

## TAPED

The License Commission held its regular monthly meeting on Thursday, May 15, 2014, at 6:00 p.m., in the G.A.R. Room at City Hall. Present were Chairman Scott H. McDuffy; Commissioners Paul D. Sullivan, Bruce G. Dansby, Kathy A. Kenney and Henry Tartaglia. Also present were License Agent Lieut. Paul Bonanca; and Administrative Assistant Bonnie Tucker.

1. Approval of the Minutes of the License Commission meeting of April 17, 2014.

A motion was made by Commissioner Kenney to approve the minutes of the aforementioned meeting. The motion was seconded by Commissioner Dansby. All members voting in the affirmative, the minutes were approved.

2. Approval of the following police officers as license agents for the month of June, 2014: 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, Jackie Congdon and Chris McDermott; and Officer Scott Uhlman.

A motion was made by Commissioner Kenney to approve the police officers as listed as License Agents for the month of June, 2014. The motion was seconded by Commissioner Sullivan. All members voting in the affirmative, the motion carried.

3. Requests for Special One-day Permits:

- (a) Wine and Malt Beverages – Brockton Firefighters Local 144 – William Hill, Manager, for a road race/fundraiser to be held at 80 Perkins Avenue on Sunday, June 29, 2014, from 12:00 noon to 6:00 p.m.

Present was James DeBeau, 181 Falconer Avenue, who stated he is a member of the Brockton Fire Department and this permit is for the 8<sup>th</sup> annual Firefighters Pipes and Drums Road Race. They would like to be able to sell beer after the race.

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

- (b) Wine and Malt Beverages (29 Permits) – Entertainment Management Complex LLC dba The Brockton Rox – Michael Canina, Manager, 1 Feinberg Way (Stadium) for baseball games on the following dates:

June 4, 6, 7, 10, 11, 14, 15, 19, 20, 21, 25, 26, 28, 29, 2014  
July 8, 11, 13, 17, 19, 22, 24, 27, 29, 31, 2014  
August 1, 3, 5, 6, 8, 2014

Present was Michael Canina, 227 Linwood Street, who stated the dates listed are all for Brockton Rox baseball games for the 2014 season along with the June 7<sup>th</sup> date which is for Kevin Falk's Celebrity Softball which was originally scheduled for this coming Saturday but has been postponed due the rainy weather forecast.

In response to questions, Mr. Canina stated there is a concert booked for October 4<sup>th</sup> but he will come back at a later time with any additional applications.

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

4. Hearing on the request from Entertainment Management Complex LLC dba The Brockton Rox, 1 Feinberg Way (Stadium), for a Common Victualer license and an Entertainment license for Sporting Events, Fireworks, Orchestra, Vocalists, Dancing by Patrons, Dancing by Performers, Disc Jockey, Karaoke, Televisions and Radio/Recorded Music from 6:00 a.m. to 1:00 a.m.

Michael Canina, 227 Linwood Street, appeared on this request also.

Chairman McDuffy asked Mr. Canina for more information regarding the dancing by performers and he indicated it is open interpretation in case they bring in third party performers to entertain the guests.

Commissioner Kenney then asked about the time being requested and indicated she is aware that fireworks have been an issue with some of the residents in the area. Mr. Canina stated the hours are in case any games go into extra innings so the venue could be open at that time. He assured her that fireworks would never be set off at that time. They are very aware of the City's sound ordinances. He indicated that whenever there is any event past 11 p.m., the audio changes dramatically.

A motion was made by Commissioner Sullivan to approve the Common Victualer license and the Entertainment license. The motion was seconded by Commissioner Tartaglia. All members voting in the affirmative, the motion carried.

5. Hearing on the request from Club National Franco American – Steven Pickett, Manager, to serve alcoholic beverages on the grounds outside the Club at 170 Court Street, on Saturday, June 21, 2014, from 12:00 noon to 9:00 p.m.

Present was Steve Pickett, 22 Aspen Street, who was present on behalf of the Club National. He stated that the request is for the annual chicken bake. There will be a tent in their back parking lot. No glass containers will be allowed outside. He indicated they are typically done by 7:00 p.m. but he has allowed for a couple of hours for clean-up.

The Chairman asked if there was anyone present either in favor or opposed to this request and no one came forward.

