

TAPED

The License Commission held its regular monthly meeting at 6:00 p.m. on Wednesday, March 18, 2009 in the G.A.R. Room at City Hall. Present were Chairman James E. Holmgren; Commissioners Edward F. Cotter, Paul D. Sullivan, Joseph P. Kelley and Bruce G. Dansby. Also present were License Agent Lieut. John Crowley; Asst. City Solicitor Phil Nessralla; and Administrative Assistant Bonnie Tucker.

1. Approval of the following police officers as license agents for the month of April 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 officers as license agents for the month of April, 2009. The motion was seconded by Commissioner Sullivan. All members voting in the affirmative, the motion carried.

2. Requests for Special One-day Permits:
3. Hearing (postponed from meetings of January 21, 2009 and February 25, 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

Mr. Lincoln was not present. At the end of the meeting, the Adm. Asst. reviewed that this is the same owner, only a change from the corporation to the individual. A new license has to be signed and Mr. Lincoln will be requested to turn in his current license. Chairman Holmgren stated he would have to recuse himself from this matter.

After Commissioner Cotter read the agenda item, a motion was made by Commissioner Kelley to approve the transfer which motion was seconded by Commissioner Cotter. The vote being 4 to 0 with Commissioners Cotter, Kelley, Sullivan and Dansby voting in the affirmative and Chairman Holmgren recusing himself, the motion carried.

4. Hearing on the request from P.J.F. Enterprises, Inc. dba Terra Terra Bar & Grill – Filipe Miranda, Manager, 28-30 Intervale Street, to extend the hours on the Entertainment license to 1:30 a.m. for the live entertainment and to 1:45 a.m. for Television, Radio and Stereo, on Thursdays, Fridays, Saturdays and eves of legal holidays.

Present was Filipe Miranda, 298 High Street, Randolph, who reviewed the request to extend the hours on the Entertainment license to go along with the 2 a.m. closing approved last month and he also stated he would like to explain what happened the other evening. The Chairman stated they would not be entertaining anything on that matter but what is on the agenda which is Entertainment license.

Present was City Councillor Michelle DuBois, Ward Six, who stated she thinks this should be a slam dunk no although she thought that last month's request would be as well. She indicated she hopes the Commission will vote against this. She then stated she would like to read from the ABCC Regulations which are posted on their website. She read, "A pouring license cannot be barred from serving alcohol between the hours of 11:00 a.m. to 11:00 p.m. on any secular day. Local authorities may grant extended opening hours between 8 a.m. and 11 a.m. and extended closing hours between 11 p.m. and 2 a.m. and in no event may any sale be made between 2 a.m. and 8 a.m.

Councillor DuBois stated she wants to stress the term "may" as opposed to "must" and she stated she is against this and that Councillor Brophy also requested that she register his opposition to this entertainment license. She further stated that she hopes in moving forward the Committee doesn't make decisions just based on whether someone is here in opposition or not and that they are appointed to the board to represent the citizens needs and she hopes they will deny this.

The following persons were present in opposition to the request:

Susan Glynn, 29 Intervale Street
Anne Audette, 125 Sawtell Avenue

Councillor-at-Large Thomas Brophy was present and requested to be recorded in opposition and stated that he had received a call from Representative/Councillor Brady who is also opposed.

Chairman Holmgren stated that correspondence was received from Councillors Studenski and Balzotti who are both in opposition.

Chairman Holmgren then asked if there was anyone else present who wished to speak in opposition to the matter and no one came forward. He asked if there was anyone who wished to speak in favor and no one came forward.

Commissioner Kelley then stated that the Councillor had said it best and this is a slam dunk.

Commissioner Cotter then asked Councillor DuBois to explain her comment about last month. She stated that she was talking about the Commission voting to extend the closing hour to 2 a.m. seeing that there had been a murder in the parking lot in November. She stated she has spoken to the Commissioner at the ABCC who had told her that it is fully within the License Commission's right to use a murder on the property or near a bar as a reason not to extend a 2 a.m. liquor license. However, the ABCC Commissioner stated that the License Commission isn't authorized to have a hearing on that because the license itself does not extend to the parking lot and that usually when it does extend into the parking lot there is a patio or veranda but that it was completely in their rights to utilize that murder as a reason not to extend the 2 a.m. liquor license.

