

TAPED

The License Commission held its regular monthly meeting on Thursday, September 19, 2013, in the G.A.R. Room at City Hall. Present were Chairman Scott H. McDuffy; Commissioners Joshua J. Wood and Catherine B. Holbrook; License Agent Scott Uhlman and Administrative Assistant Bonnie Tucker. The meeting was called to order at 6:05 p.m.

Chairman McDuffy announced that there are only three members present this evening and if anyone wished to postpone their application for a meeting when there is a full board in attendance, they could do so.

Attorney Creedon stated that his client, CSMR Corporation dba The Spot, requests a postponement to the next meeting. (Refer to agenda item #8)

1. Approval of the Minutes of the License Commission Meeting of August 14, 2013 and the Special Meetings of August 12, 15 and September 9, 2013.

A motion was made by Commissioner Wood to approve the minutes of the aforesaid meetings which motion was seconded by Commissioner Holbrook and made unanimous by vote of Chairman McDuffy.

2. Approval of the following police officers as license agents for the month of October, 2013: 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 Wood to approve the police officers as listed as license agents for the month of October, 2013. The motion was seconded by Commissioner Holbrook and made unanimous by vote of Chairman McDuffy.

3. Requests for Special One-day Permits:
 - (a) All Alcoholic Beverages – Brockton Firefighters Local 144 – William Hill, Manager, for a Retirement Party to be held at 80 Perkins Avenue on Wednesday, October 16, 2013 from 6:00 p.m. to 12:00 midnight.

Present was Scott Albanese, 30 Rolling Hills Drive, East Bridgewater, who stated he was present on behalf of William Hill who had a prior commitment and could not attend. He reviewed that this is the annual retirement party for the members who have retired throughout the year.

A motion was made by Commissioner Holbrook to approve the one-day permit which motion was seconded by Commissioner Wood. All members present voting in the affirmative, the motion carried.

- (b) All Alcoholic Beverages (3 Permits) – St. Theresa's Church – Joyce Nessralla, Manger, for the Annual Food Festival to be held at 343 North Main Street, on Friday, September 27, 2013 – 4:00 p.m. to 12:00 midnight; Saturday, September

28, 2013 – 11:00 a.m. to 12:00 midnight; and Sunday, September 29, 2013 – 11:00 a.m. to 6:00 p.m.

Present was Joyce Nessralla, 400 North Warren Avenue, who stated they will not be selling any alcoholic beverages on Sunday. The three day event is their annual food festival and family day. The liquor will only be sold during the hours of the entertainment which will be from 5:00 p.m. to 11:00 p.m. on Friday and Saturday. They will hire detail officers and Officer Uhlman indicated he will refer this to Lieut. Barry. Officer Uhlman suggested that Ms. Nessralla contact the Detail Office to make the arrangements.

Commissioner Wood asked if the detail officer requirement should be put in the motion to approve and Officer Uhlman indicated it is not necessary and it is standard procedure that they have a detail.

A motion was made by Commissioner Wood to approve the one-day permit which motion was seconded by Commissioner Kenney. All members voting in the affirmative, the motion carried.

4. Hearing on the request from the Polish White Eagle Club of Montello, Inc. – Joseph Lazorko, Manager, 40 Emerson Avenue, to serve alcoholic beverages in the parking lot on Saturday, September 21, 2013, from 12:00 noon to 6:00 p.m.

Present was Joseph Lazorko, 17 Lucy Lane, who stated the event will be the same as in the past. There is no hard liquor served outside but some people carry their drinks outside from the bar. There will be no bottles or glass allowed outside. Mr. Lazorko stated they have not been required to have a police detail in the past and have never had any problems.

A motion was made by Commissioner Holbrook to approve the request which motion was seconded by Commissioner Wood and made unanimous by vote of Chairman McDuffy.

5. Hearing (postponed from meeting of August 14, 2013) on the request from Mass Imports, Inc. – Hamed Pishdadian, Pres. - 610 Main Street, for clarification as to the increase in the number of vehicles he is allowed on the lot. (Original hearing held June 20, 2013)

The licensee did not appear. Officer Uhlman stated he had not heard from Mr. Pishdadian who was supposed to submit a plan after last month's meeting. He reviewed that there were issues involving the handicapped parking spot and an old letter from zoning.

