

PEABODY LICENSING BOARD

Meeting Minutes

Monday, March 8, 2021

In accordance with the Governor’s Order suspending certain provision of the Open Meeting Law, G.L. c. 30A, §18 and the Governor’s March 15, 2020 Order imposing strict limitation on the number of people that may gather in one place, the Monday, March 8, 2021 meeting of the Peabody Licensing Board was commenced at 6:30 p.m. via Zoom Webinar and was conducted via remote participation to the greatest extent possible.

The Clerk/Recording Secretary was responsible for moderating the meeting via Zoom webinar.

The meeting was called to order at 6:30 p.m. by Chairman Fred Murtagh.

Present via Zoom Webinar were: Chairman Fred Murtagh, Board Members James Liacos and Barry Sinewitz, and Clerk/Recording Secretary Darryl Ann McCarthy.

The Licensing Board did not receive any One Day License Requests.

MOTION: made by Barry Sinewitz approve the meeting minutes of February 22, 2021; said motion was seconded by Jim Liacos.

<u>Roll Call Vote:</u>	Barry Sinewitz:	Yes
	Jim Liacos:	Yes
	Fred Murtagh:	Yes.

Whereby the motion was approved unanimously.

NEW BUSINESS

MOTION: made by Barry Sinewitz to receive the Application for Transfer and Pledge of License from Legal Sea Foods, LLC to LSF Peabody, LLC and to schedule for public hearing on Monday, April 12; said motion was seconded by Jim Liacos and unanimously approved.

<u>Roll Call Vote:</u>	Barry Sinewitz:	Yes
	Jim Liacos:	Yes
	Fred Murtagh:	Yes.

OLD BUSINESS

The Licensing Board members discussed the way to handle receipt of late communications. Board Member Jim Liacos provided the board members with information from the Mass.gov website on open meeting law and agenda. He has learned from his past experience on the School Committee, City Council, and other Boards that meeting agenda should be set by the Chairperson and include any items that the Board intends to discuss and any objections thereto should be noted. He is concerned about the Open Meeting Law and wants the Board to come to an agreement on having a firm cut-off date for receipt of communications. The best practice would be not to receive communications after the meeting agenda is posted on the Thursday before a Monday meeting.

Barry Sinewitz stated that this was a good discussion to have and Jim has made a good point. From his experience on the Board, the one-day license requests that were received at the last minute were a concern. These events could impact neighborhoods and present legal issues. People were coming in just days before scheduled events.

It was noted that its important for the Licensing Board to review their procedures on a regular basis. The Licensing Board requested that the Clerk/Secretary not date/time stamp the receipt of any applications until such time as the Board has received as part of their agenda. Also, that one-day licenses should be submitted at least 30 days in advance of any scheduled event.

In terms of the Board accepting late communications, would the best practice be if one board member objects, it doesn't come to the Board, or would a majority of the Board have to object?

Chairman Murtagh if a majority objects, it will get put off to the next regular meeting.

MOTION: made by Jim Liacos that late communications will require a 2/3 vote of the Board (or 2 members) to approve to receive a late communication; said motion was seconded by Barry Sinewitz.

<u>Roll Call Vote:</u>	Barry Sinewitz:	Yes
	Jim Liacos:	Yes
	Fred Murtagh:	Yes

Jim Liacos thanked everyone for listening to his concerns and having the discussion.

PUBLIC HEARINGS

At 6:58 p.m., the public hearing was commenced on the amendment application for change of LLC Managers submitted by Outback Steakhouse of Florida, LLC. It was noted that this is a large scale corporate transaction and all documentation has been submitted to the ABCC. The ABCC has asked for the approval of same from all local Licensing Boards and the LLA's

should submit their Certification of the transaction. Attorney Devlin is representing Outback in this transaction and declined to attend the meeting, as it was procedural.

MOTION: made by Jim Liacos to approve the Amendment Application of Outback Steakhouse of Florida, LLC for change of LLC Managers; said motion was seconded by Barry Sinewitz.

<u>Roll Call Vote:</u>	Barry Sinewitz:	Yes
	Jim Liacos:	Yes
	Fred Murtagh:	Yes

Whereby, the Licensing Board unanimously approved the application and directed the Clerk/Secretary to prepare and submit the LLA Certification to the ABCC for final approval.

At 7:00 p.m., the public hearing was commenced on the Revocation/Cancellation of the license held by Polivios, Inc. d/b/a Brother's Kouzina, at 23 Newbury Street, Peabody for non-use of the license pursuant to M.G.L. c. 138, s. 77. Appearing via Zoom webinar were the manager/owner, Penny Christopher, as well as her daughter Angela Guarracino who was present and representing as her attorney.

Penny Christopher advised the board that she would like to transfer the license to a new location. She was in the process of looking at a new location, and then the pandemic hit. They just signed a lease for 29 Newbury Street and are looking to do plans for a similar restaurant. Their hope is to keep the liquor license and the plan is to open up right next door and to keep it at that location. All ownership interests will remain the same.

Fred Murtagh noted that no formal application has been received?

Jim Liacos asked: You are fixing up the building?

Penny advised that the lease has been signed but they won't start on opening until permitting and all the work is done. Its going to be a while before she can open. The Board asked how long? She thinks within 6 months. The location is 2,500 square feet on the first floor and 2,500 feet on the second floor. There is a lot of work that needs to be done to make it suitable as a restaurant. She wants to do a restaurant with lunch and dinner. Again, she has a signed lease.

Jim Liacos stated that he would like to see something showing what she intends to do and a time line set. Penny stated that she has not been able to do anything in this year of COVID.

Penny wants to keep the liquor license for another year so that she can open.

Barry Sinewitz noted that monthly updates about what she was planning to do were not consistent. He'd be hesitant to let her hold it for another year. They are trying to help.

Fred Murtagh: Does the Board want to take action on the revocation or cancellation or allow for the change of location.

Jim Liacos says come back in 6 months with scheduling plan and send status updates.

MOTION: made by Jim Liacos to ask for monthly updates to be received by the Board and the Board will expect to receive an application for change of location within the next 6 months; said motion was seconded by Barry Sinewitz.

<u>Roll Call Vote:</u>	Barry Sinewitz:	Yes
	Jim Liacos:	Yes
	Fred Murtagh:	Yes

Whereby, the Board voted unanimously to hold off on the revocation/cancellation of the license and no take any action until an application for change of location is received.

The next meeting dates of the Licensing Board will be: Monday, April 12 and Monday, April 26, 2021.

There being no further business before the Board,

MOTION: to adjourn made by Barry Sinewitz ; said motion was seconded by Jim Liacos and unanimously approved.

Whereby, the meeting was adjourned at 7:21 p.m.

Respectfully submitted,

Darryl Ann McCarthy

Darryl Ann McCarthy, Clerk/Recording Secretary

DATED: March 22, 2021