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

6. Hearing on the request from Brockton Fair Caterers, Inc. – Maura Carney, Manager, Brockton Fairgrounds, to amend the Entertainment license for a Bull Riding Event to include a rodeo and Brazilian music on Sunday, May 25, 2014, from 12:00 noon to 9:00 p.m.

Present was George Carney, who stated he is asking to have his name put on the license and having Maura's name removed as manager. With regard to the Entertainment license, he stated they will do the same with the police and fire as they have done in the past.

Lieut. Bonanca reviewed that last year they had submitted a proposal which was approved by the Commission and the Agricultural Society as to the number of details. He indicated it should be consistent with last year's recommendation and stated he would submit a letter upon approval. Mr. Carney stated that he will work this out with Lieut. Barry.

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

7. Hearing on the request from Brockton Fair Caterers, Inc. to appoint George L. Carney, Jr. as the manager.

After the Chairman read this request, a motion was made by Commissioner Sullivan to approve the appointment of George L. Carney, Jr. as the manager. The motion was seconded by Commissioner Dansby. All members voting in the affirmative, the motion carried.

Mr. Carney then stated that he submitted a letter just prior to the meeting and is requesting a Truck Show on Sunday, June 8, 2014 from 12:00 p.m. to 7:00 p.m. He stated that the proceeds will be donated to the Brockton Visiting Nurse Association and the Wounded Warrior Foundation.

A motion was made by Commissioner Sullivan to approve the amendment as requested. The motion was seconded by Commissioner Kenney. All members voting in the affirmative, the motion carried.

8. Hearing on the request from Gretchen Keyworth dba Fuller Art Museum to transfer the All Alcoholic Restaurant license at 455 Oak Street to Jay Stranger/Alex Rysman dba Fuller Craft Museum.

This application was postponed at the request of the applicant.

9. Hearing on the request from Blazin Wings, Inc. dba Buffalo Wild Wings – 486 Westgate Drive, to appoint Jaime Pereira as the manager.

No action was taken for the reason that no one appeared on this request.

10. Hearing on the request from Morano Subway of Brockton, LLC dba Subway to transfer the Common Victualer license at 768 Belmont Street to Andrade Subway, Corp. dba Subway.

Present was Kimberly Morano, 27 Monterey Drive, Franklin, and Brandon Andrade, 921 Montgomery Street, Fall River.

Mr. Andrade stated this will be the same type of operation and there will be no changes. He submitted the floor plan but stated he has to call to schedule the department inspections.

A motion was by Commissioner Kenney to approve the transfer of the license pending receipt of the department inspection approvals. The motion was seconded by Commissioner Sullivan. All members voting in the affirmative, the motion carried.

11. Hearing on the request from Centerville Auto Body, Inc. to transfer the Class II Used Car Dealer license at 1554 Main Street to DeSantis Preowned Sales, Service and Collision Center Inc. at 1555 Main Street.

Present were Michael O'Connell, 572 Pleasant Street, Hanson, the owner of Centerville Auto and Daniel DeSantis, 12 Sadie Circle, Easton.

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

12. Hearing on the request from Copeland Acquisition Corp. dba Copeland Chevrolet for a Class I Motor Vehicle Dealer license at 1555 Main Street.

Present was Todd Copeland, 27 Wingate Road, Wellesley.

Chairman McDuffy reviewed that Mr. Copeland is purchasing the Chevrolet Dealership from DeSantis and he is going to be operating out of that location until a new building is ready sometime in the future. In the meantime, Copeland will be operating the Chevy Dealership and DeSantis will be operating a used car business at the same location.

A motion was made by Commissioner Sullivan to approve the request.

In response to questions from Commissioner Dansby, Mr. DeSantis stated that there will be two businesses on the same lot. Copeland will operate the Chevy franchise with a Class I license.

Mr. DeSantis pointed out on the plan the fenced area where he will be operating from with 30 vehicles. Commissioner Kenney questioned the address which stated 1531 Main Street on the plan and Mr. DeSantis stated his tax bills list the location at 1531 Main Street, however, the license is for 1555 Main Street. Commissioner Kenney questioned whether the license and the tax bill should have the same location.

A discussion was held with regard to the address on the license and it was agreed that the current license reads 1555 and 1507 Main Street. 1507 Main Street is where Capeway Manor was.

