

TAPED

The License Commission held its regular monthly meeting at 6:00 p.m. on Thursday, November 12, 2015, in the G.A.R. Room at City Hall. Present were Chairman Henry Tartaglia; Commissioners Scott H. McDuffy, Joao DeAndrade and Harold Marrow, Jr. Also present were Lieut. Kenneth LeGrice and Administrative Assistant Bonnie Tucker.

1. Approval of the Minutes of the License Commission meeting of October 15, 2015.

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

2. Approval of the following police officers as license agents for the month of December, 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 Marrow to approve the police officers as listed as License Agents for the month of December, 2015. The motion was seconded by Commissioner McDuffy. 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, for a Retirement Party to be held at 80 Perkins Avenue on Wednesday, November 18, 2015, from 6:00 p.m. to 12:00 midnight.

Present was William Hill, 80 Ellis Street, who requested a license to be used at their Union Hall for the Annual Retirement Party.

A motion was made by Commissioner McDuffy to approve the Permit as requested which motion was seconded by Commissioner Marrow. All members voting in the affirmative, the motion carried.

4. Hearing on the request from Vega Social Club Incorporated – Donald Burroughs, Manager, 895 Warren Avenue, to use the parking lot for approximately two hours prior to the beginning of the Patriots games on November 15th and December 6th to serve beer and have a barbeque beginning at 2:00 p.m.

Present was Tim Bamford, Hillberg Avenue, who stated they are requesting to use the parking lot for a barbeque and to serve beer to raise money for the 125th Anniversary of the

Club. This will take place for approximately 2 hours before the Patriots Games on two Sundays - November 15th and December 6th.

Commissioner McDuffy reminded Mr. Bamford that no glassware is permitted outside and that only plastic or paper cups and plates are allowed.

A motion was made by Commissioner DeAndrade to approve the request which motion was seconded by Commissioner McDuffy. All members present voting in the affirmative, the request was approved.

5. Hearing on the request from the Brockton Post #1046 V.F.W., 283 North Quincy Street, to appoint James E. Doherty as the manager to replace Brandon Doherty and to change officers of the corporation.

Present were James Doherty, 8 Leatherchip Road, Holbrook and Anthony Morra, 408 Centre Street.

Mr. Doherty reviewed that he is the Post Commander and he will be named as the manager.

Paperwork being in order, a motion was made by Commissioner Marrow to approve the request which motion was seconded by Commissioner DeAndrade. All members voting in the affirmative, the motion carried.

6. Hearing on the request from Shivu Kishu Corp., 350 Oak Street, to appoint Bharatkumar M. Patel to replace Jayantkumar K. Patel as the manager.

Present was Attorney Jack Silverstein, 71 Legion Parkway Way and Bharatkumar Patel, 25 Bergeron Way, Stoughton.

Attorney Silverstein reviewed that the current manager is retiring and they are requesting the approval of Bharatkumar Patel as manager. He will become Tips Certified and has been training for approximately six months. He is aware of the importance of checking ID's.

A motion was made by Commissioner DeAndrade to approve the appointment of Bharatkumar Patel as the manager. The motion was seconded by Commissioner Marrow. All members voting in the affirmative, the motion carried.

7. Hearing on the request from Jeano's Restaurant, Inc. – Dieulifaite Jean, Manager, 761 Main Street, to alter the licensed premises by relocating the bar.

Present was Attorney John Creedon, 71 Legion Parkway and his client, Dieulifaite Jean, 30 Kennedy Circle, So. Easton. Also present was Gary Leonard.

Attorney Creedon reviewed that Mr. Jean has owned and operated this restaurant for over 25 years. They are currently in the process of renovating the dining room and they are putting a bar inside which will have 12 stools. A floor plan was submitted. There will be approximately 30 booths and seats and some high tops. Jeano and his wife will be coming back before the Commission to extend their hours, however, they will have to go to the ZBA first. It is his understanding that there have been no police violations against him over the years.

Gary Leonard, Main Street Manager, stated that Mr. Jean has been a pillar in the Campello section for many years and is very involved with the Community Development.

In response to questions, Attorney Creedon stated there will be 12 seats at the bar. Total seating will be for approximately 36.

It was agreed that the premise must be inspected prior to using the bar.

Lieut. LeGrice stated they have been to this establishment a couple of times. He asked the Commission to make sure all security cameras are in place when Mr. Jean comes in for his 1:00 a.m. closing.

A motion was made by Commissioner DeAndrade to approve the request which motion was seconded by Commissioner Marrow. All members voting in the affirmative, the motion carried.

8. Hearing on the request from Santana Restaurant and Function LLC dba Santana Restaurant and Function Room – Joao Vaz Lopes, Manager, 684 Crescent Street, for an All Alcoholic Restaurant license to replace the Wine and Malt Restaurant license currently issued to the location.

Representing the licensee was Attorney William Rehrey, 11 Beacon Street, Suite 321, Boston and his client Joao Vaz Lopes, 875 Randolph Street, Canton.

Attorney Rehrey submitted the Bank records and the Affidavit of Notice of Mailing to the abutters. He explained that a Certificate of Good Standing has been requested from the Dept. of Revenue, however, it has not yet been received.

