Licensing Board

TOWN OF WATERTOWN
ADMINISTRATION BUILDING
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Minutes June 11, 2018

ACCEPTANCE OF MINUTES

1. Cinemaworld of Florida, Inc. Continued from May 17, 2018 **Approved 3-0**
   485 Arsenal Street
   All Alcohol General on Premises License/Common Victualer License

2. Public Hearing on Amendment of Licensing Board's Rules and Regulations: Section IV.C.1, Restaurants and Commercial Clubs, Hours and Days of Operation – to provide for Sunday hours of operation for entertainment related establishments. **Continued to July 19, 2018**

Start: 7:30PM-10:00PM

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Donna B. Doucette, Chairman

Present: Donna B. Doucette, Steven W Aylward, Sandra Kasabian Hoffman, Michael E Brangwynne (Alternate Member)

Cinemaworld of Florida, Inc.
d/b/a Majestic 7 by Cinemaworld
970 16th Place
Vero Beach, FL 32960

The Watertown Licensing Board met to consider the application of Cinemaworld of Florida, Inc. d/b/a Majestic 7 by Cinemaworld for a General on Premises All Alcohol Common Victualer License to be exercised at 485 Arsenal Street.

Rick Starr, II, president, and James Deal, senior vice president of operations, appeared in support of the application.

Mr. Starr stated that his company owns and operates movie theaters in several areas, the closest being in Lincoln, Rhode Island. The proposal for Watertown is seven screens and 700-plus seats. All seats would be luxury tilt models, and there would be an expanded concession menu and a full bar. Seating is reserved, so there will be a lot of advance purchases. In response to questions from the Board, Mr. Starr explained that on entering the facility patrons would first stop at a guest services counter and then a concession area, which will wrap around the bar. Video surveillance is used for security, and police details would be used on weekends and other busier times. Bar transactions will be at a location separate from the concession area and beverages will be in different cups or glasses to make them distinguishable from non-alcoholic items. Ticket access to individual theaters is via a separate point of entry. It is not expected that there would be many non-moviegoers patronizing the facility because the Arsenal Yards development in which the facility will be located will include other, better food establishments. Ushers will walk the theater areas during the screening times. There will be no in-theater service of alcohol. If alcohol is given to an underage person, that person will be required to leave the premises, and the matter would be reported to the Police Department.

Mr. Scott stated that the company works with schools to screen education-related films and conduct fundraisers. Mr. Deal added that the theaters will have the capability to offer captioning for hearing impaired patrons, and that the company offers ‘lights up’ screenings for persons who cannot tolerate full darkness.

In response to further questions from the Board regarding monitoring of alcohol purchases and consumption, Mr. Starr stated that he did not expect that the use of wristbands to identify alcohol purchasers would be required but that if a need was identified such a system could be implemented. He noted that there is no absolute limit on the number of drinks which may be purchased, but patrons are monitored and all alcohol purchasers will be asked for identification. Mr. Starr explained that the use of wristbands can be a customer services and experience issue. He noted that alcohol sales account for about of 20 percent of food and beverage sales, and Mr. Deal stated that alcohol sales account for less than ten percent of total sales revenue. The alcohol sales experience is based on the company's Florida location, which has operated for five years without incident.

Angeline Kounelis, East End Town Councilor, posed various questions regarding the proposed operation: how will the business prevent customers from bringing in their own alcohol; what precautions will be taken regarding inappropriate patron behavior; how long is the recording period for surveillance cameras; how will the business verify that alcohol being consumed was purchased on-site? She stated that more controls need to be in place and noted that the ushers could be only high school students. Mr. Starr responded that patrons often alert staff if there is a problem, and offending patron are asked to leave. Alcohol will be delivered to customers in clear plastic glasses or cups, which will be shatter-proof and size limited. Mr. Deal stated that ushers walk through the theaters at least every 15 minutes. He explained that the surveillance cameras have infra-red light to allow for recording in the dark, and that there are floor staff and upstairs staff who monitor the space. Mr. Deal added that some cameras operate on a motion basis and some record every second. For constant recording, the recording period is about one month; for motion sensor cameras, the data period can be several months. Mr. Starr also noted that the ticket will inform customers that the company reserves the right to search persons and their bags. Mr. Deal explained that a conduct policy will be posted in the theater and on the company's website, as many tickets are expected to be purchased on-line.

Mr. Deal stated that he was named as manager on the application, but that as the time for opening of the premises grew closer the company would file an application for approval of a new manager who would be dedicated to this location. Mr. Starr added that the company does have liquor liability insurance and the Watertown location would be added to the policy.

Board chairman Doucette stated that, at present, she would only consider a six-day license, based on the provisions in the Board's regulations.

Sgt. Grady stated that the Police Department had no objection to the granting of the requested license, provided that the conditions stated in items 1 through 6 below were imposed.

Chairman Doucette asked about the one beverage per person limitation, and Sgt. Grady responded that it was intended to allow for proper identification of customers on a face-to-face basis.

