

TAPED

The License Commission held its regular monthly meeting at 6:00 p.m. on Thursday, October 17, 2013, in the G.A.R. Room at City Hall. Present were Chairman Scott H. McDuffy; and Commissioners Bruce G. Dansby and Joshua J. Wood. Commissioner Kathy Kenney arrived later in the meeting. Also present were License Agents Lieut. Paul Bonanca and Officer Scott Uhlman; and Administrative Assistant Bonnie Tucker.

1. Approval of the Minutes of the License Commission Meeting of September 19, 2013.

A motion was made by Commissioner Wood to approve the minutes of the September 19, 2013 meeting which motion was seconded by Commissioner Dansby and made unanimous by vote of Chairman McDuffy.

2. Approval of the following police officers as license agents for the month of November, 2013: Lieuts. Paul Bonanca and Kenneth Legrice; Sgts. George Khoury, Frank Vardaro, Michael Powers and Bryan Maker; Dets. Thomas Hyland, Nazaire Paul, Matthew Graham, Eric Clark, Santiago Cirino, Tim Donahue and Jackie Congdon; and Officer Scott Uhlman.

A motion was made by Commissioner Wood to approve the police officers as listed which motion was seconded by Commissioner Dansby and made unanimous by vote of Chairman McDuffy.

3. Requests for Special One-day Permits:

There were no applications for Special One-day Permits.

4. Hearing (postponed from meetings of August 14 and September 19, 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)

(No one was present when this matter was called and it was taken up at the end of the agenda.)

Present was Adam Pishdadian, 158 East Main Street, Norton.

Officer Uhlman stated he met with the owner and has reviewed the plan. He would approve the location with for 26 cars for sale. All the licensee must do is line the lot in accordance with the plan and put the signs up for the handicapped spots. There is a right of way that goes to the house out back and Mr. Pishdadian has agreed not to block it. Mr. Pishdadian stated he will be lining the lot next week.

A motion as made by Commissioner Wood to approve the plan subject to the lining of the lot and putting up the signs for the handicapped spaces according to M.G.L. within one month of today's date. The motion was seconded by Commissioner Kenney. All members voting in the affirmative, the motion carried.

5. Hearing (postponed from meetings of August 14 and September 19, 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.

Representing the licensee was Attorney George Asack, 95 West Elm Street and his client, Dana Nessen, 24 Marshall Lane, No. Easton.

Officer Uhlman stated he has been working with Mr. Nessen. He stated there has been no final plan submitted for the Montello Street lot. Today, he observed that there were four cars over the limit on the lot. There are no spots for employee parking and they were parking in the customer spaces. There has been no plan turned in for Belmont Street and today there were cars parked in the aisle. Officer Uhlman stated Mr. Nessen has been compliant and helpful but he might not understand what is being asked of him.

Attorney Asack reviewed that he had represented this licensee previously and Mr. Nessen told him he thought he had done everything Officer Uhlman had asked of him. There are professionally prepared plans for Belmont Street. He asked if Officer Uhlman would like to review the plan this evening and Officer Uhlman indicated that these were supposed to be submitted back in May. He and Mr. Nessen have discussed that there are some spaces that are not lined properly. Today there were vehicles parked where there are no spaces.

Attorney Asack stated there were a number of things Mr. Nessen agreed to take care of the last time. He has lined the lot and put in the appropriate number of handicapped spaces. He has done the best he can to police people from parking where they are not supposed to. He has also done his best to do what the board had asked him to do and to keep the lots running as orderly as possible. Attorney Asack stated he is aware of a couple of other issues Officer Uhlman has asked for and Mr. Nessen has been working with him to try and resolve those issues.

Officer Uhlman stated there is no employee parking at 8 Montello Street if a dealer plate is taken off of a car. When he was there today, he observed two registered cars on the lot and he asked the employees if the cars belonged to them and they indicated they were not aware that they were parked in customer spots. There are only two customer's spots and the rest of the lot is full of used cars. Mr. Nessen stated that he takes the blame and will explain to his employees exactly what has to be done.

Chairman McDuffy asked if Mr. Nessen has a wholesale area at any of his five locations. Mr. Nessen stated that when trade-ins come in he gets rid of them right away. The Chairman stated he has also seen the lots at both Belmont and Montello Street overcrowded. Mr. Nessen

assured the Commission that he will not go over the limit and when Officer Uhlman goes to his lots, he will not see a car that is over the number allowed.

