



CITY OF QUINCY

BOARD OF LICENSE COMMISSIONERS AGENDA-TUESDAY JANUARY 29, 2013 @ 4:00 PM

Roll Call.

Present: ANDREW SCHEELE, JOSEPH BARRON, JOSEPH DUCA, JOSEPH P SHEA, CAPTAIN JOHN DOUGAN, QPD, PETER TUROWSKI (Not voting), LEO COPPENS (Not voting)

Agenda 1. Hearing regarding the request of “The Jimmy Kennedy Memorial Run for ALS” the “Squirrel Run” for the 15th Annual Run. Mr. Louis Tozzi, present.

Motion Scheele, second J. Duca. All in favor

Agenda 2. regarding the request of Redberry Resto-Brands, Intl. Inc. d/b/a Pizza Hut, 627 Washington St. for a Change of Manager from Patsy Henry to Fred Ridgway. No Show

Agenda 3. Hearing regarding the request of Jimbo’s Pizza Subs & Sseafood, 243-247 Atlantic St. for a Common Victualer License. Christy Tobin, present.

 Chief Barron requested she call fire prevention before opening. Motion Drew Scheele, second, J. Barron. All in favor. 5-0

Agenda 4. Hearing regarding the request for a Common Victualer License @ Everyday Café, Inc. d/b/a Everyday Café, 64 E Howard St. Ms. Kerri Doherty.

 Ms. Doherty, present. This is a drive thru coffee shop today. She will operate herself. All inspections are complete. Hours 5AM-8PM.. Motion: Commissioner Scheele, second Director Duca. All in favor.

Agenda 5. Hearing regarding the request for a Special Use Permit of The Half Quincy Marathon, for a permit to hold the Annual Marathon, Sunday, March 10, 2013. Mr. JJ Larner.  Mr. Larner present. This is the 4th Annual

Marathon. 250 Quincy residents ran last year with 250 others. The route has been modified this year, due to the growth and volume of runners it has been modified to include main streets rather than neighborhood streets. Chairman Shea noted last year there was trouble with the Squantum Neighborhood, they will not be using Squantum or Houghs Neck streets this year. Chief Barron instructed Mr. Larner to contact Fallon Ambulance for coverage. Last year 1400 runners participated, he hopes for the same this year. Motion: Commissioner Scheele, second Chief Barron. 5-0

Agenda 6. Hearing regarding the request of Tony's Clam Shop, 861-867 Quincy Shore Drive, for an All Alcoholic Restaurant License. Gary & Roy Kandalajt, Managers.  Gary Kandalajt & Karen Djerf present. All abutters have been notified, advertised in the Patriot Ledger. Chairman Shea opened to all in audience. No opposition. No bar, table service only. Plastic cups, hours 10AM-1AM. Sunday, Noon for alcohol. Mimosa License may be applied for. Lt. Turowski will instruct on the Rules and Regulations of the State and the City. The Board asked that all employees be TIPS trained. Mr. Kandalajt agreed. Chief Barron questioned opening for the season and asked that he call for inspection before opening. Commissioner Scheele questioned the outside patio and preventing people from walking away with plastic cups. They will color code cups and instruct customers. Motion Commissioner Scheele, second Director Duca. All in favor. 5-0.

Agenda 7. Hearing regarding complaints of the conditions @ 200 Food Mart, 200 Sea Street. Mr. Pankaj Rai Ghai.  Councillor Margaret Laforest, present. This operator has been in several times. Present Attorney Bill Goldberg, Cambridge for Mr. Ghai. Chairman Shea asked if he was aware of the many complaints and conditions. Attorney Goldberg will address the letter sent regarding the issues noted in the letter sent to Mr. Ghai. He will try to seek some resolution. The owner is not present he is in India. The Assistant Manager is present. Councillor Laforest reports she has visited the store, this store is not reflective of the neighborhood. He is an absentee landlord, no maintenance of the property. More photos were given to the Board showing rope holding up the fence. Although there was a contract with a fence company there was no follow through, contracts are presented but the work is never done. Dumpster is overflowing with trash, again no maintenance of the dumpster, no maintenance with landscaper, no paving contract. Hours of operation questionable, deliveries have been heard at 4AM. All conditions by the Board have been ignored by the owner. Mr. Keddy, abutter 121 Narragansett Rd. Gave a brief history of the property from the Dacy's to this owner. He (Mr. Ghai) is rarely around, ignores all limitations put on the property. He would like the license revoked until he abides by the conditions and reopen after inspections. The original license was 7 AM they now open at 6 AM, deliveries have been as early as 4 AM. Wants the fence replaced with a 10' fence because of the cutting down of the trees. In general I would like the City to get serious with these people. Mrs. Keddy, all of us in Merrymount were in favor of this originally. We wanted it quiet and clean, now we have all kinds of machines in the store, ATM, Copy Machines, and rodents running in our yards. There is trash all over, and all over Murphy Park. Chairman Shea to: Attorney Goldberg
Is the owner of this property permanently out of the country?
Goldberg, he is back and forth in December he went to India to visit family.

