

TAPED

The License Commission held its regular monthly meeting at 6:00 p.m. on Thursday, April 16, 2015, in the G.A.R. Room, City Hall. Present were Chairman Henry Tartaglia; Commissioners Paul D. Sullivan, Bruce G. Dansby, Scott H. McDuffy and Joao DeAndrade; License Agent Sgt. George Khoury; and Administrative Assistant Bonnie Tucker.

1. Approval of the Minutes of the License Commission meeting of March 19, 2015.

A motion was made by Commissioner Sullivan to approve the minutes of the meeting of March 19, 2015 which motion was seconded by Commissioner McDuffy. All members voting in the affirmative, the motion carried.

2. Approval of the following police officers as license agents for the month of March, 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 Sullivan to approve the police officers as listed as license agents for the month of May, 2015. The motion was seconded by Commissioner McDuffy. All members voting in the affirmative, the motion carried.

3. Requests for Special One-day Permits:

- (a) **All Alcoholic Beverages (2 Permits)** – Annunciation Philoptohos – Despina Papadopoulos, Manager, for a Food Festival to be held at 457 Oak Street on Saturday, May 16 and Sunday, May 17, 2015, from 12:00 noon to 10:00 p.m.

Present was Despina Papadopoulos, 444 West Elm Street, who stated she is a parishioner and the ladies of the Church have started holding an annual mini food festival which is held indoors. This event has been held for the past six years. The festival will take place on Saturday and Sunday and it does not start until after the Church service is finished.

Commissioner McDuffy indicated his only concerns are with the safety and traffic and asked Sgt. Khoury for his input. In response to questions from Sgt. Khoury, Mrs. Papadopoulos stated this is a much smaller event than the festival held in September. They only use their own parking lot which does not fill up. No one will be parking across the street. If they were going to use the parking lot across the street, he would suggest a police detail but if not, none will be needed.

A motion was made by Commissioner Sullivan to approve the Special Permits for May 16 and 17, 2015 which motion was seconded by Commissioner McDuffy. All members voting in the affirmative, the motion carried.

- (b) All Alcoholic Beverages** – Brockton Firefighters Union Local 144 – William E. Hill, Manager, for a Fundraiser to be held at 80 Perkins Avenue on Saturday, May 2, 2015, from 5:00 p.m. to 12:00 midnight.

Present was William Hill, 80 Ellis Street, who stated they plan to hold a meat raffle on May 2nd to raise money for their Charity Fund which is used to make donations for different organizations. This will be their fourth meat raffle. They anticipate between 80-100 people to attend.

Sgt. Khoury stated that Lieut. LeGrice has looked into this and a police detail is not necessary. Mr. Hill stated they have not been required to have a police detail at their past functions.

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

- (c) Wine and Malt Beverages** – First Lutheran Church – James Benson, Manager, for a Concert-Dinner to be held at 891 Montello Street on Saturday, April 25, 2015, from 4:00 p.m. to 10:00 p.m.

Present was William Dunphy, 57 Windsor Avenue, Brockton, who stated the event is a fundraiser for the Church building. There will be a barbeque with beer and wine and a country band with dancing from 4:00 p.m. to 10:00 p.m. They expect approximately 50-80 persons to attend. Mr. Dunphy stated they held a similar function at the hall a couple of years ago at which 140 people attended and there was no police detail required.

Sgt. Khoury stated that if they have done this in the past, he would have no problem and they can send license agents out to take a look at it.

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

4. Hearing on the following requests from Brockton Fair Caterers, Inc. – George L. Carney, Jr., Manager, to amend the Entertainment license at the Fairgrounds to include the following events:

- Foam Glow Run - Saturday, April 25, 2015 from 8:00 p.m. to 10:30 p.m.
- South American Concert – Sunday, May 24, 2015 from 12:00 noon to 8:00 p.m.
- Nocturnal Lands Run – Saturday, June 6, 2015 from 8:00 p.m. to 10:30 p.m.
- Mass Diesel & Truck Show – Tuesday, June 16, 2015 from 10:00 a.m. to 2:00 p.m.

Present was George Carney, 7 Chilton Road.

Chairman Tartaglia stated that the Commission would take the events up one at a time.

With regard to the Foam Glow Run on April 25th, Mr. Carney stated that this event has something to do with a charity that he has nothing to do with and they turn money over to some cause but he couldn't tell the Commission what.

Commissioner Dansby asked what the South American concert is and Mr. Carney stated he couldn't tell them anything about it.