Officer Uhlman indicated he would like to give Mr. Nessen another month to see if everything can be straightened out. They have worked on the plans with the architect and hopefully they can agree upon a final plan.

A motion was made by Commissioner Wood to continue the matter to next month's meeting. The motion was seconded by Commissioner Dansby and made unanimous by vote of Chairman McDuffy.

6. Hearing (postponed from meeting of September 19, 2013) 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)

Present were Attorney John Creedon, 71 Legion Parkway, Chenet Sam, 1156 Adams Street, Dorchester and Attorney Rudy Miller – 75 Adams Street, Milton.

Attorney Creedon reviewed that his client's direct competition includes Cardoso Café, Gigi's and Vulcan which all have 2:00 a.m. closing times. Chenet Sam, has owned the building for almost 10 years and has been approved by the City for a façade improvement. He then submitted pictures of the interior of the bar and stated it is not a big bar and is not going to cater to crowds. The average age of Mr. Sam's clientele is from 35 to 65. There is a band which consists of a violin, guitar, keyboard and drum. His client has held this license for approximately 18 months and has never had a violation. He is always there and the occupancy is for 81. Officer Uhlman has been to the location and everything is up to code. Mr. Sam understands the rules and regulations and Attorney Creedon stated the board would be well served in allowing the 2:00 license. There has never been hip hop music and there is no plan to offer that type of music.

Attorney Miller thanked the Commission and stated it is an honor to speak on behalf of Mr. Sam who he has known for the last decade. When Mr. Sam took over the operation, the first thing he did was renovate it. It is now clean, modern and very welcoming. Mr. Sam has been fully compliant since taking over and he is the type of business owner the City wants in the community. Attorney Miller stated it is incumbent upon the board to put someone who is so compliant and fastidious on an even playing field with the other businesses. Attorney Miller stated he has been to this establishment on a Saturday evening and it is a community establishment. At around 11:30 p.m., the place seems to empty out and it appears that people are leaving to go to other locations which have 2 a.m. closings. He asked the Commission to provide Mr. Sam the opportunity to compete evenly with other merchants in the community.

Attorney Creedon stated that at one of the prior meetings at which Mr. Sam's request got postponed, Councillor DeNapoli had appeared and was in favor of the request.

Chairman McDuffy asked for anyone wishing to speak who is in favor of this request.

Councillor at Large Jass Stuart was present and stated he has been to the establishment and the clientele is the type of crowd they want at bars. It was an older crowd of regular patrons. He has spoken with Mr. Sam who acknowledges that this is a privilege and he would live by the rules for the extension of his license. Councillor Stuart stated he believes that if there are going to be bars in the City they want them to be open to 2:00 a.m. on an individual basis depending on how they operate their establishment. Based on the record of this establishment, Mr. Sam has done an excellent job in keeping up his business. Councillor Stuart stated that as a City Councillor, he puts his reputation on the line whenever he comes before a commission recommending favorable vote. He indicated he is proud and comfortable in doing so in the case of The Spot.

Mr. Sam stated he would like the board to know a little about him as they judge him for this privilege. He is an engineer for Verizon and has been there for 17 years. He is married, has a son and is a standup guy. The reason he has not been before the board during the 17 months of operation is because he follows the rules and this is something that is not going to change. He stated that when he took over the liquor license, it was important for him to clean up the business from the inside out and this is what he has tried to display with the pictures presented. The renovations not only invited a better clientele but it cleaned up the existing clientele that was going there and now they are more appreciative and they visit with more respect. They know that there are rules and if they do not follow the rules they will be asked to leave. He stated that Officer Uhlman went to his establishment and did a thorough inspection. He stated that he takes Officer Uhlman's feedback as a compliment.

Chairman McDuffy then asked for anyone opposed wishing to speak and no one came forward.

Lieut. Bonanca stated the police are opposed to any further issuance of 2:00 a.m. licenses and feel it will be an unfair burden on the resources the City has. He stated he cannot speak of any violations against the bar over the past six months. There have been disturbances and an assault and battery was called in by the bar this past Friday at closing time and it was settled. Prior to that there was an incident in July. Lieut. Bonanca stated that in terms of violations, the manager has done the right thing in calling. He stated any additional 2:00 a.m. bars would negatively impact the City.

Chairman McDuffy commented that he is very impressed with the work Mr. Sam has done there and the pictures show it to be very nice inside. He stated that he does go by every so often at night time and it appears to be well controlled. He urged Mr. Sam to keep up the good work.

