

**Town of Stoneham
Liquor Licensing Authority
Minutes of Meeting of
February 15, 2011**

Chairman Rotondi called the meeting to order at 9:13 p.m.

Members present:

R. Paul Rotondi, Chairman
John F. DePinto
Richard S. Gregorio
Robert W. Sweeney
Frank Vallarelli

**Request for One-Day Liquor License/Rev. Wm. T. Schmidt/St. Patrick Parish
Center/71 Central St**

Selectman DePinto moved approval of a non-profit license for Rev. William T. Schmidt on 3/19/11, seconded by Selectman Sweeney. A roll call vote was taken.

Voting in favor:

Selectman Gregorio
Selectman DePinto
Selectman Sweeney
Selectman Vallarelli
Chairman DePinto

Motion was unanimously voted.

Selectman DePinto moved to go back to Board of Selectmen, seconded by Selectman Sweeney. **Motion was unanimously voted.**

Meeting adjourned at 9:14 p.m.

Respectfully submitted,

Muriel Doherty

**Town of Stoneham
Liquor Licensing Authority
Minutes of Meeting of
March 1, 2011**

Chairman Rotondi called the meeting to order at 7:15 p.m.

Members present:

R. Paul Rotondi, Chairman
John F. DePinto
Richard S. Gregorio
Robert W. Sweeney
Frank Vallarelli

Request for New Restaurant All Alcoholic License/S & A Ventures, Inc d/b/a Aldo's Café/125 Main St/Public Hearing

Sharon Greco and Aldo DiLemme were present relative to the petition of S & A Ventures, Inc d/b/a Aldo's Café for a Restaurant License to Sell All Alcoholic Beverages at 125 Main Street, Stoneham, MA. Premises to be licensed as follows: First floor restaurant space. Approximately 2,375 sq. ft. Seating for 64. There are two front entrances from the dining room and bar area, and two rear entrances, one from the kitchen, and one from the storage/office area.

Selectman DePinto moved to grant the license, seconded by Selectman Vallarelli. Chairman Rotondi opened the hearing to the public. **Motion was unanimously voted.**

Motion was made and seconded to return to Board of Selectmen. **Motion was unanimously voted.**

Meeting adjourned at 7:21 p.m.

Respectfully submitted,

Muriel Doherty

**Town of Stoneham
Liquor Licensing Authority
Minutes of Meeting of
March 15, 2011**

Chairman Rotondi called the meeting to order at 7:19 p.m.

Members present:

R. Paul Rotondi, Chairman
John F. DePinto
Richard S. Gregorio
Robert W. Sweeney
Frank Vallarelli

Approve LLA Minutes

Selectman DePinto moved approval of the 3/1/11 LLA minutes. Motion was seconded and **unanimously voted.**

Request for Change of Manager/99 Restaurants of Boston, LLC d/b/a Ninety Nine Restaurants/10 Main Street

Selectman Vallarelli moved approval of the Change of Manager for the 99 Restaurant to Michael Wells, conditioned on the Police Department's or TA's CORI check on the new manager. Motion was seconded by Selectman Sweeney and **unanimously voted.**

Selectman DePinto moved to return to Board of Selectmen, seconded by Selectman Vallarelli. **Motion was unanimously voted.**

Meeting adjourned at 7:20 p.m.

Respectfully submitted,

Muriel Doherty

**Town of Stoneham
Liquor Licensing Authority
Minutes of Meeting of
May 10, 2011**

Chairman Rotondi called the meeting to order at 7:40 p.m.

Members Present: R. Paul Rotondi, Chairman
John F. DePinto
Robert W. Sweeney
Frank Vallarelli
Absent: Richard S. Gregorio

Request for New Restaurant All Alcoholic License/Zheng Restaurant, Inc. d/b/a Tulip Asian Cuisine/119 Main St/Public Hearing

Selectman DePinto read the Notice of Hearing. Atty. Christopher Coleman was present to represent Zheng Restaurant, Inc. d/b/a Tulip Asian Cuisine in their application for a New Restaurant License to Sell All Alcoholic Beverages at 119 Main Street. Premises to be licensed is as follows: First floor premises containing approximately 8,196 sq. ft., with separated kitchen, dining rooms, sushi bar, lounge bar and storage room, one entrance and three exits.