Board members discussed the one drink per person purchase limitation and the use of measures to identify alcohol purchasers. Mr. Starr stated he would prefer to use a hand stamp, which can be done with ultraviolet ink which is visible to the surveillance cameras using UV light. He also stated that a black light could be used at the bar to do checks at the time of purchase. Mr. Starr and Mr. Deal both stated that allowing the purchase of two drinks at a time addresses the issue of parents or a couple not having to go through the beverage line separately or more than once. They added that the serving size will be 6 ounces for wine and 12 ounces for beer. Lisa Feltner, District B Town Councilor, commented that a one-drink limit can be an inconvenience for customers. District C Town Councilor Vincent Piccirilli stated that he saw an equity issue in the one versus two-drink limitation, and that he believed there was less potential for abuse at movie theaters. Councilor Kounelis commented that she agreed with the one-drink limit.

The Licensing Board unanimously voted to grant the requested license, subject to the following conditions:

1. The description of the premises is as follows: 34,878 square feet with concession bar, seven movie theaters, bathrooms, kitchen, storage and front/rear entrances.

2. Hours of operation will be Monday through Sunday 9:00 am until 1:00 am. No alcohol shall be served before 11:00 am and no later than 12:30 am. No alcohol shall be served on Sunday.

3. Seating for 724 patrons in the theaters with an additional 11 seats at the concession bar.

4. No more than one alcoholic beverage shall be served to one person at one time, with proper identification.

5. The manager, James Deal, and all servers employed by the licensed establishment shall attend and successfully complete an alcohol awareness-training program (e.g., TIPS) immediately upon hire or expiration of certification.

6. Copies of all alcohol awareness-training certifications shall be maintained by the licensee and reviewable upon request.

7. The licensee shall utilize a method, such as wristbands, to identify purchasers of alcohol.

8. Alcohol shall be sold in clear plastic glasses, with a size limit of 6 ounces for wine and 12 ounces for beer.

9. The licensee shall check all bags larger than a purse being carried by persons entering the premises.

10. The licensee must file a food service plan review application with the Health Department for service of any type of food or beverage.

2. The Licensing Board convened a public hearing to consider amendment of the Board's Rules and Regulations: Section IV.C.1, Restaurants and Commercial Clubs, Hours and Days of Operation – to provide for Sunday hours of operation for entertainment related establishments.

   Attorney William York, together with William McQuillan of BP Watertown Retail LLC on behalf of the Arsenal Yards project development team and Tom Wilder of the Wilder Companies, presented a proposed amendment that would, for entertainment related establishments located within the so-called Arsenal Corridor Regional Malls Area, eliminate the requirement of 60% of gross revenues from food sales for approval of Sunday serving hours.

Attorney York stated that a food sales percentage condition for Sunday operating hours is not a state law requirement. Mr. McQuillan summarized the Arsenal yards development plan as including a full-service supermarket, a 7-screen cinema, four to six sit-down restaurants; 300 rental apartments, 125 +/- condominium units, office and laboratory space, service and fashion stores, quick serve eateries, and open space. It is expected that the build-out will take three years, with the first phase planned for opening in the fall of 2019. He stated the concern that many prospective tenants would require a 7-day alcohol license.

Mr. Wilder stated that eating and drinking habits have been changing, with more people dining out and more sharing of meals. He added that food costs are declining so that a 60% food sales requirement is becoming more inapplicable to food industry realities. Mr. Wilder noted examples of quality establishments, such as craft breweries and gastro-pubs, at which alcohol sales exceed food sales, and observed that the profit margin on food sales is so low that such sales often do not make money. With higher end beers, he stated, the cost of two beverages can exceed the cost of the food ordered for a meal.

Attorney York stated that the old purpose of the 60% food sales requirement was to keep bars closed on Sundays, but that there is a different dynamic at play today.

Chairman Doucette commented that alcohol prices increase at a rate higher than that for food. She asked why removal of the 60% requirement should apply only in the Arsenal area and stated that the presentation raised a question as to whether to maintain the 60% requirement at all.

Board member Aylward stated he agreed in principle with the proposal but would not want to limit a change to just one area of the Town. He also stated that he would want to reserve the right to invoke a 60% food sales requirement for certain applicants. Alternate Board member Brangwynne stated he would defer to the view of the other members but did see a trend toward the types of establishments that would benefit from the proposal.

Sgt. Grady stated that the Police Department had no objection to modification of the 60% requirement and noted that the same enforcement issues can happen on any day of the week.

District C Town Councilor Vincent Piccirilli stated that the rezoning for a Regional Mixed Use Economic Development District has helped achieve desired development in the Town, and that the 60% requirement disadvantages the Town in competing for quality restaurants. For example, he said, a quality establishment can be serving a small plate of food for $8.00 with a glass of wine priced at $16.00. As a result, the 60% requirement would not work to eliminate undesirable operations.

The Board voted to continue the hearing to July 19, 2018, with consideration to include elimination of the 60% rule.