

## **TAPED**

The License Commission held its regular monthly meeting at 6:00 p.m. on Wednesday, February, 25, 2009 at 6:00 p.m. in the G.A.R. Room at City Hall. Present were Chairman James E. Holmgren, Commissioners Edward F. Cotter and Paul E. Sullivan; Asst. City Solicitor Phil Nessralla, Lieut. John Crowley and Adm. Asst. Bonnie Tucker.

1. Approval of the minutes of the License Commission meetings of December 10, 2008, December 30, 2008, January 13, 2009 and January 21, 2009.

A motion was made by Commissioner Cotter to approve the minutes of the meeting which motion was seconded by Commissioner Sullivan and made unanimous by vote of Chairman Holmgren.

2. Approval of the following police officers as license agents for the month of March, 2009: 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 officer as license agents for the month of March, 2009. The motion was seconded by Commissioner Sullivan and made unanimous by vote of Chairman Holmgren.

3. Requests for Special One-day Permits:

- (a) **All Alcoholic Beverages** – Brockton Firefighters Local 144 – William E. Hill, Manager, for a “Remembrance” to be held at 80 Perkins Avenue on Tuesday, March 10, 2009, from 12:00 noon to 12:00 midnight.

Chairman Holmgren informed the applicant that a Special Meeting would have to be held inasmuch as there were only two members present at this evening’s meeting that could participate in this matter. It was agreed that a Special Meeting would be held the following week.

- (add) (b) **All Alcoholic Beverages** – Brockton Library Foundation, Inc. – Frederick J. Howell, Manager, for a fundraiser to be held at the Brockton Main Library on Saturday, June 20, 2009, from 8:00 p.m. to 12:00 midnight.

Present were Fred Howell, 185 Lincoln Street, Abington, Arnold Danielson, 603 Summer Street and Harry Williams, 70 Farnham Street,

Mr. Howell stated they are planning a fundraiser on June 20<sup>th</sup> and will be serving alcoholic beverages. There will be a police detail on duty.

A motion was made by Commissioner Sullivan to approve the permit which motion was seconded by Commissioner Cotter and made unanimous by vote of Chairman Holmgren.

4. Hearing (continued from the meeting of January 21, 2009) on the request from Francis Fistori dba Modern Auto Body to add a second lot at 534 North Montello Street to the current Class II Used Car Dealer license at 561 North Montello Street.

Present was Francis Fistori, 13 Gilberts Way, Nortorn.

It was reviewed that at the last meeting, Mr. Fistori was requested to submit a plan showing the exact placement of the vehicles on the proposed additional lot. The plan was done and a copy had been forwarded to Lieut. Crowley prior to the meeting. Mr. Fistori passed out additional copies to the Commissioner for review.

Lieut. Crowley stated he had gone to the location on February 11<sup>th</sup> and measured the lot. The plan is accurate and there is plenty of space for the 20 vehicles being requested.

A motion was made by Commissioner Sullivan to approve the additional lot with the stipulation that there be no more than 20 vehicles in accordance with the plan. The motion was seconded by Commissioner Cotter. All members voting in the affirmative, the motion carried.

5. Hearing (postponed from meeting of January 21, 2009) on the request from AA Lincoln Enterprises, Inc. to transfer the Class II Used Car license at 1661 Main Street to Alfred Lincoln dba A.A. Lincoln Enterprises.

No action was taken on this matter for the reason that the licensee did not appear.

6. Hearing on the request from Joselyn Perez dba VIP Auto Sales for a Class II License to sell second-hand motor vehicles at 491 Main Street. (Licensee failed to file for renewal of license)

Present was Attorney George Asack, 95 West Elm Street and his client, Joselyn Perez, 44 Nessralla Drive.

Attorney Asack stated he had been retained just a short time ago and it is his understanding that VIP has been licensed since 2003. At the time of renewal, there was no bond. They have since obtained a bond and all paperwork is in order.

A motion was made by Commissioner Cotter which motion was seconded by Commissioner Sullivan and made unanimous by vote of Chairman Holmgren.