Mr. Sam stated that they were unanimously approved by the façade committee and the work should be happening very soon. He stated that he did not want to apply for the 2:00 a.m. license because he does work and he has a career but he sees his patrons flood out the doors and ask him why they can't stay there. Chairman McDuffy cautioned Mr. Sam that if he does get the 2:00 a.m. closing, it may attract other clientele and that is when problems might occur. Mr. Sam stated that he would probably shut the door before 1:00 a.m. and he would more than likely end the entertainment at about 1:15 a.m. He stated that an extra half hour for the patrons he has would make them happy and he is not interested in attracting new customers at that time. Lieut. Bonanca asked if he was connected to the CV Islands a number of years ago and he stated he

was not but was the owner of the building. Attorney Miller stated that the establishment that was there was a separate and distinct owner.

A motion was made by Commissioner Dansby to approve the 2:00 a.m. closing which motion was seconded by Commissioner Wood. With Commissioners Dansby and Wood voting in favor and Chairman McDuffy opposed, the motion carried.

7. Hearing on the request from S & T Deli, Inc. dba Gourmet Deli & Pub – Thomas P. Doyle, Manager, 327 North Pearl Street, to pledge the All Alcoholic Restaurant license.

Present were Attorney Rick Lawton, 157 Belmont Street and Thomas Doyle, 20 Messina Drive. Attorney Lawton reviewed the request which is to pledge the all alcohol restaurant license to Rockland Trust Bank. He explained that Mr. Doyle purchased his brother's restaurant in Easton on Route 138 a year ago and closed in June 2012. At the time, he was financed through Rockland Trust. The Easton location is incorporated as T. Doyle's Pub, Inc. When Mr. Doyle signed with the bank, he gave his Brockton license as collateral and the bank is requiring the pledge of this license as well.

A motion was made by Commissioner Wood to approve the pledge of the license. The motion was seconded by Commissioner Dansby and made unanimous by vote of Chairman McDuffy.

8. Hearing on the request from Rockton Corp. dba Bud's Liquor & Convenience – Michelle M. Tibets, Manager, 532 North Quincy Street, to pledge the All Alcoholic Package Store license and the inventory.

Present was Twinkle Patel, 124 Christopher Road, the president of the corporation.

Mr. Patel stated he purchased this business approximately 3 ½ years ago and the bank is requiring the pledge of the license at this time for the promissory note. There is no change in the operation of the business.

A motion was made by Commissioner Dansby to approve the pledge of the license and inventory to Rockland Trust. The motion was seconded by Commissioner Wood. All members voting in the affirmative, the motion carried.

9. Hearing on the request from DBI Stores, LLC dba Dunkin Donuts to transfer the Common Victualer license at 1280 Belmont Street to FB Enterprises, Inc. dba Dunkin Donuts.

Present was Arthur Anastos, Vice President and General Counsel of DBI Stores, LLC, 38 Cushing Hill Road, Norwell and Frank Barounis, 432 Far Reach Road, Westwood, MA, the president of FB Enterprises, Inc.

Mr. Anastos stated that they have a Purchase Agreement to transfer the business at 1280 Belmont Street to Mr. Barounis pending the approval of the board.

The Adm. Asst. pointed out that they are applying for a 24 hour operation. She stated the hours on the current license are 5:00 a.m. to midnight. Mr. Anastos stated they currently operate 24 hours and Ms. Tucker stated it was never approved for 24 hours. Mr. Barounis stated the drive-thru is 24 hours. The inside currently closes at 10:00 p.m.

Officer Uhlman stated that if they plan to be open from 1:00 a.m. to 5:00 a.m., they are required to get a permit from the Mayor. Ms. Tucker stated the Commission has to okay the hours on a Common Victualer license prior to obtaining the permit from the Mayor. Officer Uhlman stated that to the best of his knowledge, this location never had a 24 hour operating permit.

Chairman McDuffy asked both Officer Uhlman and Lieut. Bonanca if there have been any issues since they have been operating 24 hours and both indicated they are not aware of any problems.

Mr. Anastasios then stated that the application for the Common Victualer license, dated January 12, 2011, indicated hours of operation to be 24 hours and Ms. Tucker stated that is true but it was approved for 5:00 a.m. to 12 midnight at the time. Mr. Anastasios stated he was not aware of that.

A motion was made by Commissioner Wood to approve the transfer of the license; to allow the 24 hour operation for the drive thru; and from 5:00 a.m. to midnight for the inside of the restaurant.

