

TAPED

The License Commission held its regular monthly meeting on Thursday, September 20, 2012 at 6:00 p.m. Present were Chairman Scott H. McDuffy; Commissioners Bruce G. Dansby, Joshua J. Wood and Alternate Commissioner Fred Fontaine. Also present were License Agent Lieut. Paul Bonanca; Asst. City Solicitor Caitlin Leach; and Administrative Assistant Bonnie Tucker.

1. Approval of the Minutes of the License Commission Meeting of August 16, 2012 and the Special Meeting of July 31, 2012.

A motion was made by Commissioner Dansby to approve the minutes of both meetings which motion was seconded by Commissioner Wood. All members present voting in the affirmative, the motion carried.

2. Approval of the following police officers as license agents for the month of September, 2012: Lieuts. Paul Bonanca and Kenneth Legrice; Sgts. George Khoury, Frank Vardaro, James Baroud, Michael Powers and Charles Cassiani; Dets. Thomas Hyland, Nazaire Paul and Matthew Graham; and Officer Scott Uhlman.

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

3. Requests for Special One-day Permits:

- (a) **All Alcoholic Beverages (2 Permits)** – St. Theresa’s Church – Rev. Tony Mouanes, Manager, for a Food Festival to be held at 343 North Main Street on Friday, September 28, 2012 from 6:00 p.m. to 11:00 p.m. and on Saturday, September 29, 2012 from 6:00 p.m. to 11:00 p.m.

Present on behalf of the Church was Joyce Nessralla, 400 North Warren Avenue, who reviewed the requests for the permits. Ms. Nessralla stated this will be the third year for the food festival. There will be entertainment on Friday night from 7:00 p.m. to 10:30 p.m. and the same on Saturday. They plan to serve beer and wine and soda. Chairman McDuffy reminded her that everything must be poured into plastic cups. The Adm. Asst. asked if they would only be serving beer and wine and Ms. Nessralla stated she would like to have the option of being able to serve full alcohol in case anything changes.

In response to questions, Ms. Nessralla stated they will have a police detail present each day. There will be a band, however, it was reviewed that a special license is not needed for the one day event.

Paperwork being in order, a motion was made by Commissioner Dansby to approve the permits requested. The motion was seconded by Commissioner Wood. All members voting in the affirmative, the motion carried.

- (b) **Wine and Malt Beverages** – Brockton Community Playhouse – Dennis Hursey, Manager, for a Movie/Acting Event to be held at the Council on Aging – Father Kenney Way on Saturday, October 27, 2012 from 7:00 p.m. to 10:00 p.m.

Present was Dennis Hursey, 7 Kenwood Street. Mr. Hursey stated he started the Brockton Community Playhouse this past spring. They have put on a couple of performances and right now they want to run a movie night at the Senior Center and would like to be able to serve beer and wine. The movie planned is Casablanca and there people attending will dress up in the outfits of the movie which was back in the year 1943. There will be skits performed by the actors and actresses that night. He estimated that approximately 80-90 percent of the people attending that evening will be senior citizens.

The Adm. Asst. reviewed that she had informed Mr. Hursey that where this is City owned property, a one-day liquor liability policy will have to be obtained as well as anything the Council on Aging might require. Mr. Hursey stated the contract with the Council on Aging states that he must pay for a custodian and make a \$100 donation to the Senior Center. Attorney Leach indicated the Council on Aging uses its own contract.

A motion was made by Commissioner Wood to approve the one-day permit provided the necessary insurance is obtained. The motion was seconded by Commissioner Fontaine. All members present voting in the affirmative, the motion carried.

- (c) **Wine and Malt Beverages (2 permits)** – Brockton Baseball Concessions, Inc. – Michael Canina, Manager, for events to be held at Campanelli Stadium on Saturday, September 22, 2012 from 12:00 noon to 5:00 p.m. and on Sunday, September 23, 2012 from 1:00 p.m. to 7:00 p.m.

Request to amend Entertainment license to include Amateur Boxing Events on September 22nd from 12:00 noon to 5:00 p.m. and DJ/Music on Sunday, September 23rd from 1:00 p.m. to 7:00 p.m.