Selectman DePinto moved approval of the license, dependent on insurance being provided and approval from the Building Inspector and the people serving alcohol are all TIP certified. Motion was seconded by Selectman Sweeney and **unanimously voted (4-0)**.

Barbette, Inc. d/b/a McDonough's Liquors Package Store All Alcoholic Lic/9 Central St/Discussion and/or Alternatives Action

Selectman Sweeney said to have Town Counsel check into the process of getting the license or status of the license for Barbette, Inc. Town Counsel said one possibility would be to write to the owner of the license and if they are surrendering the license, they could do so. He said if that doesn't work then he will outline the process for the Board to revoke the license. He said if they end up at the end of the year, then the Board doesn't have to renew it. The Board agreed for Town Counsel to send the letter. Selectman Sweeney asked Town Counsel to keep the owner of the property abreast of what is going on.

Approve LLA Minutes

Selectman DePinto moved approval of the 2/15/11 LLA minutes, seconded by Selectman Vallarelli. **Motion was unanimously voted (4-0)**. Selectman DePinto moved approval of the 3/15/11 LLA minutes, seconded by Selectman Vallarelli. **Motion was unanimously voted (4-0)**.

Selectman DePinto moved to return to Board of Selectmen, seconded by Selectman Sweeney. **Motion was unanimously voted (4-0)**.

Meeting adjourned at 7:53 p.m.

Respectfully submitted,

Muriel Doherty

**Town of Stoneham
Liquor Licensing Authority
Minutes of Meeting of
May 24, 2011**

Chairman Rotondi called the meeting to order at 7:10 p.m.

Members present:

R. Paul Rotondi, Chairman
Richard S. Gregorio
Robert W. Sweeney
Frank Vallarelli

Request for Special Alcoholic Beverage License/Cynthia Mead, VP of Outreach and Stone Zoo Site Director/149 Pond St

Selectman Sweeney moved approval of the three-day Special Alcoholic Beverage License for Cynthia Mead for the annual Stone Zoo Wild Affair Event on 6/18/11. Motion was seconded by Selectman Gregorio and **unanimously voted (4-0)**.

Approve LLA Minutes

Selectman Sweeney moved approval of the 5/10/11 LLA minutes, seconded by Selectman Vallarelli. **Motion was unanimously voted (4-0)**.

Selectman Sweeney moved to go back to Board of Selectmen, seconded by Selectman Vallarelli. **Motion was unanimously voted (4-0)**.

Meeting adjourned at 7:15 p.m.

Respectfully submitted,

Muriel Doherty

**Town of Stoneham
Liquor Licensing Authority
Minutes of Meeting of
June 28, 2011**

Chairman Rotondi called the meeting to order at 7:08 p.m.

Members present:

John F. DePinto
Richard S. Gregorio
Robert W. Sweeney
Frank Vallarelli
R. Paul Rotondi, Chairman

Request for Farmer's Market Wine License/Town Common

Selectman DePinto moved approval of the Farmer's Market Wine License for Still River Winery, 104 Bolton Road, Harvard, on Tuesdays, from July 5, 2011 to October 11, 2011, on the Town Common, contingent on Town Counsel checking the law as to the amount of the fee. Motion was seconded by Selectman Gregorio and **unanimously voted (4-0)**.

Selectman DePinto moved to return to Board of Selectmen, seconded by Selectman Gregorio. A roll call vote was taken.

Voting in favor:

Selectman Gregorio
Selectman DePinto
Selectman Vallarelli
Chairman Rotondi

Motion was unanimously voted (4-0).

Meeting adjourned at 7:13 p.m.

