

**License Commission Meeting Minutes**  
**February 6, 2013**

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

**1. Roll Call**

**In attendance:** Richard Sharp, Donald Zabriskie, Brad Duffin, Joseph Devlin (7:04pm)

**2. Minutes**

January 9, 2013, motion to approve Brad Duffin, second Richard Sharp. So voted.

**3. Other Business**

1) Pro-rating of license fees

Commissioner Sharp reported to the commission on seven communities relative to their rules and regulations regarding Licensing fees. Commissioner Duffin summarized the discussion of pro-rating the fees from the prior meetings. Further discussion regarding historical practice, fairness to all businesses, written policies, and needs of businesses and the City. A recommendation was made to credit the a portion of the fee for Andiamo Restaurant for the 2014 calendar year, and establish the policy going forward to pro-rate fees from September 1<sup>st</sup> each year.

Joseph Devlin made a motion that any new licenses granted after September 1<sup>st</sup> will be pro-rated for that year, seconded by Donald Zabriskie

**Votes Cast:**

Joseph Devlin: approve

Richard Sharp: approve

Donald Zabriskie: approve

Brad Duffin: no

Three yes, 1 no, motion carries.

Brad Duffin made a motion to pro-rate the 2014 license renewal for Andiamo restaurant by crediting 9/12 of the year's fee, seconded by Joseph Devlin.

**Votes Cast:**

Joseph Devlin: approve

Richard Sharp: approve

Donald Zabriskie: approve

Brad Duffin: approve

Four yes, motion carries.

**4. One Day License**

1) *Newburyport Education Foundation Texas Hold-Em Poker Tournament*

**Representative at meeting:** Eric Pflaum

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

**Information discussed about Event:** 3<sup>rd</sup> annual event held at City Hall auditorium March 15, 2013 from 6pm to 12midnight. No alcohol after 11pm.

**Purpose of Event:** Fundraiser for the Newburyport Public Schools

**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

Joseph Devlin made a motion to approve the 1 Day Beer/Wine license, seconded by Donald Zabriskie.

**Votes Cast:**

Joseph Devlin: approve

Richard Sharp: approve

Donald Zabriskie: approve

Brad Duffin: approve

**2) Immaculate Conception School Auction**

**Representative at meeting:** Liz Riley

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

**Information discussed about Event:** Annual auction in the school gym from 6 to 10 pm on March 15, 2013, expecting about 150 people.

**Purpose of Event:** Fundraiser for the Immaculate Conception 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:

Proof of Liability Insurance

\$100.00 check

Other: Fire Department Sign Off

Richard Sharp made a motion to approve the 1 Day Beer/Wine license, seconded by Joseph Devlin.

**Votes Cast:**

Joseph Devlin: approve

Richard Sharp: approve

Donald Zabriskie: approve

Brad Duffin: approve

**3) Newburyport Senior Celebration Committee Bingo night**

**Representative at meeting:** Valerie Pantelis

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

**Information discussed about Event:** Annual Bingo night fundraiser at Nicholson Hall on April 6, 2013 from 6 to 10:30pm. Expect up to 180 people.

**Purpose of Event:** Fundraiser for the NHS Senior Class end of year celebration

**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: Waiting for copy of certification

Proof of Liability Insurance

\$100.00 check for each event

Other: Fire Department Sign Off

Donald Zabriskie made a motion to approve the 1 Day Beer/Wine license subject to TIPS certifications, seconded by Joseph Devlin.

**Votes Cast:**

Joseph Devlin: approve

Richard Sharp: approve

Donald Zabriskie: approve

Brad Duffin: approve

## **5. Change of Manager**

### 1) Not Your Average Joe's, Market Square

Kenneth Woodrow has been appointed the new manager. He has worked in restaurants for several years and was a manager at Ruby Tuesday. All of the paperwork is in order.

Joseph Devlin made a motion to approve the new manager, seconded by Donald Zabriskie.

