

TAPED

The License Commission held its regular monthly meeting at 6:00 p.m. on Thursday, February 18, 2016, in the G.A.R. Room, City Hall, 45 School Street. Present were Chairman Henry Tartaglia; Commissioners Paul D. Sullivan, Scott H. McDuffy, Joao DeAndrade and Harold C. Marrow, Jr. and Alternate Commissioner Paul Merian. Also present were License Agent Lieut. Ken LeGrice and Administrative Assistant Bonnie Tucker.

1. Approval of the Minutes of the License Commission meeting of January 21, 2016 and the Special Meeting of February 1, 2016.

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

2. Approval of the following police officers as license agents for the month of March 2016: 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 Sullivan to approve the police officers as listed as license agents for the month of March, 2016 which motion was seconded by Commissioner McDuffy. All members voting in the affirmative, the motion carried.

3. Requests for Special One-day Permits:

- (a) **Wine and Malt Beverages** – Sandra Martin dba Elvera’s Café for a “One Year Celebration” to be held at 132 Main Street on Saturday, March 5, 2016, from 5:00 p.m. to 11:00 p.m.

Present was Sandra Martin, 153 Clifton Avenue and Gary Leonard, Main Street Manager, 50 School Street.

Ms. Martin stated this will be a one year anniversary celebration since she opened her restaurant at 132 Main Street.

Councillor Beauregard, Ward Five, was present and in favor of the request. She indicated Ms. Martin participates in a lot of community events and her business is a very positive addition to the downtown area.

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

- (b) **All Alcoholic Beverages** – Downtown Brockton Association – John J. Merian, Manager, for an Award Ceremony to be held at the War Memorial – 156 West Elm Street, on Saturday, March 19, 2016, from 4:00 p.m. to 1:00 a.m.

Present was John Merian, 45 Messina Drive.

Mr. Merian stated this is the third annual Winter's End Celebration which will be held at the War Memorial. There will be a ceremony awarding Bill McCauley as this year's recipient of the James Edgar Award. Awards will be presented to students in the Brockton Public Schools for their essays about James Edgar. The children's awards will be given out in the afternoon and in the evening Mr. McCauley will be presented his award. A full liquor license is being requested. The event has grown each year and they hope to have 200 people attend.

Lieut. LeGrice suggested a detail be obtained to help with traffic and with pedestrians crossing West Elm Street. Mr. Merian stated last year they had ROTC students helping out but stated they will have whatever number of police details are recommended. Lieut. LeGrice indicated that once everyone is inside, the detail can help out with monitoring the alcohol service and consumption. At the end of the officer can go back outside to help with the traffic and pedestrians crossing. Mr. Merian stated the ROTC will not be there at midnight.

A motion was made by Commissioner Marrow to approve the One-day permit which motion was seconded by Commissioner Sullivan. All members voting in the affirmative, the motion carried.

- (c) **All Alcoholic Beverages** - Annunciation Greek Orthodox Church – John Kolentsas, Manager, for a Baptism to be held at 457 Oak Street on Sunday, February 28, 2016, from 1:00 p.m. to 8:00 p.m.

Present was John Kolentsas, 200 Boxwood Lane, Bridgewater, who explained this will be a christening for his granddaughter and will be held at the Church hall. It will be a gathering for family and friends. They expect 75 to 100 to attend. There is plenty of parking on the Church property.

It was Lieut. LeGrice's opinion that no detail be required.

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

4. Hearing on the request from CourtHouse Café LLC – Steven P. Tortura, for a Common Victualer license at 74 West Elm Street.

Present was Steven Tortora, 109 Rockland Street, Easton.

Mr. Tortora stated he plans to serve breakfast and lunch. This will be a semi-retirement business for him and he plans to be on premise as owner and chef. Hours will be Monday through Friday from 7:00 a.m. to 3:00 p.m. He understands he has to have all of the inspectors in prior to opening. He will be cleaning and painting the interior as well as getting the equipment in place.

A motion was made by Commissioner Marrow to approve the license contingent upon getting all of the department inspection approvals. The motion was seconded by Commissioner Sullivan. All members voting in the affirmative, the motion carried.

5. Hearing on the request from Filitsa, LLC dba North Main Pizza to transfer the Common Victualer license at 984 North Main Street to S & B Foods, LLC dba North Main Pizza – Kostandin Papa.

Present was Konstantinos Siokas, 343 Central Avenue, Dedham and Kostandin Papa, 10 Newport Street #2, Dorchester.

