

Newburyport License Commission REMOTE Meeting

September 6, 2023 7:00pm

In Attendance: Bruce Bergwall, Marcia Foley, Ted Waldron, Gregg Ogdon, Craig Holt

The meeting was called to order at 7:00PM

A quorum was present.

Roll Call

Northshore Tournament Services, *Event; Newburyport Offshore Tuna Classic*, One day Beer & Wine, September 9, 2023. *Place of Event; Maritime Museum*, from 5:00pm to 8:00pm. Larry Collins will be presenting. ONE-23-72

This event has been tabled Craig Holt stating the Maritime Museum has had a change in leadership, and the old director did not record or tell the new director we have reserved the dates for the tournament. As a result, we are abandoning application ONE-23-72 (Sep 9th). Permit application archived on 9/7/23.

Northshore Tournament Services, *Event; Newburyport Offshore Tuna Classic*, One day Beer & Wine, September 15, 2023. *Place of Event; Maritime Museum*, from 5:00pm to 8:00pm. Larry Collins will be presenting. ONE-23-73

The event is moving INDOORS on the 15th at the Maritime Museum. Craig Holt the Chairman of the licensing board will do a bench review

1. One Day Liquor Licenses

- a. Newburyport Film Festival, Inc., *Event; Newburyport Documentary Film Festival reception*, One day Beer & Wine, September 15, 23. *Place of Event; Firehouse Center for the Arts 2nd floor* from 6:30 pm -9:00pm. Joanne Morris is representing. ONE-23-63. Joanne explained this event has been running for 19 years. Reception is Friday night at the 2nd floor of Firehouse. Will have 3 Tipp certified bartenders. Beer and wine only cash bar only an hour then shut down before going in to see the film. No alcohol will be served during the film.

Motion to approve the One-Day Beer & Wine license, subject to receiving the rental agreement from the Firehouse giving permission to use the space, (agreement uploaded 9/12/23) and the remaining 2 Tip certificates for their bartenders (uploaded 9/14/23), By Gregg Ogdon, seconded by Ted Waldron. So, voted, on a unanimous roll call

- b. Newburyport Film Festival, Inc., *Event; Newburyport Documentary Film Festival reception*, One day Beer & Wine, September 16, 23. *Place of Event; Firehouse Center for the Arts 2nd floor* from 6:30 pm -9:00pm. Joanne Morris is representing. ONE-23-64 Joanne explained this has been the 19-year running. Reception is Friday night at the 2nd floor of Firehouse. Will have 3 Tipp certified bartenders. Beer and wine only cash bar only an hour then shut down before going in to see the film. No alcohol will be served during the film.

Motion to approve the One-Day Beer & Wine license, subject to receiving the rental agreement from the Firehouse giving permission to use the space (uploaded 9/12/23), and the remaining 2 Tip certificates for their bartenders (uploaded 9/14/23), By Bruce Bergwall, seconded by Gregg Ogdon. So, voted, on a unanimous roll call

- c. Newburyport Art Association, *Event; 22nd Annual Art Auction, One day All Alcohol, September 23, 23. Place of Event; 65 Water St, from 5:30 pm - 11:00pm.* Max Schenk is representing. ONE-23-65. Max is presenting for the Annual Art Auction on the property of the Art Association. 1 bar in main building and 2 in the sculpture garden. Tents with sides down will separate the area with the alcohol. Each person coming in will be given a catalog with a particular number. If a person chooses to leave and try to get back in they will need that catalog with them or proof of purchase of ticket. Max Schenk will be at entire event.

Motion to approve the One-Day All Alcohol license, subject to receiving a letter from Mr. Hall granting permission to use some of his parking on his property, (letter uploaded on 9/8/23) and sign off from Fire (complete 9/8/23) and Police (complete 9/12/23) and the name of the authorized distributor providing the alcohol, (the name was already provided in the application.) By Gregg Ogdon, seconded by Ted Waldron. So, voted, on a unanimous roll call

- d. Newburyport Art Association, *Event; Jake Ginga, One day beer & wine September 30, 23. Place of Event; 65 Water St, from 3:00 pm – 6:00pm.* Max Schenk is representing. ONE-23-74. Max Schenk is also presenting. Max was unaware of speaking on this event. Event in Sargent Gallery with expected attendees is 100. Max will be present at event or Scott Simmons.