A motion was made by Commissioner Wood to postpone the matter which motion was seconded by Commissioner Holbrook and made unanimous by vote of Chairman McDuffy.

6. Hearing (postponed from meeting of August 14, 2013) and review of new plans with Avon Auto Brokers, Inc. – Dana Nessen, Manager, 8 Montello Street and 985 Belmont Street, for failing to comply with the following requirements after a hearing held on January 17, 2013:

- That the requisite number of handicapped parking spaces in accordance with the law be provided at each location;
- That professionally prepared plans of the vehicle layout of both 8 Montello Street and 985 Belmont Street be submitted and approved; and
- That the lot at 8 Montello Street be lined in accordance with the approved plan as soon as possible but no later than May 31, 2013.

Officer Uhlman indicated the licensee is in the process of complying and requested this be postponed until next month.

7. Hearing on the request from CSMR Corporation dba The Spot – Chenet Sam, Manager, 133-135 North Main Street, to extend the closing hour to 2:00 a.m. on Thursdays, Fridays, Saturdays and eves of legal holidays. (Application withdrawn at meeting on August 14, 2013)

This item was postponed at the start of the meeting by Attorney Creedon.

8. Hearing on the request from Table Twenty Two Inc. – Marie Souffrant, Pres., for a Common Victualer license at 25 Pleasant Street. (Hours from 8:00 a.m. to 11:00 p.m.)

There was no one present on this matter.

A motion was made by Commissioner Wood to postpone the hearing. The motion was seconded by Commissioner Holbrook and made unanimous by vote of Chairman McDuffy.

The applicants arrived at the end of the meeting and Commissioner Wood made a motion to amend his motion to postpone the hearing and moved to hear it at this time. The motion was seconded by Commissioner Holbrook and made unanimous by vote of Chairman McDuffy.

Present were Marie and Cedar Souffrant, 25 North Elliot Street, Randolph.

Mrs. Souffrant stated she plans to sell Asian and Caribbean food. She stated they are moving from 22 Main Street. The license at 22 Main Street is held by Mr. Souffrant and another individual and the establishment has closed. She is taking over the operation at 25 Pleasant Street and keeping the name of Table Twenty Two.

Officer Uhlman stated the police have had a problem at 22 Main Street with illegal poker machines inside. The games have been ordered out on a couple of different occasions. There has been no legal action because it has been the police's policy to ask them to remove the machines.

Mrs. Souffrant stated they did not know they had to have a license for the machines and she called to have them removed.

Chairman McDuffy reminded Mrs. Souffrant she will only be licensed as a Common Victualer and no beer or wine or machines are licensed. She indicated she understands she will only be

licensed for food. She is in the process of getting the inspections and they are in the process of getting the fire alarm fixed. Mrs. Souffrant stated she understands they have to be signed and returned before they can open.

A motion was made by Commissioner Wood to approve the license pending receipt of the inspection approvals which motion was seconded by Commissioner Holbrook and made unanimous by vote of Chairman McDuffy.

9. Hearing (postponed from meeting of August 14, 2013) on the request from Brockton Fair Caterers, Inc. – Maura Carney, Manager, to amend the Entertainment license to include the following events to be held at the Brockton Fairgrounds:

September 22, 2013

Brazilian Rodeo from 12:00 noon to 8:00 p.m. with music and dancing from 4:00 p.m. to 8:00 p.m.

September 28, 2013

Tomato Run from 5:00 p.m. to 11:00 p.m.

Present were Thomas Clifford, Rehobeth and George Carney, 7 Chilton Road.

Mr. Clifford stated the September 28th Tomato Run has been cancelled.

With regard to the Brazilian Rodeo on September 22nd, Mr. Clifford stated the gates will be open at 12:00 noon, the rodeo goes from 2:00 p.m. to 4:00 p.m. and then there is music and dancing from 4:00 p.m. to 8:00 p.m. They will work with the police as far as the details. In response to questions, Mr. Clifford stated the only issue they had with parking was with the Color Me Rad event because there was a glitch on the computer as far as advertising parking across the street. The promoter had taken this information from past fair event information.

