

TAPED

The License Commission held a Special Meeting at 6:00 p.m. on Thursday, August 5, 2010, in the G.A.R. Room at City Hall. Present were Acting Chairman Joseph P. Kelley; Commissioners Paul D. Sullivan, Bruce G. Dansby, Joshua J. Wood and Alternate Commissioner Fred Fontaine. Also present were Captain Emanuel Gomes; Asst. City Solicitor Kate Feodoroff and Administrative Assistant Bonnie Tucker.

1. Approval of the Minutes of the License Commission Meetings of June 17 and June 21, 2010.

A motion was made by Commissioner Sullivan to approve the minutes of the aforesaid meetings 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 August, 2010: Lieuts. John Crowley, Thomas LaFratta, William Barry and Paul Bonanca; Sgts Frank Vardaro and Kenneth Lofstrom; Dets. Michael Schaaf, Erik Hilliard, John Lonergan, James Smith and Ernest Bell; and Officers Scott Uhlman, and William Healy.

A motion was made by Commissioner Sullivan to approve the police officers as listed as license agents for the month of August, 2010. The motion was seconded by Commissioner Dansby. All members voting in the affirmative, the motion carried.

3. Requests for Special One-day Permits:

There were no applications for Special One-day permits.

4. Hearing on the request from Brockton Post #1046 V.F.W. – Daniel J. Redd, Manager, 283 North Quincy Street, to serve alcoholic beverages on the grounds outside the club for the Annual Picnic to be held on Sunday, August 15, 2010, from 1:00 p.m. to 5:00 p.m.

Present was Daniel J. Redd who reviewed the request which is to serve alcoholic beverages outside for the day of their Annual Picnic. During the hours of 1:00 p.m. to 5:00 p.m.

A motion was made by Commissioner Sullivan to approve the request with the following stipulations:

1. All beverages must be poured into plastic containers;
2. Only beer and wine allowed outside; and
3. No beverages allowed to be taken from the premise which must be restricted to a clearly defined area.

The motion was seconded by Commissioner Wood. All members voting in the affirmative, the motion carried.

5. Hearing on the requests from Brockton Fair Caterers, Inc. – Maura J. Carney, Manager, to amend the Entertainment license to include the following:
 - (a) **Rodeo with Country Western Music** – Saturday, August 28, 2010 from 12:00 noon to 12:00 midnight and Sunday, August 29, 2010 from 12:00 noon to 10:00 p.m.
 - (b) **Demolition Derby** – Saturday, September 25, 2010 from 12:00 noon to 7:00 p.m.
 - (c) **Wheels of Time Car Show** – Sunday, September 19, 2010 from 12:00 noon to 6:00 p.m. (Rain date of Sunday, September 26, 2010)

Present were George Carney, 7 Chilton Road who introduced Tom Clifford, the General Manager of different companies involved with the Brockton Fair. He reviewed the dates he is requesting for the stated amendments to the Entertainment license. He indicated that there were no problems at this year's Brockton Fair.

The first event is a rodeo and tickets will be \$25 or \$30 to enter. They will have police and fire details as well as their own security.

Commissioner Kelley stated that a letter from Councillor Cruise has been submitted and Councillor Monahan is present.

Councillor Tom Monahan, Ward 2, came forward and agreed that the Brockton Fair did go well this year and he commended both Mr. Carney and Mr. Clifford who did everything the neighbors asked of them. With regard to the rodeo, the neighbors are concerned and still upset with what took place at last year's events. The neighbors are asking that the hours be pulled back to 10 or 10:30 on Saturday night and to 7:00 p.m. on Sunday. They would like some assurance that there will be no drinking in the parking lot and Mr. Clifford has stated this will not be allowed. There will be patrols and no boom boxes and no tail gating will be allowed. The stage speakers will be facing towards Shaw's Parking lot. Councillor Monahan asked Mr. Clifford about the helicopter rides and Mr. Clifford stated there will be helicopter rides until 8:00 p.m.

Commissioner Kelley stated there is a question of whether this was included in the Entertainment license. Mr. Clifford stated they had helicopter rides at the Brockton Fair. Ms. Tucker stated that the helicopter rides are not included on the license or application and had not been included on the agenda for tonight's meeting.

Attorney Feodoroff stated if the request was not properly noticed then the public would not have the opportunity to comment.

Mr. Clifford stated that the operator of the helicopter would be heading out over the high school and the VA and would not be going over the general neighborhood. The applicants were informed that there is another meeting on August 26th if they decide to make a request for this and that it should be put in writing.