I heard the comments of the abutters and councilor, if I may just address the hours: its not difficult to ask the rubbish company to come later, I will address that, the other issue concerning time? What are they I thought 7am-11pm if you can address that they will abide. The fence question is, what is professional and what is not ? Rubbish is always a problem, the manager says he goes out 3 times a day. I'll have to talk to the fence company, etc. we will submit a schedule to the Board regarding the paving company, I've seen the driveway there are a lot of lines, they have contacted a company, the cost is about \$1500- There has been a fall out in the business because of the economy. They can clean it up, but it won't eliminate the cracks and holes, I appreciate the comment of the fence 10' that is a matter of economics, the way the fence is now it is stable enough, I will talk to the contractor. The bushes, they did install 3, it takes a while for them to grow. What I'm asking you is because of the absence of the owners my representation is to see what I can do to do what the Board and neighbors want. In respect to the letter addressed to them I will ask for additional time. Mr. Shea: you were here on 12/14/04 for transfer of the license to Mr. Ghai. Mr. Shea reads the minutes of the meeting. Which in part states hours 7 AM. Then again agreed to removal of the phone & air machine outside, in 08 we received contracts from paving company, etc. I appreciate your client is in India but his business is not being operated properly. Either we get results or I will ask the Board to roll back the hours of operation. The rubbish collectors should be called and be required to come after 7 AM. Re: the fence I will ask the Building Inspector. To Atty Goldberg, will he put up a new fence?

I will speak to my client. Chairman Shea asked if paving and fence can be done in April .

Captain Doughan, stated the Board should cut back hours or revoke the license, close the place. "This is totally uncalled for."

Attorney Goldberg, I am asking for additional time to talk to the owner.

And then indicate the position and progress so you'll know and withhold the suspension you have in mind.

Commissioner Scheele: added, if your client picked up the trash once a day if deliveries were after 7 am dumpster maintained and showing good faith. They don't do that.

If the fence fell in October in a good faith effort, because it is never done it gets piled on, what do we need to do. What I would do , a 10' fence would go a long way with the abutters, Feb. 12, is our next meeting, we could continue till then you come back with answers and within the next 2 weeks and you return there will be possible roll back of hours or revocation of the license. That's the way I'm looking at it. Director Duca: :did you say it was a professional fence company?"

Attorney Goldberg "I'll find out."

Director Duca added "all the little things you could have been doing, you haven't done anything. Cleaning the dumpster, fixing the fence etc. "

Commissioner Scheele "we also want the air machine moved/removed.

I understand your client didn't make that agreement but it was in the original agreement and your client bought that. "

Chief Barron: Quincy is a great place to live, this is a very tired and ill kept business. Your comment it is expensive?? If you can afford to live out of the country you can keep your business here maintained. They need professional landscaping etc." Attorney Goldberg, " I hope in 2 weeks I can erase some of your frustrations. "

Captain Doughan, " I'll go along with Drew give them 2 weeks and return with a possible roll back of hours or revocation. "

Joe " can you put a fence up in February? Can you put up a 10' fence. "

Director Duca "8 feet or over needs a special permit. You also need a special permit".

Chief Barron: "I would like the Keddy's asked if they are comfortable with a 10' fence?"

Mr. Keddy "I would like an 8' to replace the large bushes that were lopped off."

Councillor Laforest is comfortable with 2 weeks with the owner to return February 12, 2013 with a comprehensive plans for the following:

1. Dumpster to be enclosed & dumpster pick-ups 9am-5pm
2. Arrange all deliveries 9am-5pm
3. Professional contract for paving & striping of the parking area.
4. Professional contract with landscaping company for maintenance.
5. Professional contract with fence company.

Commissioner Scheele, " we would prefer the trash be outside from a Health Dept. stand point. We would like it fenced in and picked up 2x a week. To prevent the overflow that exists now."