Motion to approve the One-Day Beer & Wine license, and sign off from Fire (complete 9/12/23) and Police (complete 9/12/23) and a distributors name who will be supplying the alcohol. The distributor's name is found on the application. By Ted Waldron, seconded by Gregg Ogdon. So, voted, on a unanimous roll call

- e. AJH Aid Association, *Event; Seaside Soiree, One day Beer & Wine, October 5, 23. Place of Event; City Hall Auditorium, from 6:00 pm - 9:00pm.* Sheryl Blair is representing. ONE-23-66 The Seaside Soiree is an Italian theme event being held in the City Hall Auditorium with a full buffet dinner. Everyone attending is over 21. Each person buys a ticket to the event and will receive 2 drink tickets for with beer or wine. An auction will be different this year will be a fund in need. Asking for help to fund some well needed equipment. Using Boston Best Bartending. She will get the Tip certification once she hires the bartender who will be working the event.

Motion to approve the One-Day Beer & Wine license, and sign off from Fire (complete 9/12/23) and Police (complete 9/12/23) and the agreement to have the event in city hall. Final agreement with city was uploaded 9/11/23. By Ted Waldron, seconded by Gregg Ogdon. So, voted, on a unanimous roll call

2. Miscellaneous

Other correspondence- Quota retail licenses, renewal of licenses.

What is the rule for any entity to apply for One Day Liquor Licenses. We are charted to do no more than 30 licenses a year for a single entity. We believe this is a state requirement since it is on the ABCC's website. Do the surrounding areas follow this same rule? It was brought up when having several events, the rules seemed to be stretched. Is this something the fire and health department cover and make sure the safety is covered? If the car show event is taking place next year do we have the safety concerns addressed which concerns some of the board members this year? We do ask who is in charge of that event and who will be there, maybe we reach out to that person addressing the board's safety concerns? The board will have a conversation with the ABCC.

We had an inquiry on the quota, retail license. There was a concern regarding Vera's status brought to our attention. Since Vera's has a liquor license, it's not being used at this point. The Licensing Chair has spoken to the owner of Vera's and stated he is still trying to sell the business. He will comment the progress by the end of the month. The ABCC said as long as Vera's is trying to sell his business and he wants to incorporate as part of the sale his license is fine. The Chair will keep on top of it and did say Vera's will not be able to renew his license. He has to bring forth a buyer which has to go before the board to review.

FM Café no Common Vic license CRV-23-2- Renewal problem, they have not renewed their Common Vic. for a few years due to Covid. They didn't think they had to renew or paid for the Common Vic. License. It was explained because of Covid they didn't have to pay for it but did have to renew it. Their renewal application workflow has had a few issues with the ADA Coordinator. The floor plan does not appear to meet 521 CMR. An inspection is required prior to use. As of today Sept. 25, FM, Café has not reached out to the building dept. to schedule an inspection. A second problem is with the Fire Department on Sept. 7th stated there needs to be a reinspection, no emergency lighting, Ansul system inspection expired in August, extinguishers annual expired last February, fire alarm test documents needed for annual inspection. Expected hood cleaned and tagged by end of September. Outdoor seating was not suited for the space and FM Café which had outdoor seating all summer was told to take it down. If they want it next year you have to come before the board not the City Counsel. But they were made aware that other departments in City hall will be involved including the ADA Coordinator and Zoning. If parking spaces are removed, they have to demonstrate where the new parking spaces will be. They did not. They will need a letter of permission from the landlord and permission from the abutters if they would like to have outdoor seating next year.

The Epicurio might be offering indoor seating which they have not received permission from the board for. They may now have one table inside with 2 seats. Ted Waldron will go back and take another look. If they are offer seating Epicurio will have to come to the board and ask for seating.

The question was brought up if we see a place of business not displaying their alcohol license how is this handled? The Licensing board member can ask to see the owner or manager by first identifying themselves and presenting their Licensing Board badge and ask to see their license. They have to display their license for the public to view, if they do not, this is a state violation.

The Goat has been discussed. The board has been in touch with the Goat's attorney regarding their liquor license. The Licensing board has licensed the second floor and outdoor seating months before the GOAT has experience building delays. The city and state are requiring them to have an elevator to the second floor. When the city and state require an elevator one of three phases have to be met.

1.Level 3 renovations, means when you renovate more than 50% of change, which has been done.

2. Modify vertical access, meaning when you move a stair way. The Goat rebuilt a set of stairs and changed the layout.

3. Modify the space, the previous owners had offices on the second floor and now the Goat has changed it to a restaurant.

All 3 of these phases were completed so an elevator is required.

Minutes August 2, 2023 Motion to approve August meeting minutes by Gregg Ogdon, seconded by Ted Waldron, So, voted, on a unanimous roll call

1. Next meeting date: October 4, 2023

Motion to adjourn at 7:53pm by Gregg Ogdon, seconded by Marica Foley. So, voted unanimous vote.