Present was Michael Canina, 227 Linwood Street, who requested to amend the starting time on Saturday to 11:30 a.m. which is when the gates will open. It was agreed that the time of the entertainment would also be amended. He stated that on Sunday, the ceremony at the High School is scheduled for 1:00 p.m. so he does not anticipate the arrival of anyone until about 2:00 p.m.

A motion was made by Commissioner Wood to approve the Special One-day Permits for September 22 and 23, 2012 and the amendment to the hours on the entertainment license on those two dates. The motion was seconded by Commissioner Dansby. All members voting in the affirmative, the motion carried.

While Mr. Canina was present, the Commission took up the request from the Brockton Baseball Concessions, Inc. to the change officers/directors. (Refer to Agenda Item #10(a)).

4. Hearing on the request from Happy Bear, Inc. to transfer the Class II Used Car Dealer license at 772 North Main Street to Trans Atlantic Enterprises, LLC dba Happy Bear Auto.

This matter was taken up later in the meeting as the petitioner was not present when it was first called. (The matter was taken up after agenda item #5)

Present was Attorney George Asack, 95 West Elm Street and his client, Augustine Okolo, 10 Magnolia Way, Canton. Also present was the seller, David Sniger, 380 Pleasant Street, Raynham.

Attorney Asack reviewed that Mr. Okolo will be purchasing the real estate and the business and they are seeking a transfer of the used car dealer license from Mr. Sniger. The current license allows 38 vehicles and a layout of the property is included in the application. It is Mr. Okolo's intention to continue to operate the business as it has been in the past. He will continue on with the management team that has been there. Mr. Okolo is an accountant with a business in Boston. He has been very interested in the City of Brockton for a period of time and understanding his limitations with regard to having experience with this type of business, he does want to keep the current management team in place for now. If there are any changes in the future, he intends to get equally experienced people to take their place.

In response to questions, Attorney Asack stated that Mr. Okolo will be on site. He reviewed that the property is located at the corner of Herrod Avenue.

Officer Uhlman stated that when he went to make his inspection, neither the owner nor the used vehicle record book were on the premises. He was told the book was in Taunton which is a clear violation of the general laws. The person at the location told him there was a transfer of the license pending provided financing goes through. Officer Uhlman stated there was no inspection and no one there who could help him. He stated there is no way the cars could be parked as indicated on the plan submitted. There is a repair license and the plan provides no room for the repair vehicles. Officer Uhlman stated they will more than likely require the lot to be lined with spaces allocated for the used cars for sale and no other vehicles can be parked in those spaces.

Attorney Asack stated his client is aware of the limitations in the parking and Mr. Okolo intends to be there and supervise. He understands he will not be able to display 38 cars for sale and that spaces must be designated for repair vehicles. He stated they will cooperate with any inspections and designation of space that Officer Uhlman recommends. Officer Uhlman stated at this time, the number of cars should be left open until he goes for his repair and garage license. He stated Mr. Okolo won't be penalized because of the current owner's failure to have his book on the premises. Attorney Asack stated that Mr. Okolo has spoken with some franchise people and it is his intention to convert at some point.

Mr. David Sniger stated that his wife takes care of the Used Car Record Book for him. At this time, his wife is ill. He stated he had recently purchased some vehicles and brought the book home that same night in order for her to enter the information into the book. He told the

manager he would have the book back the next day. He stated the book has always been on location and is up to date as required.

It was agreed that a new plan will have to be submitted once Officer Uhlman's inspection is complete and he can determine where the vehicles will be placed for the repair business.

A motion was made by Commissioner Wood to approve the transfer of the license subject to the inspection and leaving open the number of cars until after Officer Uhlman's inspection. The motion was seconded Commissioner Dansby. All members voting in the affirmative, the motion carried.

5. Hearing on the request from Michael Matta to transfer the Lodging House license at 220 North Main Street to Home At Last, LLC – Heather Hallisey.

Present was Attorney Scott Rubin, 71 Legion Parkway and his clients, Heather and Brian Hallisey, 141 Maplewood Circle. Also present was Herb Matta, 13 Leo's Lane, Avon.

