



LICENSE BOARD
191 Cabot Street
Beverly, MA 01915

Richard S. Kelley, Esq., Chairman
John Roccio
James Duggan

LICENSE BOARD MINUTES – JULY 11, 2013

The meeting of the Beverly License Board was called to order on Thursday, July 11, 2013 in the City Council Chambers, Third Floor at 6:30 pm.

In attendance at the meeting were: Board Members Richard Kelley, John Roccio, James Duggan and Clerk Martha Lewis.

Absent: Police Liaison Sgt. Page

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

City Solicitor Roy Gelineau requested to address the Board Members at the beginning of the meeting.

Solicitor Gelineau stated that it had been brought to the attention of the City that the composition of licensing board was inconsistent with the State Law which requires that one member to be appointed from each of the two leading political parties.

Solicitor Gelineau has been in contact with ABCC Counsel William Kelley. Atty. Kelley confirmed the law and commented that the issue has come up with many other communities. He further explained that as long as the outcome of any vote taken was 3 – 0 or 2 – 0, those votes were consistent with the law. For any vote taken where the outcome was 2 – 1, those votes can be ratified by the board in the future.

Solicitor Gelineau advised the Board that any vote taken during this evening's meeting where the outcome is 3 – 0 vote, there was no concern. However, if it appeared that any matter discussed tonight were to have an outcome of 2 -1 vote, his advice was that the Board take no action.

A discussion among the Board Members regarding their political party affiliation followed. The Board acknowledged Solicitor Gelineau's advice and moved forward with the agenda.

1. Approval of the minutes -- Minutes of the meeting for June 13, 2013 were reviewed. Mr. Roccio made a motion to accept the minutes as submitted. Mr. Duggan seconded the motion. Motion passed 3 – 0.
2. Application for a new Seasonal Wine & Malt Beverage License – Wicked Art Bar, 95 Rantoul Street – Alexandra Terista, Manager

Representing the applicant was Atty. Thomas Alexander. Atty. Alexander introduced Alexandra Terista and Renee Gannon as the owners of Wicked Art Bar.

The concept is for patrons to sip while Instructor teaches art lesson. There is a bar in back of room. Each patron has a chair, easel and small workspace. Emphasis is having fun in creative environment, focus on art not alcohol.

Location is the old Porter Sewing Machine building. For 10 years the building has become an artist mecca. Several other artists are in building. The cultural orientation is marketed to attract vitality to the downtown.

The owners both have local roots. Ms. Gannon is a graduate of Beverly High School and is currently director of marketing at Salem State University Enterprise Center. Her past experience includes server and catering coordinate at Uno Bar & Grill. Several years ago while in California she did have an OUI. She was 24 years old at the time and has had no issues or even a traffic ticket since that time.

Alexandra Terista will be the manager of record. She is a native of Danvers and served in the Navy as an Officer, having completed two deployments. She currently serves in the Naval Reserve.

Atty. Alexander then distributed marketing package to Board. Wicked Art Bar supplies instructor and art supplies. After a couple of hours, patrons take home art. He stated that the Mayor was intrigued by the concept.

Atty Alexander explained why the issuance of this license makes sense. He listed several points:

The area of Rantoul Street is the area where new condos are being built and there is much going on in the neighborhood including the new commuter rail parking garage and the planned reconstruction of Route 1A resulting in a new streetscape.

Seasonal licenses are issued to service increased population. Wicked Art Bar's location is in close proximity to Salem and would draw from Beverly Farms, Centerville, North Beverly, Wenham, Danvers and other surrounding communities. Furthermore, it helps economic development, as licenses are an effective engine and bring improvements to area.

Chairman Kelley stated that the Board has an unresolved opinion of seasonal licenses as they were originally meant to be issued to serve the increase in population. This venture could be tied to the increasing Arts community/and location in beltway area of the City.