Councillor Laforest "Leaves are not picked up. "

You are asking for 2 weeks you had 2 weeks we were here on January 8.

This is not an ill kept area, the store is ill kept. This is our second meeting why should we have another, there is a blight ordinance your client should be charged \$50 a day. We need action between now and Feb. 12. So the dumpster and trash, we need that now, get the leaves now. "

Attorney Goldberg was notified by his client yesterday about the hearing.

Board Members:

Director Duca: "we should narrow it down while we are waiting "

The leaves should be gone tomorrow,

Dumpster maintained,

Trash pick up 9AM

No pick up / delivery before 9 AM

Commissioner Scheele: "9AM is not practical, a lot of people are on routes and I don't believe we have anyone restricted to 9AM. "

Are we agreeing to Feb. 12 ?

Attorney Goldberg, “we are trying to work on improvements to show we are moving in the right direction, I will try to get a contract from the gardener, and if you say 2 weeks? Would you give me 3 weeks? If its 2 weeks ? “

Chairman Shea, “I don’t want this to go on, if we don’t see progress before the 26th of Feb. I will suggest we roll back hours, and write tickets daily @ 50.00 a day”.

Attorney Goldberg, “I appreciate the extension.”

Commissioner Scheele: “can I put a time line?”

I’m looking at continuing til the 12th of Feb with the understanding and future the 26th you come back the 12th we know the pickups have been to 9am and deliveries after 7 am that you have a contract for the fence and a general clean up of the leaves etc. on the property. You will then have till the 26 to put the fence up. If you come back all is done and you present a contract with the fence. If the fence is not up by the 26 your hours are rolled back.

Captain Doughan:” what about the paving and striping?”

Director Duca: “the Blight Ordinance covers paving, I do think there is an option to recoat, we do need to meet on the 12th and see what the long term is when will the fence, landscaping, asphalt etc.”

Attorney Goldberg asked about the height of shrubs?

Director Duca, stated 3 ft. for shrubs and 8 ft. for the fence.

Dumpster also fenced in so you can’t see the dumpster.

Comprehensive plan should be done for the fence, a plastic is better than wood

Captain Doughan:” if they don’t do anything in the next 2 weeks we should revoke! “

Chairman Shea asked “Do you understand what we are doing? “

Councillor Laforest is comfortable with the 26th of February.

She wants a plan from a landscaper and fence company. She would like to see the plan.

To Attorney Goldberg:

Captain Doughan:”we want a contract show us when the fence will go up, landscaping will be done etc.

You should be talking to several companies and be able to bring contract proposals to the Board.

Motion to continue to February 12, with all the above
Jay motion to continue til February 12, 200 Food Mart, to further discuss time
line of improvements, with the understanding if we do not see improvements
we could roll back hours or revoke.
Second Scheele- All in favor.

Agenda 8. Presentation of the “Hero Campaign” from Michael W. Morrissey,
Norfolk County District Attorney,  DA Morrissey present. This program is
designed to promote “designated drivers”. Hopes are to prevent driving under
the influence and accidents associated with it. Restaurants now offer soft drinks
to designated drivers, wrist bands and posters are available for establishments.,
with hopes they will participate. Quincy has 2-3 TIPs training classed yearly this
could be tied in. DA Morrissey is trying to spread the word throughout
Norfolk County. Jay Duca this is something we can suggest as we grant
licenses. Joe Barron thanks DA Morrissey for appearing today and mentions all
the accidents that could be prevented.

Agenda 9. Election of License Board Chairman & Vice Chairman. For 2013
Motion to nominate Chairman Joseph Shea for 2013 by Director Duca
Second A. Scheele-All in favor 5-0
Motion to nominate Andrew Scheele- Vice Chairman - by Jay Duca
All in favor. 5-0

ADDENDUM

LIONS CLUB ONE DAY WALK FOR SIGHT, MAY 18, 2013 CHUCK
PHELAN.  16th Annual Run/Walk for Sight, 5K fund raiser .
Lola Tom is the event chairman. Motion: Drew Scheele, second J. Duca.
All in favor. 5-0

The Board will attend the ABCC hearing of the Tilted Kilt tomorrow.

Reading of the Minutes of the previous meeting waived and accepted by the
Board.

Adjourned at 5:55 PM

**Any items discussed but not listed on the agenda are items not reasonably anticipated as a topic by
the chair 48 hours in advance of the meeting.**