

## **TAPED**

The License Commission held its regular monthly meeting at 6:00 p.m. on Thursday, February 17, 2011 in the G.A.R. Room at City Hall. Present were Acting Chairman Joseph P. Kelley, Commissioners Paul D. Sullivan, Joshua J. Wood and Alternate Kathy Kenney. Also present were License Agent Emanuel Gomes and Administrative Assistant Bonnie Tucker.

1. Approval of the Minutes of the Special Meeting of December 31, 2010 and the Meeting of January 20, 2011.

A motion was made by Commissioner Sullivan to approve the minutes of the aforesaid meetings which motion was seconded by Commissioner Kenney. All members voting in the affirmative, the motion carried.

2. Approval of the following police officers as license agents for the month of March, 2011: Capt. Emanuel Gomes; Lieuts. Thomas LaFratta and Paul Bonanca; Sgts Frank Vardaro and Kenneth Lofstrom; Dets. Michael Schaaf, John Lonergan, James Smith and Ernest Bell; and Officer Scott Uhlman.

A motion was made by Commissioner Sullivan to approve the police officers as listed which motion was seconded by Commissioner Kenney. All members present voting in the affirmative, the motion carried.

3. Requests for Special One-day Permits:

**(Add) (a) All Alcoholic Beverages** - Brockton Firefighters Local 144 – Archie Gormley, Jr., Manager, for a Memorial function at 80 Perkins Avenue on Thursday, March 10, 2011 from 10:00 a.m. to 8:00 p.m.

After all agenda items had been taken up, a motion was made by Commissioner Sullivan to approve the Special One-day permit. The motion was seconded by Commissioner Kelley. All members voting in the affirmative, the motion carried.

4. Hearing on the request from Emysafari Dance Club Corp. – Christian Ekechukwu, Manager, 22-26 Perkins Avenue, to extend the hours on the Entertainment license to 2:00 a.m. in conjunction with the extension of the closing hour to 2:00 a.m. on Thursdays, Fridays, Saturdays and eves of legal holidays which was approved at last month's meeting.

In response to questions from Commissioner Sullivan, the Adm. Asst. explained that the closing hour was extended at last month's meeting, however, no request was made to extend the hours on the Entertainment license and the license could not be changed without the approval of the Commission.

Appearing on behalf of Mr. Ekechukwu was Attorney John McCluskey, 932 Main Street, who stated he is present to request the extension of the hours.

Commissioner Kenney stated that she had made the motion to extend the hours of operation and based on the same criteria, she made a motion to approve the extension on the Entertainment license.

Ms. Tucker explained that with regard to the live entertainment, it has been the Commission's policy to have the live entertainment end one-half hour before the closing hour. The motion was then seconded by Commissioner Sullivan. With Commissioners Kenney, Sullivan and Wood voting in the affirmative and Commissioner Kelley opposed, the motion carried.

5. Hearing on the request from Paul Veracka Motors, Inc., holder of a Class II license to sell second hand motor vehicles at 2020 Main Street, to add a second location at 2074 Main Street as an annex to sell second-hand motor vehicles.

Present was Charlyn Veracka, 285 Grange Park, Bridgewater, who stated Paul Veracka Motors currently operates at 2020 Main Street and would like to operate an annex at 2074 Main Street. She explained that the tenant, Brockton Cycle Center, had gone out of business at the end of last year and the property is now vacant. They own the property and would like to put some used vehicles there in order to keep the building occupied. Mrs. Veracka stated that they have both their buildings up for sale and whichever building sells first; they will move the business to the other location.

Capt. Gomes stated there is plenty of space and this is a reputable business. There have been no issues with the license holder and there is no opposition from the Police Department.

Present was Councillor Paul Studenski who stated this has always been a good business and he would like to be recorded in favor to the request.

Councillor Todd Petti was also present and requested to be recorded in favor of this request.

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

6. Hearing on the request from Dian Zheng dba Express Panda for a Common Victualer license at 43 Legion Parkway.

Present was Dian Zheng, 43 McCormick Terrace #56.

The Adm. Asst. explained that Mr. Zheng's business will be mostly take-out but he does have two tables and he needs a Common Victualer license if people are eating on the premise. He has been to the ZBA and a letter from the Chairman of the ZBA was sent with regard to this request.

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

7. Hearing on the request from Marcelino Alves, Dinis Alves and Jose Alves dba Celina's Market to transfer the Wine and Malt Package Store license at 1041 North Main Street to Marcelino Alves and Maria F. Alves dba Celina's Market.

Representing the applicants was Attorney Scott Rubin, 71 Legion Parkway. Also present were Maria and Marcelino Alves, 14 Elyse Road, Mansfield.

Attorney Rubin reviewed that this is a request to transfer the license from Marcelino Alves and his brothers to Marcelino Alves and his wife who are currently running the business.

The Adm. Asst. reviewed that there have been no violations against this licensee.

A motion was made by Commissioner Sullivan to approve the transfer of the license which motion was seconded by Commissioner Wood. All members voting in the affirmative, the motion carried.

8. Hearing on the request from Cardoso Café, Inc. – Carlos Cardoso, Manager, 146-148 Montello Street, to extend the closing hour to 2:00 a.m. on Thursdays. (Currently has 2:00 a.m. closing on Friday, Saturday and eves of legal holidays.)

