

TAPED

The License Commission held its regular monthly meeting at 6:00 p.m. on Wednesday, October 15, 2008, in the G.A.R. Room at City Hall. Present were Chairman James E. Holmgren; Commissioners Edward F. Cotter and Bruce G. Dansby. Commissioner Paul D. Sullivan arrived shortly after the meeting began. Also present were License Agent Lieut. John Crowley; Asst. City Solicitor Phil Nessralla and Administrative Assistant Bonnie Tucker.

1. Approval of the minutes of the License Commission meeting of July 9, 2008 and September 17, 2008.

A motion was made by Commissioner Cotter to approve the minutes of the meeting of July 9, 2008, as amended, which motion was seconded by Commissioner Dansby. All members voting in the affirmative, the motion carried.

A motion was made by Commissioner Cotter to approve the minutes of the meeting of September 17, 2008 which motion was seconded by Commissioner Dansby. All members voting in the affirmative, the motion carried.

2. Approval of the following police officers as license agents for the month of November, 2008: Lieuts. John Crowley, Thomas LaFratta and John Flynn; Sgts. William Barry and Paul Bonanca; Dets. Michael Schaaf, Erik Hilliard, John Lonergan, Sanford Gurney, James Smith, Dominic Persampieri and Ernie Bell; and Officers Scott Uhlman, and William Healy.

A motion was made by Commissioner Cotter to approve the police officers as delegated by the Chief as license agents for the month of November 2008. The motion was seconded by Commissioner Dansby. All members voting in the affirmative, the motion carried.

3. Requests for Special One-day Permits:

- (a) **Wine and Malt Beverages** – Cardinal Spellman High School – Heidi Garcia, Manager, for a reunion to be held at the High School cafeteria on Wednesday, November 26, 2008, from 5:00 p.m. to 8:00 p.m.

Present was Jane Westerland, who stated there are two permits being requested. The November 26th function is a pre-Thanksgiving reception and the other is for a 1983 Class Reunion. There will be police details on duty.

A motion was made by Commissioner Dansby to approve the permit for November 26, 2008 which motion was seconded by Commissioner Cotter. All members voting in the affirmative, the motion carried.

- (b) **All Alcoholic Beverages** – Cardinal Spellman High School – Heidi Garcia, Manager, for a Reunion to be held at the High School Cafeteria on Saturday, November 29, 2008, from 7:00 p.m. to 11:00 p.m.

(Refer to discussion in Item 3(a) above.)

A motion was made by Commissioner Dansby to approve the permit for November 29th. The motion was seconded by Commissioner Cotter. All members voting in the affirmative, the motion carried.

Both of the approvals were given pending receipt of the Fire Department permit.

- (c) **All Alcoholic Beverages** – Outcast Motorcycle Club Inc. – George Cardoza, Manager, for a function to be held at 566 North Main Street on Saturday, October 18, 2008, from 9:00 p.m. to 2:00 a.m.

Present was George Cardoza, 48 Melrose Avenue, who stated he has planned a 13th anniversary party for his motorcycle club. There will be people who are coming from all over the State. The club is located at the corner of Battles and North Main Streets. Parking of vehicles will be on the street. Mr. Cardoza stated he plans to have a couple of his members walking up and down the street to make sure that there is no damage done to vehicles.

Chairman Holmgren questioned whether this would have to go to zoning and also expressed concern over the parking. He also pointed out that they have indicated on the application that they plan to have a disc jockey.

Lieut. Crowley stated that as long as vehicles are parked legally on a public way there is not much that can be done. Attorney Nessler informed the Commission that it is within their jurisdiction to consider whether or not the number of cars is going to be an excessive burden to the area and detrimental to the surrounding neighborhood as a result of granting the license. Attorney Nessler also stated that the premise should be examined by the Building Inspector who could determine how many the building can hold according to square footage without any safety problems. He indicated it would be a stretch for the board to make a determination without this information.

The Adm. Asst. stated the Fire Department permit has not been issued.