Mr. Miranda stated they have had issues in the past but they never had anything inside the bar. He also stated that all of the murders throughout Brockton are not just because of the area and because of the alcohol.

A motion was made by Commissioner Kelly to deny both the entertainment and the extended hours. The motion was seconded by Commissioner Sullivan.

The Adm. Asst. stated that as a clarification, the hours were extended last month. It was clarified that the motion only dealt with the denial of the extended entertainment hours.

Attorney Nessralla then added for the record that he is in the possession on behalf of the City of Brockton a report and recommendation against the extension by the Chief of Police and as a basis for that, due to the circumstances surrounding certain establishments, the staffing of the police, it creates an assault against the issue of public need and concern on behalf of the Brockton Police and Chief Conlon who has expressed his opposition to the extension.

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

5. Hearing on the request from Brockton Country Club – Steven Stathis, Manager, 265 Samuel Avenue, for an Automatic Amusement Device license for two coin-operated video games.

Present was Jack Trifiro, 174 Packard Street, Avon, who reviewed the request for the two video games.

Lieut. Crowley stated he is familiar with the establishment and would have no problem with it.

In response to questions from Commissioner Cotter, Mr. Trifiro stated they are not sure of the games but that it will probably be on the theme of golf games or bowling. They do not plan to have poker games.

Paperwork is in order with the exception of the department inspection approvals.

A motion was made by Commissioner Kelley to approve the license which motion was seconded by Commissioner Cotter. All members voting in the affirmative, the motion carried.

6. Hearing on the request from Sub Shops, Inc. dba Subway for a Common Victualer license at 200 Westgate Drive.

Present was Roland Langevin, 536 Eastern Avenue, Fall River, who stated they are requesting to re-open their Subway Restaurant at 200 Westgate Mall.

The Adm. Asst. reviewed that they had been licensed through the end of 2008. Paperwork is in order with the exception of the department inspection approvals.

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. All members voting in the affirmative, the motion carried.

Mr. Langeven then asked if he could extend the hours and was informed that he would have to put a request in.

7. Hearing on the request from Prestige Gas, Inc. – Ronen Drory, Manager, for a Wine and Malt Package Store license at 761 Warren Avenue.

Present were Attorney John McCluskey, 932 Main Street and Ronan Drory, 463 Sherman Street, Canton.

Attorney McCluskey reviewed the request for a beer and wine license at 761 Warren Avenue which is a gas station. He reviewed that this property was abandoned and dilapidated for several years and that the neighbors had been up in arms with the condition of it. Mr. Drory has invested \$150,000 for an environmental clean up because there had been a spill. A couple of years ago he went before the ZBA to operate a gas station and convenience store. Mr. Drory opened the gas and convenience store and in the back there is a car repair transmission shop which was initially leased.

Attorney McCluskey continued and stated that approximately 500 people come in to the building everyday. It is strictly cash sales and many of his patrons have asked about beer and wine. In January they went before the ZBA for a Special Permit to sell Beer and Wine. He reviewed that the Zoning Board found it would not be detrimental to the development of the neighborhood. A packet of 500 signatures was submitted to the ZBA to allow the beer and wine. Since going before the ZBA, they have gathered an additional 250 signatures. Attorney McCluskey stated that many of the people live in the neighborhood. He reviewed that there are two types of clientele that go to this establishment, those that walk in and those that drive. Mr. Drory offered gas at the cheapest price in the state for a period of time.

Attorney McCluskey stated Mr. Drory has invested several hundred thousand dollars in this property. He has cleaned up the property, controlled traffic and listens to his neighbors. In response to one neighbor's complaint, he has put up signs asking gas patrons to turn down their radios and if they don't comply, they don't get gas. Mr. Drory has another property which houses a car wash on North Pearl Street which he invested a million dollars in. Attorney McCluskey stated this is a hands on type of person who has invested a lot of money in the City of Brockton.

Attorney McCluskey stated they are asking for a beer and wine license in a gas station and convenience market. He indicated it is his understanding in talking to people in the City that the License Commission never granted this type of license in a gas station and it

appears to him that this is somewhat of a roadblock to not be able to have beer and wine in a gas station. He stated he is not aware of any study that says people who are buying gas shouldn't be buying beer and wine because if they want it they will simply drive someplace else to get it.