Commissioner Kelley then reviewed Councillor Cruise's letter which indicated he would like to see Saturday's hours rolled back to 10 p.m. and Sunday to 8:00 p.m. In addition, he is requesting the police details remain until everyone has left the premises. Mr. Monahan stated the only problem is that the national bands aren't scheduled to play until 11:00 p.m. on Saturday and 9:30 on Sunday which would only give them one hour to clear the property. The Adm. Asst. suggested that this be worked out with Lieut. Barry and Capt. Gomes as far as the details are concerned.

Ms. Tucker then reviewed an email received from Mary Overton stating she is opposed to the helicopter rides and the noise from the rodeo. Councillor Monahan stated he called Mary and explained that this will be a country rodeo and she is not opposed to the country western music.

At this time, Commissioner Kelley asked for anyone present wishing to speak on this matter.

Mary Lanza, 28 Avon Street, stated she is one house away from the fairgrounds and she wishes to voice her opposition to the noise and the lateness of the events. She reviewed that at the October meeting, the previous chairman of the board had guaranteed that neither the rodeo nor the mudboggling events would be coming back. She stated in the past the rodeos have been a nightmare and unbearable and she has the same concerns as she has voiced in the past.

Mr. Clifford stated that rodeo is a general term and he acknowledged the fact that things had gone astray for a couple of years when the Brazilian rodeos were held. He stated they have learned their lesson and this will be done by American people with American music and not the loud bass music. He then offered the neighbors complimentary tickets if they would like to attend.

Commissioner Wood asked what the issues were. Mrs. Lanza indicated there are quality of life issues. In the past people would have to leave their homes during these events because of the noise all weekend long. She stated she can not even talk on the phone. People can hear the music for miles. Mr. Clifford assured those present that this event will not be like that. With regard to the ending time, Mrs. Lanza stated she feels 10:00 p.m. is not unreasonable on Saturday night and 7:00 p.m. on Sunday night. She indicated it also depends on the actual noise level.

Councillor Monahan stated he had gone to the fairgrounds during the Fair and found the way the speakers are now situated, the noise is actually going away from the neighborhood and Mrs. Lanza agreed that it was an improvement. Mr. Clifford stated the stage will be moved onto the racetrack with the amplification going towards Staples.

Commissioner Kelley commented that there seems to be tremendous compromise with the neighbors and the operators of the fair and with the councillor in attendance to monitor the event and to see the improvements. He indicated that many problems will be corrected by not allowing any coolers inside. Ms. Tucker stated that bringing alcoholic beverages onto the premise is a violation of the liquor license and the police should be aware of this. Commissioner Kelley then asked for Captain Gomes' comments.

Capt. Gomes stated that knowing the problems which have occurred in the past, they will have at least two license agents present who will be required to generate a report to the board right after the event. Ms. Tucker stated that one of the problems at last year's events by police and councillors was finding a representative of the operators of the Fair who was present. Mr. Clifford stated he will be present at all of the functions.

Mr. Carney then stated he has been in Brockton for many years and loves the Brockton Fair and if it gets to the point where this is a problem, he has many opportunities to develop the property.

Commissioner Kelley indicated he feels there is a much more cooperative effort this year and it will hopefully be a positive event.

Commissioner Dansby asked Councillor Monahan if he is comfortable with the hours of operation and Councillor Monahan indicated he would go along with 10:30 or 11:00 p.m. on Saturday. Mrs. Lanza expressed her preference for 10:00 p.m. Mr. Carney stated they can live with the 11:00 p.m. ending time.

Mr. Clifford stated people will have to leave onto Belmont Street. Mrs. Lanza indicated people do get rowdy as they leave.

Capt. Gomes asked the operators what they anticipate for a crowd. Mr. Carney indicated he does not know. Capt. Gomes stated the number will have an effect on how fast the traffic can be moved. In the past, they have put every light on flash and even when they expedite things and have officers on the ground, there is still a window of time they need to empty out the crowd.

Mr. Spillane estimated a total number of 1,500 people on Saturday and as many as 4,000 people on Sunday. He indicated he does not think there will be anything close to 12,000 or 15,000 people.

Attorney Feodoroff then indicated she feels a relevant question for the Commission to ask of the neighbor is whether she was satisfied with the fair this year and the way the noise was controlled and whether she could hear the noise as the people would exit onto Belmont Street.

Commissioner Kelley then asked Mrs. Lanza if she could see an improvement in this year's Brockton Fair and she stated she could and it went amazingly well.

Councillor Brophy stated he concurred with Councillor Monahan's comments and hopes everything will go accordingly.

Commissioner Fontaine indicated he is satisfied with what he has heard and the cooperation shown.