In response to questions from the Chairman, Mr. DeSantis stated that there is a handicapped spot on his plan. There are not more than 25 spaces on his lot but if there are more he can designate another handicapped parking space. Chairman McDuffy stated it is the law that for every 25 spaces there needs to be a handicapped parking space. He reminded Mr. DeSantis that there needs to be a fence where there are two separate businesses and there will be an opening of 24 feet. The spaces will be lined. Chairman McDuffy stated the question is on the address.

Commissioner Kenney asked if a new car license has to have a number of vehicles indicated on the license just as a used car dealer license and the Chairman said it does not have to have a number.

Chairman McDuffy stated that this can be approved but that the address needs to be looked into since the tax bill goes to 1531 Main Street.

A motion was made by Commissioner Kenney to approve the Class I license pending verification of the actual address. The motion was seconded by Commissioner Sullivan. All members voting in the affirmative, the motion carried.

13. Hearing on the request from Nagoya Fusion, Inc. – Shi Na Ou, Manger, 793 Crescent Street for an Entertainment license for Orch (4 pcs), Vocalists, Dancing by Patrons, Disc Jockey and Karaoke, Television, Radio/Recorded music on Sunday from 12:00 noon to closing and on Monday through Saturday from 11:00 a.m. to closing. (Current closing hour is 11:00 p.m. and pending closing hour is 1:00 a.m.)

The Administrative Assistant reviewed that the Commission had approved the extension of hours at last month's meeting pending a favorable inspection report from the Board of Health as a follow up to Det. Paul's report. She stated that no follow-up report has been received.

Present was Shi Na Ou, Glover Street, Quincy, who stated that the inspector had been there and done the inspection and everything is okay. She thought the Board of Health had sent it back. The Chairman told Ms. Ou that the approval cannot be given without the inspection approval. Commissioner Tartaglia informed Ms. Ou that when the Board of Health inspects an establishment they leave a copy of their findings with someone at the restaurant. He

instructed her to follow up with the Board of Health and ask for a copy of the inspection report. She stated the owner was there when the inspection was made.

Lieut. Bonanca stated he checked the calls for the establishment over the past six months and there were no calls or complaints to the address.

Commissioner Dansby indicated that any issues relating to compliance with the Board of Health concerns him and he is still not comfortable moving forward at this time based on Det. Paul's statements at last month's meeting.

Commissioner Dansby then made a motion to table the request until the Board of Health Inspection approval is received. The motion was seconded by Commissioner Kenney. All members voting in the affirmative, the motion carried.

14. Hearing on the following requests from Santana Restaurant and Function, LLC:
  - (a) A Wine and Malt Restaurant license at 684 Crescent Street;
  - (b) To appoint Joao Vaz Lopes as the Manger;
  - (c) Hours from 11:00 a.m. to 12:00 midnight on Monday through Saturday and from 12:00 noon to 12:00 midnight on Sunday;
  - (d) An Entertainment license for Vocalists, Dancing by Patrons, Disc Jockey; Karaoke, Jukebox, Television, Radio/Recorded on Sunday through Saturday from 12:00 noon to 12:00 midnight.

Present was Joao Vaz Lopes, 875 Randolph Street, Canton and Attorney Bridget Melo-Cronin, 597 North Main Street, Randolph.

Attorney Cronin stated that the establishment will be operated as a restaurant and function hall and will offer family style international cuisine. Mr. Lopes stated there will be Cape Verdean, American, Spanish and Portuguese food. He is applying for a beer and wine license to serve along with the food. He plans to have functions such as christenings, graduation parties and family type gatherings.

Lieut. Bonanca stated that where this is a new restaurant, there have been no calls to report at this time.

Ms. Tucker reviewed that the applicant went before the Zoning Board and the hours were limited to 12:00 noon to 12:00 midnight.

In response to questions from Commissioner Kenney, Mr. Lopes stated he currently owns a restaurant and night club in Boston. He and his employees are tips certified and he stated he knows the rules.

A motion was made by Commissioner Tartaglia to approve the Wine and Malt Restaurant license to Santana Restaurant and Function LLC. The motion was seconded by Commissioner Kenney. All members voting in the affirmative, the motion carried.

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

A third motion was made by Commissioner Tartaglia to approve hours of 11:00 a.m. to 12:00 midnight on Monday through Saturday and from 12:00 noon to 12:00 midnight on Sunday. The motion was seconded by Commissioner Dansby. All members voting in the affirmative, the motion carried.

Commissioner Kenney questioned the ending time on the entertainment as typically, the live entertainment is stopped a half hour before closing. It was agreement the ending time will be amended to 11:30 p.m.