The Administrative Assistant stated that would be subject to being issued the Permit from the Mayor. Ms. Tucker also asked about the inspection approvals and Mr. Barounis stated he will have them all in order the following morning.

Commissioner Wood stated his motion stands subject to the certifications. The motion was seconded by Commissioner Dansby and made unanimous by vote of Chairman McDuffy.

10. Hearing on the request from The Best Secure Construction, Inc. dba Ecuamerica Restaurant for a Common Victualer license at 74 West Elm Street.

Present was Attorney Michael Darsche, 403 North Montello Street and his client, Jose Guaman, 48 Nilsson Street, the manager of the restaurant.

Attorney Darsch reviewed that Mr. Guaman is Ecuadorian and plans to offer Ecuadorian food. This location was previously operated as an Ecuadorian restaurant. He passed out menus and stated that they hope to get business from the Courthouse. They will offer lunch and dinner. All of the inspection approvals have been submitted.

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

11. Hearing on the request from Pleasant Sandwich, LLC dba Subway for a Common Victualer license at 390 Pleasant Street.

Present was Anthony Filleti, 35 Sanford St., Hyde Park, who stated he is the owner and operator of Subway.

Ms. Tucker pointed out that Mr. Filleti's name is not listed on the Certificate of Organization and it was suggested that he look into this. All of the inspection approvals were submitted.

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

12. Hearing on the request from Lady C & J Soul Food & Catering Inc. for a Common Victualer license at 10 Perkins Avenue.

Present were Cynthia and James Hodges, 17 Stebbins Avenue.

Also present were Gary Leonard, 82 Brian Drive, who stated he is representing the Campello Business Association. Mr. Leonard stated he is in support of Mr. and Mrs. Hodges and their establishment. He was unaware that they did not have a Common Victualer license.

Mrs. Hodges stated they are bringing soul food to the City. They have been doing catering and are located where Wally's and Primo's Pizza previously operated. The Adm. Asst. stated that the Hodges are the first ones to get the required license. Officer Uhlman indicated there is room for two tables and eight chairs and the Hodges stated that is all they are looking to have. They have no plans to serve any beer or wine. The Hodges submitted all of the required inspection reports, however, it was reviewed that the Wire Inspector must make a re-inspection.

A motion was made by Commissioner Wood to approve the license pending receipt of the approval from the Wire Inspector. The motion was seconded by Commissioner Dansby and made unanimous by vote of Chairman McDuffy.

13. Hearing on the request from JADS Enterprises, Inc. dba Charlie's Diner & Restaurant for a Common Victualer license at 708 Belmont Street.

Present were Charles and Lillian Saab, 1308 North Main Street, Randolph and Heather Saab, 20 Honor Drive.

Mr. Saab stated he plans to open a restaurant at 708 Belmont Street. This is the old Friendly's Restaurant. Mr. Saab stated he operated a similar restaurant for 12 years in Holbrook. He plans to serve breakfast, lunch and dinner with homemade food and casual dining at a reasonable price.

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

14. Hearing on the request from A.G.A.M. dba Alexander's Restaurant – George Mouratides, Manager, holder of a Wine and Malt Restaurant license at 391 Crescent

Street, to expand the existing restaurant into the adjoining unit which will be used for an additional dining room, office and restrooms.

Present was Attorney John F. Creedon, 71 Legion Parkway and George Mouratides, 413 Crescent Street.

Attorney Creedon stated Mr. Mouratides and his wife have operated Alexander's Restaurant at this location for approximately 30 years. They live next door to the restaurant but they also own all of the other houses around the area. They are there at all times and serve great food. The expansion will be for thirty seats. The plan was prepared by Bruce Malcolm. They will cut through the wall and have two swinging doors for the servers. At night there is a door that closes and shuts off the area. There is a beer and wine license but no hard liquor.

The plans were reviewed. Attorney Creedon stated they had to go to the ZBA for the addition. Officer Uhlman stated he went to the location today and observed seating for thirty and it has been done first class.

A motion was made by Commissioner Dansby to approve the addition as presented pending the final approvals. The motion was seconded by Commissioner Wood. All members voting in the affirmative, the motion carried.

The Chairman announced for the record that Commissioner Kenney had arrived and would be participating in the rest of the agenda items.

15. Hearing on the request from Clerville, LLC dba Auto Solutions, holder of a Class II Motor Vehicle Dealer license at 1081 Montello Street, to transfer ownership of the LLC from Joel Clerville to Simon and Lucien Augustin.

