

TAPED

The License Commission held its regular monthly meeting at 6:00 p.m. on Wednesday, June 17, 2009, in the G.A.R. Room at City Hall. Present were Chairman James E. Holmgren; Commissioners Edward F. Cotter, Paul D. Sullivan and Bruce Dansby. 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 May 13, 2009.

A motion was made by Commissioner Sullivan to approve the minutes of the May 13th meeting 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 July 2009: Lieuts. John Crowley, Thomas LaFratta, John Flynn, 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 Sullivan to approve the police officers as listed which motion was seconded by Commissioner Cotter. All members voting in the affirmative, the motion carried.

3. Requests for Special One-day Permits:

- (a) **Wine and Malt Beverages** – Temple Beth Emunah – Stuart Kirsch, Manager, for a Las Vegas Night function at 479 Torrey Street on Sunday, July 19, 2009 from 12:00 noon to 5:00 p.m.

Present was Stuart Kirsch, 99 Fuller Street, Middleboro, who stated they have planned a casino barbeque which will be held from 2:00 p.m. to 7:00 p.m. There will be a poker tournament as well as black jack tables, roulette wheel and other casino games. There will be one police officer on duty. Admission will be \$5.00 and it will be \$80 to buy into the tournament.

The Adm. Asst. stated Lieut. Williams has reviewed the permit application and given his approval.

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

4. Hearing on the request from Campello Veterans Firemen's Association – James Badgio, Manager, 224 Clinton Street, to serve beer and wine on the grounds outside the Club at the annual chicken bake on Saturday, September 12, 2009 from 12:00 noon to 6:00 p.m. (Raindate – Sunday, September 13, 2009).

Present was James Badgio, 770 Whitman Street Hanson and Dominic Ritchie, 5 Riverview Street.

Mr. Badgio reviewed the request which is to extend the license to the parking lot to serve beer and wine. The event is the Club's annual chicken bake which will be held in the parking lot. Everything will be poured into plastic cups.

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

5. Hearing on the request from Brockton Post #1046 V.F.W. – Daniel Redd, Manager, 283 North Quincy Street, to serve alcoholic beverages on the grounds outside the Club at a clambake to be held on Sunday, July 19, 2009, from 1:00 p.m. to 5:00 p.m.; and at the annual family picnic on Saturday, August 15, 2009, from 1:00 p.m. to 5:00 p.m.

Present was Daniel Redd, who stated the July 19th date is for a clambake. Everything will be cooked outside. In August, they will hold their annual family picnic. All drinks will be poured into plastic cups.

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

6. Hearing on the request from the Polish White Eagle Club of Montello, Inc. – Joseph Lazorko, Manager, 40 Emerson Avenue, to serve alcoholic beverages on the grounds outside the Club at a pig roast on Saturday, June 20, 2009, from 12:00 noon to 6:00 p.m.

Present was Joseph Lazorko who stated that only beer will be served outside unless someone walks out with a cup from the Club.

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

7. Hearing on the request from Evelyn S. Knight dba The Naked Chicken for a Wine and Malt Restaurant license at 532B North Quincy Street.

Present was Evelyn S. Knight, 524 North Cary Street, who stated they have an existing restaurant which has been open since March 30th and they would like to be able to serve wine and beer. They currently open at 5 a.m. until 10 p.m. Ms. Knight gave the Commissioners menus from the restaurant.

In response to questions, Ms. Knight stated she had called the Mass Restaurant Association to inquire about the Tips program. The Chairman suggested that the license for beer and wine be restricted to 11 a.m. to 11 p.m. She stated they are usually all closed up at 10 p.m. They have no plans to have a bar, there is not enough room.

A motion was made by Commissioner Sullivan to approve the license with the stipulation that the beer and wine may be sold between 11:00 a.m. to 11:00 p.m. and beginning at noon on

Sunday and that they provide proof of completion of the Tips program prior to the issuance of the license. The motion was seconded by Commissioner Cotter. All members voting in the affirmative, the motion carried.

8. Hearing on the request from Angel Hinostrza dba The Peruvian Place – 55 VFW Parkway, to extend the closing hour from 7:00 p.m. to 9:00 p.m.

Present were Angel Hinostrza, 600 Main Street and Jorge Lobaton, 37 Norwood Street.

Mr. Lobaton spoke for Mr. Hinostrza and stated they are looking to extend the hours to 9:00 p.m. It was reviewed that there was a zoning restriction on the hours and they went before the ZBA in April to amend the stipulation. He stated the business is operating well.

A motion was made by Commissioner Sullivan to approve the extension of the closing hour to 7:00 p.m. The motion was seconded by Commissioner Cotter. All members voting in the affirmative, the motion carried.