Mr. Cardoza stated he is currently renting the premise as a headquarters but it is not being operated as a business. It was also reviewed that the location has not been licensed as a bar for a number of years.

Chairman Holmgren informed the applicant that the Commission does not issue 2:00 a.m. closings to new businesses and will not issue 2:00 a.m. closings to one-day licenses. He further stated that he is hesitant to do anything without the Fire Department's inspection. Mr. Cardoza stated the Fire Marshall has not been in there.

Attorney Nessralla stated there must be a threshold inquiry as far as the occupancy for public safety.

Chairman Holmgren requested Mr. Cardoza get the Fire Department down and speak with the Building Inspector. He indicated that if he can get those two approvals, a special meeting would be considered but that a 48 hour posting for the meeting is required.

Commissioner Dansby asked Mr. Cardoza if the event will be open to the general public and if there is any charge for admission. Mr. Cardoza stated it will be open to his motorcycle club as well as other motorcycle clubs.

Chairman Holmgren then stated that with the time constraints, he cannot recommend favorably on the request.

A motion was made by Commissioner Cotter to deny the request which motion was seconded by Commissioner Dansby. All members voting in the affirmative, the motion carried.

- (d) **Wine and Malt Beverages** – Temple Beth Emunah – Stuart Kirsh, Manager, for a Las Vegas Night Fundraiser to be held at 470 Torrey Street on Saturday, November 15, 2008 and for a Permit to conduct Las Vegas night on licensed premise. Beer and Wine license requested from 6:30 p.m. to 11:30 p.m. – Las Vegas night permit from 7:00 p.m. to 12:00 midnight.

(This matter was taken up towards the end of the agenda.)

Present was Ellen Jacobs, 1 Willow Ridge Drive, Bridgewater.

Ms. Jacobs stated this will be their third event for this year. There will be a police detail and she was reminded of the requirement of the Fire Department permit.

A motion was made by Commissioner Cotter to approve the one-day beer and wine license for November 15th from 6:30 p.m. to 11:30 p.m. pending receipt of the Fire Permit. The motion was seconded by Commissioner Sullivan. All members voting in the affirmative, the motion carried.

A second motion was made by Commissioner Cotter to approve the permit to allow gambling on a licensed premise from 7:00 p.m. to 12:00 p.m. The motion was seconded by Commissioner Dansby. All members voting in the affirmative, the motion carried.

- ADD: (e) All Alcoholic Beverages (2 Permits)** – Brockton Firefighters Local 144- Archie Gormley, Jr., Manager, 80 Perkins Avenue, for a Scholarship Fundraiser to be held on Saturday, November 8, 2008 from 4:00 p.m. to 12:00 midnight; and for a Retirement Party to be held on Thursday, November 20, 2008 from 4:00 p.m. to 12:00 midnight.

Chairman Holmgren did not participate in this matter and left the room during the hearing. In his absence Commissioner Cotter presided.

Present was Archie Gormley, 53 Rockland Drive, the President of Local 144.

Mr. Gormley stated both events have been held annually for 20-30 years. The first request is for a Scholarship Dance to raise money for scholarships which are given to members' children. The Retirement Party will be held to honor the members who have retired over the past year.

The Adm. Asst. reviewed that the Permits from the Fire Department have not been received.

A motion was made by Commissioner Sullivan to approve the one-day licenses which motion was seconded by Commissioner Dansby and made unanimous by vote of Commissioner Cotter.

4. Hearing on the request from Joseph Ferreira dba Piezoni's to transfer the Common Victualer license at 1284 Main Street to CE&G LLC dba Piezoni's.

Present were Joe Ferreira, Barrington, Rhode Island and Edward Moore, 150 Rumford Avenue, Mansfield.

Paperwork being in order, a motion was made by Commissioner Cotter to approve the transfer. The motion was seconded by Commissioner Dansby. All members voting in the affirmative, the motion carried.

