

## **Minutes of the Licensing Board Meeting Held Wednesday, March 17, 2021**

Per the March 12, 2020, Executive Order issued by Governor Baker modifying the Open Meeting Law's specific requirements, 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; David Bouvier, Member; Tina Nolin, Clerk

Absent: Greg Mitrakas, Member

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

### **New Business**

#### **1. Continuation of the public meeting on the 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 Chair opened the meeting as a continuation of the February 24, 2021 meeting regarding Price Chopper's application for transfer of license.

Chairman Bonin reported that the board received three additional letters of opposition regarding the license transfer. The letters from Tony Sporangella of Sperry's Liquors at 15-17 East Main Street and 531 Lincoln Street, J Benway of Plaza Liquors, 282 Boston Post Road East, and Ken Fries of RK Plaza) were acknowledged, noted as read by the board. The Chair requested they be put on file as part of the public record.

The Chairman reminded everyone the last meeting (February 24<sup>th</sup>) had been suspended until the board received a readable and labeled floor plan showing the alcohol and alcohol storage areas, including square footage of each. The Chairman thanked Attorney Richards for sending over the supplemental materials, including architectural drawings of the floor plan, photos, and written detail. Chairman Bonin also stated that these materials are online on the board's webpage.

According to his discussion with Price Chopper, the Chairman also reported store renovations would begin as soon as possible upon approval of the liquor license, with completion being in September 2021. The store did not expect to close during the renovations.

The public hearing reopened at 7:44 pm

Jay Benway of Plaza Liquors, 282 Boston Post Road West, spoke in opposition to the license, commenting on the letter and pictures he sent regarding liquor displays at another Market 32 location that extended beyond the Wine & Beer aisle into all areas of the store. He explained that such displays rendered them a much larger "liquor store" than the package stores that would be competing for business. Mr. Benway also cited the abundance of liquor stores already in the area of the proposed store.

**ALL RELATED DOCUMENTS CAN BE SEEN IN THE LICENSE BOARD OFFICE**

Mr. Cipriano, Attorney for Belladora Corp., current holder of the Wine & Malt license seeking transfer, spoke to the issue of the sale price of the license, citing that most of the money from the sale would go to meeting debt obligations incurred from the Vin Bin West venture and not as profit to the corporation.

Demetrios Kambosos, the owner of Capital Liquors, 500A Boston Post Road East, spoke in opposition to the proposed transfer asking the City to support its small business, saying the transfer to Price Chopper would hurt the smaller local package stores in Marlborough where competition was already high.

Dhiren Patel, the owner of Marlborough Market, also spoke in opposition to the transfer. He argued Price Chopper is too big of a store not to take business away from the locally owned, smaller package stores. Mr. Patel also requested that if the board approved the license transfer, they do so only for the 2490 s.f. aisle noted on the plans and not allow any satellite displays.

The public hearing was closed after hearing all comments at 8:09 pm.

Regarding the comments made, Chairman Bonin spoke to the extension of displays beyond the licensed area, or any violations, stating that while the board could not speak to such violations in other locations, they would not stand for them in the City and would act swiftly and aggressively against them. Regarding competition to other area liquor stores, the Chairman cited ABCC guidelines which do not allow the board to consider competition or sale price in their decision matrix when determining license approval. The board's primary considerations for license approval are the character, capabilities, and history of applicants.

Chairman Bonin agreed that this was often a concern when new licenses came into an area but noted that such concerns often did not come to fruition.

Speaking to Attorney Cipriano's comment and the sale price, Member Bouvier wanted to know if there was a lien on the license or a pledge. There was not.

Member Bouvier expressed concern with self-checkout and the liquor and controlling underaged sales and theft. Attorney Richards and Steven Speelman, Zone Director and Director of Price Chopper, explained that alcohol at a self-checkout station needs a manager present who must enter the date of birth through the register and monitors check bottom-of-the-basket items not scanned. Mr. Speelman reported that these have worked in other stores where they have alcohol.

Chairman Bonin also stated that the ABCC would ensure that all safety precautions work and are in place.

Member Bouvier also asked if there could be one register for alcohol. Attorney Richards and Mr. Spellman pushed back on that idea as outside their business model and that historically in seven other MA locations, they have used the model laid out in the plans, and they have had no issues to date.

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After further discussion between Member Bouvier and Chairman Bonin regarding having one register for alcohol at the end of the alcohol aisle. Chairman Bonin agreed to contact the ABCC investigator to discuss the issue and see what he says about the idea. He acknowledged that the board did have concerns about alcohol at grocery stores and youth, given how busy store check-out areas are. However, the Chairman also noted that this was not Price Chopper's first store with alcohol, so the ABCC inspector should be able to speak to their protocols and any issues that have occurred.

Member Bouvier motioned to table the vote and suspend the meeting pending the Chairman's report on whether the board can require only one register for alcohol at the end of the Wine and Beer aisle. Chairman Bonin seconded the motion; the roll call vote was 2-0 in favor of the motion.

Chairman Bonin said he would call the ABCC and would reconvene the meeting as soon as possible. He asked Attorney Richard to have his client look into having a check out at the end of the aisle.

Member Bouvier motioned to adjourn the meeting at 8:31 pm; Chairman Bonin seconded the motion; the Board roll call vote was 2-0 in favor of adjournment.

Respectfully submitted,

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

Walter Bonin, Chairman