A motion was made by Commissioner Wood to approve the Rodeo with Country Western Music on Saturday, August 28, 2010 with amended hours of 12:00 noon to 11:00 p.m. and on Sunday, August 29, 2010 with hours of 12:00 noon to 10:00 p.m. The motion was seconded by Commissioner Fontaine. All members voting in the affirmative, the motion carried.

A second motion was made by Commissioner Sullivan to approve the Demolition Derby on Saturday, September 25, 2010 from 12:00 noon to 7:00 p.m. The motion was seconded by Commissioner Wood. All members voting in the affirmative, the motion carried.

A third motion was made by Commissioner Sullivan to approve the Wheels of Time Car Show on Sunday, September 19, 2010 from 12:00 noon to 6:00 p.m. (Rain date of Sunday, September 26, 2010) The motion was seconded by Commissioner Dansby. All members voting in the affirmative, the motion carried.

6. Hearing on the request from Morano Subway of Brockton, LLC for a Common Victualer license at 768 Belmont Street.

Present was Kim Morano, 27 Monterey Drive, Franklin, who stated she plans to re-open the Subway Restaurant on Belmont Street which has been closed for approximately 2 years. Hours being requested are from 7:00 a.m. to 10:00 p.m. The inspections have not yet been done.

A motion was made by Commissioner Wood to approve the license pending receipt of the inspection approvals. The motion was seconded by Commissioner Dansby. All members voting in the affirmative, the motion carried.

7. Hearing on the request from Beijing Kitchen, Inc. – Keith Trieu, Manager, to transfer the Wine and Malt Restaurant license at 379 Belmont Street to H & C Chen, Inc. dba Ichiban Asian Cuisine – Qiong Chen, Manager.

Present were Andrea Kor, a paralegal for Attorney Christophy Coleman, 128 Lincoln Street, Boston and Qiong Chen, 8 Berlin Street, Quincy.

The seller was not present although a notice had been sent. It was reviewed that a vote was on file. Ms. Kor stated that H & C Chen, Inc. is taking over the existing beer and wine restaurant which will be operated the same as the current owners. In response to questions, Ms. Kor stated they are in the process of having the inspections completed.

A motion was made by Commissioner Wood to approve the transfer of the Wine and Malt Restaurant license pending receipt of the inspection approvals. The motion was seconded by Commissioner Fontaine. All members voting in the affirmative, the motion carried.

8. Hearing on the request from Bugaboo Creek Holdings, Inc. dba Bugaboo Creek Steak House to appoint Henry W. Hatcher as the manager.

Present was Attorney Trish Farnsworth, Lawson & Weitzen Law Firm, 88 Black Falcon Avenue, Boston and Henry Hatcher, 99 Aborn Avenue, Warwick, RI.

Attorney Farnsworth reviewed that Mr. Hatcher is being appointed as manager of the restaurant in Brockton to replace Joseph Madirira. He has fifteen years experience in restaurants and is certified in alcohol serving awareness. It was reviewed that a prior change in manager was disapproved by the ABCC for failure to comply with Mass. Tax Laws and no further information was ever received. Attorney Farnsworth indicated that matter has been taken care of.

A motion was made by Commissioner Dansby to approve the appointment of Mr. Hatcher as the manager. The motion was seconded by Commissioner Sullivan. All members voting in the affirmative, the motion carried.

9. Hearing on the request from North End Motors, Inc. dba Montello Auto Sales to transfer the Class II Used Car Dealer license at 225 North Montello Street to St. Jean Auto Sales and Repair, Inc.

Present were Gesner St. Jean, 44 Appleton Street, Mohammad Ahmed, 2 East Street, Mohammad Parwaz, 112 Matfield Street, West Bridgewater.

Mr. Ahmed stated he has operated this location for ten years and is requesting to transfer the license to Mr. St. Jean. He indicated he has three locations in Brockton and is purchasing a larger facility in Canton.

With regard to the repair facility, Ms. Tucker stated Mr. St. Jean has to apply to the City Council for the repair license in his name if he intends to perform the repairs at the location. The repair license submitted was in the name of North End Motors, Inc.

Officer Scott Uhlman, Brockton Police, stated he went to the location today. The plan submitted is for 52 cars which the current license is stipulated for. Officer Uhlman submitted aerial photos of the vehicles as they were on the lot today and reviewed there is not enough room for the cars as placed on the plan. The plan shows 15 vehicles across the front of the property and there should be no more than 11 vehicles across the front. There should be no more than eight vehicles along the side where vehicles numbered 44 to 52 are located. Vehicles marked 30 to 43 should be eliminated and no more than 8 vehicles should be placed where numbers 16 to 29 are located. Officer Uhlman stated the plan submitted is not drawn to scale. He recommended not more than 11 vehicles across

the front. He suggested the row in the center of the lot be eliminated and that when the repair license is obtained there be no more than 16 repair vehicles. From the aerial view, he pointed out that the cars are stacked up and not placed in accordance with the plan on file. He indicated Lieut. Williams had notified him that a fire hazard exists with the way in which the vehicles are stacked up. At the present time the dumpster is not in compliance and is not shown on the new plan.