Ms. Tucker asked Mr. Carney for the Special Event forms for Fire and Police which he had been requested to complete and return by April 15th. Ms. Tucker stated she had received several calls from individuals who were concerned about the South American concert. Mr. Carney stated if it is an issue he will cancel it. Ms. Tucker explained that the calls were referred to Lieut. LeGrice. She was unable to answer any questions about the events because Mr. Carney had not returned the Special Event forms.

Mr. Carney stated if it is going to be an issue or a problem to the neighborhood then he doesn't need it. In response to Commissioner Dansby as to whether this is the rodeo event, Mr. Carney stated that the rodeos are a thing of the past and he has had enough headaches with the rodeos.

Ms. Tucker stated that the individuals who had contacted the office are under the impression that the South American Concert event is the Rodeo. Mr. Carney stated he could not testify because he does not know anything about the event. He was told it was going to be a band. Ms. Tucker reminded Mr. Carney that as the manager on the liquor license he is responsible for the entire premise. She then suggested that the Commission could hold this request until their next meeting on May 21st in order for more information to be submitted, or if Mr. Carney would like a special meeting held sooner, he could request it.

Chairman Tartaglia asked if there was an approval for the April 25th event. Ms. Tucker asked whether the Commission would like to ask questions with regard to police details, whether there will be alcoholic beverages served and any other information concerning the event. Mr. Carney stated all of the police arrangements have been made with Lieut. Barry and the Fire Department.

Commissioner Dansby asked if there will be a police detail at the Glow Run and Sgt. Khoury stated he does not know. Mr. Carney stated there is not a detail for the Glow Run. Sgt. Khoury indicated he does not think there is a police detail required on the runs. In response to questions from Chairman Tartaglia, Mr. Carney stated he has had the Glow Runs in the past and did not have any police details. There were no problems.

Ms. Tucker reminded the Commissioners that there was a problem at last year's Glow Run with participants parking in the Staples and Shaw's Parking lots. Mr. Carney stated he cannot answer that because if there were problems he was not aware of them and nobody had complained to him. Sgt. Khoury stated he does not recall any complaints and he didn't think there were any problems. Mr. Carney stated it doesn't cost them anything to park in the fairgrounds.

Commissioner McDuffy commented that Mr. Carney has held some great events at the Fairgrounds but recalled that there were problems with attendees of the event parking in the Shaw's and Staples parking lots. The second issue was that people were being allowed into the Fairgrounds very early and there were problems with the noise from the boom boxes in their cars. Mr. Carney stated that was with the Brazilian time. He stated that the people go into the Fairgrounds from the Belmont Street and Forest Avenue gates so they would have no reason to be parking over at Shaw's.

Ms. Tucker asked if there would be liquor sold at the events and Mr. Carney stated there will be. She indicated that if there is liquor involved they should require police details. Mr. Carney stated if there is liquor involved there will be a police detail.

Sgt. Khoury stated if there is going to be a detail officer they will have the detail officer go next door to make sure no one is parking at the businesses.

Ms. Tucker asked that if the Commission approves the amendment for the event, it be subject to the Police and Fire Department event forms being submitted.

A motion was made by Commissioner Sullivan to approve the April 25th event which motion was seconded by Commissioner McDuffy pending all paperwork being submitted. All members voting in the affirmative, the motion carried.

In response to questions, Mr. Carney was informed by the Chairman that the Foam Glo Run for April 25th is the only event being approved at this time and that the Police and Fire forms need to be completed and submitted.

It was agreed that the remaining events will be postponed until the May 21st meeting in order for the Police and Fire Event forms to be completed and submitted.

5. Hearing on the request from Sami's Crew, LLC dba Little Sami's to transfer the Common Victualer license at 1145 West Chestnut Street to Jazag LLC dba Little Sami's.

Present was John Papoutsis, 7 Ashmont Road, Wellesley, who stated he will be taking over the operation from the current owner, George Arvanitides who was also present.

Mr. Arvanitides stated that John has been the manager for eight years and the business is pretty much remaining in the family. He will be taking over the daily operation at 1145 West Chestnut Street.

The Adm. Asst. stated that paperwork is in order with the exception of the department inspection approvals. Ms. Tucker explained that the licenses cannot be changed over until the forms have been signed and submitted. Mr. Arvanitides stated that the work should be completed by the end of the week.

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

6. Hearing on the request from Blanchard-Brockton, Inc. – 102 Westgate Drive, to appoint Scott D. Holmgren as the Manager.

Representing the licensee was Attorney Leslie Delaney Hawkins of the Law Firm of McDermott, Quilty and Miller, 131 Oliver Street. Also present was Scott Holmgren, 326 Spring Street, W. Bridgewater.