He asked how many nights they would be open and asked about the number of classes scheduled. Ms. Terista responded that the current plan was to be open for 5 nights per week. There would be 5 – 6 classes scheduled – Thursday, Friday and Saturday evenings and a family class in the afternoon. Classes would run 2 – 2 ½ hours.

Atty. Alexander interjected that the population in this neighborhood has increased and will continue to increase dramatically with the ongoing building. In addition, he discussed how the City of Salem utilizes seasonal licenses as a tool to stimulate economic development. It ties in with the type of cultural orientation the City is looking to promote with good reason.

Chairman Kelley asked Ms. Terista if she would be serving as the manager of record and about her military service. She replied that was on active duty from 2005 – 2012. She is now in the reserves and participates in the weekend warrior program, requiring her to serve two weeks in the summer. Chairman Kelley then strongly recommended that she attend TIPS training course as she was to be the manager of record. He also asked if the business had opened and how many people could attend each class. Ms. Terista stated they were open for art classes only at this time, no alcohol is being served. Ideally, the maximum number in each class is 30.

He further questioned if the Mayor was considering this license for a permanent license in the future. Ms. Terista and Ms. Gannon have met with the Mayor to discuss the business plan and license. They hope to receive a permanent license at some point.

Mr. Roccio asked about the set up of the premises and where patrons would park. Ms. Terista referred to the photo in the marketing piece showing an easel and small workspace for each patron. The bar and snacks, prepared packaged food is available in the back of the room. There is off street parking in the neighborhood and when the commuter rail parking garage is completed, patrons can utilize the garage parking.

Mr. Duggan thanked Ms. Terista for the service to the Country. He asked if the business would accept “walk-in” customers. Ms. Terista explained that there is a on-line reservation system utilized. Mr. Duggan further questioned the oversight of alcohol, checks and balances and the frequency of food being provided. Ms. Terista answered that most patrons sip one beverage, many do not drink, the focus is on the art. As for food, pre-packaged, prepared snacks and food from a caterer is available. Chairman Kelley reiterated that the focus is on painting rather than drinking, alcohol is just an element to make it more enjoyable. Ms. Terista agreed with this assessment and stated that there are many similar establishments located closer to Boston and in New Hampshire. Many patrons do not drink at all; most have 1 – 2 drinks during one session.

Mr. Roccio summarized the hours of operations. Ms. Terista agreed that she doesn't expect classes to go beyond 9:00 pm; the space is cleaned up by 9:30/10:00 pm for closing.

Chairman Kelley asked about the bar service. The bartenders stay behind the bar, patrons go to the bar, no wait service at stations. Ms. Terista further stated that Renee Gannon has a current ServSafe certification from her prior employment at Uno Pizzeria.

Chairman Kelley then asked if there was anyone from the public who wished to speak for or against application.

Mr. Leo Murphy, resident of 95 Rantoul Street did. He stated that he purchased his condo in the same building in October 2012. The business did not exist at that time. He lives in the space 4 months of the year and was surprised upon his return in Spring of the business. He saw a flyer advertising bachelorette parties, private events, girls night out and has concerns about the liability issues particularly with alcohol being served. He questioned if something happens and the bar is sued, the condo association could potentially sue the city. He also is concerned with the potential noise if 40 persons were in bar he felt it could be loud and disruptive.

Chairman Kelley assured him that the License Board takes noise complaints seriously. If there are problems with noise, Mr. Murphy can contact the police and also notify the license board. The issue would be addressed. Mr. Murphy also asked about parking. He believes there is not enough parking readily available.

Chairman Kelley stated that the parking issue is not relative to the issuance of a license by the license board. Parking is a zoning issue. He reiterated that if Mr. Murphy has a concern with the noise, he can communicate that complaint to the License Board. This is not a bar. The activity is genteel. He is mindful of Mr. Murphy's concern but did not believe Mr. Murphy's complain would impact the approval.

Atty. Alexander assured Mr. Murphy that the owners of the Wicked Art Bar want to be good neighbors and work with the other occupants and residents of the building.