5. Hearing on the request from Marjoy, Inc. dba Shanley's Package Store – Marc H. Masson, Manager, to transfer the All Alcoholic Package Store license at 429 Belmont Street to Mardom Liquors, Inc. dba Shanley's Liquors – Maria S. Veiga, Manager.

Present were Attorney Kevin Reilly, 19 South Main Street, Randolph and his client Maria Veiga, 36 Cosma Road, North Easton. Also present was Marc Masson, 204 Buck Knoll Road, Raynham.

Attorney Reilly stated that the request includes transfers of licenses from two establishments, one being Hayden's West Side and the other being Shanley's Liquors which are both held by Marjoy, Inc. Mrs. Veiga has been employed by Brockton Liquors, Inc. for the past seven years. She will be the sole officer and stockholder in the new company, Mardom Liquors, Inc. In connection with the Hayden's license, they will be seeking approval of a pledge of the license.

The Adm. Asst. reviewed that the leases have not been received and Attorney Reilly indicated he had just submitted them. She also stated there is a question as far as the

number of licenses held and the fact that Mrs. Veiga is currently an officer in the Brockton Liquors, Inc. corporation along with her husband. The law does not allow the same ownership of more than two package store licenses within a City and with the two licenses being transferred, Mrs. Veiga would be involved in three licenses in the City.

Attorney Reilly stated that Mrs. Veiga has divested herself of any interest and is no longer an officer or director of the Brockton Liquors, Inc. corporation. Mr. Veiga will have no involvement in the new company.

In response to questions from Attorney Nessralla, Attorney Reilly stated that he has filed Mrs. Veiga's resignation with the Corporation division of the Secretary of State's office and she will have no direct or indirect relationship with Brockton Liquors, Inc. The Adm. Asst. stated that the change in officers and directors must be approved locally and by the ABCC which hasn't yet taken place.

Chairman Holmgren indicated this would have to be done prior to approving the second license transfer. Ms. Tucker stated it would be up to the local board and, if approved, the state will conduct its own investigation into the ownership.

A motion was made by Commissioner Cotter to approve the transfer of Marjoy, Inc. dba Shanley Liquor Store. The motion was seconded by Commissioner Sullivan. All members voting in the affirmative, the motion carried.

6. Hearing on the request from Marjoy, Inc. dba Hayden's Westside Liquors – Marc H. Masson, Manager, to transfer the All Alcoholic Package Store license at 114 Torrey Street to Mardom Liquors, Inc. dba Hayden's Westside Liquors – Maria S. Veiga, Manager.

(Refer to discussion in agenda item #5)

Chairman Holmgren reviewed that any approval would have to be pending acceptance of the resignation of Mrs. Veiga as an officer of the corporation by the ABCC. The Adm. Asst. stated she also needs a lease on this application and Attorney Reilly stated he had just submitted this also. Chairman Holmgren pointed out to the applicants that the lease is dated November 1st and that they cannot take over until the approval

A motion was made by Commissioner Cotter to approve the transfer subject to stipulations which motion was seconded by Commissioner Dansby. All members voting in the affirmative, the motion carried.

Mardom Liquors, Inc. requests to pledge the license, inventory and stock of the corporation.

A motion was made by Commissioner Cotter to approve the pledge of the license, inventory and stock of the corporation. The motion was seconded by Commissioner Dansby. All members voting in the affirmative, the motion carried.

7. Hearing on the following requests from Maria and Manuel Rodrigues dba Cristal Restaurant – 250 Main Street:
 - (a) To extend the closing hour to 2:00 a.m., seven days;
 - (b) To extend the ending hour on the Entertainment license (TV, RADIO, ORCH (3) PCS) to 2:00 a.m. on Thursday through Sunday.

Present was Maria Rodrigues, 125 Fairview Avenue.

It was reviewed that current hours of operation are 1 a.m., seven days and Entertainment until 12:45 a.m.

Chairman Holmgren informed the licensee that 2:00 a.m. licenses are only considered on Thursdays, Fridays, Saturdays and eves of legal holidays. Mrs. Rodrigues stated she does not need the 2:00 a.m. seven days.

