



**CITY of BEVERLY**  
**LICENSE BOARD**  
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**Mayor**

*Michael P. Cahill*

**Chairman**

*Richard S. Kelley, Esq.*

**Board Members**

*John Roccio*

*Joseph Trainor*

**Clerk**

*Martha A. Lewis*

**LICENSE BOARD MINUTES – MARCH 6, 2014**

The meeting of the Beverly License Board was called to order on Thursday, March 6, 2014 in the City Council Chambers at 6:30 pm.

In attendance at the meeting were: Board Members Richard Kelley, John Roccio, Joseph Trainor, Police Liaison Sgt. William Page and Clerk, Martha Lewis.

Meeting was called to order at 6:30 pm by Chairman Kelley.

1. Approval of the Minutes – Minutes of the meeting for February 6, 2014 were reviewed. Mr. Roccio made a motion to accept minutes as submitted. Mr. Trainor seconded the motion. Motion passed 3 – 0.

2. Application for Change of Manager – Mascot Inc. dba Sunoco APlus, Dahhani Abdulghani, Manager

Mr. Abdulghani identified himself as the proposed manager. The Board reviewed his personal information form and manager application.

Chairman Kelley asked him to describe his experience. Mr. Abdulghani stated that he has worked at the store for seven years. He has served in a manager capacity. He has been responsible for the supervision of staff.

Clerk reported that the CORI came back with no issues. Having no further questions, Mr. Roccio made a motion to approve the application for a change of manager to Mr. Abdulghani. Mr. Trainor seconded the motion. Motion passed 3 – 0.

3. Application for Transfer of License and Pledge of License – Griffin Kelley dba Kitty O'Sheas to 238 Cabot Street LLC dba The Indo, Michael Coen, Manager

Michael Coen and Steve Murphy, applicants were both present. The Board reviewed the application. Chairman Kelley asked about their experience in the restaurant business. They have been owners of The Gaff in Waltham since 2009. Mr. Coen is the manager.

Mr. Coen will be the manager at the Indo. It will have a similar set-up and is the same size. Mr. Kelley asked if they intend to offer music. They answered in the affirmative, but there will not be music every night. They will also offer trivia and open mike night.

Chairman Kelley asked if they were both trained. Both Mr. Coen and Mr. Murphy are TIPS certified.

Mr. Roccio asked how they will maintain a presence at both locations, who will be in charge? They stated there would always be a manager on premise. He then asked when they would be opened for business. Opening will be dependent on transaction which includes the real estate and business along with a pledge of license.

Chairman Kelley asked if there would any changes made to the current layout. There are no changes planned. Chairman Kelley then asked if there were any one present from the public. There was no one present from the public. Mr. Murphy presented the "green certified receipt cards" to the Clerk. Clerk reported that the CORI for Mr. Coen and Mr. Murphy were clear.

Having no further questions, Mr. Trainor made a motion to approve the transfer of all alcohol license and pledge of license to 238 Cabot Street LLC dba The Indo, Michael Coen, Manager. Mr. Roccio seconded the motion. Motion passed 3 – 0.

1. Continuation of discussion regarding the Non-renewal of License issued to G & S Sports, Inc. dba Sports Page Pub, Raymond Howell Manager.

Also present was Attorney Tom Alexander and Mr. Angelo Perrina from Toscana Express, LLC.

Chairman Kelley reported that the Board had received a written opinion from the City Solicitor, Stephanie Williams. The opinion confirmed that due to the failure to renew the annual license issued to G&J Sports, Inc. dba Sports Page Pub, the license has been revoked and returned to the City.

He further stated that going forward there may be a new procedure in terms of when a license becomes available and how it would be distributed. There may be a notification to the public from the City requesting interested applicants submit a proposal for the license. In light of the uncertainty, the matter of the available all alcohol license a continuation until the procedure and process is put in place.

Attorney Alexander stated that new policies and procedures are usually put in place prior to a license becoming available. He cited due process under the existing procedure of "first-come, first-serve" applies and the new procedure would apply to licenses that may become available in the future.

Chairman Kelley responded that indeed in the past the procedure has been first-come, first-serve as long as the applicant is qualified. The City does not keep a waiting list and seldom is any license returned. He further explained that he did not think it was unreasonable to take a more measured approach going forward including the now available license. Attorney Alexander's client has a seasonal license and it is understood

that the client would like an annual license. The City needs to decide the process for the distribution of the license. He will have the right to apply for the license, but the public needs to be notified that there is a license available.

Mr. Trainor reminded all that this was not a new discussion as the matter of new procedure for the distribution of licenses were discussed in a City Council meeting and subcommittee meeting several months ago.

(Editor's note: City Council meeting held on August 5, 2013 and Legal Affairs Subcommittee meeting held on September 9, 2013)

Chairman Kelley stated to Attorney Alexander and Mr. Perrina that at this time the Board does not have a timetable, but the Board is available for input. The license is a valuable asset.