Attorney McCluskey reviewed that as far as public need and public good, there are other locations in the area that sell all liquor or beer and wine. HiLo which is located across the street and fronts on Main Street is an ethnic store. Another ethnic beer and wine store is located just a couple of doors down from this. Attorney McCluskey then stated that at 1666 Main Street, there is a liquor store and a gas station on the same property although they are separately operated but he stated it is the same concept. He then asked the board not to just say that they can absolutely not have beer and wine at a gas station and stated it should be decided on a case by case basis. He stated Mr. Drory knows about the tips program and all of his employees would be tips trained. He is in the store every day. Attorney McCluskey stated that based upon the overall type of operation and the good business man Mr. Drory has been to the City and, in these tough economic times, he should be given the chance to operate a beer and wine store in this facility.

In response to questions, Attorney McCluskey stated the beer and wine would be kept in refrigerators and will be paid for at the same register where you pay for the gas and food. A brief discussion was held with regard to convenience stores in the City which sell beer and wine licenses.

Commissioner Cotter stated he does not see the public need to open the flood gates. Attorney McCluskey reviewed that the Commission has allowed them in the past and Commissioner Cotter indicated not at gas stations. Attorney McCluskey stated he feels gas stations should not be the threshold. He understands the board has to be careful.

Lieut. Crowley indicated he had nothing to report.

Attorney Nessralla then referred to the letter from Chief Conlon stating that the Police Dept. is now understaffed and he is expecting more cuts in staff and as the board is well aware, a certain number of police officers are designated as agents to the License Commission currently to monitor the activity and legal use of dispensing alcohol which is burdensome enough and by increasing the number of dispensaries the City is going to be utilizing, it is going to create more of a burden on an already understaffed situation. Attorney Nessralla stated that he is hearing they have 500 people coming into an establishment and whoever is working the establishment must be concerned who is underage. He further stated that we know the problems regular liquor establishments have in maintaining and monitoring those who come in. Attorney Nessralla reviewed that he is bringing out points for the board to consider either pro or con but feels they should be raised and analyzed and under M.G.L. Chapter 138, he stated the License Commission is well within its discretion to consider the appropriateness of a liquor license at a particular location so he advised the members they can look at it as to whether or not they want a liquor license within a gas station. He further stated that on

behalf of the City, he is asking the board to take in all of those factors and considerations in its deliberation

Mr. Drory stated that he is going through tough times and that he is giving the gas away. He indicated the mechanic he had there has given up one bay and he is hoping to get the beer and wine to help pay the bills. He stated he works ten times harder to make half the money. He asked how he can go forward if this is not approved.

A motion was made by Commissioner Cotter to deny the license. The motion was seconded by Commissioner Sullivan. All members voting in the affirmative, the motion carried.

8. Hearing on the following requests from Max's Hideout, Inc. – Michael J. Asack, Manager, 68 Field Street:
 - (a) To extend the closing hour to 2:00 a.m. on Thursdays, Fridays, Saturdays and eves of legal holidays; and
 - (b) To extend the closing hour on the Entertainment license to 2:00 a.m. on Thursdays, Fridays, Saturdays and eves of legal holidays.

Present were Attorney George Asack, 95 West Elm Street and Peter Asack, Summer Street.

Attorney Asack reviewed that Max's initial closing hour was midnight and they operated with that for two years. They went back before the Commission and extended the closing hour to 1 a.m. and they have had that since 2005. They are now requesting a 2 a.m. closing on Thursdays, Fridays and Saturdays for both the sale of liquor and for the entertainment. Attorney Asack reviewed that since they have been in business, there has been no violation on the premises. They will have two bartenders working, a doorman and either the manager would be present or one of the owners. The premise has a capacity of 95. They are requesting to increase their hours in order to remain competitive with other 2 a.m. establishments.

Councillor DuBois stated she is adamantly against this and that the bar is located in an area where there are many multi family houses. She indicated she feels this is not a good spot in general because it is a dilapidated area and overall the whole use of the land is really a bit of a blight. She stated she does not know if they have had violations. She stated that with so many gunshots and violence around bars, extending the hours would be a big mistake.

Councillor Brophy stated he supports Councillor DuBois in her opposition. He indicated he feels the information given by the Asst. City Solicitor makes it clear that the road we are heading down as a City makes it clear that something has to be done about the hours.

