

April 4, 2012

**Newburyport Police Station Conference Room**  
**Minutes**

The meeting was called to order at 7:00 P.M.  
A quorum was present.

**1. Roll Call**

**In attendance:** Brad Duffin, Sean King, Richard Sharp, Donald Zabriskie  
**Absent:** Margaret Lucey

**2. One Day Licenses**

***1) Small Solutions' Have a Heart for Africa Fundraiser***

**Representative at meeting:** Sandra Thaxter

**Type of License Requested:** All Alcohol

**Information discussed about Event:** A local group is having a fundraiser under the Tent at the Tannery on May 5, 2012 from 6 to 11pm.

**Purpose of Event:** Fundraiser for Africa

**License Check-list:**

- ☒ Charitable and/or non-profit organization
- ☒ Event to be legally conducted and revenues raised should further goals of organization
- ☒ TIPs certified bartender: Yes
- ☒ Proof of Liability Insurance
- ☒ \$100.00 check
- ☒ Other: Fire Department Sign Off

Brad Duffin made a motion to approve the One day All Alcohol license, and Donald Zabriskie seconded.

**Votes Cast:**

Brad Duffin: approve  
Sean King: approve  
Richard Sharp: approve  
Donald Zabriskie: approve

***2) Annual Chef's Dinner for Rotarians***

**Representative at meeting:** Sue Christ

**Type of License Requested:** All Alcohol

**Information discussed about Event:** 10<sup>th</sup> year of this event. June 5, 2012 at Nicholson Hall from 6 to 9pm.

**Purpose of Event:** Benefit for Anna Jaques Hospital

**License Check-list:**

- ☒ Charitable and/or non-profit organization
- ☒ Event to be legally conducted and revenues raised should further goals of organization
- ☒ TIPs certified bartender: Yes
- ☒ Proof of Liability Insurance
- ☒ \$100.00 check
- ☒ Other: Fire Department Sign Off

Richard Sharp made a motion to approve the One day All Alcohol license, and Donald Zabriskie seconded.

**Votes Cast:**

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Brad Duffin: approve  
Sean King: approve  
Richard Sharp: approve  
Donald Zabriskie: approve

**3) *Yankee Homecoming Spring Fling Winetasting***

**Representative at meeting:** Dianne May

**Type of License Requested:** Beer/Wine

**Information discussed about Event:** Fundraiser for Y.H. on May 19, 2012 at the Masonic Hall from 6-9 pm, expecting 150 to 200 people.

**Purpose of Event:** Yankee Homecoming Fundraiser

**License Check-list:**

- ☒ Charitable and/or non-profit organization
- ☒ Event to be legally conducted and revenues raised should further goals of organization
- ☒ TIPs certified bartender: no bartenders, pouring at the tables
- ☒ Proof of Liability Insurance
- ☒ \$100.00 check
- ☒ Other: Fire Department Sign Off

Sean King made a motion to approve the One day Beer/Wine license, and Richard Sharp seconded.

**Votes Cast:**

Brad Duffin: approve  
Sean King: approve  
Richard Sharp: approve  
Donald Zabriskie: approve

**4) *Chamber of Commerce HMS Bounty Welcome***

**Representative at meeting:** Ann Ormond

**Type of License Requested:** Beer/Wine

**Information discussed about Event:** First time event. Mayor's reception, invitation/Chamber event in the NRA east lot Friday, July 13, 2012 from 4:30-6:30 pm.

**Purpose of Event:** to fund the HMS Bounty coming to Newburyport

**License Check-list:**

- ☒ Charitable and/or non-profit organization
- ☒ Event to be legally conducted and revenues raised should further goals of organization
- ☒ TIPs certified bartender: Yes
- ☒ Proof of Liability Insurance
- ☒ \$100.00 check
- ☒ Other: Fire Department Sign Off

Sean King made a motion to approve the One day Beer/Wine license, and Donald Zabriskie seconded.

**Votes Cast:**

Brad Duffin: approve  
Sean King: approve  
Richard Sharp: approve  
Donald Zabriskie: approve

**5) *Chamber of Commerce Riverfront Festival***

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**Representative at meeting:** Ann Ormond

**Type of License Requested:** Beer/Wine

**Information discussed about Event:** Annual concert with beer tent. Saturday, July 7, 2012 from 12- 6 pm.

**Purpose of Event:** Chamber fundraiser

**License Check-list:**

- √ Charitable and/or non-profit organization
- √ Event to be legally conducted and revenues raised should further goals of organization
- √ TIPs certified bartender: Yes
- √ Proof of Liability Insurance
- √ \$100.00 check
- √ Other: Fire Department Sign Off

Sean King made a motion to approve the One day Beer/Wine license, and Donald Zabriskie seconded.

**Votes Cast:**

Brad Duffin: approve

Sean King: approve

Richard Sharp: approve

Donald Zabriskie: approve

**4. Request a Hearing**

Grace Connolly representing Cathy Moulton said that Cathy will be opening 17 State St. Cafe on State Street. She is requesting a new all alcohol license. She also owns Cathy's Country kitchen in Rowley and has many years in the business.

Hearing date: May 2, 2012 at 7:15pm

**5. Hearing Upper Crust change of ownership**

Hearing opened at 7:25pm. Bethany Raffa represented Mark and Jennifer Tramontana the owners of the Upper Crust. They are changing the ownership from their Jack and Charlie, LLC to Marty Mark, LLC for estate planning purposes. The restaurant originally opened under Marty Mark, LLC and in late 2010 they changed to Jack and Charlie, LLC. Nothing else is changing.