Attorney Rehrey then reviewed that Mr. Lopes will remain as the manager of the restaurant and stated the All Alcohol license is being requested for the reason that they will not only be operating as a restaurant but also as a function hall. They have spent more money from what was originally anticipated and so far costs have totaled approximately 750,000 to convert this building into a restaurant and function hall. Mr. Lopes has found that perspective customers are reluctant when they learn they can only have wine and malt beverages and he is losing business as a result. Attorney Rehrey stated there are a number of people at the meeting this evening who are in support of Santana's request. (Those

present were asked to sign a paper indicating they are in favor and this document has been included in the file.)

There was no one present opposed to the license.

Attorney Rehry stated Mr. Lopes is hoping to employ people from the Brockton community to work at his establishment.

Chairman Tartaglia stated he had gone to the restaurant at about 4:00 p.m. one day and it was closed. In response to questions, Mr. Lopes stated his hours are from 12:00 noon to 12:00 midnight. The hours will not be changed at this time.

It was reviewed that there is currently a ZBA stipulation for the hours and any extensions will have to go through Zoning and then licensing. Attorney Rehry indicated that most functions are over by midnight.

Commissioner McDuffy asked about the alterations and it was reviewed that there were some changes from the original plan but they did not change the description of the licensed premise. All of the department inspections were done within the past month and the license was just recently issued. Mr. Lopes stated he had an event there last Saturday.

Lieut. LeGrice stated the police inspectors have been there on two occasions to conduct inspections, however, the business was not open. In response to questions, Mr. Lopes stated they are open Thursday through Monday and closed on Tuesday and Wednesday. Ms. Tucker stated the Commission's regulations require a notice if they are to be closed more than 48 hours.

Commissioner DeAndrade pointed out that the application states 11 a.m. to 1 a.m. Ms. Tucker stated that Zoning has restricted the hours from noon to midnight, however, licensing cannot restrict the opening hour after 11 a.m. with the exception of noon on Sundays so if the hours are within the restrictions, it is up to zoning to enforce this.

Attorney Creedon came forward and stated he had represented Mr. Lopes before zoning and they did restrict the hours to 12 noon to midnight and he will have to go back to ZBA. It was the former Maple Alleys and was an abandoned piece of property.

A motion was made by Commissioner DeAndrade to approve the All Alcohol license which motion was seconded by Commissioner Marrow. All members present voting in the affirmative, the motion carried.

9. Hearing on the request from Soares Club, LLC – Lucindo Soares, Manager, 1002 Main Street, to extend the closing hour to 2:00 a.m. on Thursdays, Fridays, Saturdays and eves of legal holidays.

Present was Attorney John Creedon, 71 Legion Parkway and Lucindo Soares, 37 Johnson Street.

Attorney Creedon stated Mr. Soares had been in business at this location since 2007. The business is operated by himself, his wife and daughter. It is a small place and there were several problems in the past. There have been no problems for a couple of years and there were a couple of times he was found not guilty. His business has a mostly Cape Verdean clientele and Attorney Creedon stated every other Cape Verdean establishment has a 2:00 a.m. license. He can't compete anymore. On Thursdays thru Sundays there are maybe 40 people in there. His occupancy is for 80. Mr. Soares is on the premise most of the time and he should be given the opportunity to operate with a 2 a.m. license in order to compete with other bars. Mr. Soares understands the regulations.

Lieut. LeGrice reviewed that there have been some minor infractions. Mr. Soares has always been cooperative when the license agents have been to his establishment. Lieut. LeGrice stated that the bar was set very low at last month's meeting when considering 2 a.m. closings.

Councillor Moises Rodrigues was present and stated he is in favor of this request. He has known Mr. Soares for quite some time. He has suggested to Mr. Rodrigues that he might want to have a police detail on duty. He urged the Commission to allow the 2:00 a.m. closing.

Chairman Tartaglia asked if there was anyone opposed to the license and no one came forward.

Commissioner McDuffy commented that he feels a licensee must earn a 2:00 a.m. closing and his belief is that there must be a clean slate for at least two years. He recalled there were problems between 2010 and 2012 but it has been cleaned up. He stated he feels he has earned the right to have a 2 a.m. license but cautioned Mr. Soares that there is a big difference between a 1 and 2 a.m. crowd. He warned him that if there are problems he will be in favor of rolling the hours back.

Attorney Creedon indicated his client is totally aware of this and knows he will be on probation. He stated that most of his patrons are between 30 and 55 although there are some younger customers.

Commissioner DeAndrade reminded Mr. Soares to be sure to check ID's even if someone looks to be over 21.

Commissioner DeAndrade then made a motion to approve the extension of the closing hour to 2:00 a.m. on Thursdays, Fridays and Saturdays and eves of legal holidays. The motion was seconded by Commissioner Marrow. All members voting in the affirmative, the motion carried.

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

- (a) Bertocci Memorial Club of Brockton, Inc. - Francis Pilon, Manager, 594 Montello Street - Change in officers and directors

Paperwork being in order, a motion was made by Commissioner Marrow to approve the change as requested which motion was seconded by Commissioner McDuffy. All members voting in the affirmative, the motion carried.

Lieut. LeGrice then stated that he is filing a report of an assault at Dylan's Bar on Centre Street. He indicated a party had been beaten up in front of the owner/manager. He indicated charges are being taken out by police. It was agreed that this report will be scheduled for hearing at the next meeting.

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

Respectfully submitted,

Henry Tartaglia
Chairman

APPROVED:

Paul D. Sullivan, Commissioner

Scott H. McDuffy, Commissioner

Joao DeAndrade, Commissioner

Harold C. Marrow, Jr., Commissioner

Paul Merian
Alternate Commissioner