The current owner, Mr. Siokas, stated that this is a pizza shop located in a portion of the building which was formerly owned by Cumberland Farms on North Main Street. It is a pizza shop with a seating capacity for 10 people.

A motion was made by Commissioner Sullivan to approve the transfer of the license pending receipt of department inspection approvals from the Building, Wire, Fire and Board of Health departments. The motion was seconded by Commissioner Marrow. All members voting in the affirmative, the motion carried.

6. Hearing on the request from Jeano's Restaurant, Inc. – Dieulifaite Jean, Manager, 761 Main Street, to extend the closing hour to 2:00 a.m. on Thursdays, Fridays, Saturdays and on eves of legal holidays.

Present were Attorney John F. Creedon, 71 Legion Parkway and Dieulifaite Jean, 30 Kennedy Circle, South Easton.

Attorney Creedon reviewed that Mr. Jean has been in business for over 25 years. Since he has had a full liquor license there have been no problems or violations. He serves Caribbean Food and it has been a very successful business. He is requesting a 2 a.m. closing hour as a result of patrons' requests and in order to be competitive. The kitchen will be kept open until midnight. The ZBA has granted his request to amend the hours with the License Commission's approval.

Gary Leonard, Main Street Manager, 82 Brian Drive, was present and indicated Mr. Jean brings in an affluent crowd to his establishment and many from out of town. He has just renovated his establishment and is participating in the façade program offered by the B.R.A.

Jeano is very much involved with the Campello Business Association as well as the Campello Main Street Program. Mr. Leonard asked the Commission to grant the extension of hours.

Commissioner McDuffy agreed that Jeano's has a great reputation. He cautioned Mr. Jean that the 2:00 a.m. license can change the clientele and he urged him to be aware of this.

A motion was made by Commissioner Sullivan to approve the extension of the hours to 2:00 a.m. The motion was seconded by Commissioner Marrow. All members voting in the affirmative, the motion carried.

7. Hearing on the following requests from Fontaine/Jean, LLC dba The Perfect Place:
 - (a) An All Alcohol Restaurant License at 2039 Main Street;
 - (b) To appoint Fred M. Fontaine as the manager;
 - (c) Hours of operation from 8:00 a.m. to 11:00 p.m. on Sunday thru Wednesday and from 8:00 a.m. to 2:00 a.m. on Thursday thru Saturday;
 - (d) An Entertainment license for Orch (12) pieces, Vocalists, Dancing by Patrons, Disc Jockey, Karaoke, Jukebox, Cultural Dancing, Radio and Recorded Music from 8:00 a.m. to 11:00 p.m. on Sunday through Wednesday; and from 8:00 a.m. to 2:00 a.m. on Thursdays, Fridays, Saturdays and eves of legal holidays.

Present was Attorney John Creedon, 71 Legion Parkway and Berlang Jean, 30 Kennedy Circle, Easton.

Attorney Creedon reviewed that they have amended the application and will be appointing Berlang Jean as the manager instead of Fred Fontaine. Also, they would like to change the closing hour to 1:00 a.m. on Sundays.

This is a commercial strip zone with a huge plaza which has many empty stores. All of the businesses located along the strip mall where the restaurant is proposed are in favor of the license. There is plenty of parking. Attorney Creedon stated that Berlang is the wife of Jeano who appeared in the previous petition and has operated Jeano's Restaurant with her husband. The proposed restaurant will be mainly a function hall. There will be renovations but they will not be change much. They currently have to take out a permanent wall and will replace it with a movable wall in order to accommodate smaller functions. They have a long term lease with the landlord. Attorney Creedon stated this is needed in the City for the people who can't go to the more expensive halls in Boston, Braintree, etc.

With regard to the Entertainment license, most of the items are fairly standard. There is a moveable stage to accommodate either a disc jockey or a live band. Mrs. Jean will be a hands on manager who has years of experience in the serving of alcohol and food. It is a big investment for them.

Chairman Tartaglia asked if there was anyone present against the request and no one came forward.

Gary Leonard, Main Street Manager, 82 Brian Drive, also stated that he is in favor and supports this petition. He has spoken with the neighboring businesses and they think this is an ideal place for the facility. Mrs. Jean knows the food and liquor part of the business and Mr. Fontaine knows the business aspect of it.

Commissioner McDuffy stated that he feels a 2:00 a.m. license should be earned and that a 1:00 a.m. closing would be sufficient for the first year to see how things work out. He wished them the best of luck.

