

TAPED

The License Commission held its regular monthly meeting at 6:00 p.m. on Thursday, January 15, 2015, in the G.A.R. Room at City Hall. Present were the Chairman Henry Tartaglia; Commissioners Bruce Dansby, Scott McDuffy, Paul Merian and Joao DeAndrade; License Agent Lieut. Paul Bonanca; and Administrative Assistant Bonnie Tucker.

Chairman Tartaglia welcomed new member, Joao DeAndrade, to the Commission.

Commissioner McDuffy stated for the record that he would like to thank Commissioner Kathy Kenney for her service as a board member. He stated it was unfortunate that they were not made aware that last month was to be her last meeting and he wanted to publicly thank her for her dedicated service to the City and the Commission over the years. He commended Commissioner Kenney for her decisions which were always made in the best interests of the City. He and the other members thanked Commissioner Kenney and extended their best wishes to her.

1. Approval of the following police officers as license agents for the month of February, 2015: Lieuts. Kenneth LeGrice and Paul Bonanca; Sgts. George Khoury and Frank Vardaro; Dets. Thomas Hyland, Nazaire Paul, Eric Clark, Santiago Cirino, Jackie Congdon, Chris McDermott, Michael Bunker, Michael Cesarini and Patrick Donahue.

A motion was made by Commissioner McDuffy to approve the police officers as listed as License Agents for the month of February, 2015. The motion was seconded by Commissioner Dansby. All members voting in the affirmative, the motion carried.

2. Requests for Special One-day Permits.
 - (a) **All Alcoholic Beverages** – Cardinal Spellman High School – Ellen Morrissey Rota, Manager, for a Comedy Night to be held in the School Cafeteria on Saturday, January 17, 2015, from 6:00 p.m. to 11:00 p.m.

Present was Ellen Morrissey Rota, 25 Linwood Street, Holbrook, who stated they will be holding a Comedy Show at the School for alumni and parents. The entertainer will be Jane Condon who is from Brockton and won Last Comic Standing. They expect about 100 people to attend the show which will end by 10:00 p.m.

In response to questions from Lieut. Bonanca, Mrs. Rota stated that the tickets had to be pre-purchased on line through the school and everyone on the list is somehow associated with the school. There will be no students and everyone will be over 21. At the present time, there are 47 tickets purchased. Lieut. Bonanca suggested where the tickets are offered on line to the public, a police detail should be hired.

Commissioner McDuffy commented that events at Cardinal Spellman have been well run in the past and they have had no problems. Ms. Rota stated that the link for the tickets has only gone out to alumni. They are set for a maximum of 110.

After a brief discussion, Lieut. Bonanca suggested that if the tickets sales go over 100, they should get a detail. If the number remains under 100, no detail will be required.

A motion was made by Commissioner McDuffy to approve the one-day permit with the understanding that if the ticket sales exceed 100, a detail officer is required. The motion was seconded by Commissioner Dansby. All members voting in the affirmative, the motion carried.

3. Hearing (continued from meeting of December 10, 2014) on the request from Arcangela Lima dba M & T Auto Body Sales and Rentals to transfer the Class II Used Car Dealer license at 691-701 Montello Street to Mass Best Motors Inc. which will do business at the same location.

Present were Arcangela Lima, 701 Montello Street and Ston Sauveur, 286 Ettrick Street.

Ms. Tucker reviewed that this request was continue from last month's meeting in order for a new plan to be submitted. A professionally prepared plan has now been submitted.

Commissioner McDuffy asked about customer parking. He indicated he would need one spot for customer parking and one spot for handicapped. He asked about the fence splitting the lot. It was agreed that space #8 will be the designated handicapped parking and #9 for customer parking. Mr. Sauveur stated the office is located above the garage.

A motion was made by Commissioner Dansby to approve the transfer of the license pending an inspection by the agent. The motion was seconded by Commissioner DeAndrade. All members voting in the affirmative, the motion carried.

Mr. Sauveur was informed that he will have until June 1st to line the lot.

4. Hearing on the request from Eddie Awon dba Extreme Auto Sales to transfer the location of the Class II Used Car Dealer license from 1058 North Montello Street to 501 North Main Street.