Attorney Hawkins reviewed the request to appoint Mr. Holmgren as the manager at Blanchard's. The current manager, Dennis Occhipinti, is retiring after 45 years with Blanchard's. Mr. Holmgren has been at Blanchard's for over four years in a managerial capacity. He has been in the service industry for 40 years and was previously named as manager on a liquor license in the State. He is extremely well versed in the rules and regulations of the City of Brockton as well as the ABCC.

A motion was made by Commissioner Sullivan to approve the appointment of Scott Holmgren as the manager which motion was seconded by Commissioner McDuffy. All members voting in the affirmative, the motion carried.

7. Hearing on the following requests from Hibachi Sushi Supreme Buffet LLC – Yun Chai Lu, Manager:
 - (a) An All Alcoholic Restaurant license to be located in the plaza at 688 Crescent Street;
 - (b) An Entertainment license for Television, Radio and Recorded music from 12:00 noon to 9:30 p.m. on Sunday, from 11:00 a.m. to 9:30 p.m. on Monday thru Thursday and from 11:00 a.m. to 10:30 p.m. on Friday and Saturday.

(This matter was taken up after agenda item #10)

Representing the applicant was Attorney John Creedon, 71 Legion Parkway. Also present were Yun Chai Lu, 208 Somerset Avenue, Taunton and her cousin, Ping.

Attorney Creedon reviewed that the applicants went before the Zoning Board last July and were approved for a Special Permitted Use. The restaurant location is in just about the middle of the large plaza. They have a ten year lease with two five year options. Ms. Ou's uncle who owns four plazas lent her a significant amount of money to open this restaurant. For the last seven years, she has been the manager of the Hibachi Sushi in Raynham. The financial information has been submitted.

Attorney Creedon indicated that they hope to open around June 1st. There has been a large crew working on the renovations. It will have 212 seats. There is a bar with 12-16 seats. The hours will be from 11:00 a.m. to 9:30 during the week and on Fridays and Saturdays until 10:30 p.m. Ms. Tucker reminded the members that the board cannot restrict the hours on an alcohol license between 11:00 a.m. and 11:00 p.m. Normal hours on Sunday are from 12:00 noon unless otherwise requested.

Ms. Ou's cousin will be the assistant and will help with the day to day operation of the restaurant.

The plan was reviewed. Commissioner McDuffy stated there are no tables shown on the plan and Attorney Creedon stated there are four dining areas. Three of the dining areas are separated by a barrier and the fourth is separated by solid walls and could be used for functions. The music requested is from recordings.

The Adm. Asst. reviewed that everything has been submitted for the Commission to approve and forward to the ABCC. She explained that prior to the license being issued, they will need the required Department inspection approvals, Liquor Liability insurance and a Certificate of Inspection.

A motion was made by Commissioner Dansby to approve the license pending all of the requirements being met. The motion was seconded by Commissioner McDuffy. All members voting in the affirmative, the motion carried.

A second motion was made by Commissioner Dansby to approve Yun Chai Lu as the manager which motion was seconded by Commissioner McDuffy. All members voting in the affirmative, the motion carried.

8. Hearing on the request from Sunny Aroustamian dba Sunny's Auto Sales, holder of a Class II Used Car Dealer license at 640-645 Belmont Street to transfer the location of the license to 1075 North Montello Street.

Present was Sunny Aroustamian, 40 Chilton Road, the holder of the license.

In response to questions from Commissioner McDuffy, Mr. Aroustamian stated his current location is limited to five used vehicles. This location will hold forty vehicles. He asked for a plan of the new location.

Sgt. Khoury stated that he and Lieut. LeGrice had conducted an inspection on April 15th. He stated there is more than enough room to accommodate forty cars. They had paced off the lot and everything seem to be in order. The area will be in the rear of the lot where there is a car wash and it will be paved. They were advised that Domino's will be moving out and torn down.

Commissioner McDuffy asked about fencing and lining and Sgt. Khoury stated he will be putting up a fence once he starts doing construction and will also be paving and lining the lot. Commissioner McDuffy stated each space should be 9 feet by 20 feet. There is also a minimum requirement for the opening to the property. It is his understanding that the business must also be separated by some type of fencing from the abutting businesses. He indicated that lining would be included as a stipulation in approving the transfer.

Attorney Creedon stated he is Mr. Aroustamian's full time lawyer and he agreed that a fence will be erected. There is already a huge opening in the front and there is a second exit next to the pizza place whose lease is over and they will be moving out. His client is aware that the lot must be lined.

Ms. Tucker reviewed that Mr. Aroustamian will also have to provide a written description of the premise which was left blank on the application.