Present were Attorney Stephen R. Wainwright, 593 Washington Street, Easton and Simon Augustin, 170 Melrose Street.

Attorney Wainwright reviewed that the licensee is Clerville, LLC and the locations included on the license are 1081 and 1067 Montello Street. He stated that Joel Clerville resigned from the LLC two years ago and Mr. Augustin became the manager of Clerville, LLC but the actual transfer did not take place because Clerville, LLC remained the owner of the used car dealer license. It was necessary for Mr. Clerville to execute all documents in order to renew the license. At this time, they are not requesting a transfer of the license. It was reviewed that Clerville, LLC will remain as the holder of the license, however, the ownership in Clerville, LLC has changed. Attorney Wainwright explained that under the statute, the board has to approve his client as a suitable person to operate the licensed business. He stated that Mr. Augustin has been operating the business and he is a suitable person.

Chairman McDuffy pointed out that the application filed lists only the location at 1081 Montello Street but he is aware that there have always been two lots listed on the license. Attorney Wainwright stated the license is for 1081 and 1067 Montello Street and the plan filed shows both 1081 and 1067 Montello Street. It was agreed that the application needs to be amended.

Officer Uhlman reviewed that Mr. Trojano has a lease with Clerville, LLC to rent the property and he suggested they get a lease with the new company. He also suggested that the matter be postponed for a month due to outstanding issues with the location.

Attorney Wainwright stated that all he is trying to do is to straighten out the record that Mr. Clerville is no longer Clerville, LLC and for the last two years, Clerville LLC has been Mr. Augustin.

A brief discussion was held with regard to the two listed locations on the license and the fact that the only location listed for the transfer is the 1081 Montello Street. Chairman McDuffy asked if they could approve the 1081 Montello Street. The Adm. Asst. stated there are outstanding problems with the lots that Mr. Clerville was supposed to straighten out with Officer Uhlman. Commissioner Wood asked why they would make that hold up the process of the transfer and presumably they still have all the enforcement rights against him. Ms. Tucker stated that Mr. Augustin might not be aware of the problems and what was supposed to be done by Mr. Clerville. Commissioner Wood asked if that would be better addressed in a violation hearing and Ms. Tucker indicated if they approve the transfer, they lose Mr. Clerville who had agreed to take care of this.

Officer Uhlman suggested that now is the opportunity because of the change in ownership to amend the license to reflect the number of cars permitted.

Attorney Wainwright reviewed that the license states a maximum of 18 vehicles on both lots combined with no more than 7 vehicles along the front at 1067 Montello Street. Ms. Tucker stated that Mr. Clerville had appeared before the board as owner of Clerville, LLC in February, 2013. At the hearing on a violation, he was supposed to comply with certain requests of Officer Uhlman which he never did. She indicated they are now before the board with a new owner who has supposedly been there for three years but has never been in to represent himself as the owner. Ms. Tucker stated it might be a good idea to postpone the request for a month so that he can get together with Officer Uhlman to correct the existing problems that Mr. Clerville had represented to the board that he would take care of.

Officer Uhlman stated that he met with Mr. Augustin today and discussed the problems that are at the lot. He indicated that not only is it a congested lot but it is both a used car dealer and a repair facility and he was not sure whether this was the time to deal with the numbers because the issues had not been rectified after being brought up in the past.

To clarify, Chairman McDuffy asked Officer Uhlman if he was saying that they could continue to operate as they are with the understanding that they work with him to rectify the issues. Mr. Augustin stated he has discussed this with Officer Uhlman. Ms. Tucker reminded him that he is going to have to take care of this by next month because he won't be able to renew the license. Attorney Wainwright stated that is the reason he feels the board should allow the transfer with the understanding that they will come back in thirty days.

During discussion, Officer Uhlman stated he thought Mr. Augustin was Joel Clerville all this time. Mr. Augustin was informed that he would be given the opportunity to do what is required

within the next thirty days. He stated he lined the property and doesn't think he should be held back on the license. Ms. Tucker asked him why he hadn't done what was supposed to be done back in February. Officer Uhlman stated he had just put some lines on his lot and packed it in with cars. There was no plan provided to him by the licensee and he never received a call from him.

Attorney Wainwright stated that they want to make sure that when it is time to renew the license they don't have to go chasing Mr. Clerville to sign the renewal. The Adm. Asst. reviewed that Mr. Clerville was notified to appear at tonight's meeting which is required anytime there is a transfer of ownership or change in license.