7. Hearing (postponed from meeting of January 21, 2009) on the following requests from Harji Hotel, Inc. dba Holiday Inn – Janak Patel, Manager, 195 Westgate Drive:
  - (a) For an Automatic Amusement Device license for two (2) coin-operated video games; and
  - (b) To add a Jukebox to the Entertainment license.

Present was Janak Patel, 12 Annetta Road, Ashland and Rashid Asheigh, 19 Madrid Square.

The applicant stated they are requesting two video games and a jukebox to be located in the lounge. They do not plan to have video poker games. They do not have their inspection approvals yet. The Chairman advised the applicant that they can go to the office the following day if they need copies of the inspection forms.

A motion was made by Commissioner Cotter to approve the licenses pending receipt of the required department inspection approvals. The motion was seconded by Commissioner Sullivan and made unanimous by vote of Chairman Holmgren.

8. Hearing on the request from Marcelino Galvao dba Court Side Café for a Common Victualer license at 132 Main Street.

Present were Attorney John Creedon, 71 Legion Parkway and Marcelino Galvao, 73 French Avenue.

Attorney Creedon reviewed that the location is the former Subway. All of the cooking equipment is still on the premise. There is a total seating capacity for 12 people. He has worked as a cook at Sodade Terra. He would employ two other people, one as a back-up cook and the other as a waitress. The business will be predominantly breakfast. Hours will be from 6:00 a.m. to 3:00 p.m.

The Adm. Asst. provided Mr. Galvao with inspection forms.

A motion was made by Commissioner Cotter to approve the license pending receipt of the department inspection approvals. The motion was seconded by Commissioner Sullivan and made unanimous by vote of Chairman Holmgren.

9. Hearing on the following requests from Houser Fitness Corporation dba Metro South Athletic Club – Jay Houser, Manager, 85 Liberty Street:
  - (a) To transfer all of the outstanding stock in the corporation, 1,000 shares, from Jay Houser to Marguerite Canada;
  - (b) To appoint Marguerite Canada as the manager;
  - (c) To change officers/directors of the corporation; and
  - (d) To pledge the license and inventory to Community Bank.

Present was Attorney Scott Rubin, 71 Legion Parkway, Marguerite Canada, 25 M Street, South Boston and Jay Houser, 3 Corey Drive, Easton.

Attorney Rubin reviewed that all of the stock is being transferred from Jay Houser to Marguerite Canada. This is being financed by Community Bank which is requiring a pledge of the license and inventory.

The Adm. Asst. reviewed that paperwork is in order.

A motion was made by Commissioner Sullivan to approve the transfer of the license. The motion was seconded by Commissioner Cotter and made unanimous by vote of Chairman Holmgren.

A second motion was made by Commissioner Cotter to approve the appointment of Marguerite Canada as the manager. The motion was seconded by Commissioner Cotter. All members present voting in the affirmative, the motion carried.

A third motion was made by Commissioner Sullivan to approve the change in officers/directors of the corporation which motion was seconded by Commissioner Cotter. All members voting in the affirmative, the motion carried.

A fourth motion was made by Commissioner Cotter to approve the pledge of the license to Community Bank. The motion was seconded by Commissioner Sullivan and made unanimous by vote of Chairman Holmgren.

10. Hearing on the request from P.F.J. Enterprises, Inc. dba Terra, Terra Bar & Grill – Filipe Miranda, Manager, 10 Intervale Street, to extend the closing hour to 2:00 a.m. on Thursdays, Fridays, Saturdays and eves of legal holidays.

Present was Filipe Miranda, 298 High Street, Randolph, who reviewed his request which is to apply for a 2:00 a.m. license.

In response to questions from the Chairman, Mr. Miranda stated they have been in there since last March. The Adm. Asst. stated the licenses weren't changed until August of last year. Mr. Miranda stated they have done some work to the interior and have added booths. On the outside they have added a fence around the building to deter people from walking through there. They have also added a large menu and Mr Miranda stated it is their intention to sell more food than liquor.

Mr. Miranda submitted a copy of the published legal notice advertising the application to extend.

In response to Chairman Holmgren, Lieut. Crowley indicated he had nothing.