Sgt. Khoury was requested to check on the location to make sure it is in conformance with the plan and that the cars are as shown.

A motion was made by Commissioner Dansby to approve the transfer of the location of the Class II Used Car license pending the property being paved and lined and the fence being erected. The motion was seconded by Commissioner Sullivan. All members voting in the affirmative, the motion carried.

It was agreed that the license for the new location will not be issued until all requirements are met and the agents inspect it.

9. Hearing on the request from Green Light Motors, Inc., holder of a Class II Used Car Dealer license at 1100 North Montello Street, to transfer the license to VR Auto Sales, Inc. which will do business at the same location.

Present were Rania AlMussquaoui, 373 Chestnut Farm Way, Raynham and Copal Awad, 66 Vernon Street, Middleboro.

Sgt. Khoury stated that he and Lieut. LeGrice had gone to the location and done an inspection the previous day. It is his understanding that it is a corporation name change. The property is already there and there is a license.

Ms. Tucker stated there are more cars on the plan than the current licensee is allowed. This location has a stipulation of 42 vehicles, however, there are 60+ vehicles shown on the plan which Ms. AlMussquaoui took from copies from her present file. In addition, it is not drawn to scale.

Sgt. Khoury stated they had done an inspection yesterday and there didn't seem to be a problem. Sgt. Khoury stated he wouldn't have a problem with 62 cars.

Commissioner McDuffy indicated that the plan shows 13 vehicles across the front but there is only room for 12. Ms. AlMussquaoui stated her license is currently for 42 vehicles. Commissioner McDuffy stated he is concerned that no one is going out to look at the property. Sgt. Khoury stated they looked at it but he thinks he is confusing the two locations. (Refer to agenda item #10) Commissioner McDuffy stated that by State Law, each parking space must be nine feet wide and without measurements on the plan, it is difficult to determine that.

Sgt. Khoury stated they might have to re-inspect this. He and Lieut. LeGrice had not walked it out.

Chairman Tartaglia suggested that they request to have the license agent make a re-inspection and for them to get a proper plan in and to the police.

Sgt. Khoury stated he could do an inspection tomorrow and he does not know why they didn't do it while they were there.

Both Chairman Tartaglia and Commissioner Dansby indicated they are confused with the plan submitted.

Mr. Awad stated they had just copied the plans that were on file. Ms. Tucker stated that although the instructions state the plan must be drawn to scale, etc., the applicants insisted on using the plans that were in Ms. AlMussquaoui's file. She indicated it is up to the Commissioners as to whether they will accept a plan which is not in compliance.

Commissioner Dansby reviewed that they have submitted a plan which shows 46 vehicles but the license currently states 42. Mr. Awad stated they are content with what they have. Ms. AlMussquaoui stated she did not request to have more cars. She stated she is just asking for a new corporation.

Ms. Tucker reviewed that if they approve the licenses according to the plans, they are approving an increase in the number of vehicles. Chairman Tartaglia suggested they just

give them 42 cars. Commissioner McDuffy stated the layout would have to match the placement of the vehicles on the plan.

Chairman Tartaglia asked if they want to make a motion to approve the transfer.

Commissioner Sullivan made a motion to approve the transfer. The motion was seconded by Chairman Tartaglia. With all members voting in the affirmative, the motion carried. (Discussion was then continued on Agenda Item #10 and the matter postponed to the May meeting in order for a new plan to be submitted)

10. Hearing on the request from Green Light Motors, Inc., holder of a Class II Used Car Dealer license at 1104 North Montello Street, to transfer the license to VR Auto Sales, Inc. which will do business at the same location.

Present were Rania AlMussquaoui, 373 Chestnut Farm Way, Raynham and Copal Awad, 66 Vernon Street, Middleboro.

Sgt. Khoury stated they did not measure this out because it was just a corporation name change. Ms. Tucker stated it is a new licensee and for this reason the request for an inspection was sent over. She indicated it is a new corporation and there is a new principal involved. There is new ownership and whenever there is a change in license or new ownership, a new plan is requested.

Commissioner Dansby asked if the lot is lined and Sgt. Khoury stated he does not believe it is. Chairman Tartaglia suggested that they draw up some new plans and bring them before the Commission at the next meeting. Sgt. Khoury stated he will go and measure out the lots. Ms. Tucker stated that there needs to be a plan that matches what is going to be there.

Chairman Tartaglia made a motion to postpone this to the next meeting. He indicated it is very confusing.

Mr. Awed asked the Commission to make a motion for approval if he promises to get the plan done and bring it in. Sgt. Khoury asked if it could be approved pending the inspection that he can do in the next couple of days.