Mr. Parwaz stated they have held the license for 10 years and have had no problems with the Fire Department. Since they have consolidated their repair department, they have been using this location as a holding lot. He indicated there are 10 car spaces inside the building as well. The total of 52 cars does not specify how many for sale or repair. It is a combined total. He indicated that they want to make sure the person buying the business is successful and he will not be limited to only 11 cars for sale. Mr. Parwaz stated if the vehicles are lined up, well over 52 cars can fit on the property.

After discussion concerning the vehicles, Officer Uhlman stated it is his recommendation that there be no more than 11 vehicles for sale and the City Council can determine the number of repair vehicles to be allowed.

Commissioner Kelley suggested that it would be helpful if a more accurate plan with the layout was submitted. Mr. Parwaz stated all they are asking for is 26 cars for sale.

In response to questions from Commissioner Dansby, Mr. St. Jean stated he has worked at another dealership. Commissioner Kelley suggested it would be wise to work with Officer Uhlman and Lieut. Williams and taking his advice not only with the layout but with the books. He suggested they submit a new plan. During discussion, Commissioner Kelley stated it is not only about the square footage but they need to have a layout of the vehicles which will work so there is no fire hazard created.

Commissioner Kelley then reviewed that if the transfer is approved, it should be done pending an approval of the layout of the vehicles by the enforcement officers. The Adm. Asst. explained to the licensee that if this is approved, they will not have to wait another month but the license won't be released until they can come up with a plan which is acceptable to the license agent.

A motion was made by Commissioner Wood to approve the transfer of the license for a total of 52 cars on the lot subject to a subsequent filing of a plan to be approved by the license agent. The motion was seconded by Commissioner Fontaine. All members voting in the affirmative, the motion carried.

10. Hearing on the charges brought by the local police against Consanguinity, Inc. dba The Tekoah – Shear Yashub I. Shear Yashub, Manager, 34 Petronelli Way, of the following alleged violations reported after an inspection of the premises on May 18, 2010:

- (a) **Brockton License Commission Rule #1** – 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 shall state in the letter the reason and length of such closing.
- (b) **Brockton License Commission Rule #10** - No physical renovations shall be made unless a plan is submitted and approved by the License Commission.
- (c) **Brockton License Commission Rule #14** – No alcoholic beverages shall be sold for a fee less than the actual cost of the beverage to the licensee. An admission charge shall not be credited towards the purchase price of any alcoholic beverages.
- (d) **Brockton License Commission Rule #16** - All licenses and building certificates shall be posted in a conspicuous place on the premises, available at all times to the proper authorities.
- (e) **ABCC Rule 4.03 (1)(a), to wit:** No licensee or employee or agent of a licensee shall offer or deliver any free drinks to any person or group of persons.
- (f) Numerous violations of Fire, Building and Board of Health Codes as reported by Officer Scott Uhlman in his report dated May 29, 2010. (copy attached)
- (g) Violating M.G.L. Chapter 140, Section 177A which requires a license be issued for coin-operated amusement devices (pool table and video poker machine).
- (h) **Brockton License Commission Rule #15** - No licensee shall make any distinction, discrimination or restriction on account of race, color, religious creed, national origin, sex or ancestry relative to the admission or treatment of any person., as a result of an advertisement observed online on June 1, 2010.
- (i) Allowing unauthorized entertainment in the form of a Juke Box.

Commissioner Kelley announced at the beginning of the meeting that this matter was postponed.

The Adm. Asst. reviewed that Attorney Creedon had requested the hearing be held until the September meeting and it was agreed that this would be allowed. Attorney Creedon had also informed the Commission by letter that the licensee will not be open through the end of 2010.

11. Communications

A communication from Jeffrey Summers dated July 20, 2010 requesting action be taken against Joe Angelo's and a letter from Chief Conlon concerning the alleged incident reported by Mr. Summers were reviewed. Both Commissioners Kelley and Wood agreed that it appears Mr. Summers is attempting to force his own personal agenda on the board. All members agreed that the correspondence would be placed in the file.

All other communications were placed on file.

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

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

Respectfully submitted,

Joseph P. Kelley
Acting Chairman

APPROVED:

Paul D. Sullivan, Commissioner

Bruce G. Dansby, Commissioner

Joshua J. Wood, Commissioner

Scott H. McDuffy, Commissioner

Fred Fontaine, Alternate Commissioner