Mr. Duggan addressed Mr. Murphy's concern by stating that at \$35 per seat, the patrons intent would be to be creative, he did not believe that any private events held in the space would be chaotic. He reassured Mr. Murphy that the Board would not tolerate disruptive behavior.

Mr. Mark Peconis from the Beverly Chamber of Commerce spoke next. He is in favor of the license. He knows Ms. Gannon through her position at the Salem State Enterprise Center he has found her to coordinate events in a responsible way. He believes the venue and the concept is a good one and he stated that he had introduced the business to the Mayor. Further he stated the business is a member of the Chamber in good standing and added that the Chamber membership was very much interested in the venue.

Ms. Leslie Woodruff, resident of the building. She stated her unit was directly above the space. She stated she did have concerns about the parking in the neighborhood and also asked if someone could walk in off the street to order a drink.

Chairman Kelley responded that it would be a concern to the Board if alcohol were to become the focus of the business. If Ms. Woodruff found that to the case, she should make the License Board aware.

Councilor Maureen Troubetaris from Ward 1 spoke next. She is in support of the business. She stated that she has known Renee Gannon as a lifelong neighbor. She believe the business is a great idea and believed that this is exactly the type of business the City hopes to attract to downtown.

Next was Jesse Potvin of Marblehead, an artist who rents studio space in the building who stated that all the artists were in support of this business. It is a welcome addition to the offerings.

Mr. Ted Richard, owner of Unit 100 on the 1st floor and also owner of the building. He stated that Ms. Terista and Ms. Gannon came in with a concise business plan. The emphasis is on the art part of the business. While he is sensitive to Mr. Murphy's and Ms. Woodruff's concerns about noise and security, he will address any issue that becomes apparent.

Councilor Wes Slate from Ward 2 Vice President City Council talked about the positive changes in the building and the development in the area. He is fully supportive of the application and stated the business is exactly what the City Council is looking for. The parking issues are not new and the construction in the area and Rantoul Street will continue to cause some problems, but the end result will be an improvement in the quality of life and property values. This is a unique concept, he believes it will be a well run operation and does not anticipate any problems.

The Board then took a poll among members based of Solicitor Gelineau's earlier comments. Mr. Duggan made a motion to approve the license for a new Seasonal Wine & Malt Beverage License for Wicked Art Bar LLC. Mr. Roccio seconded the motion. Motion passed 3 – 0.

3. Application for a new Seasonal All Alcohol License – Toscana Express LLC dba Toscana Express, 90 Rantoul Street, Angelo Perrina, Manager

Representing the applicant was Atty. Thomas Alexander. Atty. Alexander explained that the location of the new restaurant is the old Goat Hill Grille. The two owners are Luccio and Silvana Perrina. Their son, Angelo Perrina will be the manager of record. It is a family operation. Currently, Angelo Perrina is the manager of record at their Peabody location. He will work full-time in Beverly.

Chairman Kelley asked if the Perrina's had purchased the real estate. Atty. Alexander responded that the Bankruptcy Trustee sold the restaurant and the real estate.

Chairman Kelley then asked if the restaurant in Peabody had any violations in the past. Mr. Perrina explained that there was one violation for serving a minor approximately five years ago. No suspension rendered but there was a warning issue.

Chairman Kelley asked about planned renovations to the establishment. Atty. Alexander explained that there would be extensive renovations to the interior. Eventually they may like to offer outdoor dining.

Mr. Roccio asked about the interior, specifically how big the bar would be and how many seats. Mr. Perrina replied that there would be 25 – 30 seats at the bar. Additionally, there would be high top tables throughout the restaurant.

Mr. Duggan had no further questions. Chairman Kelley then asked for anyone from the public to speak in favor or against.

Mr. Fitzgerald from 90 Rantoul Street was present. He stated he was looking forward to the restaurant but would be concerned if there were to be live entertainment.