Attorney Rubin reviewed that this is a request to transfer the Lodging House license at 220 North Main Street. His clients, Heather and Brian Hallisey, plan to do some upgrades to the property. They both have backgrounds in dealing with the type of people who will most likely be residents of this facility and well aware of what the challenges will be. Attorney Rubin stated they have reached an agreement with the Matta family as to leasing the property and they hope to be there long term.

The application was reviewed and the number of rooms has not changed and will remain at 17. They are asking to have a total occupancy of 28. This is presently 23. It was reviewed that the location must be inspected by the Building and other departments so they will be made aware of this number. Attorney Rubin indicated they are willing to go along with what is recommended.

Officer Uhlman reviewed that this property has been an extreme drain on resources of the City of Brockton. Since 2008, the Brockton Police have been to that property 360 times. A copy of the police log was submitted. The Brockton Fire Department has responded to the location on 75 occasions since April 2011. He stated that a comparable Lodging House at 232 Perkins Avenue has had the police respond 36 times since 2008. He indicated this location is a problem and sometimes requires police response three times a day.

Mrs. Hallisey stated they have been working with Herb Matta since June, 2012. Since they have been there, people who are found involved with any illegal activity in the home have been put out and they are rehabilitating the whole house. She stated that she had made the call to the Fire Department today because a tenant returned intoxicated and could not ambulate independently. She indicated she is working with that person's case manager at the Department of Mental Health, with his advocate from another agency and with his family members to either get him into detox or else he will no longer be able to stay there. She stated it has taken them time, but they have clear rules to aid in cleaning the place up. Mrs. Hallisey stated she is a Social Worker and her husband has worked in the field for years. They are implementing structure and this will take time. They understand that the location has been a drain on the community and they are

working with the Brockton Interfaith Community and she has been in contact with the Police Department. At this time, the people in the house are safe and there is no illegal activity in the house. She asked the members to give them some time to work on this problem.

Attorney Rubin stated that his clients would not tolerate what has gone on in the past at this location. There will be an onsite person as manager on the property. He suggested that this will take a period of time to turn things around and the people who were accustomed to going to the property have to be turned away and this will take some time for the people to learn that they are not welcome. Attorney Rubin indicated he does not want his clients to call police or fire if someone goes there and wants to conduct illegal activity. The Halliseys are making a significant investment and want to protect the property as well.

Lieut. Bonanca stated he had conferred with Officer Uhlman and asked if they have a written plan as to what they intend to do differently. Officer Rubin stated they plan to put an onsite property manager at the location. In addition, there will be security measures in place and the building will be locked from the inside at 9:00 p.m. so people who do not live there will not be able to enter. There will be cameras and floodlights. He stated although the people who will be living there have their issues, whether it be mental health or prior drug and alcohol problems, the Halliseys are there to help them to get the kind of services they need. The people there will either be in recovery or with Dept. of Mental Health.

Attorney Rubin stated they could provide the Commission and police with something in writing for their review. Lieut. Bonanca asked the Commission to consider that.

Chairman McDuffy indicated it would be good to see how this is progressing in three months and suggested they contact the office to let them know how things are going. He indicated he is all for a facility to help people with their problems but not for a facility where there is constant illegal activity and problems being caused. He then asked who the property manager would be and indicated he knows that some places have the most senior tenant as the property manager but that it does not always work out.

Attorney Rubin stated they will be conducting interviews for this position and they will be hiring someone who will live there as well. Mrs. Hallisey stated if that doesn't work out, they will have to create shifts and pay people for their shifts. They are working with the V.A. to get approved to do the CRC (Community Residential Care) Program so they are bringing the house up to their expectations. She understands the area is difficult and they realize they will probably have to add a fence to secure the property. She stated that there are no longer prostitutes going up and down the driveway and people are not going there to buy drugs. She stated they might have to call 911 for some of their tenants but these are tenants who have been there and they are giving them time to deal with the changes. Attorney Rubin stated there are only six lodgers there now so this will give them an opportunity to bring in the people they hope to attract. He stated the VA requires a background check on the operators which goes through federal approval so Mr. and Mrs. Hallisey will be required to go through this.