No questions from the board.

No public comment.

Hearing was closed at 7:30pm.

Sean King made a motion to approve the change of ownership, and Donald Zabriskie seconded.

**Votes Cast:**

Brad Duffin: approve

Sean King: approve

Richard Sharp: approve

Donald Zabriskie: approve

**6. Hearing Michael's Harborside alteration of premises**

Hearing opened at 7:30pm. Matthew Kirk, manager, said the restaurant wishes to make the bar on the outdoor deck permanent. Currently it is a temporary fixture. There is no addition to the area of the space, but two potential seating plans are there. The square footage is not changing and this area is already permitted for alcohol. It will be manned by two bartenders.

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Questions from the board:

Increased capacity? No, same number of seats. Configuration change- egresses? There will not be an egress from the bar to the parking lot.

No public comment.

Hearing was closed at 7:40pm.

Richard Sharp made a motion to approve the alteration of premises, and Sean King seconded.

**Votes Cast:**

Brad Duffin: approve

Sean King: approve

Richard Sharp: approve

Donald Zabriskie: approve

**7. Change of Manager**

The Elks Lodge are requesting a change of manager to Thomas Capelluzzo. He will be responsible for the day to day management. The bar staff will be remaining the same.

Sean King made a motion to approve change of manager, and Donald Zabriskie seconded.

**Votes Cast:**

Brad Duffin: approve

Sean King: approve

Richard Sharp: approve

Donald Zabriskie: approve

**8. One Day Licenses**

***Rowley Public Education Foundation***

**Representative at meeting:** Kerry Perley

**Type of License Requested:** Beer and Wine

**Information discussed about Event:** This year the fundraiser for will be held at Nicholson Hall on May 12, 2012 from 7-10pm. There will be a D.J., live and silent auctions. Tickets are \$20 and will include one drink. They will also serve appetizers. Cash bar.

**Purpose of Event:** Pine Grove School

**License Check-list:**

✓ Charitable and/or non-profit organization

✓ Event to be legally conducted and revenues raised should further goals of organization

✓ TIPs certified bartender: Yes

✓ Proof of Liability Insurance

✓ \$100.00 check

✓ Other: Fire Department Sign Off

Richard Sharp made a motion to approve the One day Beer/Wine license, and Sean King seconded.

**Votes Cast:**

Brad Duffin: approve

Sean King: approve

Richard Sharp: approve

Donald Zabriskie: approve

**9. Farmer's Market Wine Sales for Mill River Winery**

Shari Wilkinson of the Farmer's Market requested that the Mill River Winery be added to the wine sellers at the market. The winery is in Rowley and they will be planting a vineyard. Mostly they make wine from grapes from different locations like California, Italy and Chile. They make the wine, bottle it and sell it. They have been approved by the Department of Agriculture.

Sean King made a motion to approve the Farmer's Market Wine License, and Richard Sharp seconded.

**Votes Cast:**

Brad Duffin: approve

Sean King: approve

Richard Sharp: approve

Donald Zabriskie: approve

**11. Hearing Loretta alteration of premises**

Hearing opened at 8:00pm. Ted Epstein, owner of Loretta, would like to serve alcohol in the four seats outside. He is working around the handicap ramp and is leaving sufficient clearance. There are four seats.

Questions from the board:

Will the bartender be able to visually observe the seats? Yes.

No public comment.

Hearing was closed at 8:05pm.

Sean King made a motion to approve the alteration of premises, and Richard Sharp seconded.

**Votes Cast:**

Brad Duffin: approve

Sean King: approve

Richard Sharp: approve

Donald Zabriskie: approve

**11. Change of hours**

Ted Epstein, owner of Loretta, would like to serve alcohol beginning at 11:00am on Sunday for Sunday brunch. They serve lunch everyday beginning at 11:00am.

Sean King made a motion to approve the change of hours, and Donald Zabriskie seconded.

**Votes Cast:**

Brad Duffin: approve

Sean King: approve

Richard Sharp: approve

Donald Zabriskie: approve

**12. Request a hearing**

Bethany Raffa requested a hearing for the Upper Crust for an alteration of premises to allow serving alcohol outside.

Hearing date: May 2, 2012 at 7:45pm

**13. Request a hearing**

Bethany Raffa requested a hearing for Ceia for an alteration of premises to allow serving alcohol outside.

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Hearing date: May 2, 2012 at 8:00pm

**14. Informational inquiry**

John Bertone inquired as to whether food trucks need to get a transient vendor license or how they are licensed. This would be parked on the street or in parking lots. It is a restaurant on wheels.

The commission discussed that the Health Dept. would need to approve for serving food. Questions that arose are is there a process for permitting this type of vendor, does it change on private or public property and who has the authority to issue a license.

**15. Informational inquiry**

The commission was asked if the city would consider a distillery for vodka. Main purpose would be to make and sell over the bar. The commission said there would be two pieces the distillery and the distribution/bar. The commission noted that bars must also serve food, there are no establishments that serve alcohol only. Questions arose as to the odor from a distillery. There is a sweet, grainy smell. Could also consider wholesale manufacturing and distribution instead of selling over the counter in a bar/restaurant.

**16. Approval of Minutes**

The minutes for December 7, 2011, and January 4, 2012 and February 1, 2012 were approved.

**6. Adjournment**

Meeting was adjourned at 9:00 P.M.