

Minutes of the Licensing Board Meeting Held Wednesday, February 24, 2021

Per the March 12, 2020, Executive Order issued by Governor Baker modifying specific requirements of the Open Meeting Law, the City of Marlborough Licensing Board was held remotely. Access to the meeting was through Microsoft Teams Meeting via a link on the Board's web page or by dialing in (1-617-433-9462 / Conference ID: 455 855 889#)

Attending: Walter Bonin, Chairman; Greg Mitrakas, Member, David Bouvier, Member; Tina Nolin, Clerk

Meeting called to order by Walter Bonin, Chairman at 7:30 pm

New Business

- 1. Application for a change of hours for Tacklebox Brewing Company, and a consistent change of hours for its entertainment license, 416 Boston Post Road E. Adam Krasinski, owner/manager**

Adam Krasinski was present.

Member Mitrakas motioned to move the application to the first order of business. Member Bouvier seconded the motion, and the roll call vote was 3-0 to begin the meeting with Mr. Krasinski's applications.

The application requested a change of hours from the current Wednesday – Sunday from noon to 10:00 pm to the new hours of Monday – Saturday 8:00 am to 1:00 am and Sundays from noon to 11:00 pm. The entertainment application asked for an ending hour of 11:00 pm.

Member Bouvier motioned to approve the two change of hours applications; Member Mitrakas seconded the motion. A roll call vote was 3 – 0 in favor of the motion.

- 2. Application for the transfer of a Wine & Malt Package Store License, Price Chopper Operating Co. of Massachusetts, Inc., 240 East Main St. Timothy Darwell, proposed manager**

The Clerk made known to the Board at the start of these proceedings that there had been a change of proposed manager after the agenda posting. The new proposed manager, Timothy Darwell, was present at the meeting. Member Mitrakas abstained from this portion of the meeting as he had a conflict of interest.

Also present were Eugene Richards of Hurwitz, Richard & Sencabaugh, Attorneys at Law, Steve Speelman of Price Chopper, Aldo Cipriano, Esq., for The Vin Bin, and Rick Lombardi, owner of The Vin Bin.

The Public Meeting was opened at 7:34 pm

The attorney for Price Chopper, Mr. Richards, introduced the license as part of an overall renovation of the current Price Chopper store into one of their Market 32 stores. Citing the company's stellar record at other locations where they offer alcohol, including all managers being tips trained, cashiers being company trained in a TIPs-like program, and having

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electronic means in place to prevent selling to and by underage people, Attorney Richard requested approval for the license. He also explained that the license application covered the entire store to allow for small displays, such as at the cheese counter or snack aisle, especially during holidays or the Super Bowl, etc. However, he was adamant that this in no way meant Price Chopper was looking to become a liquor superstore or to have alcohol as a principal offering. The application is asking for one aisle and a few satellite locations around the store. This license would in no way diminish the grocery offerings at the supermarket.

The Chairman opened the meeting to anyone else who was in favor of the application by Price Chopper.

- Attorney Cipriano representing the Belladora Corp. in the license transfer spoke to explain they were hoping to transfer the license due to the significant downturn in business at their Vin Bin West location due to COVID-19 and the resulting loss of business at the surrounding hotels and other entertainment sites that brought in Vin Bin West's clientele.
- Resident and business owner Robert Valchuis spoke in favor of the application, saying he has been a customer of both the Vin Bin and Price Chopper for many years, and he has tenants who live in the area of Price Chopper and feels the license transfer would be a good thing for them and Marlborough.

Chairman Bonin asked if there was anyone who wished to speak in opposition to the license application.

- On behalf of Harold Benway and Plaza Liquors, Jay Benway, 282 Boston Post Road E, spoke. The Benways oppose the application presenting the Board with a map showing a half-dozen or so liquor stores within a mile of the Price Chopper store and more than a dozen within a mile and a quarter of the store. Also, Mr. Benway noted that all the liquor stores currently in the city are small, locally-owned stores that are already facing competition from large chains coming onto the area offering alcohol, such as Total Wine in Natick, BJ's in Northborough, Westboro and Hudson, and the newest one, Highland Wine and Spirits in Hudson. They would like to see Marlborough support the local small businesses and deny the license. The Benway's mentioned they had been before the Board less than a year ago to move their business, not because they wanted to move, but because they were being forced out from the Price Chopper plaza for this very reason.
- Priyanka, Director at Kiddie Time Day Care, 81 Hosmer St., spoke in opposition to the license saying she felt their issues with Price Chopper carts and discarded nip bottles would increase on the property due to their location to the store and the Heights Apartment complex whose residents trespass through the property to the store. She hoped the Board would consider it when making their decision.

Hearing all comments and questions, the *public hearing was closed at 8:09 pm*

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Member Bouvier asked if the training offered by the Price Chopper company was certified by an outside agency. Attorney Richards and Mr. Speelman said no, but it is very close to the TIPS training and has been used effectively across 130 stores for a very long time.

Chairman Bonins cited the following concerns and questions,

- This is one of the last grocery stores in the city, and on the east side of the city was concerned about the loss of grocery options in the store for its patrons.
- Request for large-scale drawings with appropriate dimensions to see how much of the floor area will be dedicated to alcohol sales and where the alcohol will be stored when the store is closed.
- Chairman Bonin also wants to know the percentage of the floor space for alcohol sales and how it will affect the percentage of groceries for sale in the store. The concern is that there would presumably be fewer grocery items with alcohol in the same floor space as noted on the drawings. Thus, this plan does not appear to benefit shoppers, only Price Chopper. Explaining that he understands Price Chopper will be investing a considerable sum in upgrading the store, the Chairman requested to know what those upgrades entailed and how much will be invested.
- Attorney Richard's said he would get the Board larger drawings and the answers to the Chairman's other questions. Mr. Speelman wanted the Board to be assured that the store would not be reducing grocery offers and would most likely increase across departments – fresh, meats, and grocery. There would not be items that people would typically look for and not be able to find.

Chairman Bonin recessed the public meeting until a later date when they had all the materials needed for their deliberations. As soon as those have been received, the Board will set a meeting as quickly as possible. Therefore, the Public meeting for the Price Chopper application is hereby tabled until the next meeting.

3. Reports from the Chairman

The Chairman reported that Kennedy's received a one-year extension on their application for the package store.

4. Misc. correspondence and open issues

- ABCC advisory extending restriction on retail licensees to 25 % capacity limit (1-7-2021)
- ABCC advisory re Governor's COVID-19 Order No. 62 (1-21-2021)
- ABCC advisory regarding increasing retailer's capacity limit to 40% (2-4-202)
- Annual Report sent to the ABCC on the 2020 licenses

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Member Mitrakas motioned to accept all correspondence and place it on file; Member Bouvier seconded the motion. The roll call vote was 3 – 0 in favor of accepting and placing the correspondence on file.

5. Review minutes from the December 16, 2020 meeting

Member Mitrakas motioned to approve the December 16, 2020, meeting minutes. Member Bouvier seconded the motion; the roll call vote was 3-0 in favor of the motion to approve the meeting minutes.

The next meeting of the Licensing Board will be Wednesday, March 31, 2021.

Member Bouvier motioned to adjourn the meeting at 7:55 pm; Member Mitrakas seconded the motion; the Board roll call vote was 3-0 in favor of adjournment.

Respectfully submitted,

A handwritten signature in black ink that reads "Walter Bonin". The signature is written in a cursive, slightly stylized font.

Walter Bonin, Chairman