Present was Eddie Awon, 35 Clarence Street, who provided plans for review by the Commissioners. The new location will have four spaces for vehicles. He stated that at last month's meeting they had discussed the fact that he did not own the property at 1058 North Montello Street and the owners of that property cannot give him an approximate time for when the repairs will be done to the wall. He had planned to purchase the location, however, the price has ballooned so he has decided to move the license to a different location.

Commissioner McDuffy pointed out that on the plan there are four vehicles, however, one is a handicapped space. It was agreed that there will be three vehicles allowed for sale at this time and he can come back to request additional vehicles in the future.

A motion was made by Commissioner Merian to approve the transfer of the license to 501 North Main Street pending an inspection by the license agent. The motion was seconded by Commissioner Dansby. All members voting in the affirmative, the motion carried.

5. Hearing on the charge brought by the local police against Eddie Awon dba Extreme Auto Sales for failing to operate the licensed business located at 1058 North Montello Street, reported on September 10, 2014. (License was revoked at meeting on October 16, 2014.

Based on the approval of the transfer of the location of the license (Agenda Item #4), a motion was made by Commissioner McDuffy to file the charge which motion was seconded by Chairman Tartaglia. All members voting in the affirmative, the motion carried.

6. Hearing on the request from Titan Auto Group LLC to transfer the Class II Used Car Dealer license at 1637 Main Street to George E. Hadad dba Platinum Motors who will do business at the same location.

This matter was postponed at the request of the attorney for the applicant.

7. Hearing on the request from Siyasmit Inc. dba Temple Beer, Wine & Smoke Shop – Jagrutiben Alpesh Barot, Manager, for a Wine and Malt Package Store license at 826 Crescent Street, Unit #2.

Representing the applicant was Attorney John McCluskey, 932 Main Street. Also present was Jagrutiben Alpesh Barot, 42 Temple Street.

Attorney McCluskey stated the proposed license is to be located in the Lambert's Plaza. It will be next to the Marylou's and his client has entered into a ten year lease with the owner of the property, Mike Gallagher, who is present this evening. Mr. Gallagher will be talking about the infusion of capital into the property with the new parking lot and the brick façade in front of the building. The store contains 2,000 square feet and will sell convenience items along with tobacco, lottery and beer and wine. There will be an ATM machine as you enter. The cashier, tobacco items and lottery will be on the left. There are four display cases and storage in the back of the store. On the far right of the store, there will be a walk-in beer cooler. His client has secured a \$50,000 loan from the Rockland Trust Company to build out the interior of the store and he has included the preliminary commitment letter in the file. They are requesting to pledge the license to the Rockland Trust Company.

Ms. Barot has been in the business for several years helping out at a family business in Whitman. The new store is her company which she will be managing. She is Tips trained. She currently works 40 hours per week in another similar store.

Attorney McCluskey reviewed that s Special Permit from the ZBA was granted with the conditions that two employees be on duty at all times, hours from 8:00 a.m. to 11:00 p.m. and his client has agreed to restrict the sale of single standard sized containers of beer. He stated that there is a package store located in the plaza on Crescent Street which is not too far away. Lambert's is located at an intersection with a tremendous amount of traffic on a daily basis. He indicated there is a public need for the package store because of the high rate of traffic. This proposed store with the beer and wine will add a nice feature to the plaza and will help the Lambert's Plaza which has had some difficulty with their taxes. Attorney McCluskey indicated they were required to get special permission to go before the Zoning Board because of the outstanding taxes.

Commissioner Tartaglia expressed concern with the location which is across the street from the entrance to Massasoit Community College and with the under aged students going over to the store.

In response, Attorney McCluskey stated that if you take a left out of the College entrance the other package store would be closer. Commissioner Tartaglia asked if there is a need for another store with the College located so close. In response Attorney Mcluskey stated that with the number of Brockton, Whitman and Abington people passing through the intersection this will have little impact on the business of the other package store. Chairman Tartaglia indicated his concern is with the College students and not with the competition issue. Attorney McCluskey stated there is a huge diversity in ages at the school and is insignificant with the number of people who pass through the intersection.

Lieut. Bonanca stated they do not have police problems in the Lambert's Plaza but more of an issue is the fact that the parking lot is already quite congested. The other building has a sub shop and other businesses and most people park in the front parking lot. There are only about 20 parking spaces.

