

TAPED

The License Commission held its regular monthly meeting at 6:00 p.m. on Thursday, August 13, 2015, in the G.A.R. Room at City Hall. Present were Chairman Henry Tartaglia; Commissioners Paul D. Sullivan, Scott H. McDuffy, Joao DeAndrade and Paul Merian. Also present were Asst. City Solicitor Kate Feodoroff; License Agent Lieut. Ken LeGrice; and Administrative Assistant Bonnie Tucker

1. Approval of the Minutes of the License Commission meeting of July 9, 2015 and the Special Meetings of July 6 and July 22, 2015.

A motion was made by Commissioner McDuffy to approve the minutes of the aforesaid meetings which motion was seconded by Commissioner Sullivan. All members present voting in the affirmative, the motion carried.

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

A motion was made by Commissioner Sullivan to approve the minutes of the police officers as listed as license agents for the month of September 2015 which 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 (4 Permits)** – Annunciation Greek Orthodox Church – John Papadopoulos, Manager, 457 Oak Street to be used at the Annual Festival on Thursday, September 17, Friday, September 18, Saturday, September 19 from 11:00 a.m. to 11:00 p.m. and on Sunday, September 20, 2015 from 11:00 a.m. to 6:00 p.m.

Present was John Papadopoulos, 444 West Elm Street, who stated this is for the annual festival which is held every year. The Commission commended Mr. Papadopoulos on the success they have had over the years. Mr. Papadopoulos stated there have been no problems. The proceeds from the event raises money for the support of the Church.

A motion was made by Commissioner Sullivan to approve the four special one-day permits. The motion was seconded by Commissioner DeAndrade. All members voting in the affirmative, the motion carried.

4. Hearing on the request from Brisco Baling Corp dba Brockton Iron & Steel for a Class III Motor Vehicle Junk Dealer License at 45 Freight Street.

Present was Carin Stone, who stated she manages the business at 45 Freight Street. Also present was her mother, Elaine Stone who holds all offices in the corporation.

The plans were reviewed and Ms. Stone pointed out the entrance to the property, the location of the scale and the area which will have the cars and parts. The Adm. Asst. reviewed that the Class III license is required in order for the business to be able to sell the car parts and some used cars. Ms. Stone stated the property consists of approximately five acres. They currently operate a scrap business. There is an open view of what is going on as people come into the property. She stated her father had always wanted to add the Class III license to this location and used to operate Brockton Auto Parts, however, he passed away in 2013. She stated she has been working at Brockton Iron and Steel for 13 years and is very knowledgeable about the business. Their attorney had advised them that they need the Class III license in order to sell the parts.

In response to questions, Ms. Stone stated there is no construction planned for the location. They are hoping to buy the vehicles and sell the parts. The shredder on the property has been gone for years but the foundation remains. She stated the cars will be outside. There are two huge buildings on the property each containing over 30,000 square feet.

Lieut. LeGrice stated his only concern is where the customers will park. Ms. Stone stated they have a large parking lot that fits 48-50 cars and they would never have that many customers at one time. Their employees park in the lot which was repaved and marked last year.

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

5. Hearing on the request from the Entertainment Management Complex, LLC dba Brockton Rox/The Shaw's Center – Todd Marlin, Manager, 1 Feinberg Way, to amend the Entertainment license to include the following events to be held at the Stadium:

- (a) **“Peace Fest/Cape Verdean/Haitian Acts”** - September 12, 2015 from 2:00 p.m. to 11:00 p.m.; and
- (b) **“Craft Beer Festival”** – September 20, 2015 from 12:00 noon to 7:00 pm.

Present was Todd Marlin, 8 Fallon Drive, Litchfield, NH, the manager on the licenses. Mr. Marlin stated that with regard to the Peace Fest on September 12th, they have teamed up with an individual, Bryce Cadette who is associated with Fred Fontaine from the Mayor's Office. They want to do a Cape Verdean/Haitian concert and have brought in four to six acts from as far away as Miami. The concert will be held in the ball park. Originally, they were expecting up to 5,000 people, however, ticket sales have not gone that well yet. It will be similar to the Brazilian concert held at the Stadium approximately a month ago.

With regard to the Craft Festival being planned on September 20th, Mr. Marlin stated they plan to have an Oompah Band. Commissioner McDuffy expressed concern with the music coming from the festival and indicated this issue has come up with other Sunday events because Our Lady of Lourdes Church is located just down the street and he does not want the Masses being disturbed by noise from any events. Sunday events at the fairground have been required to hold off on the music until after 1:30 p.m. on Sundays.

Mr. Marlin stated that the Oompah band will be about four pieces and there will be no speakers being used.

Lieut. LeGrice reminded Mr. Marlin that there can be no tailgating. The number of detail officers will be decided based upon the ticket sales and he will be in touch a week prior to the event. Mr. Marlin stated that they have been in touch with Capt. Williams from the Fire Department also and will conform to any requirements they may have. It will all depend on the number of people attending the concert. With regard to the September 20th event, they hope to have the Craft Beer Festival themed as an Oktoberfest event. The people will pay an entrance fee and receive a 2 oz. mug and be able to sample over 60 different beers over a two hour period. They will hold two sessions, one being from noon to 2 p.m. and the other from 4 p.m. to 6 p.m. There will also be a \$15 admission charge to come in and enjoy the music. There will be German beer on tap and other Oktoberfest type activities. There are various admission charges for the different activities. Their breaking point is 350 people to attend.

