

August 7, 2008

The August 7, 2008, meeting of the Licensing Board of the Liquor Licenses for the Town of Foster was called to order by Colette Matarese, President of the Foster Town Council at the Town House, Foster, Rhode Island, at 6:06 p.m.

The following members were present:

Colette Matarese, President
John Lewis, Vice President,
Peter Baribault,
Lynne S. Rider, excused
John J. Bevilacqua, Jr. Town Solicitor

Staff

Robert Fallon, Building & Zoning Inspector

The Pledge of Allegiance was recited.

LICENSE HEARING WOODLAND MTG. HSE. Colette Matarese, Council President, turned the floor over to the Town Solicitor, Atty. John J. Bevilacqua, to explain what was in the packets regarding the purpose of the WOODLAND hearing.

Atty. Bevilacqua explained that he had instructed the Foster Police Department to make available a report dated July 12, 2008, at approximately 1430 hours, which is about 2:30 in the afternoon, in which a patrolmen saw a set-up of large commercial tents and approximately 60 people in an area which appeared to be an outdoor bar with people drinking from what appeared to be beer bottles. There were also coolers which contained alcoholic beverages and a sign above the coolers indicating the presence of beer there and mixed drinks inside.

Upon review of the license for this establishment, it was noted that there was no indication on the license that allowed for the consumption, service, sale and storage of alcoholic beverages outside of the tavern area for which the license applied. There were also photographs of empty bottles and containers in the packets received by the council.

The recommendation of the Town Solicitor would be to serve notice to the owners of Woodland Meeting House, more particularly Lisa Mills, to response to a hearing for the purpose of determining whether or not the license should be suspended, revoked, and fines imposed. He also informed the Licensing Board that there was also an event scheduled to take place on August 9, a "Tye Dye Festival", with approximately six bands, with admission of \$10 to include parking and camping. The ad indicates that no coolers are allowed, and that beer and food would be sold on premises. He noted that there was no outdoor entertainment license, based on the type of license that was issued with the alcohol license.

Atty. Bevilacqua further explained that the board could temporarily suspend the license until the hearing is conducted, which he did not recommend. He recommended that the license not be suspended for any length of time until the show-cause hearing occurs. He also informed the board that he would have a conversation with the attorney of the owners to try to resolve the issue.

Colette Matarese, Town Council President, acknowledged Atty. Bevilacqua's report and his suggestion that the board notify Lisa Mills, the owner of Woodland Meeting House, to come before the council for a show-cause hearing as to why the license should not be revoked. Also, as it pertained to any activity that was noted in the report, the board could give an order that the sale, consumption, service, storage of alcoholic beverages outside the service area, as defined, is prohibited. That activity should cease and desist.

Discussion ensued regarding how the cease and desist order would affect the planned event for Saturday, August 9th, and if the coolers could be brought inside. Atty. Bevilacqua stated that the license permitted alcohol indoors. Also, the entertainment license referred to the interior of the building as it had in the past.

A motion was made to notify Lisa Mills to come before the Licensing Board to have a show-cause hearing as to why the license should not be revoked as a result of this report by Peter Baribault, seconded by Roger Hawes.

Colette Matarese aye, John Lewis aye, Roger Hawes aye, Peter Baribault aye.

As to setting a date for the hearing, Atty. Bevilacqua will arrange a date. It was noted that the Town Clerk's office has been unable to contact Lisa Mills by mail, or in any way, to notify her. Lisa Mills' attorney accepted responsibility of notice.

A motion was made by Peter Baribault, seconded by Roger Hawes, to issue a cease and desist order that the sale, consumption, service, storage of alcoholic beverages be prohibited outside the service area within the limits of the license and be allowed only inside the service area as the license states.

John Lewis noted that the motion was clear as it stands, but did not know how it impacted upon the weekend event. Does the motion prohibit the event? Or does it allow the event to go on with the caveat that all liquor must be consumed indoors?

Council President Colette Matarese noted that there was no license for outdoor entertainment but that it was not part of the issue now. Atty. Bevilacqua noted that the Board could only respond to what has occurred, not what may occur in the future. What was before the board at this meeting was the police report indicating an activity that was in violation of state law and the license that was granted by this board. As to the entertainment, it has not happened yet. For the purpose of notification, the board has been made aware of the fact that there is an event scheduled to take place; as for the entertainment license, that is an interpretation that would have to be determined after the event takes place. The anticipation of an event is not a violation in and of itself. The board can caution the license holder of this event and request that they apply for the appropriate license.

Roger Hawes asked if they could apply for a special outdoor license. Atty. Bevilacqua stated that they could. Mr. Hawes asked why they haven't, and it was noted that they did not, but the hearing was not about the event, but only the police report. Atty. Bevilacqua noted that as advertised in *The Foster Home Journal* there are certain items without permit. The cease and desist is clear and gives notice to the license holder that if they persist in that activity, they could be shut down. John Lewis questioned whether they could get a license before August 9th, and Ms. Matarese explained that they could not as there was not sufficient time.

Colette Matarese aye, John Lewis nay, Roger Hawes aye, Peter Baribault aye

Atty. John Bevilacqua, Town Solicitor, requested permission to set a date with Lisa Mills attorney for the public hearing.

A motion was made by Peter Baribault, and seconded by Roger Hawes, to instruct Mr. Bevilacqua to meet with the attorney of Lisa Mills, the owner of the establishment, in order to notify the clerk as to when the meeting can take place.

Colette Matarese aye, John Lewis aye, Roger Hawes aye, Peter Baribault aye.

The meeting was adjourned at 6:30 p.m.

A digital sound file is made a part of the record for a complete account of the council meeting.

Submitted By

Carol L. Lyons
Deputy Town Clerk