The Adm. Asst. reminded the board that it is their usual practice to require the live entertainment to end a half-hour prior to the closing time. Attorney Creedon indicated that his clients are willing to accept this.

A motion was made by Commissioner McDuffy to approve an All Alcoholic Restaurant license at 2039 Main Street. The motion was seconded by Commissioner Marrow. All members present voting in the affirmative, the motion carried.

A second motion was made by Commissioner Marrow to approve Berlangue Jean as the manager which motion was seconded by Commissioner McDuffy. All members present voting in the affirmative, the motion carried.

A third motion was made by Commissioner Marrow to approve the amended hours of operation from 8:00 a.m. to 1:00 a.m. on Sunday; from 8:00 a.m. to 11:00 p.m. on Monday through Wednesday; and from 8:00 a.m. to 2:00 a.m. on Thursday through Saturday. The motion was seconded by Commissioner DeAndrade. With Commissioners Marrow, DeAndrade and Tartaglia voting in the affirmative, the Commissioner McDuffy and Sullivan opposed, the amended hours were approved.

A motion was made by Commissioner Marrow to approve an Entertainment license as requested on Sunday from 8:00 a.m. to 12:30 a.m.; on Monday thru Wednesday from 8:00 a.m. to 11:00 p.m.; and on Thursday thru Saturday from 8:00 a.m. to 1:30 a.m. The motion was seconded by Commissioner DeAndrade. With Commissioners Marrow, DeAndrade and Tartaglia voting in the affirmative and Commissioners McDuffy and Sullivan voting opposed, the motion carried.

Ms. Tucker then reviewed that Mr. Fontaine had indicated they would like to be able to service alcoholic beverages at 10:00 a.m. on Sundays. She indicated this was not included on the agenda. Attorney Creedon stated that he had suggested they come back in to request this, however, if the Commission would be willing to go forward, it would be helpful with any functions which are held on Sunday mornings.

A motion was made by Commissioner McDuffy to approve the 10:00 a.m. service of alcoholic beverages on Sunday. The motion was seconded by Commissioner Marrow. All members voting in the affirmative, the motion carried.

8. Hearing (postponed from meeting of January 21, 2016) on the charges brought against Brockton Phalanx, Inc. dba Pisces Lounge – Alexander Strangis, Manager, 816-818-820 Main Street, of the following alleged violations observed by police on January 29, 2015, May 7, 21, 2015, June 18, 2015, July 16, 2015, August 19, 2015, September 2, 2015, October 8, 2015, December 9, 2015 and many other dates not documented:
 - (a) **Brockton License Commission Rule #1**, to wit: “Any licensee intending to close his place of business for a period of more than forty-eight (48) hours must notify the Brockton License Commission in writing before such closing and he shall state in his letter the reason and length of such closing.” ; and
 - (b) **Brockton License Commission Rule #25, VIDEO SURVEILLANCE REQUIREMENT**
 - (a) Any holder of an “All Alcoholic Restaurant” license, a “Wine and Malt Restaurant” license, an “All Alcoholic Hotel” license, an “All Alcoholic General On-Premise” license, or an “All Alcoholic Club” license, which permits the sale of alcoholic beverages after 12:00AM (midnight) (“Affected Licensees”) shall install and maintain security cameras which shall monitor and record the interior entrances and exits of the licensed establishment used by the general public, to include 50 feet from all exterior entrances and exits of the licensed establishment used by the general public” (Refer to Regulations for entire Rule #25)

Present were Attorney Scott Rubin, 71 Legion Parkway and Alex Strangis, 30 Homesite Road.

Mr. Strangis stated that the Video Surveillance had been installed prior to 2014 because the License Commission wouldn't allow them to open unless it had been checked by the Brockton Police.

Attorney Rubin stated the cameras are installed and they would be more than happy to arrange for an inspection at a time of mutual convenience.

Lieut. LeGrice stated the violation was written because on January 29, 2015, there were no cameras in the establishment. According to the Brockton License Commission Rule, the Surveillance Videos were supposed to be installed by November 1, 2014 so there is a violation. He stated that at some point he was in this establishment and spoke to a young man and saw the cameras. This does not negate that there was a violation back on November 1, 2014.

Mr. Strangis stated the young man referred to is his son Stephen who is ill and could not be present this evening. Two Brockton Police detectives had come in to look at the cameras. Capt. Williams from the Fire Department had been in as well as Bob Pribusauskas from Alarm Central. Mr. Strangis stated once the cameras were hooked up, he never touched

them again. On January 6, 2016, Capt. Williams had called and asked him to see the cameras. He showed him how to retrieve the video.