A motion was made by Commissioner Merian to approve the amendments to the Entertainment license for the events requested which motion was seconded by Commissioner DeAndrade. All members voting in the affirmative, the motion carried.

6. Postponed - Hearing on the request Goodfella's Pizza, Inc. to transfer the Common Victualer license at 750 Centre Street to LSB, LLC dba Goodfella's Pizza.

Present was Nick Varvitsiotis, 422 Hampton Way, Abington and Attorney Scott Rubin on behalf of Attorney Jake Creedon, 71 Legion Parkway. Also present was David Ribak, 358 Washington Street, Dedham.

Attorney Feodoroff reviewed this matter and stated that the Adm. Asst. had received a request from another attorney who represents Mr. Varvitsiotis' mother to postpone this matter. Upon further conversation with the attorney, she had received a communication through the mother or her daughter that this was to be a transfer of the Common Victualer license and the original holder of the license was the mother. It turns out that the corporation, Goodfella's Pizza, Inc. held the license and since it was renewed last year, his mother filed for bankruptcy. As a consequence the bankruptcy trustee stands in the place of the corporation so that would be the only one who could object.

Attorney Feodoroff explained further that it turns out that the application is not for a transfer but for an original license. There is no limit to the number of Common Victualer licenses the City has so there is no need to transfer the license.

After further discussions with Mrs. Varvitsiotis' attorney, additional information was brought to her attention which should not be discussed in open session. Although this has not been posted, it could be considered an unexpected reason to go into Executive Session. In addition, she advised the Commission that they should then come out of Executive Session prior to making any motions. She recommended that the applicant and attorneys be allowed to make their presentation in open session and to see if there is anyone present to speak in open session. The Commission can then be decide to go into Executive Session to discuss certain information.

Attorney Rubin stated they would have no objection to the Executive Session. He then proceeded to say he is present on behalf of Attorney Creedon who could not attend this evening's meeting and reviewed it is an application for a Common Victualer license. This location has been operated as Goodfella's Pizza since 1997. Nick has been involved in the business most of that period with the exception of sometime last year. He acknowledged there is a family dispute that occurred which resulted in him no longer being a part of the business. The business went into bankruptcy and Nick was able to reclaim the property out of bankruptcy. It is a business he was in with his father and was successful for a long period of time but he was kicked out of the business by his family. At this time he would like to revive the business with the same type of operation and food. He purchased some of the same personal property that was in the business previously from the bankruptcy trustee. There are some things that still have to be taken care of before he opens the business but he hopes to do so soon.

Mr. Varvitsiotis stated the business was his and his father's and he hopes he can get back in there and make things work again. Aside from cleaning up and some paint, it will be all set to open. He stated he never had a problem in the 18 years he was there.

Attorney Ridbak stated he is co-counsel with Mr. Rubin representing Mr. Varvitsiotis. Attorney Rubin indicated Attorney Ridbak was involved with the bankruptcy part prior to his involvement and he has been dealing with the trustee and getting the title to the personal property cleared. Attorney Ridbak stated he is more of Mr. Varvitsiotis' family attorney than anything else.

Attorney Feodoroff explained that the board will have to go into Executive Session, the reason being to discuss the reputation, character, physical or mental condition of an individual. The hearing will be reconvened in open session.

A motion was made by Chairman Tartaglia to go into Executive Session for the reason as stated by Attorney Feodoroff.

Upon returning to regular session, a motion was made by Commissioner Merian to approve the Common Victualer license.

Commissioner McDuffy seconded the motion with the amendment that it be made pending any future changes that could affect the licensing that the board be notified as soon as possible.

A motion was made by Commissioner Merian to amend the motion. The motion was seconded by Commissioner McDuffy. All members voting in the affirmative, it was agreed to go forward with the amended motion.

A motion was then made to approve the license by Commissioner Merian with the amendment included. The motion was seconded by Commissioner McDuffy. With Commissioners Merian, McDuffy, DeAndrade and Tartaglia voting in the affirmative and Commissioner Sullivan opposed, the motion carried, the vote being 4-0.

7. Communications

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

- (a) Hearing on the request from Hacienda del Rosario, Inc. dba Casa Rosario – Alejandro Perez, Manager, 688 Crescent Street, to set up one table outside the restaurant for patrons with to go orders only. (No action taken at meeting on 7/9/15 as licensee failed to appear)

There was no one present.

A motion was made by Commissioner Sullivan to deny the request. The motion was seconded by Commissioner McDuffy. All members voting in the affirmative, the motion carried.

- (b) Brockton Fair Caterers, Inc. – George Carney, Manager, to amend the Entertainment license at the Brockton Fairgrounds to include the following event:

Saturday, September 5, 2015 – 5 K Bubble Run from 9:00 a.m. to 12:00 noon.

Present was Phil Boyle on behalf of George Carney who explained that it is a 5K Run. The participants run through bubbles. He indicated there had been a similar event a couple weeks previous which was over by 11:15 a.m. There have been no problems with the events.

A motion was made by Commissioner McDuffy to approve the request which 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 Merian to adjourn the meeting and seconded by Commissioner Sullivan. With all members voting in the affirmative, the meeting was adjourned.

Respectfully submitted,

Henry Tartaglia
Chairman

APPROVED:

Paul D. Sullivan, Commissioner

Scott H. McDuffy, Commissioner

Joao DeAndrade, Commissioner

Paul Merian
Alternate Commissioner