Chairman McDuffy asked the applicants if they would be in favor of updating the board every three months for the first year. He indicated if changes are going to be made, he would like to see this and a residence of this type is needed in the City but it has to be run right.

Commissioner Wood asked if it would be better to approve the license with a six month review date and decide from there. Officer Uhlman stated he has no problem going back there at any time. Commissioner Wood indicated they could take a look at police calls and try to eliminate what is not really the management's fault and figure out if the operation is more under control than in the past. Officer Uhlman suggested that this would also be based on the calls to the Fire Department who is constantly taking people out for overdosing and alcohol poisoning.

Lieut. Bonanca indicated from a police view point, it might be wise to approve it with a six month review. Chairman McDuffy stated he would still like to hear something after three months of operation to see if there are some improvements and if it continues to improve after six months, it would indicate they are moving in the right direction.

Attorney Rubin stated there is a December deadline with the landlord as far as obtaining the VA approval. The Halliseys will not go forward with this unless the VA approval is received and . They won't have the people in there until after that time. Commissioner Wood suggested that might skew the results if there is going to be a low occupancy until that time.

A motion was made by Commissioner Wood to approve the transfer of the license with a scheduled six month review date in March and pending receipt of all the department inspection approvals. The motion was seconded by Commissioner Fontaine.

Mrs. Hallisey asked if they can work with the police department with monitoring and Officer Uhlman stated the police are in that neighborhood constantly and are very familiar with the house. He estimated that there are about 15 cruisers that go by in an hour. Lieut. Bonanca assured Mrs. Hallisey that they will not be penalized for calling 911 and encouraged them to call if there is a problem. Officer Uhlman advised her to call the non emergency number if it is not a life threatening situation.

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

6. Hearing on the request from Antonio Fonseca dba CJ Beer and Wine to transfer the Wine and Malt Package Store license at 721 Warren Avenue to Emanuel A. Veiga dba J & J Beer and Wine.

Present was Attorney Wayne Mathews, 529 Pearl Street, representing Antonio Fonseca, 17 Anania Terrace. Also present was Emanuel Veiga, 403 Fairview Avenue, Rehobeth. Attorney Mathews stated that Mr. Veiga is present on his own but that he has also spoken with him.

Attorney Mathews reviewed that this is a request to transfer the existing beer and wine package store license. Mr. Veiga has some experience in this business and he has related to him that his family owned a store in Cape Verde and he was involved with the operation. Mr. Veiga plans to

attend the Tips program prior to taking over. The business will be operated the same as it currently is.

Chairman McDuffy stated that the Tip education should be mandatory and is for his own good. He recalled that there was a problem approximately a year ago at this store involving a sale to an under aged person and he cautioned the new owner that these types of violations are being closely watched throughout the City.

A motion was made by Commissioner Fontaine to approve the transfer subject to the owner becoming Tips trained. The motion was seconded by Commissioner Dansby. All members present voting in the affirmative, the motion carried.

7. Hearing on the request from Antonia Cardoso dba Malu's Lounge – 23-25 Montello Street to extend the closing hour to 2:00 a.m. on Thursdays, Fridays, Saturdays and eves of legal holidays.

Present were Attorney John F. Creedon, 71 Legion Parkway and Antonia Cardosa, 480 West Elm Street.

Chairman McDuffy indicated it is his understanding that there is an outstanding tax bill in the amount of \$21,328. owed to the City. Attorney Creedon indicated he is aware of this and has a copy of the bill. He indicated Mrs. Cardoso has already paid off almost \$20,000 worth of bills owed by the previous owner, Mr. Summers. He reviewed that she was unable to open for eight months after she had purchased the property which had to deal with the City and she made a deal with Mr. Brophy and the City and had paid \$10,000 up front. Attorney Creedon stated this was not any water used by her. Chairman McDuffy stated he has been informed that the arrangement made last year was that the balance would be paid off by last March. The Adm. Asst. stated the renewal was approved based on the agreement that all outstanding taxes would be paid by the end of March. Mrs. Cardoso stated the closing attorney had sent her everything at the closing. Attorney Creedon indicated she never brought that problem to him. Attorney Creedon again stated that it was seven months before she could open the door and Ms. Tucker reminded him that they were informed that the license couldn't be transferred until the ABCC had approved it but they had gone forward with the passing anyway.

