

License Commission Meeting Minutes
4 Green Street, Police Station Conference Room
June 5, 2013

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

1. Roll Call

In attendance: Joseph Devlin, Richard Sharp, Brad Duffin

Absent: Donald Zabriskie

2. Minutes

May 1, 2013, motion to approve by Joseph Devlin, seconded by Richard Sharp. So voted.

3. Change of Hours

17 State Street Café

Cathy Moulton, owner of the restaurant, requested a change in hours to stay open until 10pm seven days a week. They have entertainment on Friday and Saturday evenings and this would allow them to cover the dinner hours. They have not had any problems due to serving alcohol.

Joseph Devlin made a motion to approve the hours be extended to 10pm, seconded by Richard Sharp.

Votes Cast:

Richard Sharp: Yes

Joseph Devlin: Yes

Brad Duffin: Yes

4. One Day License

1) *Derek Hine's Soldier's Assistance Flag Day 5K Road Race*

Representative at meeting: Susan Hines

Type of License Requested: Beer and Wine

Information discussed about Event: This is an annual event that will be held on the grounds of the North End Boat Club with TIPs certified servers from the Black Cow. The event will end by 9pm.

Purpose of Event: to benefit the Derek Hine's Soldier's Assistance Fund

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 Richard Sharp.

Votes Cast:

Richard Sharp: Yes

Joseph Devlin: Yes

Brad Duffin: Yes

2) *The Actor's Studio Dear World, Dear Newburyport*

Representative at meeting: Julie McConchie

Type of License Requested: Beer & Wine

Information discussed about Event: This is the first event of a two part event. There is a photographer coming taking pictures of what matters to the Newburyport community. This will then be put into a video and played at the next event. This is taking place in the atrium area of the Tannery building. They

will be selling tickets that include the photo. They have TIPs certified staff. They expect 75 to 100 people. They are staffing each exit area. They will have a police officer on duty. The capacity of the area is 250. June 8, 2013 from 6:30 to 9:30pm at the Tannery, 50 Water St.

Purpose of Event: Fundraiser for Dear World, Dear 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

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

Votes Cast:

Richard Sharp: Yes

Joseph Devlin: Yes

Brad Duffin: Yes

3) *The Actor's Studio Dear World, Dear Newburyport*

Representative at meeting: Julie McConchie

Type of License Requested: Beer & Wine

Information discussed about Event: This is the second event of the two part event. This will be at 60 Pleasant Street in the City Hall Auditorium on June 15, 2013 from 7pm to 10pm. They have TIPs certified staff. They expect 100 people. They will have a police officer on duty.

Purpose of Event: Fundraiser for Dear World, Dear 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

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

Votes Cast:

Richard Sharp: Yes

Joseph Devlin: Yes

Brad Duffin: Yes

4) *Yankee Homecoming Brewfest follow-up meeting*

Representative at meeting: Libby McNeil

Type of License Requested: Beer & Wine

Information discussed about Event: Libby stated that she is having two TIPs certified bartenders from North Shore Bartending and that 19 of the 20 brewers have agreed to provide TIPs certified servers. She provided a sample of the tasting cup they will be using, the NRA approval, and a copy of the insurance. She spoke with Lt. Siemasko and he said he would speak with the commission regarding the security of the event. This is their fourth year and they have not had problems..

Purpose of Event: Fundraiser for Dear World, Dear 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

Commissioner Devlin stated that the event is approved and the commission had wanted further clarification and documentation of TIPs certifications and insurance but the event was approved in May.

5) Belleville Improvement Society

Representative at meeting: Jennifer Collisn

Type of License Requested: Beer & Wine

Information discussed about Event: This is the first event to be held at the Atkinson Common for the Tablet Day Centnary on June 15, 2013. This is a full day, family centered event. There will be live music and other vendors and re-enactments. They expect 500 attendees throughout the day and approximately 100 to 150 at the beer tent from 1pm to 4pm. They will use Chris Webb from the Newburyport Brewery as their TIPs certified bartender. They will have a police officer on duty all day.

Purpose of Event: Civil War Monument Rededication

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 Richard Sharp.

Votes Cast:

- Richard Sharp: Yes
- Joseph Devlin: Yes
- Brad Duffin: Yes

6) Ilene Grady

Representative at meeting: Ilene Grady

Type of License Requested: Beer & Wine

Information discussed about Event: Ilene stated that she is having a Bat Mitvah at the Greek Orthodox Church in September. She is not having an open bar, it is by invitation only and tickets are not being sold. The commission stated she does not need to get a one day license.

Commissioner Devlin recused himself and left the room for the following.

7) Bill Fisher, Newburyport Brewing Co., Inc.

Representative at meeting: Bill Fisher,

Type of License Requested: Beer & Wine

Information discussed about Event: They are having a private event on June 22, 2013 pending their pouring license going through. On June 29, 2013 they want to have a grand opening event from 12 noon to 7pm. It was suggested to them to amend their application to include the outdoor grassy area. The commission asked if they plan to use that area all of the time. Bill Fisher said no. The Commission said they should request a One Day License for any events taking place on the outdoor grassy area. They should not amend their application.

