According to the two attorneys present a Purchase and Sales agreement has been fully executed. The attorneys stated that a Transfer of License application will be submitted as soon as possible.

The Public Hearing was closed at 7:07 PM.

Ocean View Inn – 171 Atlantic Road

The Public Hearing was opened at 7:08 PM by the Chair.

The Public Hearing was held so that the Board could determine if the Licensee has ceased to conduct the Licensed Business. The name of the business is OVL LLC, and previously was doing business as the Ocean View Inn. The property has not been open to the public since the current owner purchased the property. A bank had been the seller when the current owner purchased the property. The last named Licensee for the property was Peter L. Bershad. The Liquor License is an Annual All Alcohol Restaurant and the Description of Premise on the License is, "Main Building Only; Dining Room, first floor known as Manor House, 5 Exits".

Craig Miller, the current owner of the property was present.

The owner presented a brief history of the property upon his purchasing it in January 2014. He said his current intent was to develop the property into condominium units and that if he was unable to obtain the necessary permits/approvals that he wanted to be able to consider opening the Inn and serving alcohol. He stated that he had recently submitted a plan to the City for review and approval.

The Chair asked the owner if there was written evidence that the liquor license transferred from the original owner. The owner said he had a document from the bank upon the purchase which had a general inclusion of everything in the bill of the sale. He had not brought a copy of the document to the meeting this evening.

John Rando said that a year ago when the bank sold the property the Board had asked for verification from the previous owner/the bank.

The Board discussed the fact that they would like to see written verification that the Liquor License had been transferred from the previous owner through the bank to the current owner.

Mr. Lane made a motion to continue the Public Hearing until the next meeting.
JR seconded the motion.
The motion was approved unanimously.

At 7:18 PM the Public Hearing was continued to the next meeting scheduled to be held on December 8, 2015.

Ristorante Trattoria LLC – 60-64 Main Street

The Public Hearing was opened at 7:19 PM

The Public Hearing was held so that the Board could determine if the Licensee has ceased to conduct the Licensed Business. The business is Ristorante Trattoria LLC, doing business as La Trattoria and it was located at 60-64 Main Street, Gloucester, MA. The last approved Manager was Pera Orlando and she was present at the meeting. The owner Peter Cusenza was also present.

Attorney Deborah Eliason, 63 Middle Street, Gloucester, MA, was present and representing the interests of the owner of the restaurant Peter Cusenza.

Attorney Eliason shared with those present and the Board a brief history of the efforts the owner has gone through to sell the liquor licenses.

Attorney Eliason shared with the Board an Affidavit of the efforts of the owner to sell.

Attorney Eliason said that the concern she and her client had was that due to the scrutiny of the Board regarding the use of the Licenses and the potential loss of them potential buyers were opting to wait to see what the Board decided before they purchased the licenses for the market value.

Attorney Eliason said she has spoken to General Counsel for the ABCC and they said they have a precedence/unwritten policy of giving someone at least 6 months to sell a license

Chair Fine said she was not sure if more time ^{would} ~~does not~~ solve the problem. Attorney Eliason said that if the Board takes away the Licenses then what the Board is saying to other Licensees that their license is not valuable.

Attorney Eliason said that the owner of the licenses have been trying to actively sell the licenses.

The restaurant closed in January of 2015.

Attorney Eliason asked that the Board allow the owners six months to sell the Licenses.

The Public Hearing was closed at 7:28 PM.

The Board Members discussed the situation.

Mr. Rando made a motion to continue to the January 2016 meeting.

Mr. Lane seconded the motion.

The motion was approved unanimously.

Tavern Management Corporation – 30 Western Avenue

The Public Hearing was opened at 7:34 PM by the Chair.

The Public Hearing was held so that the Board could determine if the Licensee has ceased to conduct the Licensed Business. The name of the business is the Tavern Management Corporation doing business as the Tavern on the Harbor and it is located at 30 Western Avenue, Gloucester, MA, Manager: Joseph L. Talty. The Liquor License is an All Alcohol Restaurant License and the Description of Premise on the License is, "Full service restaurant, bar, cocktail lounge, function rooms and kitchen and storage facilities. Entrance and exit located on each floor.

The owner Joseph L. Talty was not present. Attorney John Coyne, 50 Congress Street, Boston, MA, representing the owner was present. Dawn Caraway, of Gould Court, Gloucester, was also present. She is the current hired Manager.

Attorney Coyne shared a brief history of the restaurant and the license.

Ms. Caraway shared with the Board a brief synopsis of her employment history in the hospitality/restaurant business.

Ms. Caraway explained the bar is open to the office tenants on the second floor all times and when there isn't a function she posts on FaceBook that the bar is open.

Ms. Fine asked if there was a pending sale of the business/property. Attorney Coyne said there was not.

Ms. Fine stated the approved license is for a Restaurant. The Board asked when the restaurant was open. Ms. Caraway said from 1-5 PM except there was a function and she said the restaurant served food; light fare.

Brian Hamilton, 6 Lawrence Mountain Road, said he had known Ms. Caraway for a long time and thought of her in high regard and that he and Andy McDougal, owner of the local establishment Dog Bar, were able to walk into the front door of The Tavern and ate at the restaurant.

Mr. Lane asked Attorney Coyne that for the greater good of the public wouldn't it be better to allow the public to visit the restaurant whenever they want to visit. The Attorney responded.

The Chair read for the public and the attorney the Description of Premise as stated on the ABCC application and on the previously approved Liquor Licenses for the establishment.