He also asked Mr. Perrina when he planned to open his restaurant. Mr. Perrina stated in April, in a month and one-half.

Chairman Kelley asked for further comments. Hearing none, the discussion ended.

Mr. Trainor made a motion to confirm the discussion that policies and procedures be established in the distribution of license in order to award any available licenses. Mr. Roccio seconded. Motion passed 3 – 0.

2. Beverly Main Streets, Gin Wallace: Block parties and Outdoor Dining

Ms. Wallace reviewed the Outdoor Dining Pilot Program that was in effect June – October 2013. While three restaurants were originally committed to participate, only one actually operated an outside dining area – Prides Osteria on Rantoul Street. There were no issues reported during the season. The program was to be reviewed and a new ordinance was going to be drafted by Councilor Scott Houseman in the Fall. But with the limited participation and the change in administration, Beverly Main Streets with the support of Councilor Houseman are requesting that the Pilot Program be extended for an additional season: June – October 2014.

Councilor Houseman was in attendance. He stated that the Council is enthusiastic of the program. He and Gin Wallace are looking for solutions to logistics – namely, how the address the need for wider sidewalks so as to afford establishments that do not have to required width of the sidewalk in front of their establishment to participate. Councilor Houseman indicated that he would work with City Solicitor Stephanie Williams to research the change of ordinances. The Outdoor Dining Program will also be discussed at the March 17<sup>th</sup> City Council meeting.

There being no further action required other than the License Board to act on new applications to an extend of licensed premises of participating establishments.

Mr. Trainor made a motion to approve/extend the Outdoor Dining Pilot program as approved for 2014. Mr. Roccio seconded the motion. Motion passed 3 – 0.

Ms. Wallace then presented the plans for three Block Parties. The proposed dates are July 12, August 2 and October 4<sup>th</sup>. The City and Mayor Cahill has committed to pay for the costs of the police and public services department.

In addition to a third date this year, the organizers are proposing that the area in which beer and wine is served be expanded to run from Federal Street to Pond Street. The beer and wine will be served at the Federal Street end and there is a music stage at the Pond Street end. Last year, there was a fenced in area in front of 248 Cabot Street. The response was tremendous and the area was often filled to capacity with lines to get into the area. In addition, patrons could not hear the music because it was at the opposite end. Police Chief John LeLacheur and Sgt. Russ Rollins have reviewed the proposed area and the access points. There will be signs posted at those areas advising guests not to go beyond that point with an "open container". Police and volunteers will also monitor the crowd.

Chairman Kelley reported that he volunteered at the block parties last year. He found it was a family-oriented crowd with kid activities. He was in favor of trying the larger area. He asked how many police would be present. Ms. Wallace reported same as last year – five, however, she would leave the final decision up to the Police Chief to decide.

Sgt. Page expressed a couple of concerns: there are a few restaurants within the block party area. He mentioned the need to control restaurant patrons from not leaving those establishments with drinks. He proposed that the Block Party organizers order and utilize imprinted cups, distinct in color, so it would be obvious if someone left an establishment with their drink, also so people could not "bring their own solo cup" in with them. Also, he mentioned the bracelet system had been used at an event at the Spear Post and it failed to prevent underage drinking. He stated that is difficult to prevent someone with a bracelet from purchasing a drink and handing it to someone in the crowd who may be underage. It was Sgt. Page's opinion that more police may be needed to monitor the crowd and to provide support to volunteers who are posted at the entrances.

Chairman Kelley agreed that it may be necessary to increase the number of officers to handle a larger crowd. Councilor Houseman commented that last year as it got darker, families went home and the crowd shifted to a more adult crowd.

Ms Wallace let the Board know that all restaurants were invited to participate as food vendors. She stated that Café Salerno and Henry's would once again be serving wine and beer. To that end, she requested that the establishments within the block party area, namely Soma, Kame' and the Barrel House, not be allowed to apply for a one-day license to extend their licensed premises outside.

She also stated that the Block Parties would run from 5:30 pm to 9:30 pm, last call would be at 9:00 am.

Sgt. Page suggested that the larger area be contingent to adequate staffing and the proposed one-day license for the second and third block party be approved only after an evaluation of the first date be assessed.

Mr. Trainor made a motion to support the block parties, contingent to adequate staffing as recommended by the Police Chief with an evaluation to be made after the first date. Mr. Roccio seconded. Motion passed 3 – 0.

3. One-Day Applications

Ten applications were received and reviewed. All were within the four-hour maximum time limit. Mr. Roccio made a motion to approve the ten applications. Mr. Trainor seconded the motion. Motion passed 3 – 0.

Hearing no further business, Mr. Roccio made a motion to adjourn the meeting. Mr. Trainor seconded the motion. Meeting adjourned at 7:50 pm.

Next meeting is scheduled for Thursday, April 3, 2014 at 6:30 pm in City Council Chambers, Third Floor, City Hall, 191 Cabot Street.

Respectfully yours,



Martha A. Lewis, Clerk