A motion was made by Commissioner Cotter to approve the extension of hours to 2:00 a.m. on Thursdays, Fridays, Saturdays and eves of legal holidays. The motion was seconded by Commissioner Sullivan.

Chairman Holmgren then requested to speak on the motion and cautioned Mrs. Rodrigues to avoid the same problems she has had in the past. He reminded her that a 2:00 a.m. closing is a privilege and not a right.

All members voting in the affirmative, the motion carried.

Chairman Holmgren then reviewed that the Commission does not offer 2:00 a.m. Entertainment licenses and that the entertainment must end at 1:30 a.m. on Thursday through Sunday.

A motion was made by Commissioner Cotter to approve the extension of the Entertainment license to 1:30 a.m. The motion was seconded by Commissioner Dansby. All members voting in the affirmative, the motion carried.

8. Communications

A notification from the ABCC regarding a seminar to be held at Massasoit Conference Center on October 27th was reviewed.

9. Any other business to properly come before the Commission.
 - (a) Antonio Fonseca dba CJ Beer and Wine – 721 Warren Avenue (Wine and Malt Package Store license) – Review status of license and plans to open business.

Present were Attorney Wayne Mathews, 529 Pearl Street and Antonio Fonseca, 17 Anania Terrace.

Attorney Mathews stated the beer and wine license was approved in December, 2006 and by the ABCC in February 2007. Since then, Mr. Fonseca has run into problems with his contractors who were doing the extensive renovations to the building. He now has all of the sign offs from the City departments and is ready to open the business.

The Adm. Asst. stated that she had checked with the ABCC who had indicated they still have this as an active license but they had also suggested a hearing be held if the licensee has not operated yet. She stated an Occupancy Permit has been issued.

Mr. Fonseca was informed that he could come in the following day and pay for the license.

- (b) Brockton Fair Caterers, Inc. – Review request to reschedule Sideways Promotions Annual Flat Track Racing Event to Sunday, October 19, 2008 from 12:00 noon to 6:00 p.m. (Originally approved at meeting of August 13, 2008. Event for September 28th cancelled due to inclement weather)

The request had been distributed to the members and there was no opposition to the change in the date.

- (c) Review Survey of License Fees and set fees for 2009 licenses.

The Chairman reviewed that a survey of cities comparable to Brockton had been conducted and the results were distributed prior to the meeting. The number of licenses to sell alcoholic beverages was reviewed and the Chairman indicated that no matter what is done an increase will not be a huge impact. He suggested an increase of \$100 for all types of alcohol licenses.

A motion was made by Commissioner Sullivan to increase the fees of alcohol licenses by \$100 across the board. The motion was seconded by Commissioner Cotter. All members voting in the affirmative, the motion carried.

The Adm. Asst. reviewed that the Commission could increase the Common Victualer and Innholder License fees from \$75 to the statutory limit which is \$100. All other license fees are at the statutory limits without action by the City Council.

A motion was made by Commissioner Cotter to increase the Common Victualer and Innholder licenses to the maximum of \$100. The motion was seconded by Commissioner Sullivan. All members voting in the affirmative, the motion carried.

With regard to the filing fees, the Chairman suggested that the late filing fees for the renewal of licenses be increased to \$100. The Adm. Asst. reviewed that in addition to

notices being sent out, she follows through with a reminder telephone call to licensees to inform them of the renewal deadline.

A motion was made by Commissioner Cotter to increase the late filing fee associated with license renewals to \$100. The motion was seconded by Commissioner Sullivan. All members voting in the affirmative, the motion carried.

It was agreed that the filing fee for regular business applications will remain at \$25.

It was agreed that the Commission will meet again on November 19, 2008. (This date was subsequently changed to November 18, 2008.)

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

Respectfully submitted,

James E. Holmgren
Chairman

APPROVED:

Edward F. Cotter, Commissioner

Joseph P. Kelley, Commissioner

Paul D. Sullivan, Commissioner

Bruce G. Dansby, Commissioner

Fred Fontaine, Alternate Commissioner