Respectfully submitted,

Muriel Doherty

**Town of Stoneham
Liquor Licensing Authority
Minutes of Meeting of
December 13, 2011**

Chairman Rotondi called the meeting to order at 8:22 p.m.

Members present:

John F. DePinto
Robert W. Sweeney
Frank Vallarelli
R. Paul Rotondi, Chairman

Absent:

Richard S. Gregorio

Approve Liquor License Renewals

Package Goods All Alcoholic

Selectman Vallarelli moved approval of the following Package Goods All Alcoholic License renewals, excluding Barbette, Inc d/b/a McDonough's Liquors:

Savas Brothers Center Beverage Co., Inc. /425 Main St
Cerretani Liquors, Inc. d/b/a Rapid Liquors/171 Main St
Ganglani Corporation d/b/a Redstone Liquors/109 Main St
RWJ Beverage (MA) LLC d/b/a RWJ Beverage/85 Cedar St.

Motion was seconded by Selectman Sweeney and **unanimously voted (4-0)**. Selectman Sweeney asked Town Counsel to speak about Barbette, Inc. Town Counsel Solomon said there is a hearing next Wednesday, 12/21 at 7:00 p.m., on the proposed non-renewal. He said reasons include the licensed premises is not available and hasn't been used for that purpose for a while. He said denial is based on that. He said they would have a right to appeal to the ABCC.

General On-Premise All Alcoholic

Selectman Vallarelli moved approval of the General On-Premise All Alcoholic License renewal for Stoneham Theatre Corporation d/b/a Stoneham Theatre/393 Main Street.

Motion was seconded by Selectman Sweeney and **unanimously voted (4-0)**.

Restaurant All Alcoholic

Selectman Vallarelli moved approval of the following Restaurant All Alcoholic License renewals:

99 Restaurants of Boston, LLC/10 Main St
S & A Ventures, Inc d/b/a Aldo's Café/125 Main St
Angelo's Pizzeria and Ristorante, Inc/239 Main St
Liquid Investments, Inc d/b/a Bacci's Restaurant/316-320 Main St
Moon Glow Restaurant, Inc d/b/a China Moon Rest. /170 Main St
Felicia's, Inc d/b/a Felicia's/423 Main St
Gaetano, Inc d/b/a Gaetano's/271 Main St
RCM Group, Inc d/b/a J.J. Grimsby & Co/301 W. Wyoming Ave
KroMel's, LLC d/b/a Melissa's Main Street Bistro/407 Main St
Marty's Caterers, Inc d/b/a Montvale Plaza/54 Montvale Ave

Jagat Enterprise, Inc d/b/a Rang Indian Bistro/5 Central Sq
Long Run, Inc d/b/a Sato II Restaurant/147 Main St
R & W DiNunzio Corporation d/b/a Taste of Siam/497 & 499 Main St
Zheng Restaurant, Inc d/b/a Tulip Asian Cuisine/119 Main St
Asiana Grill House, Inc d/b/a U Me Restaurant/19 Franklin St
Motion was seconded by Selectman DePinto and **unanimously voted (4-0)**.

Club All Alcoholic

Selectman Vallarelli moved approval of the following Club All Alcoholic License renewals:

American Legion Stoneham Post #115/11 Common St
Bear Hill Golf Club, Inc/5 North St
B.P.O.E. Lodge 2211 Stoneham/471 Main St
The Marconi Club of Stoneham MA., Inc./47 Pine St
Improved Order of Redmen Wamscott Tribe #39/11 Franklin St
Motion was seconded by Selectman Sweeney and **unanimously voted (4-0)**.

Approve LLA Minutes

Selectman DePinto moved acceptance of the 6/28/11 LLA minutes, seconded by Selectman Sweeney. **Motion was unanimously voted (4-0)**. Selectman DePinto moved acceptance of the 6/14/11 LLA minutes, seconded by Selectman Sweeney. **Motion was unanimously voted (4-0)**.