Attorney McCluskey stated he presented a parking plan to the ZBA and there is a lot of parking at the location. When he has gone to Lambert's, he has never had a problem finding a place to park at the location. Lieut. Bonanca stated that between 4:00 or 5:00 p.m., it might be difficult to find a space. Attorney McCluskey indicated they plan to repave the back which is located between the two buildings. Lieut. Bonanca stated that most people look to park in the front area. Commissioner Merian asked if this is the area where the Christmas trees are sold.

At this time, Mike Gallagher came forward and stated he is the owner of A&A Realty Corporation and Lambert's Rainbow Fruit. He pointed out on the plan that there is a Marylou's Coffee in the corner space and they have made their store 2,000 square feet

smaller and the proposed store will be located in the center space. In the future, all of their outdoor activities will be from the dumpster area back. There are over 120 spaces out front. They lose approximately 20 spots in the back area seasonally. Attorney McCluskey stated that people who work in the offices on the second story of the other building are usually gone at 5:00 p.m. Mr. Gallagher stated he owns half the parking lot, the back area and his building. There is an easement and they share costs of the parking lot maintenance.

In response to questions from Commissioner Merian, Mr. Gallagher indicated there is no drive thru for the coffee shop nor are there any plans for a drive thru. Attorney McCluskey stated the building goes right to the street so there is no room for a drive thru.

With no further information presented, a motion was made by Commissioner McDuffy to approve the license which motion was seconded by Commissioner Dansby.

With regard to Sunday hours, Ms. Tucker stated that the hours of package stores are pursuant to State law which allows them to sell alcohol from 10:00 a.m. to 11:00 p.m. The hours cannot be restricted within those hours.

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

8. Hearing on the request from Brockton Phalanx, Inc. dba Pisces Lounge – Alex Strangis, Manager, 816-818-820 Main Street to extend the closing hour to 2:00 a.m. on Thursdays, Fridays Saturdays and eves of Legal Holidays.

Present was Alexander Strangis, 30 Homesite Road.

It was reviewed that Mr. Strangis had advertised this request in the newspaper as required. He indicated that business has been very slow. He is trying to operate a sports bar and is losing customers to other establishments because of his earlier closing hour. He stated any time there has been a special party, he has hired a police detail officer. His son is working there as his assistant manager.

In response to questions, Mr. Strangis stated he has been opening at about 7:00 p.m. He has tried to cut back during the day because the business does not warrant it. He indicated he would not use the 2 a.m. closing all the time but would like the opportunity to be able to keep the patrons that are in his establishment.

Lieut. Bonanca stated that as far as the details they cannot guarantee that a police detail can be filled. Mr. Strangis stated he has been running the business for 34 years. He acknowledged that during the time, there have been a number of violations which required rollbacks. Mr. Strangis stated that he has not had any incidents lately and Lieut. Bonanca suggested it might have something to do with the rollbacks. Mr. Strangis stated he has been operating much tighter and he recently upgraded his security system which is now up to

regulation. Lieut. Bonanca stated that the last violation was in 2013. He suggested that if the license is granted it be done for a probationary period.

During discussion regarding a probationary period, the Administrative Assistant informed the members that if the police find a problem, they would have to report to the Commission and a hearing will be scheduled. The hours cannot be rolled back without a hearing.

Mr. Strangis stated he was granted a license for karaoke and disc jockey about a year ago and there have been no incidents. Commissioner McDuffy asked him if he is having entertainment and Mr. Strangis stated when he has entertainment, he turns the volume off on the television. Mr. Strangis stated he will only keep the entertainment going until about 1 a.m. Mr. Strangis stated he hasn't had a 2:00 license for at least 25 years.

A motion was made by Commissioner Dansby to approve the extension of the hours to 2:00 a.m. which motion was seconded by Chairman Tartaglia. With Commissioners Dansby, Tartaglia and DeAndrade voting in the affirmative and Commissioner McDuffy and Merian opposed, the motion carried.

9. Communications

It was requested that North Star Automotive at 301 North Main Street be checked after the mail was returned by the post office stating the lot is vacant.

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

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

The next regular License Commission meeting is scheduled for February 19, 2015.

Respectfully submitted,

Henry Tartaglia
Chairman

APPROVED:

Paul D. Sullivan, Commissioner

Bruce G. Dansby, Commissioner

Scott H. McDuffy, Commissioner

Joao DeAndrade, Commissioner

Catherine B. Holbrook
Alternate Commissioner

Paul Merian
Alternate Commissioner