Last Saturday night, they had an event called the Color and Glow Run. Mr. Clifford stated there were 3500 people and there were no problems. They had put their people in the lots belonging to the nearby businesses and if anyone from the event looked to be parking in the lots, they were asked to park on the fairgrounds property. Chairman McDuffy stated he had driven by and saw a pickup truck with a large sign which indicated “No Parking for Fair Event.”

Officer Uhlman stated that with regard to the Brazilian Rodeo, Lieut. Bonanca has spoken with Mr. Clifford about what has been required in the past and that will be handled by the Detail Office.

With no further information presented, a motion was made by Commissioner Holbrook to approve the request which motion was seconded by Commissioner Wood. All members voting in the affirmative, the motion carried.

10. Hearing (postponed from meeting of August 14, 2013) on the request from Sidelines Sports Bar, Inc. – Laura Kelley, Manager, 225 East Ashland Street, to amend the Entertainment license to include Orchestra (5) pieces, Vocalists, Dancing by Patrons,

Dancing by Performers, Disc Jockey and Karaoke, Sunday through Saturday from 7:00 p.m. to 12:00 midnight. (Currently licensed for Television, Radio and Jukebox from 10:00 a.m. to 1:00 a.m. on Monday through Saturday and from 12:00 noon on Sunday)

In addition to Mr. Carney and Mr. Clifford, also present was Laura Kelley, 54 Paula Road, who stated she is the general manager at Sidelines. Ms. Kelley reviewed the request which is to amend the license to include the live entertainment.

Chairman McDuffy asked about the dancing by performers and Officer Uhlman stated that is also a concern with the Police Dept. Mr. Clifford stated that Ms. Tucker had told him to check off all the boxes so he did and that the whole thing was an oversight. He indicated he did not make out the application in the first place.

Officer Uhlman stated that on August 12, 2013, he had done an inspection at Sidelines and spoken with Ms. Kelley. The plans submitted are very confusing and they have been asked to submit an accurate plan for the complex on several occasions. Chairman McDuffy stated he is aware of that. Mr. Clifford stated they are in the process of doing this and submitted a plan for Sidelines alone as the liquor license holder. The Chairman pointed out that there have been changes which have not been updated with the Commission.

Officer Uhlman stated he had shown the plan that Mr. Clifford submitted to Ms. Kelley while he was at the establishment and she agreed that it was very confusing. Mr. Clifford stated they have a new drawn up plan which accurately shows how Sidelines is set up and he will make sure to submit it. Officer Uhlman then reviewed that on the plan submitted, the dance floor far exceeds what is on the plan. There is a wall on the plan which has been removed and the plan is not to scale.

Chairman McDuffy pointed out that they are not licensed for three pool tables which are shown on the plan. He said that he is just pointing out all of the little things that should be addressed.

In response to questions from Commissioner Wood, Ms. Kelley stated they end the entertainment at midnight in order to give the patrons time to calm down and to give last call and get everyone out by 1:00 a.m.

A motion was made by Commissioner Wood to approve the request as amended without dancing by performers. The motion was seconded by Commissioner Holbrook and made unanimous by vote of Chairman McDuffy.

Commissioner McDuffy also reminded them to make sure the video games are also licensed. Ms. Kelley stated they are licensed for 2 or 3 but only have one at this time.

11. Communications

There were no communications to review.

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

Commissioner Wood asked if the Zoning and local Ordinances and Regulations are printed in other languages for foreign restaurant owners. The Adm. Asst. indicated they are on the website but she is unsure whether they are in other languages. Officer Uhlman indicated that Common Victualer licenses also fall under the State Sanitary Code so those would be on the State website.

A motion was made by Commissioner Wood to adjourn the meeting which motion was seconded by Commissioner Holbrook and made unanimous by vote of Chairman McDuffy.

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

Catherine B. Holbrook
Alternate Commissioner