Approve Non-Profit Special Alcoholic License/Rev. Wm. T. Schmidt/St. Patrick Parish Center/71 Central St

Selectman Vallarelli moved approval of the Non-Profit Special Alcoholic License for Rev. Wm. T. Schmidt, St. Patrick Parish Center, 7 Central Street, for 1/21/12, 9:00 a.m. to midnight. Motion was seconded by Selectman DePinto and **unanimously voted (4-0)**.

Selectman DePinto moved to return to Board of Selectmen, seconded by Selectman Sweeney. **Motion was unanimously voted (4-0)**.

Meeting adjourned at 8:30 p.m.

Respectfully submitted,

Muriel Doherty

**Town of Stoneham
Liquor Licensing Authority
Minutes of Meeting of
December 21, 2011**

Chairman Rotondi called the meeting to order at 7:02 p.m.

Members present:

John F. DePinto
Richard S. Gregorio
Robert W. Sweeney
Frank Vallarelli
R. Paul Rotondi, Chairman

Request for Change of Manager/99 Restaurants of Boston, LLC/10 Main St

Selectman Sweeney moved approval of the Change of Manager for 99 Restaurants of Boston, LLC from Mike Wells to PJ Boncek, seconded by Selectman DePinto. **Motion was unanimously voted.**

Selectman Sweeney asked that they put on a future agenda for the Board to look at the current bylaws so that they could draw a larger chain into Redstone. He said that once they find out about the Town's 15-seat bar they drop the subject. He suggested doing a check on what other towns require and then have a public hearing at the beginning of February. Selectman DePinto added that they explore beer and wine only both for restaurants and package stores.

Hearing for the Non-Renewal of Alcoholic Beverage License Authorizing Sale of All Alcoholic Beverages Not To Be Drunk On the Premises (Retail Package Goods Store License) currently held by Barbette, Inc. d/b/a McDonough's Liquors at 9 Central Street, Stoneham, Massachusetts/Public Hearing

Town Counsel Solomon explained how the hearing will be run and distributed copies of the relevant statute, because the licensed premises was not available. He said they have an application from Barbette at that site. Selectman Sweeney asked if there is a lease. Town Counsel said there is not. He said that is the basis of the non-renewal. Town Counsel distributed copies of the notice that was provided, which he designated Exhibit A. He distributed copies of certified mail receipts, which he designated Exhibit B. He designated the return receipts as Exhibit C. Town Counsel designated the second notice, sent out 12/10/11, as Exhibit D. The first witness, Muriel Doherty, was sworn in and questioned. The second witness, Thomas Cahill, Trustee of the Lynn Shore Drive Trust, was sworn in. Town Counsel asked if the Lynn Shore Drive Trust owned 7-9-11 Central Street. Mr. Cahill said yes. He said it was sold in 2006 to Mr. Moyette and Mr. Barbagallo. Town Counsel asked if the license was transferred. Mr. Cahill said yes. Mr. Cahill said they stopped paying in June and they had a foreclosure auction in December. Town Counsel designated the foreclosure deed as Exhibit E. He asked if there were any other action taken by the Trustee. Mr. Cahill said the sheriff came. He said they had to hire a shipping company to put everything in storage. Town Counsel designated the Woburn Court document as Exhibit F. Town Counsel asked Mr. Cahill if it has been operated as a package store, after the sheriff evicted Barbette, Inc. from the premises. Mr. Cahill said it has been vacant. Town Counsel asked how he knew. Mr. Cahill said that every so often he goes there and unlocks the door. He said there is nothing there.

