

TAPED

The License Commission held a Special Meeting on Thursday, May 7, 2015, in the 3rd Floor Conference Area at City Hall. Present were Chairman Henry Tartaglia; Commissioners Scott McDuffy, Joao DeAndrade, Paul Merian and Catherine Holbrook. Also present were Lieut. Kenneth LeGrice and Administrative Assistant Bonnie Tucker.

1. Requests for Special One-day Permits:

- (a) **All Alcoholic Beverages** – Brockton Firefighters Local 144 – William E. Hill, Manager, 80 Perkins Avenue, for a service to be held on Monday, May 25, 2015, from 12:00 noon to 6:00 p.m.

Present was William Hill, 80 Ellis Street, who stated they are holding a cookout at the Union Hall after the parade on Memorial Day. They are hoping to make this an annual event. Mr. Hill requested to amend the license to beer and wine only.

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

- (b) **Wine and Malt Beverages** - Brockton Firefighters Local 144 – William E. Hill, Manager, 80 Perkins Avenue, for a road race to be held on Sunday, June 28, 2015, from 12:00 noon to 6:00 p.m.

William Hill was also present on this request.

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

2. Hearing on the request from Joseph and Debra Sawaya dba Joseph Sawaya Enterprise - D.W. Field Golf Course – 331 Oak Street, for Special One-day Licenses to sell Wine and Malt Beverages from May 2015 thru October 31, 2015 on Monday thru Saturday from 8:00 a.m. to 8:00 p.m. and on Sunday from 10:00 a.m. to 8:00 p.m.

Present was Joseph Sawaya, 39 Belcher Avenue, who stated he is requesting a permit to sell beer and wine for the upcoming season at the golf course from now through October 31st when his contract will expire. He stated a tent was put up today.

Last year's stipulations were reviewed which are as follow:

1. Wine and Malt beverages to be served from inside the clubhouse at the snack bar and may be consumed anywhere inside the clubhouse or outside on the 18 hole golf course;

2. Storage in the locked stock room off of the locker room and in the snack bar refrigerator behind the counter;
3. All beverages must be served in plastic cups and no cans or bottles permitted on the golf course;
4. Hours are Monday thru Saturday from 8:00 a.m. to 8:00 p.m. and on Sunday from 10:00 a.m. to 8:00 p.m.

A motion was made by Commissioner Merian to approve the license to sell wine and malt beverages with the same stipulations as last year. The motion was seconded by Commissioner McDuffy. All members voting in the affirmative, the motion carried.

3. Hearing on the following requests from Entertainment Management Complex, LLC dba Brockton Rox/The Shaw's Center:
 - (a) An All Alcoholic Restaurant license located at 1 Feinberg Way (Stadium and Conference Center);
 - (b) To appoint Nicholas Todd Marlin as the manager;
 - (c) An Entertainment license for the following: Sporting Events, Vocalists, Dancing by Patrons, Dancing by Performers, Disc Jockey, Karaoke, Televisions, Radio and Recorded Music, Seven Days from 6:00 a.m. to 1:00 a.m.

Representing the applicant was Attorney Jon Aieta, Cassis & Cayer, 18 Russell Park Quincy. Also present was Chris English, 52 River Street, Boston and Nicholas Todd Marlin, 8 Fallon Drive, Litchfield, NH.

Attorney Aieta presented to the Commission that Entertainment Management Complex, LLC is requesting a new All Alcohol Restaurant license. Previously, there was an annual license at the Shaw's Center and for the past few years, one day permits have been issued for the Stadium. This application is for one license which will encompass both the Shaw's Conference Center and the Baseball Stadium. He reviewed that Entertainment Management Complex, LLC will be the license holder and Todd Marlin will be the onsite manager overseeing the day to day operations.

He reviewed that Mr. Marlin is the Senior Vice-President as well as the general manager and will be the manager of record on the liquor license. He has had twenty years experience in the industry and is a veteran baseball executive, has had past management roles in the Worcester Tornados, Nashua Pride New Hampshire, Bridgeport Bluefish in Connecticut and the Washington Wild Things in Pennsylvania. He has also worked for a couple years at the New Hampshire Motor Speedway and Nascar. Mr. Marlin is very familiar with the rules and regulations involving the sale of alcohol and dealing with large crowds of people as well as the day to day operations from sales to the customer service end of the business.

Attorney Aieta reviewed that in terms of the application, there is a public need in the sense that the Shaw's Center has played host to many events and private parties which they would

like to continue to do. At the Campanelli Stadium and the Brockton Rox, patrons have been able to enjoy being able to get food and drink as well as alcoholic beverages. They hope to keep what has been there in the past under one license and one owner.

Hours of operation being requested are Monday through Saturday from 8:00 a.m. to 1:00 a.m. with the understanding that they would have the same policy of ending alcohol service in the seventh inning of the games. On Sundays, the operation will be from 10:00 a.m. to 1:00 a.m. which would allow the Shaw's Center to serve brunch with alcoholic beverages.

With regard to the Entertainment license, they are requesting the same as in the past which includes sporting events, primarily baseball games at the stadium. The Rox have 28 home games this year. There will also be the occasional comedy night, charity events, concerts in addition to the traditional types of entertainment such as television, radio. This will be his client's second season operating the complex and they are well aware of the concerns of the neighborhoods. The events held at the stadium are geared towards family events.

