

Liquor Commission meeting 4/25/13

Members Present: Gil Medeiros, Chris Walsh, Sean McCarthy, Kelly Richenburg, Michael Gilbert, John Guerin

Members Absent: Kris O'Malley

Mr. Medeiros called the meeting to order at 7:00pm and announced that the Commission was lacking a secretary for the evening and asked for the public's indulgence as we make our way through the agenda.

Minutes:

Move that we hold the minutes of 3/28/13 for a future agenda. Motion by Mr. Gilbert, seconded by Mr. Guerin. Vote: unanimous

Discussion extended hours for holidays (Memorial Day, July 4th, Labor Day, New Years eve):

The proposal to extend the closing hour on these holidays from 1:00 AM to 2:00 AM was brought forward by beach area businesses. The businesses are represented tonight by Mark Oughton – manager at Splash.

Mr Oughton and Mr. Medeiros provided some background on prior experience with the extended hours, specifically that in recent years there has not been interest in asking the Commission to extend the hours but that at this time it appears that 4 or 5 beach establishments are interested. Mr oughton outlined that these hours were vital to his business as he is a nightclub with late night hours and that since they are away from residential areas he didn't believe this would be a problem.

Mr. Medeiros asked about Mr. Oughton's prior experience at a previous establishment when hours were extended and how business was affected. Mr. Oughton indicated it was "okay". Mr. Medeiros asked about problems with people coming over from other communities and any potential problems. Mr. Oughton indicated that he wasn't aware of any problems.

Mr. Geurin indicated that the hours were not previously extended because there was not any interest.

Mr. Gilbert explained that this has to be an annual request and then an annual vote of the Commission. Mr. Gilbert indicated that a vote on this matter would likely be taken at a future meeting but that we would hear from the owners and the public on the matter. He asked Mr. Oughton if he knew about closing hours or extensions in surrounding communities and indicated his concern about patrons coming from other communities just for that hour. Mr. Oughton indicated that he did not.

Mr. Medeiros asked about Splash's current closing process. Mr. Oughton indicated that last call was at 12:30AM and he gives patrons 10-15 minutes to finish up. Most nights patrons are out by 12:45AM but sometimes it takes him until 12:55AM but no one is ever inside after 1:00AM.

Mr. Medeiros asked if there was anyone else who wanted to speak in favor of this issue. No one came forward. He asked if anyone wished to speak against. No one came forward. He then asked Police Chief Thomas Fowler to speak to the issue.

Chief Fowler thanked the Commission for their invitation and indicated that while he hadn't been here in Salisbury he did have some experience with this issue in his prior community in Connecticut. He indicated there is a cost burden on the town and he would need to schedule additional officers for that time and the collective bargaining agreement does come into play since the shift is 11-7. While he wishes to be supportive of the businesses he doesn't really see how these 4 dates would be worthwhile. He also indicated he is concerned with the potential safety issues (speeding, OUI, etc.) inherent with people coming from other communities at the last minute for that extended hour.

Mr. Medeiros asked Chief Fowler if he had spoken to any of his shift supervisors or other officers about this issue. The Chief indicated that the consensus was that closing time should remain at 1AM.

Mr. Medeiros indicated that this item would be on the agenda at the May 9th meeting.

Mr. McCarthy asked if that last time we voted on this issue, did we take each holiday separately?

Mr. Medeiros indicated that the last time we voted on the issue we took them all together.

Applications:

Change of Manager for Capri:

Attorney Claire Burhoe, representing Capri, presented Kathleen Schick as replacement for Tim Maloney.

Mr. Medeiros asked how long Mr. Maloney had been gone. Ms. Burhoe indicated he left in December.

Ms. Burhoe indicated that Ms. Schick had been hired in the last month and that she (Ms. Burhoe) did not want to come before us with a change of manager while they were hiring as she knew the commission might have a problem putting Mr. Capalupo on this license due the hours he is committed to other establishments.

Mr. Medeiros indicated that next time please come in far sooner than 3 months even it means putting a bartender in charge. Ms. Burhoe indicated they would.

Ms. Schick explained that she has 22 years of experience as bar manager in the Boston area first at the Royal Sonesta in Cambridge and then at Davio's in Boston. She indicated this includes function experience as well.

Mr. Medeiros asked if she was the manager on the license and she indicated she was not. Mr. Medeiros asked if she had ever had any issues either from local license authorities or the ABCC and she indicated she had not.

Mr. Walsh indicated that he had recently been at Capri for a function and noticed Ms. Schick actively working.

Mr. Gilbert made a motion to approve the change of manager for Capri. Mr. McCarthy seconded the motion. Vote: unanimous.

Public hearing for Good Fortune application for all-alcohol license:

Good Fortune indicated that they have been a family run business in Salisbury for 25 years and feel that the all alcohol license may help improve their business.