It was agreed that Mr. Augustin will have to appear in order for the new plan to be reviewed. Officer Uhlman stated he will be asking for a reduction and just today he had observed a parts delivery truck parked on the sidewalk because there is no room for customers or other vehicles to pull into his shop.

The Adm. Asst. indicated that if they want the transfer to go through, they will be forced to comply within thirty days. Mr. Augustin stated it was a misunderstanding when they came before the board. Ms. Tucker then read from a letter to Mr. Clerville which was also sent to Attorney Wainwright, dated February 28, 2013, which stated in part, "It was further unanimously voted to put the licensee on notice that all stipulations and regulations must be conformed to; to place a letter of warning in the file; and to require the licensee to comply with the following;

1. To have Officer Uhlman make an inspection and review the plan. (On February 22, 2013, Officer Uhlman went to the location found the licensee was not in compliance. Refer to Officer Uhlman's report which is enclosed.) and
2. Licensee requested to submit a new plan for approval by officer Uhlman. Once the plan is approved, the lot must be lined in accordance with the plan no later than May 31, 2013.

Attorney Wainwright stated they did line the lot although he doesn't believe a plan was submitted.

Chairman McDuffy then asked Mr. Augustin if he is in any way affiliated with the Auto Solutions dealership just down the street. Officer Uhlman stated that belongs to George Polillio. Mr. Augustin stated he does not operate there and has nothing to do with the business.

A motion was made by Commissioner Wood to table this matter for a month. The motion was seconded by Commissioner Kenney. All members voting in the affirmative, the motion carried.

16. Hearing on the request from SDS Hospitality, LLC dba Quality Inn Brockton – Vikram Sharma, Manager, to transfer the All Alcoholic Innholder's license at 1005 Belmont Street to Phoenix Hotel, LLC.

Phoenix Hotel, LLC requests approval of the following:

- (a) The appointment of Gautam Sharma as the manager;
- (b) An Innholder License;
- (c) A Lodging House License;
- (d) An Automatic Amusement Device license for five(5) coin-operated pool tables and one coin-operated video game; and
- (e) An Entertainment license for Orch (4 pcs.), Vocalists, Dancing by patrons, Disc Jockey, Karaoke and Jukebox on Sunday thru Saturday from 8:30 p.m. to 1:00 a.m.; and Television, Radio, Recorded Music on Sunday from noon to 1:00 a.m. and on Monday through Saturday from 11:00 a.m. to 1:00 a.m.
- (f) To pledge the license.

Representing the transferee were Attorneys Mark Stopa and Richard DeLanders of Stopa and Associates, 36 Mechanic Street, Foxboro, Ashok Bhojwani, 37 Melbloum Lane, Edison, NJ and Gautam Sharma, 6 Shelley Road, Wellesley.

Attorney Stopa reviewed that Ashok Bhojwani is the member and manager of the Phoenix Hotel, LLC and Guatam Sharma is a manager and member of SDS Hospitality, LLC. Mr. Sharma will also be named as the manager in residence under an operating agreement between the two companies. The only thing that is taking place is equity ownership of the hotel from SDS Hospitality, LLC to Phoenix Hotel, LLC. The actual operation of the business is currently run by SDS Hospitality, LLC and they will continue to run it. The only fundamental difference is that the kitchen has been decommissioned and will only serve prepackaged food. Days and hours of operation will remain as they currently are.

With regard to the pledge of the license, Attorney Stopa stated Baycoast Bank has required a pledge of the license in conjunction with the financing that goes along with the purchase of the hotel. They anticipate the closing to be on October 23rd. Attorney Stopa indicated he is aware that the transfer must be approved by the ABCC. He indicated that they have already factored in any delays in the operating agreements and SDS will continue if there is any delay in the transfer.

Chairman McDuffy asked about the Automatic Amusement Devices and Attorney Stopa stated they will remain the same. With regard to the Entertainment license, the live entertainment should end at 12:30 a.m.

Officer Uhlman stated that he went to the location today and observed two jukeboxes and five pool tables and everything appeared to be in order. He indicated his only questions would be with regard to the food being offered and whether the prepackaged items would conform with their license. Mr. Sharma stated there will be prepared pizza that will be reheated and bar snacks. They do serve buffalo wings on request. Attorney Stopa stated they can expand prepackaged foods to include more substance. The new business model is to get away from an active kitchen and the expense that goes along with its operation. Attorney Stopa assured officer Uhlman that they will provide the food necessary to meet the requirements of the law.

