

TAPED

The License Commission held its regular monthly meeting at 6:00 p.m. on Thursday, July 9, 2015, in the G.A.R. Room at City Hall. Present were Chairman Henry Tartaglia; Commissioners Paul D. Sullivan, Bruce G. Dansby, Scott H. McDuffy and Joao DeAndrade. Also present were Det. Sgt. Michael Dennehy

1. Approval of the Minutes of the License Commission meeting of June 18, 2015.

A motion was made by Commissioner McDuffy to approve the minutes which motion was seconded by Commissioner Sullivan. All members voting in the affirmative, the motion carried.

2. Approval of the following police officers as license agents for the month of August, 2015: Lieuts. Kenneth LeGrice and Paul Bonanca; Sgts. George Khoury, Frank Vardaro and Michael Dennehy; Dets. Thomas Hyland, Nazaire Paul, Eric Clark, Santiago Cirino, Jackie Congdon, Chris McDermott, Michael Bunker, Michael Cesarini, Patrick Donahue and Erin Cummings.

A motion was made by Commissioner McDuffy to approve the police officers as listed as license agents for the month of August 2015. The motion was seconded by Commissioner Sullivan. All members voting in the affirmative, the motion carried.

3. Requests for Special One-day Permits:

- (a) **All Alcoholic Beverages** – Brockton Firefighters Local 144 – William Hill, Manager, 80 Perkins Avenue, for a fundraiser on Thursday, August 20, 2015, from 12:00 noon to 8:00 p.m.

This application was withdrawn by the applicant.

4. Hearing on the request from Brockton Post 1046 V.F.W. – Brandon Doherty, Manager, to serve alcoholic beverages on the grounds outside the club for the following events:

- (a) **Sunday, July 19, 2015 – Car Show from 12:00 noon to 6:00 p.m.**
- (b) **Sunday, July 26, 2015 – Chicken Bake from 12:00 noon to 6:00 p.m.**
- (c) **Saturday, August 15, 2015 – Family Day from 12:00 noon to 6:00 p.m.**

Present was James Doherty who stated these events have all been held in the past. They do have an outside patio license but the area will be extended for these events.

A motion was made by Commissioner Sullivan to approve the serving of alcoholic beverages outside on the dates requested. The motion was seconded by Commissioner McDuffy. All members voting in the affirmative, the motion carried.

5. Hearing on the request from T.B.D. Pizza, Inc. dba Domino's Pizza for a Common Victualer license at 1940 Main Street.

Present was Bill Mohan, Director of Licensing and Permitting for T.B.D. Pizza, Inc.

Mr. Mohan stated that they are moving from their current location at 1289 Main Street which is a small location in a mini mall. He indicated that the national headquarters advised him that the location would not do as a franchise of Domino's and informed them that they needed to find a new site. The former Honey Dew Donut Shop on Main Street became available. This will be the first time they will be purchasing the property. They have spoken with their abutters and letters of support were submitted from Anthony Vigorito, the owner of Boston Frieghtliners and Brad Moore from Bradford Trailers. He also indicated that he has spoken with Councillor Studenski who is also in support. Ms. Tucker stated that she has spoken with Councillor Studenski earlier in the day and he expressed his support of this request. He indicated he was going to try to make the meeting this evening.

Mr. Mohan introduced the president of T.B.D. Pizza, Inc., Mr. Robert Rivard, 9 Fairway Drive, Andover. Mr. Mohan stated this will be an expansion to the business as it exists. They currently have a small workforce. The new location will employ 20 to 25 individuals, both full and part time. Mr. Rivard was a driver for Domino's 25 years ago and he is now the largest franchise owner in New England. They give back to the community by working with police, fire, schools and elderly. They are asking the Commission for the approval of the Common Victualer license.

Mr. Rivard thanked the board and reviewed that they have been successful at their current location for many years but have no seating. When they move, there will be seating as well as a drive thru and they anticipate at least a 50-75 percent increase in their business.

Ms. Tucker reviewed that the paperwork is in order, however, they will be doing renovations to the building and will require all of the department inspection approvals prior to opening for business.

Commissioner McDuffy commented that he is pleased to see what is being done and wished them good luck at their new location.

A motion was made by Commissioner Sullivan to approve the Common Victualer license. The motion was seconded by Commissioner Dansby. All members voting in the affirmative, the motion carried.

6. Hearing on the following requests from Fuhs Enterprises, Inc. dba Dylan's Bar & Grill – Paul J. Fuhs, Manager, holder of an All Alcoholic Restaurant license 787 Centre Street:

- (a) Alter the licensed premises to include an outside deck measuring 25' x 60' with seating for 28 patrons;
- (b) Extend the closing hour to 2:00 a.m. on Thursdays, Fridays, Saturdays and eves of legal holidays.