9. Hearing on the request from Banai Brothers of Brockton, Inc. dba Subway for a Common Victualer license at 200 Westgate Drive – Unit W117.

Present was Tawab Banai, 350 Blackrock Road, Coventry, RI, who stated he would like to reopen the Subway Restaurant at the Mall which has been closed for some time.

In reply to questions, Mr. Banai stated he has two other Subway locations in Rhode Island. He indicated that the corporation wants him to open the Subway at the Mall where he currently operates the Subway at Providence Place Mall.

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.

10. Hearing on the request from CV Auto, Inc. for a Class II license to sell second-hand motor vehicles at 703 North Main Street.

Present were Marcelino Montrond, 23 Mystic Street and, interpreting for Mr. Montrond, was Gilda Andrade, 95 Stonegate Drive, East Bridgewater.

Ms. Andrade reviewed that Mr. Montrond is looking to get a used car license at 703 North Main Street.

Chairman Holmgren reviewed that part of the problem is that there are no new Class II licenses available so there has to be a history with this license. The Adm. Asst. reviewed that this location was licensed to Mr. Montrond and his partner until the end of last year when the license was not renewed. It is her understanding that there were problems with the partnership which has broken up and at this time, Mr. Montrond is applying as a corporation. It is the same location and it is a change in ownership.

Attorney Nessralla indicated he is aware that this has been going on for awhile and that there was a partnership dispute which the Commission cannot get in the middle of. He stated he spoke with Attorney Oakley from Quincy about this and had advised him to take some action but he is not sure whether he did anything or not.

Ms. Andrade stated there have been some issues with the tax department and Mr. Montrond has made a partial payment. Ms. Tucker indicated that Mr. Montrond had not come in for the license until several months after the end of the year. A substantial partial payment of the taxes owed was paid in order for Mr. Montrond to be put on the agenda.

Attorney Nessralla then reviewed that the license expired and went beyond the end of the year. The only mitigating factor is that they made a payment of the taxes in anticipation of the license so then it becomes discretionary with the board on whether to issue the license where this is one over the limit.

Chairman Holmgren stated if this was a new application, it would not be considered and asked the other members what they thought. Commissioner Cotter indicated he would like to see it issued.

Ms. Andrade stated that Mr. Montrond owns the property and if the license is not granted then he will probably have to go into foreclosure. The Adm. Asst. stated that today she had received a notice of cancellation of the used car dealer bond which is a requirement of the Class II license. Ms. Andrade stated Mr. Montrond is aware of this. Attorney Nessralla then asked if there is a mortgage with the prior owner who is Prett Noel. In response to questions from Commissioner Dansby, Ms. Andrade stated that everything depends on the granting of the license.

It was reviewed that the license previously had a stipulation of no more than 22 cars.

Chairman Holmgren then stated he feels the license should be granted with the stipulation that the bond be reinstated within 10 days.

Attorney Nessralla added that the taxes must be paid in accordance to whatever the schedule of payments is agreed upon with the Tax Collector.

A motion was then made by Commissioner Cotter to approve the license subject to the bond being submitted. The motion was seconded by Commissioner Dansby. All members voting in the affirmative, the motion carried.

11. Hearing on the charge brought by the local police against Carlos Lima dba Rolando's – 133 North Main Street, of an alleged violation of **Brockton License Commission Rule #8**, to wit: "The last drink must be served before the closing hour. All glasses and bottles must be cleared from the tables or bar by 15 minutes after the closing hour. All customers must have left the premises by 30 minutes after the closing hour. Any licensee and his employees shall not be prohibited from being upon such premises at any time for the purpose of cleaning, making emergency repairs to, or providing security for, such

premises or preparing food for the day's business or opening or closing the business in an orderly manner. They may not drink after the closing hour.", observed on April 25, 2009, at approximately 2:20 a.m.

This matter was postponed at the request of Attorney John McCluskey.

12. Communications

Communications had been distributed and were reviewed.

It was agreed that hearings involving the ten establishments caught selling to an underaged person in the recent sting operation conducted by the police will be scheduled for the next meeting which was set for July 14, 2009.

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

- (a) France and Cledanie Joseph dba Country Auto Sales – 743 Warren Avenue – failure to provide proof of \$25,000 Bond required by M.G.L. Chapter 140, Section 58 Used Car Dealer

The Adm. Asst. reviewed that Mr. Joseph had brought the bond in just prior to the meeting.

It was agreed that the Commission will meet again on July 14, 2009.

A motion was made by Commissioner Sullivan to adjourn the meeting which motion was seconded by Commissioner Cotter. 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