Paperwork being in order, a motion was made by Commissioner Cotter to approve the request. The motion was seconded by Commissioner Sullivan.

Chairman Holmgren then commented and reminded Mr. Miranda that the board is very cautious with the 2 a.m. closings and stated they have taken a zero tolerance stance. He cautioned Mr. Miranda that if it is abused in any way it will be rolled back. Mr. Miranda asked what time he is required to close the door with a 2 a.m. license and was informed that it must be closed at 1:30 a.m.

The Adm. Asst. asked the Chairman if there is any comment as far as the Entertainment license and Chairman Holmgren stated that there is no request to change the Entertainment license and it will remain as is which is until 12:30 a.m. Mr. Miranda acknowledged this and was informed that he could apply for an amendment to this at a later time. The Chairman warned him that if the Entertainment is allowed beyond 12:30 a.m. it is a violation and he will be required to come back before the board.

All members voting in the affirmative, the motion carried.

10. Communications

Attorney Jon Aieta has submitted a letter requesting to withdraw the application for a liquor license by Outcast Motorcycle Club.

A letter from Jeff Summers was reviewed and placed on file.

A letter from the ABCC regarding annual reports was reviewed. The Adm. Asst. stated she is currently working the report and it will be submitted in a week or two.

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

- (a) Bugaboo Creek Holdings, Inc. – 400 Westgate Drive – Change Officers/Directors

Present was the manager, Joseph K. Madirira.

- (b) Elias Souaidan – change dba from Transatlantic Auto Sales to C & E Auto Sales

The Adm. Asst. stated that this is just a change in the business name. The licensee has filed a discontinuance certificate on the Transatlantic Auto Sales and a new business certificate in the name of C & E has been filed.

- (c) Anastasios and Nicoletta Papantoniadis dba Toy Karz – 369 Court Street and Annex at 366 Court Street

Present were Anastasios and Nicoletta Papantoniadis who were present as a result of requesting a duplicate license for the reason that they had never received the original license for 2009 which was mailed out in December. A written request for a duplicate license, dated February 23, 2009, was received in which it was stated that they never received their license because of problems with their mail.

Chairman Holmgren asked the licensee where he is located as it has been his observations over the past several months that no cars have been on the lots. Mr. Papantoniadis stated that he has had a problem there because of the gasoline and cars not selling and he didn't have a bank because he has been moving the business for eight months. He indicated he lost a ton of money and ended up dumping all of the cars at the auction. Chairman Holmgren informed Mr.

Papantoniadis that he can't have a license unless there is a place to put it. Mr. Papantoniadis stated he wants to re-open the business.

Chairman Holmgren stated that the license should not have been renewed at the time and that the business must be in operation in order to hold a used car license. Mr. Papantoniadis stated it has been about four months that the business has been closed. He stated he has not been using the license anywhere else but still has the keys to the office and he could walk in right now and everything is still there. He stated he had shut it down because he lost money and couldn't afford to keep it going. The Chairman informed him that he should turn the license in where it is not a functional operating license and that he can't hold onto it forever with being open for business. Mr. Papantoniadis indicated he wasn't aware of that. He indicated he has restaurants that he shut down for two or three months.

Mr. Papantoniadis asked what he should do now and Attorney Nessralla suggested he should re-apply to the board and that he must establish his location. He indicated that with the length of time that has elapsed with no activity, the license should be turned in. Mr. Papantoniadis then stated he had closed down for the holidays and figured he would re-open after the holidays. Attorney Nessralla stated it has been substantially enough time where the license would have lapsed.

It was agreed that the Commission will meet again on March 18, 2009.

A motion was made by Commissioner Sullivan to adjourn the meeting. The motion was seconded by Commissioner Cotter and made unanimous by vote of Chairman Holmgren.

Respectfully submitted,

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James E. Holmgren  
Chairman

APPROVED:

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Edward F. Cotter, Commissioner

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Joseph P. Kelley, Commissioner

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Paul D. Sullivan, Commissioner

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Bruce G. Dansby, Commissioner

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Fred Fontaine, Alternate Commissioner