A motion was made by Commissioner Dansby to approve all requests subject to making sure the food satisfies the statutory definition.

Attorney Stopa stated he is representing that they will provide the food sufficient to comply.

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

17. Hearing on the request from Golden Mountain Discount Liquors, Inc. – Many Chook, Manager, to transfer the All Alcoholic Package Store license at 724 Crescent Street to Crescent Discount Liquors, Inc.

Crescent Street Liquors, Inc. requests approval of the following:

- (a) The appointment of Suresh K. Patel as the manager;
- (b) To pledge the All Alcoholic Package Store license, the corporate stock and the inventory.

Present were Attorney George Asack, 95 West Elm Street and Suresh Patel, 16 Kathy Lane.

Attorney Asack reviewed the request for a transfer of the Package Store license and stated that Mr. Patel will be the manager as well as being 100 percent owner of the corporation. Mr. Patel will operate the business the same as it has been. The hours will remain the same and he intends to keep some of the existing employees on to have a smooth transition. Mr. Patel has experience in retail stores and has had some experience with selling beer and wine in New York. He also plans to take the Tips course. Attorney Asack stated Mr. Patel is putting up approximately \$60,000 in his own savings and putting up an equity line in his home and the balance of the purchase price will be financed by Rockland Trust. For this reason, he is asking for the pledge of the license, stock and inventory.

Chairman McDuffy recommended that all the employees also take the Tips course.

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

18. Hearing on the following requests from Fuhs Enterprises, Inc. dba Dylan's Bar:
 - (a) An All Alcoholic Restaurant license at 787 Centre Street (1:00 a.m. closing seven days);
 - (b) To appoint Paul J. Fuhs as the manager;
 - (c) An Entertainment license for Dancing by patrons, Disc Jockey, Karaoke, Jukebox, Televisions on Sunday through Saturday from 11:00 a.m. to 1:00 a.m.; and
 - (d) An Automatic Amusement Device license for three coin-operated pool tables.

Representing the applicant was Attorney Jon Aieta, Cassis & Cayer, 18 Russell Park, Quincy and Paul Fuhs, 33 Loring Street.

Attorney Aieta stated that Mr. Fuhs is a lifetime resident of the City and is the sole stockholder and officer of the corporation. He is also the proposed manager. Mr. Fuhs previously owned the Tigers Den from 2005 to 2008 and he is familiar with the local and State Rules and Regulations as well as the laws of the Commonwealth. Mr. Fuhs has recently purchased the property at 787 Centre Street which had been vacant for approximately 7-8 years. It was previously operated as O'Leo's Restaurant. He plans to offer American faire and operate as a pub and grill. He is planning to serve lunch and dinner and hopes to capture the lunch crowd from the Brockton Hospital as well as an after work crowd for dinner. He will have all employees who serve alcohol attend a server training course. Attorney Aieta stated Mr. Fuhs is looking forward to getting back into the restaurant business.

There will be 96 seats and there are 42 marked parking spaces. Attorney Aieta presented a plan for review. Ms. Tucker informed the members that the applicant had been to the ZBA and a copy of the decision is in their folders. Chairman McDuffy reviewed that they have asked for a 1:00 a.m. entertainment license and Attorney Aieta indicated they understand that the live entertainment can only go until 12:30 a.m.

Lieut. Bonanca stated that the Tiger's Den did have problems in the past. Attorney Aieta stated that this operation will be a completely different atmosphere and different clientele.

Mr. Fuhs stated he is almost completely done with the renovations and he has had some inspections done. They will open at 11:00 a.m. and at 12:00 noon on Sundays.

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

19. RJA Corporation dba Joe Angelo's Café – Joseph Angelo, Manager, 216 Main and 11 Crescent Streets – Review Commission's decision of June 20, 2013 approving the extension of the closing hour to 2:00 a.m. on Thursdays, Fridays, Saturdays and eves of legal holidays.

Present was Attorney Jon Aieta, 18 Russell Park, Quincy and Joseph and Sheila Angelo, 10 Arborview Terrace, West Bridgewater.

Attorney Aieta stated they are present for review at the board's request following the June 20th approval of the 2:00 a.m. closing.