A motion was made by Commissioner Tartaglia to approve the entertainment license as requested with the ending time amended to 11:30 p.m. The motion was seconded by Commissioner Sullivan. All members voting in the affirmative the motion carried.

15. Hearing on the request from Emysafari Dance Club Corp. – Christian Ekechukwu, Manager, 22-26 Perkins Avenue, to extend the closing hour to 2:00 a.m. on Thursdays, Fridays, Saturdays and eves of legal holidays.

Present was Christian Ekechukwu, 24 Flintlocke Road, Randolph, who stated that he was told to wait a year before re-applying for his 2 a.m. license and it has been a year since the hearing and he hasn't had any violations. He stated there are a lot of people present tonight in support of his hours.

Lieut. Bonanca stated he has checked the calls to police and there have been no complaints in the last six months which he feels is directly related to the hours being rolled back.

It was reviewed that the hours are currently rolled back to midnight and there have been no problems although Lieut. Bonanca stated there had been multiple violations prior to the rollback.

Commissioner Tartaglia made a motion to approve the 2:00 a.m. closing where there have been no problems in the past year and on the condition that if there are any problems, he will be called back in.

No one seconded the motion.

Commissioner Kenney stated that she is not comfortable with the 2:00 closing at this establishment. She indicated she would be willing to give him a chance at a 1:00 a.m. closing in view of the history and issues previously at the establishment. She asked Commissioner Tartaglia if he would consider amending his motion to 1:00 a.m. He indicated he would amend his motion and Commissioner Kenney seconded the motion.

Mr. Ekechukwu stated he feels this is not fair and that his license was rolled back because of the Commission's regulation. Commissioner Kenney reminded him that that was not the only issue and there were multiple problems and the hours were rolled back because of his history. She stated that they are willing to give him a chance at a 1:00 a.m. license and if he is paying attention to all of the rules and regulations that he didn't seem to understand previously then perhaps he can come back and apply for a 2:00 a.m. license.

Chairman McDuffy stated there has been a vast improvement since the rollback to midnight which Lieut. Bonanca has testified to. A lot of the problems occurred when he had a 1:00 a.m. closing hour. He reminded Mr. Ekechukwu that no one is entitled to a 2:00 a.m. license and it has to be earned by following the rules and regulations. He suggested that if he operates without any problems for six months to a year, then he could be considered for a 2:00 a.m.

Commissioner Tartaglia amended his motion to extend the closing hour to 1:00 a.m. and allow the licensee to come back after six months if there are no violations reported. The motion was seconded by Commissioner Kenney. All members voting in the affirmative, the motion carried.

#### 16. Communications

Communications were reviewed and the Commission set dates for regular meetings on July 23, August 20, November 13 and December 10, 2014 as the G.A.R. Room is unavailable on the third Thursday of those months.

#### 17. Any other business to properly come before the Commission.

The Adm. Asst. reviewed that a Special Meeting has been scheduled on May 28<sup>th</sup> for the proposed Rule change regarding the Surveillance Video. The Mayor has requested that an application for beer and wine special one day permits at D.W. Golf Course be scheduled at the beginning of that meeting.

She then reviewed the ABCC Regulation pertaining to Municipal Golf Courses and suggested that a license fee be established for the wine and malt license which allows for for up to 245 days of Special Permits. It was reviewed that the current fee would be \$200 for a one day permit and this would be an unreasonable amount for the number of days it would be issued for. She suggested the board consider setting a fee for the licenses to be issued and that the fee charged not exceed the annual license fee which is currently \$1,600 for a wine and malt restaurant.

Commissioner Kenney asked if this would set a precedence for other one day permits and it was explained that this regulation is only applicable for permits operated in conjunction with an 18 hole municipally owned golf course.

A motion was made by Commissioner Kenney to establish the fee for the Special Licenses to be issued for beer and wine permits at D.W. Field Golf Course not to exceed the annual license fee set for a Wine and Malt Restaurant license which is currently \$1,600. The motion was seconded by Commissioner Sullivan. All members voting in the affirmative, the motion carried.

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

Respectfully submitted,

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Scott H. McDuffy  
Chairman

APPROVED:

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Paul D. Sullivan, Commissioner

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Bruce G. Dansby, Commissioner

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Kathy Kenney, Commissioner

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Henry Tartaglia, Commissioner

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Catherine B. Holbrook  
Alternate Commissioner