Mr. Lane asked the Manager what she considered to be a full service restaurant and she replied one with staff and food.

The Public Hearing was closed at 8:49 PM.

The Board deliberated on the testimony and written correspondence which they had heard and read regarding this Liquor License and the establishment.

Mr. Lane said if they really wanted to be a full service restaurant he would think the restaurant would want to be open. He said during Fiesta 2015 the parking lot for the property was chained off from use and there were two Security Guards posted at the parking lot entrance.

Mr. Lane made a motion that the Board make a determination is the Tavern Management Corporation doing business as the Tavern on the Harbor, located at 30 Western Avenue, Gloucester, owned by Joseph L. Talty, has ceased to conduct the business for which they were given a Liquor License was an All Alcohol Restaurant and the licensed will be cancelled as December 21, 2015. The suspension may be stayed by an Appeal to the ABCC.

Mr. Rando seconded the motion.

Motion passed unanimously.

Continuation of a Public Hearing Topside Grill & Pub – Alteration of Premise – 50 Rogers Street

The Public Hearing had been continued from the October 13, 2015. The Alteration of Premise was to use a portion of sidewalk is approximately 9 ½' by 28' and for six (6) tables and twenty (20) chairs; for no more than twenty (20) patrons. The area is to be enclosed by an approximately 3 ½ foot high fence which will have one opening for entrance and exit. The owner had been asked to submit a new sketch with the seating design which he did. The Board reviewed the sketch and stated they would approve the application with the new table arrangement.

Continuation of Topside was started at 8:11 PM
Doug Silva present and he discussed with the Board

The Public Hearing was closed at 8:15 PM.

Mr. Rando made a motion to approve the Alteration of Premise application for the Topside Grill & Pub, 50 Rogers Street.

Mr. Lane seconded the motion.

The motion was approved unanimously.

EASTERN POINT YACHT CLUB – NEW OFFICER/DIRECTOR APPLICATION – 125 EASTERN AVENUE

Mr. Rando recused himself from voting due to the fact that he is a member of the Eastern Point Yacht Club.

Ms. Fine made a motion to approve the New Officer/Director Application for Eastern Point Yacht Club located at 125 Eastern Avenue.

Mr. Lane seconded the motion.

The motion was approved unanimously.

EXTENSION OF HOURS REQUESTS

Serenitee – Latitude 43 – December 31, 2015 – request to extend to 2 AM with a last call for alcohol service at 1:30 PM

Castle Manor Inn- December 12, 2015 – Requesting to have music until 11 PM for the Gloucester Fire Department Christmas party and on December 31st requesting to have music until midnight

Mr. Lane made a motion to approve the Extension of Hours Requests for Latitude 43 and for Castle Manor Inn.

Mr. Rando seconded the motion.

The motion was approved unanimously.

ANNUAL LIQUOR LICENSE RENEWAL APPLICATIONS

RESTAURANT ALL ALCOHOL AND COMMON VICTUALLER

1. AM INC. D/B/A DOG BAR
2. MITCH'S SPORTS BAR
3. GLOUCESTER ESPRESSO
4. JD & MYERS BEST FRIENDS
5. PARDO INC. – JALAPENOS

6. SENITI INC. – THE FRANKLIN CAPE ANN
7. MILE MARKER ONE LLC – CAPE ANN’S MARINA RESORT

Ms. Fine made a motion to approve the seven All Alcohol Restaurant and Common Victualler Licenses.

Mr. Rando seconded the motion.

The motion was approved unanimously.

RESTAURANT WINE & MALT REGULAR AND COMMON VICTUALLER

1. THAI CHOICE, INC.
2. J & A CAPE ANN BOWLING CENTER LLC – CAPE ANN LANES

Ms. Fine made a motion to approve the two Wine & Malt Regular and Common Victualler Licenses.

Mr. Lane seconded the motion.

The motion was approved unanimously.

PACKAGE STORE WINE AND MALT REGULAR

1. 3019 LLC – CAPE ANN CONVENIENCE
2. SAVOUR LLC
3. AS PARTNERS 786 ENTERPRISES, INC. – RICHDALÉ – 120 EAST MAIN STREET
4. MAGNOLIA CONENINCE CORP.
5. RAGAV INC. – BOULEVARD VARIETY
6. P.D. GLST. CORP – RICHDALÉ – 410 WASHINGTON STREET

Mr. Lane made a motion to approve the six Package Store Wine and Malt License Renewal Applications.

Mr. Rando seconded the motion.

The motion was approved unanimously.

PACKAGE STORE – ALL ALCOHOL

1. VINAY CORPORATION – ED’S MINI MART
2. GLOUCESTER CENTRAL PKG STORE, INC. – THE LIQUOUR LOCKER
3. MAD’S LIQUOR, INC. – LANESVILLE PACKAGE STORE

Mr. Rando made a motion to approve the three All Alcohol Package Store Applications.

Mr. Lane seconded.

The motion was approved unanimously.

MEETING MINUTES

Mr. Rando made a motion to approve the Meeting Minutes of June 9, 2015 and August 11, 2015 as written.

Mr. Lane seconded the motion.

Ms. Fine abstained from voting due to the fact she was not on the Board at the time.

MEETING ADJOURNED

Mr. Lane made a motion to adjourn. The motion was seconded by Mr. Rando.

The motion passed unanimously.

There being no further business to come before the Board, the Chair declared the meeting adjourned at 8:24 PM.

The next meeting of the Gloucester Licensing Board is scheduled to be held on December 8th, 2015 at Gloucester City Hall, 9 Dale Avenue, Gloucester MA