Purpose of Event: Grand Opening 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: Yes
- 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 for June 29 conditionally on the completion of the paperwork, insurance and check being submitted, seconded by Brad Duffin.

Votes Cast:

Richard Sharp: Yes
 Joseph Devlin: recused
 Brad Duffin: Yes

Commissioner Devlin returned to the meeting room.

5. Hearing Alteration of Premises Brown Sugar by the Sea

The hearing was opened at 7:25pm. Mark Janos, attorney, Caroline Joliffe, owner of Brown Sugar by the Sea, and David Hall, property owner were present and spoke on behalf of the application. They are requesting an alteration to make the third floor deck contiguous to the first floor restaurant space to be able to serve alcohol. The seating is approximately 44. They are proposing building an additional staircase that would only be accessible on the first and third floors. In addition, they would have a hostess located in front of the elevator (and staircase), with an elevator key that would allow the patrons to only travel to the first and third floors. Currently the second floor is a business that operates during the day. They have two separate staircases for access to their floor. The elevator would be blocked on the second floor by a rolling partition that would be removed when the deck is closed. This would allow access to mechanical equipment stored on the second floor for use during the winter.

Questions from the board: How would you prevent someone from using the elevator to visit the second floor at 7:30am, this person would then have access to the third floor? The plan is to permanently prevent people from using the elevator to the 2nd floor. Has this plan been reviewed by the Fire Department? Yes, the stairs are all have sprinklers and have battery lights. Who would control the partitions? The Landlord would control the partitions, rolling them into place before the deck is opened, and out after the deck is closed in the fall. Did you look at other restaurants that have a similar setup? They looked at seven other examples, mostly in the Boston area. Other bars have not had any incidences arising from the decks. Did any share access? No. Commissions concern is making sure alcohol stays in the licensed premises and access to the premises is controlled. Commission asked the timeframe? As soon as possible. Anticipate construction to be 1 month.

One person spoke in favor of the applicant. Mark Wahlgren of 1 Spofford Street.
 Noone spoke against.

Brad Duffin made a motion to Table until commissioners could have a site visit, seconded by Richard Sharp.

Votes Cast:

Richard Sharp: Yes
 Joseph Devlin: Yes
 Brad Duffin: Yes

6. Pledge of License and Change of Manager

1) Mission Oak Grill, 26 Green Street. Wellington Augusto was not available. Kerri O’Neill was present. The pledge agreement is coming from the bank.

A motion to conditionally approve the pledge of license pending the Pledge agreement does not infringe on the Licensing Commission’s jurisdiction by Joseph Devlin, seconded by Richard Sharp.

Votes Cast:

Richard Sharp: Yes

Joseph Devlin: Yes

Brad Duffin: Yes

2) Mission Oak Grill, 26 Green Street. Kerri O'Neill is the new manager. She has a Bachelor's degree in hospitality and management and she has worked at Mission Oak since April, 2010. She is TIPs certified as are all of their staff.

A motion to approve the change of manager by Joseph Devlin, seconded by Richard Sharp.

Votes Cast:

Richard Sharp: Yes

Joseph Devlin: Yes

Brad Duffin: Yes

7. Filing of Officers and Directors

1) North End Boat Club

Attorney Stephen Miller has been working with the club and the ABCC to bring current all of their documents. The club is committed to keeping accurate and up to date with their annual filings and change of officers.

Motion to accept the filings and change of officers by Joseph Devlin, seconded by Richard Sharp.

Votes Cast:

Richard Sharp: Yes

Joseph Devlin: Yes

Brad Duffin: Yes

8. Transient Vendor License

1) Kristina Fields requested a second license for the Inn Street area for a Slushie Cart to operate in July, August and September. Her son will be running it and he will be SERVE Safe certified.

Kristina also requested to change her hours on the hot dog cart to start at 8am in the morning. This will allow her to get the cart out and set up before starting to sell after 10 am.

Joe Devlin a motion to approve the Transient Vendor License, seconded by Richard Sharp.

Votes Cast:

Richard Sharp: Yes

Joseph Devlin: Yes

Brad Duffin: Yes

9. Miscellaneous

1) Lise Reid of the Parks Commission spoke about the Parks Commission wanting to have events for fundraising. Discussion followed regarding a City entity doing fundraising. There are other non-profit entities that raise funds and donate them to the City earmarking a specific need; this type of fundraising would not be a problem. These organizations or any private functions such as weddings, would apply for a one day all alcohol or beer and wine license through the Licensing Commission.

2) Upcoming meeting dates are scheduled for Wednesday June 26, 2013 and Tuesday August 13, 2013 at 7pm at the Police Station Conference room, or as posted.

10. Adjourn

Motion to adjourn at 8:40pm by Joseph Devlin, seconded by Richard Sharp. So voted.