Commissioner McDuffy commented that he understands that Sgt. Khoury is also confused and that he is somewhat new to this but also included on the plan, there needs to be handicapped parking, a dumpster spot and customer parking. He stated there must one handicapped spot for every 25 spaces. Ms. AlMussquaoui stated she has a dumpster and she was informed that it must be shown and it must be fenced in. Commissioner McDuffy stated that all of this needs to be included on the plan.

Sgt. Khoury stated that it is unfortunate that when they went to do the inspection they thought it was just a name change so they really hadn't inspected the property. He stated that this property is currently empty.

Commissioner McDuffy stated he doesn't have a problem with approving this contingent upon a proper plan being submitted and an agent going there to make an inspection.

Sgt. Khoury stated that if they want to use the existing plan, they can go there in the next couple of days to determine whether or not the plan works. Commissioner McDuffy pointed out again that there is no handicapped or customer parking so the current plan is not acceptable.

Mr. Awad stated they have been cleaning the lot after all of the snow and bad weather and they cannot get someone there overnight to line the lot. Ms. Tucker explained that the board is looking for a proper plan to be submitted for approval. Mr. Awad stated that when they had checked with the Mayor's Chief of Staff, he had contacted the City Planner and was told that where the company has been in business, everything is grandfathered in and it was no big deal. Commissioner Sullivan stated it has nothing to do with Planning.

Ms. AlMussquaoui stated she has been in business for fifteen years and Commissioner McDuffy explained that there have been changes in the rules and the laws which the Commission wants to conform with. He stated that if they approve the plan as is, it would be breaking a lot of rules. He requested that a new plan be submitted and once it is approved, the transfer could be approved contingent upon everything being done within an acceptable length of time.

Ward Seven City Councillor Shirley Asack stated that Mrs. AlMussquaoui has been in business for a long time. She asked if the Commission would accept a commitment to get this done by a specific date. She stated they need the name change in order to get work done. The Adm. Asst. explained that they will still have their current licenses until the new plan gets approved. Sgt. Khoury stated there are no cars on the lot at this time.

It was agreed that no one is trying to make it difficult for them to do business and that they can still operate under their current license.

Chairman Tartaglia made a motion to table this until the next meeting contingent upon new plans being submitted.

Councillor Asack stated that Mrs. AlMussquaoui asked if the Commission would consider additional vehicles if she has the new plans done and more cars can fit on the lot. She was informed that the Commission would consider it at the time.

A motion was made by Commissioner McDuffy to postpone both transfers until the May 21st meeting in order for new plans to be submitted. The motion was seconded by Commissioner Sullivan. All members voting in the affirmative, the motion carried.

11. Communications

The Adm. Asst. reviewed that she had sent out a flyer for an event scheduled at the Shaw's Center on the following evening, April 17th. She reviewed that the Shaw's Center had not renewed its liquor license for this year. They had held a couple of functions with a licensed caterer in January and February but since, there has been no further information submitted. The prior manager is no longer working there.

Sgt. Khoury stated he would go there first thing the following day. Councillor Asack stated she was aware of the situation and they are under B21 and their Chairperson was supposed to apply for the license. She asked if there was a third party who was serving alcohol because there have been a number of functions held there. The Adm. Asst. stated in January and February the office had been notified of two events which were being catered by a licensed caterer but she stated nothing has been submitted since. She explained that by law, the caterer is required to notify the licensing authority at least 48 hours in advance when they are serving alcohol in the City. They are also required to notify the police chief.

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

- (a) Request from Hacienda del Rosaria, Inc. – 688 Crescent Street, to change the business name from Burrito Wraps Mexican Grill to Casa Rosaria Mexican Restaurant.

A motion was made by Commissioner Dansby to approve the change to the business name which motion was seconded by Commissioner McDuffy. 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.

Commissioner McDuffy seconded the motion and commented on how difficult this evening's meeting turned out as a result of not having full time license agent. He stated the issues that came up with the car dealers licenses makes it difficult for the businesses to do business in the City of Brockton because there is not one agent inspecting.

Sgt. Khoury stated he and Lieut. LeGrice have been doing a lot of inspections of the auto dealers and auto repair shops the past couple of nights and have been telling the business that they have to get in line. He stated they have received complaints about businesses being open after hours and operating with messy lots. Many of the licenses do not have stipulations. The Adm. Asst. stated the

Repair licenses are issued by the City Council. Licenses issued by the License Commission have stipulations on them.

Commissioner McDuffy stated he does not want the License Commission to be the hold up for businesses and the board needs a full time agent.

With all members then voting in the affirmative, the meeting was adjourned.

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