Present was Attorney Jon Aieta of the Law Firm of Cassis and Cayer, 18 Russell Park, Quincy; and Paul Fuhs, 33 Loring Street, the owner and manager.

Attorney Aieta reviewed the requests which were taken up one at a time. With regard to the alteration of the premise, there will be an outdoor deck and the main entrance and exits will be from inside the establishment. They are proposing seven tables, each seating four. It is a seasonal patio. He then reviewed that Mr. Fuhs purchased the property in 2013. It had been vacant for approximately 7 years prior. He has invested a lot of time and money into the property. He is looking to continue with renovations and improvements by way of the outdoor patio which will be an added benefit to his patrons. The tables will have umbrellas. They were before the ZBA back in May for this request and it was approved at that time.

Commissioner McDuffy expressed concern with the deck being three feet off the ground. Attorney Aieta stated that there was some question as to whether there needs to be an exit from the deck and Mr. Fuhs will do whatever is required by law and there will be a railing around it. Ms. Tucker stated that before the license can be amended, inspections will be required by the various departments to confirm compliance. As far as the music, Mr. Fuhs stated there will only be music coming from the jukebox which is located inside the establishment. Attorney Aieta explained that there will be a couple of speakers placed outside for background music only. There will also be some landscaping with shrubs to soften the sound of the music. Commissioner McDuffy cautioned him to be aware of any noise going into the neighborhood. It was agreed that the music will have to be stopped to the outside at 12:00 midnight.

Sgt. Dennehy stated that he reviewed the calls for service to the establishment. There have been four calls over the past two years and none were as a result of problems with the establishment. He does not anticipate any problems if the establishment is allowed to remain open until 2:00 a.m.

A motion was made by Commissioner Dansby to approve the alteration to the premise by adding a patio to the rear. The motion as seconded by Commission Sullivan.

Commissioner Sullivan asked how long patrons will be allowed to be outside. Attorney Aieta indicated that there won't be any restriction but they do want to be good neighbors as well which is why they have limited the number of seats.

Commissioner McDuffy commented as to whether the occupancy inside will change as a result of the patio and what would happen if it started to rain. Mr. Fuhs stated his seating is

96. Attorney Aieta indicated that based on that his occupancy is probably about 120-130. The building is large and could accommodate that amount. Mr. Fuhs stated he does not have a sprinkler system so he cannot go over 100. Attorney Aieta indicated that applies to 100 seats inside the building if it is predominately entertainment and not food. If the entertainment license encompasses the entire property and is solely used as a night club and entertainment facility, it would require the sprinkler system for over 100. He stated that there is an entertainment license, however, the business is predominately the service of food.

A vote was then taken on the alteration and with all members voting in the affirmative, the motion carried.

With regard to the request to extend the closing hour to 2:00 a.m., Commissioner McDuffy commented that he is not a big 2:00 a.m. fan and feels it is a privilege in the City. He feels Mr. Fuhs has operated properly over the past couple of years and would be in favor of the extension of hours.

Attorney Aieta agreed that there is a proven track record with the board and he has had no problems with the operation. He is currently at a disadvantage and would like to be able to keep his patrons there. Many of his patrons are from the Brockton Hospital who work the later shift and don't arrive until 12:00 or 12:30.

Chairman Tartaglia cautioned Mr. Fuhs to be careful and if there are any problems he should call police right away.

A motion was made by Commissioner McDuffy to approve the extension of the hours to 2:00 a.m. on Thursdays, Fridays, Saturdays and on eves of legal holidays. The motion was seconded by Commissioner Sullivan. All members voting in the affirmative, the motion carried.

It was agreed that the hours on the entertainment license would also be extended and that all live entertainment must stop at 1:30. He was reminded that the music on the patio must stop at midnight.

7. Hearing on the request from Hacienda del Rosario, Inc. dba Casa Rosario – Alejandro Perez, Manager, 688 Crescent Street, to set up one table outside the restaurant for patrons with to go orders only.

The Commission took no action on this request as the licensee, Alejandro Perez, did not appear at the meeting. It was reviewed that Mr. Perez had been informed to come in for the outside table approximately 2 months ago and did not submit the request until recently. It was agreed that he will be required to come before the Commission if he wishes to use the table.

8. Communications

There were no communications to review.

9. Any other business to properly come before the Commission.

With no further business to come before the Commission, a motion was made by Commissioner Sullivan to adjourn the meeting which motion was seconded by Commissioner Dansby. All members voting in the affirmative, the motion carried.

Respectfully submitted,

Henry Tartaglia
Chairman

APPROVED:

Paul D. Sullivan, Commissioner

Bruce G. Dansby, Commissioner

Scott H. McDuffy, Commissioner

Joao DeAndrade, Commissioner

Paul Merian
Alternate Commissioner