Councillor Brophy then stated he would like to take this opportunity to inform the Commission that as of today, he filed a Home Rule petition that would prohibit the sale of alcohol between the hours of 1:00 a.m. and 5:00 a.m. Councillor Brophy stated it is nothing against the board because they do a good job at what they do but this is a policy decision that the City Council needs to make. He stated this is going to be filed on Monday. Due to the budget and the information from the Chief of Police, Councillor Brophy stated the District Attorney has been working on statistics not only for bars but also other establishments that stay open past 1 a.m. which cause problems. They will also be looking at that by way of an Ordinance change. Councillor Brophy stated he feels that the policy now has to be that we cannot extend past 1:00 a.m. and the board does have the discretion between 11 p.m. and 1 a.m. but as future policy in the City, they have to follow suit with the towns and roll them back to 1 a.m.

Councillor-at-large Todd Petti stated he wanted to maintain his consistency with regard to his opposition to extending any hours.

The following persons were also present in opposition:

Maureen Martin, 785 North Montello Street
Nancy Sarzen, 87 Waldo Street

Richard Dowd, 23 Intervale Street, was present and stated his opposition to the extension of the Terra Terra Bar & Grill and described different problems in the area. He was informed that hearing was held earlier in the meeting.

Attorney Asack asked the Commission to consider allowing the 2 a.m. closing and if the Home Rule petition is approved, they would have to conform to the 1 a.m. closing. He stated that this establishment has had no problems and is a very well run operation. He reviewed that the Commission has heard about gunfire and fights and problems with parking but none of it seems to be directed to this particular establishment so he stated that what he is suggesting is to weigh the merits on Max's not on the other establishments. In the meantime, he requested the Commission consider the fact that Max's has been a good business in the City without problems.

Lieut. Crowley stated there have been no violations there.

Commissioner Dansby asked the applicant if he has considered additional security measures for the 2 a.m. closing and Mr. Asack stated yes they would have doormen and police. Attorney Asack stated that Louis Asack is the co-owner and Michael Asack is the manager.

Commissioner Kelley indicated he feels that every situation has to be looked at and stated they have never come before the board and do deserve a chance, however, given that the City Councillors have taken leadership in the overall picture, he suggested the Commission should perhaps see what the outcome of the City Council meeting is.

Chairman Holmgren reviewed that one of the Commission's factors has always been public need and that there are three councillors present who have stated their opposition.

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

9. Hearing on the following requests from B.A.M.N., LLC dba Progressions Lounge – Jeffrey Summers, Manager, 23 Montello Street:
 - (a) To extend the closing hour to 2:00 a.m. on Thursdays, Fridays, Saturdays and eves of legal holidays; and
 - (b) To extend the hours on the Entertainment license to 2:00 a.m. on Thursdays, Fridays, Saturdays and eves of legal holidays.

Commissioner Dansby stated for the record that due to personal attacks at the last meeting by the petitioner, he is recusing himself from this matter. He then left the room.

Present were Sean Yard, 19 Chestnut Drive and Jeffrey Summers, 51 Grace Street, Malden

Chairman Holmgren reviewed that this is a result of the rollback and at the time the licensee was informed that he could come back and request the extended hours in six months.

Councillors Brophy and Petti both requested to be recorded in opposition.

Chairman Holmgren stated this is unique in that it is the result of a rollback on a violation at which time the Commissioners told him to come back in six months. Councillor Brophy stated he is still in opposition.

Lieut. Crowley stated there have been no further problems.

Commissioner Kelley then stated that at the last meeting they had, the decision was made based on a violation and inasmuch as there have been no problems since, they have now complied. He then made the motion to restore hours to 2 a.m. The motion was seconded by Commissioner Cotter.

Chairman Holmgren stated that he wanted to talk about the hours of Entertainment. He reviewed for the licensee that they do not go until 2:00 a.m., they end at 1:30 a.m. Both licensees acknowledged this.

A vote was then taken and with Commissioners Holmgren, Cotter, Kelley and Sullivan voting in the affirmative, the motion carried.

A second motion was made by Commissioner Cotter to extend the hours on the Entertainment license to 1:30 a.m. The motion was seconded by Commissioner Kelley. The vote being 4-0 with Commissioners Holmgren, Cotter, Kelley and Sullivan voting in the affirmative, the hours were extended.