Mr. Gilbert made a motion to open the public hearing for Good Fortune's application for an all alcohol license. Second by Mr. Walsh. Vote: unanimous.

Mr Medeiros asked if the number of seats at the added bar was as indicated in the plans (6 seats). Good Fortune indicated yes.

Mr. Medeiros asked if there was any indication of change of hours. Good Fortune indicated they don't anticipate any change. Hours are currently Monday thru Friday 11 to 10 weekends 11 to 11.

Mr. Gilbert indicated that he has visited Good Fortune many times. They do a good job. The manager is always present. The manager of record is Anthony Huang.

Mr. McCarthy asked about the number of available licenses.

Mr. Medeiros indicated the Commission technical has two licenses available. However, Anthony's is in process and that is one of the two.

Mr. Medeiros then asked if there was anyone else who wishes to speak either for or against this license. There was no response.

Mr. Guerin made a motion to close the hearing. Second by Mr. McCarthy. Vote: unanimous.

Mr. Medeiros indicated that he wished to hold off on approval of the license as there may be another applicant from the advertisement but he couldn't be sure due to the lack of secretarial support.

Mr. Gilbert indicated that this was the second time Good Fortune had applied for an all alcohol license and they

were then third in line for two licenses. He would rather not wait given that Good Fortune has done what was asked of them.

Mr. Walsh asked for clarification on the licenses available and Mr. Medeiros indicated that we have one license currently committed to Anthony's and one available license. Mr. Medeiros is concerned that there may be an additional application in process that has not gotten to the commission tonight due to lack of clerical support.

After some additional discussion among the commissioners, Mr. McCarthy asked Good Fortune if 2 weeks would be a burden on them. They indicated it would not.

Mr. Guerin made a motion to hold off on voting on this license until the next meeting. Mr. McCarthy seconded. Vote:unanimous.

Transfer of license for Striper's Grill:

Attorney Bill Cox of Haverhill representing Steven Haginicholas and George Haginicholas of Colony Inc. seeking a transfer of the Striper's license. Mr. Cox indicated the sale is in place for April 30th.

Mr. Medeiros asked if the Haginicholas's were purchasing the Corporation. Mr. Cox indicated they were not.

Mr. Medeiros then asked if we could have a brief history of the new owners. Mr. Cox indicated they have owned and operated the Roma Restaurant in Haverhill since 2000. This is a family business and they intend to run Striper's in the same fashion.

Ms. Richenburg asked when they would, ideally, wish to open. Mr. Cox indicated May 15th and that they have been on the premises doing cosmetic work.

Mr. Medeiros asked where they were with other necessary licenses. Mr. Cox indicated they were scheduled to meet with the Board of Selectmen on May 13th.

Mr. Guerin asked if the new owners intend to run it as a restaurant. Mr. Haginicholas indicated they were committed to running it as a restaurant and they would likely open with the old menu and make changes after the summer.

Ms. Richenburg made a motion to accept the application for transfer. Mr. Gilbert seconded the motion. Vote: unanimous.

Mr. Medeiros asked about a date for the public hearing. After discussion among the commission it was indicated that Mr. Gilbert would speak to Leah Hill about getting the ad for the public hearing in for the May 9th if possible and if not for May 23rd.

Public Hearing for transfer of stock for Winner's Circle:

Motion by Mr. Gilbert, Seconded by Mr. Guerin to open the public hearing for Winner's Circle. Vote:unanimous.

Jeff Duford, manager of record for Winner's Circle for modification of premises, transfer of stock, and change of board of directors.

Mr. Medeiros indicated that the commission has heard from Jeff a number of times on this issue.

Jeff indicated that he's trying to accommodate a fenced in outdoor area for use a few times a year in conjunction with charitable road races.

Mr. Medeiros asked if there were any questions. There were none. Mr. Medeiros asked for any comments from the public and there were none.

Motion by Mr. Gilbert, seconded by Mr. Guerin to close the hearing. Vote: unanimous.

Motion by Mr. Gilbert to approve the application from Winner's Circle for alteration of premises, transfer of stock, and reorganization. Second by Ms. Richenburg. Vote: unanimous.

Old Business:

Mr. Gilbert asked about the status of Dolphin Grille. Mr. Medeiros indicated that the owners did appear at the last meeting even though the Commission had to cancel due to lack of a quorum. Mr. Medeiros indicated that they would be in soon with a transfer of license as they were ready to sell.

Mr. Guerin indicated that he wishes to have new licensees provide better communication with the commission during the time between approval of license and opening for business. Monthly updates would be a good idea.

Mr. Medeiros indicated that the way to make this happen is to attach it as a condition when making the motion to approve the license.

Mr. Medeiros reminded everyone to vote on Tuesday April 30th.

Motion by Mr. McCarthy, seconded by Mr. Walsh to adjourn the meeting. Vote: unanimous.