Lieut. Bonanca stated that the police department is opposed to any 2:00 a.m. licenses because it puts an unfair burden on their resources. On a positive note for the bar, Lieut. Bonanca stated they have called police when disturbances occurred on September 15, 28 and October 13. Lieut. Bonanca stated there was a shooting on September 28th and the bouncer was shot at the bar. In terms of an unfair burden on resources, there were ten police officers dispatched which was the majority, if not all, of the shift. Of the ten officers dispatched, seven were tied up for 1½ hours which is an unfair burden on 100,000 residents of the City. There were no violations filed where the establishment made the calls to the police. The gun shot incident is still under investigation.

Chairman McDuffy stated it is good that they are calling in the disturbances and sometimes it is the best thing to do. He indicated there is a big difference in a 1 and 2 a.m. closing and the 2 a.m. attracts different people.

Attorney Aieta indicated they have been vigilant. There is security there all of the time. Attorney Aieta stated he has read the police report and he is unsure whether there is any direct correlation with the 2:00 closing and he is aware that it is under investigation. He stated that not knowing who did it or why it happened is the larger issue.

In response to questions, Lieut. Bonanca stated that the shooting incident took place at 1:50 a.m., one disturbance call came in just after 12 and one at 12:30 a.m. Mrs. Angelo stated there was a detail officer on 10/13 and she described what had taken place at a couple of the incidents.

Lieut. Bonanca stated that at a prior incident where there was a violation, they had retrieved the video system. They were cooperative, however, there was no video in the system.

Mr. Angelo stated that he has seen on tonight's agenda that there is a proposal by Lieut. Bonanca that every place has a video and he agrees with that 100 percent. He indicated he thinks such a rule would work. The Chairman stated that they have to keep the videos working and Mrs. Angelo stated someone had ripped their video camera off their deck.

Attorney Aieta indicated that what Mrs. Angelo has said is that the staff is doing what they have been told to do, however, there are people that are unruly who are causing issues. They are calling police because that is what they have been told to do but at the same time a report comes out stating there have been so many calls to police.

Mrs. Angelo stated that they have enforced making the calls to the police and she is there every Thursday, Friday and Saturday. She stated she wants her patrons and employees to be safe.

Officer Uhlman stated he had gone to the establishment today and everything was in order.

Commissioner Wood stated they are here this evening for a review of the license and according to the reports they are doing what they should be doing but they are still dealing with the same clientele and he understands it is a burden to the police but on the face of it they are not contributing to it and are in fact doing what they have been told to do.

Commissioner Kenney indicated she agrees with Chairman McDuffy in that the clientele that is attracted at the 2 o'clock hour is where the problems are coming from.

Mrs. Angelo indicated if she could change this she would but you can't change anything about the City of Brockton. She indicated she has nothing against what the police do.

Chairman McDuffy told Mr. and Mrs. Angelo to keep up the good work and continue doing what they are doing and he urged them to keep calling police.

20. Communications

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

- (a) Discussion regarding Lieut. Bonanca's proposal to require Video Surveillance in Alcohol Beverage establishments

Ms. Tucker stated that Attorney Feodoroff has asked that the City Solicitor be given an additional month to review the proposal.

Commissioner Dansby asked if this would need prior approval by the City Council before going before the board. Lieut. Bonanca indicated it is his understanding that if it focused on alcoholic beverage establishments, it doesn't. If it were to apply to all businesses then it would be up to the City Council.

Chairman McDuffy indicated that the reason he had asked Lieut. Bonanca to bring this up this evening is because there are other proposed rule changes that they had previously discussed and are going to be reviewed by the Law Department. He wanted them all to be aware that it is being considered.

Lieut. Bonanca indicated the language would have to be reviewed by the Law Department as to the legality of such a requirement. He then reviewed his proposal which states any holder of an alcoholic beverages license shall have recorders to record the interior, entrances and exits as well as the front perimeter. The security cameras would have to be on 24 hours so if the establishment had a break in, it would help the police crime wise and could deter these activities. His proposal includes wording to the effect that if the equipment is not operational they would have five days to make it operational. Videos would have to be maintained for 60 days and made available for inspection by the Commission. In addition, the licensees would be given two months of notice to install a system and failure to comply shall result in an automatic rollback of hours, the duration subject to the discretion of the License Commission.

During discussion and in response to questions, Lieut. Bonanca indicated that if the Commission deemed this acceptable, they could include progressive penalties for failing to be in compliance.

Chairman McDuffy indicated that Lieut. Bonanca's proposal would be included in the group of items for rule changes that were previously discussed and they will come out with their recommendation.

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

The next regular License Commission meeting is scheduled for November 21, 2013.

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