10. Hearing on the following requests from Emysafari Dance Club Corp. – Christian Ekechukwu, Manager, 22-26 Perkins Avenue:

- (a) To extend the closing hour to 2:00 a.m. on Thursdays, Fridays, Saturdays and eves of legal holidays; and
- (b) To extend the hours on the live Entertainment license to 1:30 a.m. and to 1:45 a.m. for the Television and Radio on Thursdays, Fridays, Saturdays and eves of legal holidays; and
- (c) To lift the ban on “Teen” events.

Attorney Nessralla stated for the record that he had previously represented Mr. Ekechukwu and for this reason would recuse himself from any comment or input.

Present was Christian Ekechukwu, 24 Flint Locke Road, Randolph.

Mr. Ekechukwu stated he bought his bar in 2005 and purchased it as a 2:00 license. When he came in for the license he found out it was only for a 1:00 a.m. closing. He stated he has cleaned up his place and is asking for a chance to operate with a 2 a.m. license.

In response to questions, Mr. Ekechukwu stated he re-opened in November but does not have the money to open every day so he only opens on weekends.

Councillor Petti stated he was opposed to the extension of hours.

Ron Bethony from the Campello Business Association was present and stated he sent a letter in opposition to the requests. The Chairman stated the letter is in the file.

Also present in opposition were the following

Bob Parella, 1015 Main Street
Steve Martin
Harold Presumey, 61 Anawan Street
Nancy Sarzen, 87 Waldo Street

Commissioner Kelley stated that based on the letter from the Chief and the fact that the license agent’s resources are going to dwindle, the will of the City Council and the State proposition, the Campello Business people and their neighbors who stated their opposition to the extended hours, he does not believe the hours should be extended.

A motion was made by Commissioner Kelley not to grant the extended hours. The motion was seconded by Commissioner Cotter. All members voting in the affirmative, the motion carried.

A second motion was made by Commissioner Cotter to deny the extension of the hours on the Entertainment license which motion was seconded by Commissioner Kelley. All members voting in the affirmative, the motion carried.

With regard to the Teen events, Commissioner Cotter indicated he does not know why this has even come up and Chairman Holmgren recalled that he had his chance with the Teen events which was disastrous and used a lot of the City's resources and stated he is adamantly opposed to ever allowing that. Mr. Ekechukwu was reminded that he has a liquor establishment which is designed for adults to be served liquor whether it is a barroom or a night club, it is not designed for Teen events.

A motion was made by Commissioner Cotter to deny the request to re-instate Teen Events. The motion was seconded by Commissioner Kelley. All members voting in the affirmative, the motion carried.

11. Hearing on the revocation of the Class II Used Car Dealer license at 369 Court Street and 366 Court Street (Annex) in the name of Anastasios and Nicolette Papantoniadis dba Toy Karz Auto Sales.

Present were Attorney John F. Creedon, 71 Legion Parkway. Also present were Anastasios and Nicolette Papantoniadis, 3 Longmeadow Drive, Canton.

Attorney Creedon reviewed that Mr. and Mrs. Papantoniadis had consulted him right away after last month's meeting. He indicated that he does not want to make any misstatements because he understands that last month, with no official notification, they were asked to come to the meeting. Chairman Holmgren explained that they came to the meeting because they had requested a duplicate license. Attorney Creedon stated they were told to come to the meeting to pick up their license.

Attorney Creedon then reviewed the history of the location and stated that for thirty years, it has been licensed as a used car place. He said that in the month of November on the very last day when license renewals were due, Mrs. Papantoniadis went to the office and for whatever reason did not get the renewal filed by the deadline. The Adm. Asst. stated that applications for renewal of Used Car Dealer licenses do not have to be filed by November 30th. Attorney Creedon then stated that in the first week of December, they were told they had to fill out the renewal papers and turn them in and were required to pay a \$200 license fee and \$100 fine or penalty. The Adm. Asst. stated the \$100 is a late filing fee. He then furnished a copy of the check dated December 15th which was delivered to the License Commission office on December 17th. Both the Chairman and the Adm. Asst. agreed that the renewal was not the issue and that it had been filed and approved. Attorney Creedon stated that he had a new application to file and he wants to be sure no injustice is done.