The Shaw's Center is a 15,000 square foot facility and can be divided into three separate function rooms with a total of approximately 550 seats.

Chris English introduced himself and indicated that although he has spent most of his career in investment management, he has also spent a lot of time in professional baseball which is his passion. For 20 years they owned the New York Yankees Double A Farm Team in Albany, New York. They then owned the Nashua Pride in Nashua, NH where Butch Hobson was their manager. They now own the Long Island Ducks in the Atlantic League. They are very familiar with running these teams and the responsibility that goes along with operating such a family oriented entertainment where there are alcoholic beverages served.

Mr. English stated they took this Future's League team over approximately one year ago. The first thing they did was pay off \$250,000 in liabilities and invested \$300,000 in the facility. There had been no maintenance done to the facility and it now looks better than it ever has. He stated that it is important to note that the Rox play 28 games there but Brockton High School practices and plays there as well as local colleges. They do fundraisers and it is an entertainment venue for Brockton and the South Shore. He stated the Mayor has asked if the American Legion could use the field and he has agreed to allow them to use it for free this summer. He indicated that in order to make this work, they have to invest themselves in the community.

Mr. English stated they have a fourteen year lease with the Brockton 21st Century Corp. which is the landlord and they have a great working relationship with them. They pay their bills on time. Mr. English stated he is aware that the newspaper reported some factually incorrect information today.

Commissioner McDuffy expressed concern with the 6:00 a.m. starting time on the entertainment license application. Attorney Aieta stated they would not be doing any live

entertainment at that hour. Occasionally they play host to some overnights and there might be a breakfast so it would only be for more traditional type of entertainment such as television or radio. Mr. English indicated it might be something like a prebusiness breakfast put on by the Chamber of Commerce. They all agreed it would only be used at the Shaw's Center and not the Stadium. They agreed that an amended hour of 8:00 a.m. would be fine and Commissioner McDuffy stated he would be concerned with 8:00 a.m. on Sundays. Mr. English indicated they might have clinics over at the Stadium where they need the PA system on. They agreed to no live entertainment.

Commissioner McDuffy stated he feels 8:00 a.m. is too early for a Sunday and with the events at the Fairgrounds and at the Stadium, the noise could be a disturbance to the nearby residential neighborhoods. Mr. English stated the only event he can perceive being held on a Sunday morning would be an American Legion game and they would agree that there would be no music or PA system used. Commissioner McDuffy indicated he is not so concerned with a baseball game but with loud music. He also pointed out that a special type of license would be required for dancing by performers. Ms. Tucker pointed out that if they are planning any type of special events such as a concert, they would be required to come before the Commission for an amendment to their Entertainment license.

Commissioner McDuffy also brought up the issue about taxes. They stated no taxes are owed. Ms. Tucker stated that by City Ordinance, the Commission cannot issue a license if there are any outstanding taxes or municipal charges such as water bills owed unless the Tax Collector signs off that they are paid or an acceptable payment agreement has been reached.

Mr. English stated that over the past two years they have paid over \$34,000 for their water bill. Their current outstanding balance for the water bill is \$14,000 and they paid \$3,000 of that this week. He indicated they are in constant contact with the water department about their payment plan and they will pay that also. Mr. Marlin stated he had reached out to Mr. Condon who was to put him in touch with the Tax Collector. Attorney Aieta stated that they agree that the issuance will be pending the sign off by the Tax Collector. Ms. Tucker indicated that the approval must still go to the State and that will take several weeks to come back before the license can be issued so there is time to get things in order with the City. Ms. Tucker stated that the license cannot be issued until the Tax Collector signs off.

Attorney Aieta then explained that there is an amended agreement with Brockton 21st Century. The original stated an excess of the portion of the sales would go back to Brockton 21st Century. This would have required that they be disclosed as a potential owner because it did not separate from food sales or alcohol sales. The burden was put on them to exclude the alcohol sales so therefore, Brockton 21st Century is not receiving a portion of the proceeds from alcohol sales which means they are not a potential owner in the license. This has been agreed to.

Attorney Aieta stated there is no Management Agreement. He stated if Brockton 21st Century were to receive any profits from the sale of alcohol they would have to be disclosed as a potential owner and this is not the case.

A motion was made by Commissioner Merian to approve the All Alcohol Restaurant license at 1 Feinberg Way for the Stadium and Conference Center. The motion was seconded by Commissioner DeAndrade. All members present voting in the affirmative, the motion carried.

A second motion was made by Commissioner McDuffy to approve Nicholas Todd Marlin as the manager which motion was seconded by Chairman Tartaglia. All members voting in the affirmative, the motion carried.

A third motion was made by Commissioner Merian to approve an Entertainment license for Sporting Events, Vocalists, Dancing by Patrons, Dancing by Performers, Disc Jockey, Karaoke, Televisions, Radio and Recorded/PA System, Seven Days with the amended time from 8:00 a.m. to 1:00 a.m. The motion was seconded by Commissioner Holbrook. All members voting in the affirmative, the motion carried.

It was agreed that the approvals are all given pending the sign off by the Tax Collector with regard to the outstanding bills.

4. 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 Chairman Tartaglia. All members voting in the affirmative, the motion carried.

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