Present was Carlos Cardoso, 112 North Warren Avenue, who stated he is asking to extend his closing hour to 2:00 a.m. on Thursdays. It was reviewed that he was previously approved for a 2:00 a.m. license for Friday and Saturday only.

The Adm. Asst. stated there are a couple of violation reports in this licensee's file concerning doors being open and windows being blocked. She indicated that Capt. Gomes might have something further on this request.

Capt. Gomes stated he is aware that there was an issue this past summer. The license agent has explained the rules to him and Capt. Gomes indicated he is not aware of any other problems since.

Ms. Tucker suggested that the board might want to take up the hours on his entertainment license at the same time. She then reviewed the entertainment and stated that when Mr. Cardoso was approved for a 2:00 a.m. closing on Fridays and Saturdays, his entertainment hours were not extended.

In response to questions from Commissioner Wood, Capt. Gomes stated he is not concerned with the extension of hours on Thursday where he already has the 2 a.m. closing on Friday and Saturday and this will put him in line with the other 2:00 licensees.

Mr. Cardoso stated he understands the problems reported and has taken corrective action.

Commissioner Kelley then reviewed the Entertainment and Mr. Cardoso stated he would like to include the extension of hours as part of this request.

A motion was made by Commissioner Wood to approve the extension of the live entertainment hours to 1:30 a.m. on Thursday, Friday, Saturday and eves of legal holidays. The motion was seconded by Commissioner Sullivan. All members voting in the affirmative, the motion carried.

A second motion was made by Commissioner Wood to approve the extension of the closing hour on Thursdays to 2:00 a.m. The motion was seconded by Commissioner Sullivan. All members voting in the affirmative, the motion carried.

9. Hearing on the request from Eleftherios Koxias dba Classic Pizza & Grill for a Common Victualer license at 144 Howard Street.

Present was Eleftherios Koxias, 1530 Central Street, East Bridgewater.

The Adm. Asst. stated that this location was licensed through 2010 but the license was not renewed for this year.

Paperwork being in order, a motion was made by Commissioner Sullivan to approve the request which motion was seconded by Commissioner Kenney. All members voting in the affirmative, the motion carried.

10. Hearing on the request from St. Mena Corporation dba 7-Eleven – Armand W. Singer, Manager, for a Wine and Malt Package Store license at 65 Oak Street Ext.

Representing the applicant was Attorney Michael Oberson 131 Oliver Street, Boston. Also present were Ehab Morcos, 102 Fawn Lane, Nashua, NH and the Armand W. Singer, 5 Meadow Lane #1, Bridgewater.

Attorney Oberson reviewed the request for a beer and wine license at the 7-Eleven Store on Oak Street which Mr. Morcos took over last year. He indicated that Mr. Singer who is the proposed manager has extensive experience in managing package stores and most recently, a 7-Eleven with a package store license in New Hampshire. Prior to that, Mr. Singer worked as a bartender. The store has a separate area for the wine and malt beverages which can be locked off during non sale hours when the store remains open. There is a main entrance at the front of the store. There will be 2 to 3 employees on duty at all times who will monitor the alcoholic beverages and the sale of them.

The Adm. Asst. reviewed that there had been a beer and wine license at this store which wasn't renewed by the prior owner at the end of last year.

Commissioner Sullivan asked that Tips certification be required for all employees.

Capt. Gomes asked the Commission whether it has been mandated in the past that there be a grate securing the alcohol during the non selling hours.

Mr. Morcos indicated the store is open 24 hours and Commissioner Kelley advised the applicant that the beer and wine must be secured and not available during the hours not allowed by law.

A motion was made by Commissioner Kenney to approve the license. The motion was seconded by Commissioner Wood. All members voting in the affirmative, the motion carried.

11. Communications

12.

The Adm. Asst. stated that she was served with a Motion for a Preliminary Injunction regarding CV Auto, Inc. and that a hearing has been scheduled in Superior Court on February 24, 2011.

A list of findings from the Police on the non renewed licenses was distributed to the members.

Capt. Gomes reported to the Commission that as a result of an anonymous allegation concerning Joe Angelo's which was forwarded to him at last month's meeting, on February 4<sup>th</sup>, he went to the establishment, unannounced, and spoke with the owner, Joe Angelo. Mr. Angelo took him on a tour and Capt. Gomes stated that there were no unlicensed amusement devices on the premise and none in the kitchen area as stated in the complaint.

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

- (a) Antonia Cardoso dba Malu's Cafe – 23-25 Montello Street - Transfer of license from B.A.M.N., LLC dba NFuzion disapproved by ABCC on December 21, 2010. Request application be resubmitted to ABCC for reconsideration. (Sign off needed on new Form 43)

The Adm. Asst. reviewed that a new Form 43 would have to be signed by the commissioners and submitted for reconsideration. This license transfer was denied due to the current licensee's failure to comply with Mass. Tax Laws. Attorney Creedon has written a letter stating that they are now in compliance.

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

Respectfully submitted,

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Joseph P. Kelley  
Acting Chairman

APPROVED:

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Paul D. Sullivan, Commissioner

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Bruce G. Dansby, Commissioner

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Joshua J. Wood, Commissioner

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Scott H. McDuffy, Commissioner

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Fred Fontaine, Alternate Commissioner

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Kathy Kenney, Alternate Commissioner