#### **Votes Cast:**

Joseph Devlin: approve

Richard Sharp: approve

Donald Zabriskie: approve

Brad Duffin: approve

### 2) Neptune Club, 40 Hancock Street

Scott Cerasuolo has been appointed the new manager. He is a member of the board of directors of the Neptune Club. He has many years supervising in the construction trade and has been a member of the Neptune Club. He will provide a copy of his birth certificate or passport. All other paperwork is in order.

Joseph Devlin made a motion to approve the new manager subject to completion of a recognized TIPs or Safe Serve certification (not online), seconded by Richard Sharp.

#### **Votes Cast:**

Joseph Devlin: approve

Richard Sharp: approve

Donald Zabriskie: approve

Brad Duffin: approve

## **6. Hearing – Retail Pouring License and Entertainment License**

Newburyport Brewing Company, 4 New Pasture Road

Public hearing was opened at 7:40pm.

Commissioner Joseph Devlin recused himself and left the room.

Bill Fisher and Chris Webb, co-founders, and their attorney, John Canell, were present. They are establishing a production and brewing company at 4 New Pasture Road for cans and kegs only. They have a building with three spaces, 2000 square foot tasting room, 3000 square foot brewhouse and 3300 square foot warehouse. They received their Farmer/Brewery license from the ABCC on January 1, 2013. They are requesting a pouring license from the City. They distribute to bars, restaurants and liquor stores and are not looking to compete with their customers. They want customers to have a brand experience when they come in to tour, taste or to fill a growler. Requested hours are 5pm to 9pm Wed, Thurs. and Friday, and noon to 9pm on Saturdays. They will have seating for 40, total occupancy of 80. They will have bus tours, and occasionally events. They will not have food service, but food may be brought in.

Questions from the commission:

The layout shows a stage area, will they be having live entertainment? They plan to have acoustic guitar music and jazz trios. They want that to be part of the brand experience. They plan to do a promotion with guitar picks in the six pack with a private concert of Das Pintos or another band but no ticket sales.

The commission asked if they will be advertising the music? No, they plan to have it be a part of the brand experience, but no schedule line up.

The commission asked how long the average customer would stay? They expect about 45 minutes. Twenty minutes for the tour and then twenty to twenty five minutes for a tasting.

The commission asked how they would prevent people from hanging around? They will only be serving sample sizes of what they make (currently 3 types, plus perhaps another). They will not be pouring pints. Other breweries do this as well.

The commission asked if they would be serving food? They have no plans to serve food. The only food provided would be with a caterer for an event.

The commission stated concern with dance floor and stage area and asked if they would remove that from drawings? They will not be using it as a dance floor, it is an open space and the tables are to accommodate bus tours, but they need to have it listed as such for zoning to maximize the occupancy.

The commission asked if they will be holding any outdoor events and when they plan to open. They will come back to the commission if they plan to have any outdoor events, and they hope to open mid-March to early April.

No one in support or against came forward.

A letter from the abutters was submitted in support.

Brad Duffin made a motion to approve the pouring license and entertainment license subject to the applicant returning in six months from opening for review, seconded by Richard Sharp.

**Votes Cast:**

Joseph Devlin: recused

Richard Sharp: approve

Donald Zabriskie: approve

Brad Duffin: approve

Three yes, motion approved.

**7. Other Business**

2. Licensing Commission Training Proposal

Andrea Egmont, Director of Youth Services, spoke about a training program through J.B.S. Professional Services that is available and can be customized to the needs of the Newburyport Licensing Commission. Youth Services has a grant that will fund the training for the commissioners and agents of the commission.

The commission decided to go ahead and plan the training as soon as possible in March.

3. Licensing Fees

Fees will be reviewed at the April meeting.

4. The next meeting is Wed., Feb. 27, 2013 in place of the March meeting.

Motion to adjourn at 9:10 by Joseph Devlin, seconded by Donald Zabriskie. So voted.