Chairman McDuffy stated that it is the Commission's duty to conform with City Ordinance in making sure taxes are up to date. Mrs. Cardoso stated that it isn't taxes, it is for the water. Ms. Tucker informed Mrs. Cardoso that she has to straighten this out with the DPW and pay what is owed. This information that there is still an outstanding balance was received today. Chairman McDuffy suggested that this be put on hold and give her thirty days to work things out. He indicated it is up to the Commission.

Attorney Creedon stated he does not know why they are even on the agenda this evening and if he had known about this, he would have done some other things. Chairman McDuffy stated it relates to her license and he would be doing wrong if he didn't bring it up. The Adm. Asst. stated it is on the agenda because Attorney Creedon had requested it. He stated he has been trying to get her on the agenda to extend her hours for quite some time and Ms. Tucker stated

this is the first time it has been requested. Attorney Creedon stated the board is aware that the previous owner and the City did not get along at all and it took them months to get a closing on the property. He stated that he did get involved with the State which they had to pay \$4,000 to. Mrs. Cardoso had to hire an accountant to get that straightened out and it is unfair to her who has had no violations.

Commissioner Wood asked if there was a condition on her that the transfer be contingent upon the taxes being paid by Mr. Summer. Ms. Tucker stated the license was renewed based on the taxes being paid by March 2012. He then asked if the 2:00 a.m. license be granted contingent upon her following whatever plan she had made. Ms. Tucker stated she has already failed to follow the plan she agreed to at renewal time and she has made no contact with Mr. Brophy to update him as to why she has not complied.

Mrs. Cardoso stated she was waiting for the bank at the closing. Ms Tucker informed Mrs. Cardoso that she will have to talk to the DPW and to the Tax Collector to straighten the situation out.

A motion was made by Commissioner Wood to continue the matter until next month. The motion was seconded by Commissioner Dansby. All members voting in the affirmative, the motion carried.

8. Hearing (postponed from meeting of August 16, 2012) on the cancellation/revocation of the Used Car Dealer license approved on March 21, 2012 to **Todd Copeland dba Copeland Auto Discount – 59 Manley Street**, for failing to comply with conditions agreed to and not operating the Class II Used Car Dealer business.

Attorney Wayne Mathews, 549 Pearl Street, came forward and stated he had sent a letter in last month requesting a postponement of this hearing. He has not heard from Mr. Copeland although he has left him several messages. Attorney Mathews stated he has no explanation for his absence this evening and in doing his duty, he would request a further continuance.

Commissioner Wood stated that at last month's meeting, it was his request to have the hearing continued to this month. Chairman McDuffy reviewed for Attorney Mathews that back in March, Mr. Copeland was given a break and subsequently allowed to move the license to the Manley Street location with the understanding that certain conditions be met. He agreed to the conditions but to date, has done nothing to comply and has the business has not opened.

Attorney Mathews stated he can't argue and knows there has been some difficulty with the owner of the premises.

Officer Uhlman stated that nothing has been done. He has submitted pictures and there is nothing but an empty lot. It is also his understanding that the property might be under some agreement to be sold.

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

9. Communications

There were no communications to review.

10. Any other business to properly come before the Commission

- (a) Brockton Baseball Concessions, Inc. – 1 Lexington Avenue – Change in Officers/Directors

Mr. Canina reviewed the request which is to change officers from Evander Schley to Chris Carmanucci.

Paperwork being in order, a motion was made by Commissioner Dansby to approve the change in officers/directors as requested. The motion was seconded by Commissioner Wood. All members voting in the affirmative, the motion carried.

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 Dansby. All members voting in the affirmative, the meeting was adjourned.

The Commission's next meeting is scheduled for October 18, 2012.

Respectfully submitted,

Scott H. McDuffy
Chairman

APPROVED:

Paul D. Sullivan, Commissioner

Bruce G. Dansby, Commissioner

Joshua J. Wood, Commissioner

Kathy Kenney, Commissioner

Fred Fontaine, Alternate Commissioner