Mr. Merian asked about all of the dates stated in Lieut. LeGrice's report regardless of the cameras being there. Lieut. LeGrice stated the establishment was closed and they couldn't get in to check the cameras.

Chairman Tartaglia stated that a problem is they issued a 2:00 a.m. license and Commissioner Merian stated he had taken part in that hearing. He indicated this is a concern to him if he is not even open. Mr. Strangis stated he was sick and realizes he should have notified the Commission he was closed.

The Chairman asked when he will have the establishment open. Attorney Rubin stated he has recently reopened and Mr. Strangis has told him that he is open seven nights, from 5:00 p.m. to 1:00 a.m. Monday thru Wednesday and from 5:00 a.m. to 2:00 a.m. on Thursday thru Saturday. Mr. Strangis stated he has hired someone to help him and she has organized some functions. Attorney Rubin stated he has had some health and financial issues. He recently obtained financing to allow him to hire someone and help him out.

In response to questions from Commissioner Merian, Mr. Strangis stated his business had picked up with the 2:00 a.m. closing. He then got ill and he couldn't work. Attorney Rubin submitted letters from doctors. Lieut. LeGrice stated he hasn't seen the business open so he couldn't say whether it is well run although he has driven by recently and seen the lights on. He is not aware of any problems. Attorney Rubin stated in early January, 2016, the cameras did work and Capt. Williams used the video to catch someone who had pulled a fire box.

Commissioner McDuffy stated the last he knew he had not renewed his license. Ms. Tucker stated he did come in to file for the renewal in November as required. Commissioner McDuffy asked why the license was renewed if he was in violation for a year. He stated he has walked by the establishment and has tried the door which has been locked. As far as he is concerned the business has been closed for a year and he does not understand how his license is renewed if he has been violating the law.

The Adm. Assistant stated the board would have to take action on the license after holding a hearing on the revocation if they weren't going to issue the license. Chairman Tartaglia stated it had not come before them.

Attorney Rubin stated this was scheduled last month but they had asked for a postponement in order to properly prepare for the hearing. He needed extra time to obtain information from his doctors regarding his medical conditions and he requested to submit the letters regarding his conditions. He asked the board to give him a chance and stated he takes care of his brother who is disabled. It is a generational business in the City and he has been back in operation for a few weeks.

Commissioner Merian stated he cannot vote on this but he would like the board to know where he stands no on this matter and it isn't good.

Commissioner Marrow expressed concern with the duration of time he has been in business, his lack of understanding as well as his lack adhering to the rules and the efforts to make the necessary arrangements. He stated he can appreciate his illnesses but he needs to make arrangements so that when he is ill these things are taken care of. He reminded Mr. Strangis it is his license and he needs to do the necessary things to make sure he adheres to the rules.

A motion was made by Commissioner McDuffy to find the licensee Guilty of violating Brockton License Commission Rule #1. The motion was seconded by Commissioner Sullivan. All members voting in the affirmative, the motion carried.

A second motion was made by Commissioner Sullivan to find the licensee Not Guilty of violating Brockton License Commission Rule #25 (Video Surveillance Requirement). The motion was seconded by Commissioner Marrow. With Commissioners Sullivan, Marrow, DeAndrade and Tartaglia voting in the affirmative and Commissioner McDuffy opposed, the motion carried.

A motion was made by Commissioner Marrow to approve the licensee staying in business with the same hours. The motion was seconded by Commissioner Sullivan.

Commissioner Merian asked why the license hours cannot be rolled back to 1:00 a.m. He asked how many hardships can he have and stated he doesn't understand why he needs the extra hour for hardships and then closes for a year. He questioned where the revenue is coming from. He stated it is a cesspool there at 2:00 a.m.

Chairman Tartaglia stated they are only giving him another hardship if they move him back to 1:00 a.m. He stated he is trying to give him a break.

A vote was then taken and with Commissioners Sullivan, Marrow, DeAndrade and Tartaglia voting in the affirmative and Commissioner McDuffy opposed, the motion carried.

9. Communications

A letter from the owner of Tamboo informing the Commission that he is cutting down on his hours of operation was reviewed. It was agreed that this would be accepted and place on file.

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

With no further business to come before the Commission, a motion was made by Commissioner DeAndrade to adjourn the meeting. The 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