Town Counsel asked Mr. Cahill if, as a trustee, he has entered into a lease with Barbette. Mr. Cahill said no. Town Counsel asked if he has with Mr. Moyette. Mr. Cahill said no. Town Counsel asked if he has entered into any contract with Mr. Moyette or Mr. Barbagallo that would give them the right to operate at that property. Mr. Cahill said no, he has not. Town Counsel said that is the end of the witness. He asked if Mr. Moyette would like to cross-examine the witnesses or call witnesses. Richard Moyette was sworn in. Mr. Moyette said if they don't choose to give them a lease they will find another location. He said that is why he put "9 Central Street". He said he doesn't think that is refusal of his license. He asked if it is. Town Counsel quoted from the renewal statute "provided that said license is of the same type as the expiring license and covers the same licensed premises." Town Counsel said he would contend that the Board doesn't have discretion. Town Counsel said the Board sent a letter to Mr. Moyette in May asking if he wanted to give up his license. Mr. Moyette said he did tell Muriel he wasn't interested in giving it up. Town Counsel told him that he also told Muriel that he was looking to transfer it. Town Counsel said the Board felt it was better not to revoke the license at that time. He said the Town waited and took no action, but when the renewal comes in they are under State Statute and have to act before 12/31.

Mr. Moyette said he is curious as to when the ABCC letter told them to have a hearing. Town Counsel said that in speaking to ABCC counsel, it was recommended. He said his preference and the Board's would have been to be more informal. Mr. Moyette asked the Board if he could have a little more time to try to work it out to a different location. Selectman Vallarelli said he believes they have to act on this before the end of the year. Town Counsel explained that they had the folks from Lynn Shore Trust here because they needed their testimony about the right to be there. Selectman Vallarelli said, for the record, that there is currently no additional All Alcoholic Package Store Licenses available in Stoneham. Town Counsel agreed. Mr. Moyette asked if this hearing is because he doesn't have that address. Town Counsel said yes. He said Mr. Moyette's application says "9 Central Street". He said under the law it has to be at the same address. He said if he had a different address it would be deemed to be a new license. Town Counsel told the Board what they had before them is the applicant applied at the same address and didn't have a different address. Town Counsel said the Town can't be involved in a private property issue. Jane Cahill said that Mr. Moyette makes it sound like they wouldn't let him back in. She told Mr. Moyette that Mr. Moyette stopped paying rent. Selectman Sweeney said, if Section 16A of Chapter 138 is true, then this should be the end of the story and for the Board to move ahead with this motion. Town Counsel Solomon read the motion. Selectman Sweeney said if they voted not to propose this motion they would be in violation of Chapter 138, Section 16A. Town Counsel said a positive vote would be in violation and no vote would be not fulfilling the intent of the statute.

Selectman DePinto moved that the Board of Selectmen as Liquor Licensing Authority vote not to renew the license of Barbette, Inc. (the "Licensee") (doing business as McDonough's Liquors at 9 Central Street, Stoneham, Massachusetts) for the sale of "All Alcoholic Beverages Not To Be Drunk On The Premises". The reason for the proposed non-renewal is the failure of the Licensee to comply with the requirement contained in Section 16A of Chapter 138 (annual license renewal) that the license "covers the same licensed premises". More specifically, the Licensee does not have the right to occupy and use the licensed premises listed on the renewal application (9 Central Street, Stoneham) for the license purposes. And further authorize the Chairman of the Board of Selectmen to sign and send a written decision reflecting this vote to the Licensee, Mr. Richard Moyette and Mr. Peter Barbagallo, with a copy to the Alcoholic Beverage Control Commission. Motion was seconded by Selectman Gregorio. Selectman Vallarelli clarified that the motion is for "Barbette", not "Babette" as was printed in the proposed motion that was distributed. Town Counsel Solomon agreed that it should read "Barbette". A roll call vote was taken.

Voting in favor:

Selectman Gregorio
Selectman DePinto
Selectman Vallarelli
Selectman Sweeney
Chairman Rotondi

Motion was unanimously voted.

Town Counsel said he will provide the Chairman with the written decision tomorrow.

Selectman DePinto moved to go back to Board of Selectmen, seconded by Selectman Gregorio. A roll call vote was taken.

Voting in favor:

Selectman Gregorio
Selectman DePinto
Selectman Vallarelli
Selectman Sweeney
Chairman Rotondi

Motion was unanimously voted.

Meeting adjourned at 7:55 p.m.

Respectfully submitted,

Muriel Doherty