Attorney Creedon then stated that the licensee did file for renewal in 2007 for 2008 and did not file timely for 2009 for the reason that they had taken all of the cars on the property which included Range Rovers and other gas guzzlers and sold all of these vehicles at a tremendous loss. During Christmas week he had to go out and buy different cars. From October, due to the gas prices and economy crisis, there were no cars he could pick up at the auction. In the meantime, Mr. Papantoniadis decided to close down his day to day business. Attorney Creedon stated that he was told that Mrs. Papantoniadis was told that the license was mailed to them. Attorney Creedon stated that a letter from the Postoffice indicated that on December 30th, the mailman who was delivering to this location did not see any activity so he put the mail on hold not realizing the business was still being operated.

Attorney Creedon then stated that Mrs. Papantoniadis had gone back to see the Adm. Asst. who told her that an Affidavit was needed concerning the mail situation. Ms. Tucker stated that she had instructed Mrs. Papantoniadis that if she needed a duplicate license she would have to submit a letter requesting a duplicate license be issued. Attorney Creedon asked if this had ever been submitted and Ms. Tucker stated that is why they were at the meeting last month. The Adm. Asst. stated that in addition, a complaint was filed in the office from someone who had purchased a car from the business and could not get in touch with the owners. Attorney Creedon acknowledged that this was probably true.

Attorney Creedon stated that Mr. Papantoniadis had tried all during the month of December and January to pick up the license. The Chairman reviewed for Attorney Creedon that his client had stated at the last meeting he had been closed because of the gas prices and that the issue is that the license is issued to a premise that has to have cars and be in operation.

Attorney Creedon stated that according to M.G.L. Chapter 140, Section 59, the only thing required is that you be a proper person engaged in the business specified in Section 58, that it be the principal business and that there is available a place of business suitable for the purpose. Attorney Creedon indicated at this time, it is important that they get the license back so that they can reopen and the licensee cannot go to auctions without the license.

Chairman Holmgren stated this is what concerns him in that Mr. Papantoniadis had stated he has a restaurant and closes it down all of the time so he thought he could close down until he could get the business back up in the spring.

Attorney Creedon stated he does not want this license to go to anyone else. He, again, stated that he has prepared a new application if that is what the Board thinks has to be done but it is not in order for the Commission to revoke the license at this time.

Commissioner Kelley indicated there seems to have been a lot of missteps here and that the onus is on them to follow the rules. He asked what is planned if the business is restored and Attorney Creedon stated their plans are to be open with vehicles that are not

gas guzzlers. He indicated that they can be in operation within ten days after they receive the license back.

Attorney Nessralla stated that for clarification and in deference to the board, what was represented in light of Chapter 140, Section 59, is that it was de facto closed and there was no activity and no intent to operate anything. Attorney Creedon stated his intention was not to give up but to reopen.

Commissioner Kelley suggested they might need some guidance as to how to go through the process but that he would like to give them the opportunity to remain in business with a clear direction that there be no more mistakes.

In response to Commissioner Cotter, Chairman Holmgren stated that there would be no new license to issue if the license were revoked. Chairman Holmgren stated his issue is twofold and that the members serve their time and deserve some sort of respect for what they do and it is incumbent upon the licensee to know the rules. In addition, he stated he feels that if the license is approved, some type of deadline for reopening the business must be stated because the licensee is not going to be allowed to operate with a pocket license.

Attorney Creedon stated that within fourteen days, they could have 27 cars for sale on the property.

After discussion, a motion was made by Commissioner Kelley to deny the revocation and that there be some activity shown within a fourteen day period. A motion was made by Commissioner Sullivan. All members voting in the affirmative, the motion carried.

Attorney Creedon stated he will make sure it is very clear to his client what is expected of him.

12. Communications

A letter from the police chief concerning 2 a.m. closings on bars had been reviewed at the time of the hearings held earlier in the meeting.

A letter from Attorney Reservitz concerning a consumer problem with Affordable Car Sales had been distributed prior to the meeting and will be placed in the file.

It was agreed that a hearing will be scheduled on the police reports received today concerning Terra Terra Bar & Grill. It was reviewed that at least fourteen days written notice must be given to the licensee. A meeting date of April 8th was set.

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

(a) Annual Report - Copies of the Annual Report had been sent to the members prior to the meeting. The Adm. Asst. asked if they had had a chance to review

it prior to sending it out and posting it. The Commissioners indicated they had seen it and no changes were requested.

The Commission will meet again on April 8, 2009

A motion was made by Commissioner Cotter to adjourn the meeting. The motion was seconded by Commissioner Sullivan. All members voting in the affirmative, the motion carried.

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