City Councilor Wes Slate addressed the Board next. He stated that Mr. Perrina had met with the Mayor and him to discuss the restaurant. Mr. Perrina and the family had extensive experience in the business. Councilor Slate believes that the business is exactly the type of development the City is looking for. It would bring life to a currently vacant building in an area located next to the parking garage. He is fully in support of the application.

Chairman Kelley explained that the License Board needed to consider the seasonal license in respect to fairness to the other license holders. It has been the policy of the board to issue seasonal license to businesses that were truly seasonal. There was discussion among the Board members.

Mr. Roccio made a motion to approve the application for a seasonal all alcohol license from Toscana Express at 90 Rantoul Street. Mr. Duggan seconded the motion. Motion passed 3 – 0.

Chairman Kelley advised Mr. Perrina that he and all wait staff should be TIPS certified. It is the strict responsibility of the Manager to ensure that all staff is properly trained. In the event of a violation, the restaurant will be held accountable. He stated that the penalty for a first time violation would be a three-day suspension of the license.

4. Application for Alteration of Licensed Premises to include Outside Area – Franco American Club, 44 Park Street, William Gates, Manager

Mr. Gates addressed the Board. He stated that the Club hoped to extend the Club license to include an outside space with tables and chairs. He explained that it would complement horseshoe pits and a place for members and their guests to sit outside if they so choose.

Chairman Kelley stated that after reviewing the documents, he felt there were several issues that needed to be addressed. Specifically, the area must be condoned off. The layout presented did not provide enough details. Staff would be needed outside to monitor the area. In addition, there is no clear access from the building to the outside area.

Mr. Gates did not fully understand the process. He stated that there would be an employee stationed outside at all times. The area would be restricted to Club members. He explained the layout that showed that members would use the Club entrance all the way to the left for access outside.

Chairman Kelley reemphasized that the issue was the control of the area in which alcohol would be consumed.

Mr. Roccio agreed. He shared his concern for security as well as restrictions for members and their guests only. He is not amenable to the application as it stands.

Mr. Duggan stated that he would want a fence around the area.

Chairman Kelley then suggested to Mr. Gates that they Board not take action. He advised him that the Club submit better plans that includes details and photos of the area and information on the barrier around the area and how many tables would be. Mr. Roccio asked if there would be a bar outside or just seating? He indicated that submission of the requested information did not indicate approval, just the need for more details in order to fully consider the application.

There was no one from the public present to speak in favor or against the application. However, the Board did accept a letter from a neighboring business in favor. The Board postponed taking a vote and continued the hearing to the next scheduled meeting of the Board.

5. Bertucci's – New Officer/Director and Transfer of Stock. The Board received communication from the ABCC regarding the change of officer/new director and transfer of stock for Bertucci's. The ABCC has approved the documents. They have requested that the Local Board review the application and formally approve the application by signing the Form 43.

Mr. Duggan made a motion to approve the application from Bertucci's as presented. Mr. Roccio seconded. Motion passed 3 – 0. Form 43 signed by Board and transmitted to ABCC.

6. One Day Licenses – A total of 3 applications were received. All applications were reviewed. It was noted that all applications were within the 4 hour limit.

Mr. Roccio made a motion to approve the 3 applications as presented. Chairman Kelley seconded. Motion passes 3 – 0.

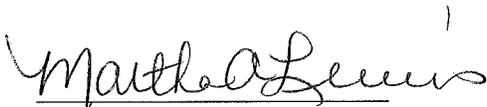
7. Other Business –

Chairman Kelley strongly recommended postponing the August meeting in light of the question raised concerning the composition of the Board. This would allow the Mayor and City Council to address the issue raised.

Hearing no further business, Mr. Roccio made a motion to adjourn. Motion seconded. Meeting adjourned at 7:45 pm.

Next meeting is scheduled for Thursday, September 12, 2013 at 6:30 pm in City Council Chambers, Third Floor, City Hall, 191 Cabot Street.

Respectfully yours,


Martha A. Lewis, Clerk