

TAPED

The License Commission held its regular monthly meeting at 6:00 p.m. on Thursday, September 17, 2015, in the G.A.R. Room, City Hall. Present were Chairman Henry Tartaglia, Commissioners Joao DeAndrade and Paul Merian; License Agent Lieut. Ken LeGrice and Administrative Assistant Bonnie Tucker.

1. Approval of the following police officers as license agents for the month of October, 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 Merian to approve the police officers listed as license agents for the month of October, 2015 which motion was seconded by Commissioner DeAndrade and made unanimous by vote of Chairman Tartaglia.

2. Requests for Special One-day Permits:

- (a) **All Alcohol (3 Permits)** – St. Theresa Maronite Catholic Church – Rev. Tony Mouanes, for the Annual Lebanese Festival to be held on Friday, September 25th from 12:00 noon to 12:00 midnight; on Saturday, September 26th from 11:00 a.m. to 1:00 a.m.; and on Sunday September 27th from 12:00 noon to 7:00 p.m.

Present was Myrna Hadid, 292 Thompson Street, Halifax, who stated the Annual Lebanese festival will be held on September 25th, 26th and 27th. The event is a fundraiser for the Church. The hours were reviewed. There will be a tent set up in the parking lot with food and beverages. They are requesting permits to sell liquor for the three day event.

Lieut. LeGrice asked Ms. Hadid about the event which they have held for a number of years and have had no problems at. She stated there have been no complaints with the DJ playing until 1:00 a.m. on Saturday. If they hear of any complaints they will gladly accommodate their neighbors. They have made arrangements with AMR Ambulance to use of their lot for parking. They have also requested a police detail.

In response to questions, Ms. Hadid stated they hope to have 3,000-4,000 people attend over the course of the weekend.

A motion was made by Commissioner Merian to approve the three permits. The motion was seconded by Commissioner DeAndrade and made unanimous by vote of Chairman Tartaglia.

3. Hearing on the request from Entertainment Management Complex, LLC – Todd Marlin, Manager, 1 Feinberg Way, to amend the Entertainment license at Campanelli Stadium as follows:

- (a) **Christian Rock Festival** on Saturday, October 3, 2015, from 8:00 a.m. to 10:00 p.m.
- (b) **Jamaican Jerk Festival** – Sunday, October 11, 2015, from 8:00 a.m. to 8:00 p.m.

Present was Todd Marlin, 1 Feinberg Way, who stated there are three stages set up in the stadium for the Christian Rock Festival. They play religious songs which include different types of music such as rock'n roll and folk. They also utilize the Shaw's Center to hold prayer groups and lessons. It is mainly an afternoon event. With regard to the amplification, Mr. Marlin stated it is like a regular concert.

With regard to the Jamaican Jerk Festival, Mr. Marlin stated this is a new event. The event will include big grills being brought in to cook Jamaican style Pork and Chicken. They will be set up on the field during the afternoon. There will be a field day with family type activities. At about 5:00 p.m., a couple of reggae bands will be set up for a concert. Mr. Marlin stated they hope to get 1,000 people to attend but he is anticipating more like 500-700. There will be an admission charge.

Lieut. LeGrice stated he has been working with Mr. Marlin on these events and the number of details will be adjusted with the attendance.

Ms. Tucker reminded Mr. Marlin that on Sunday, no alcoholic may be served prior to 10:00 a.m. He stated the event does not start until noon and when asked if he wanted to amend the hours, he indicated he did not.

A motion was made by Commissioner Merian to approve the amendment to the entertainment license for the events listed. The motion was seconded by Commissioner Deandrade. All members voting in the affirmative, the motion carried.

4. Hearing on the request from DDE Property Management, LLC – Dale Horsman to transfer the Lodging House license at 111 Green Street to Father Bill's and Mainspring, Inc.

Present was Dale Horsman, DDE Property, P.O. Box 203, Pembroke and Nicole Fitzgerald, representing Father Bill's and Mainspring, Inc. with an office location at 430 Belmont Street.

Mr. Horsman stated he is currently in the process of selling the property at 111 Green Street and is requesting to transfer the Lodging House license to Father Bill's and Mainspring, Inc.

Ms. Fitzgerald submitted all of the inspection approvals. They plan to close on the property on October 1st.

A motion was made by Commissioner DeAndrade to approve the transfer of the license which motion was seconded by Commissioner Merian and made unanimous by vote of Chairman Tartaglia.

5. Hearing on the request from Nahar Corporation dba Palma Pizzeria for a Common Victualer license at 880 Main Street.

No one was present on this matter. At the end of the meeting, it was agreed that this will be postponed to the next meeting.

6. Hearing on the request from Maria and Manuel Rodrigues dba Cristal Restaurant 250 Main Street, to extend the closing hour from midnight to 2:00 a.m. on Thursdays, Fridays, Saturdays and on eves of legal holidays.

Present was Maria Rodrigues, 95 Fairview Avenue.

The Adm. Asst. reviewed that as a result of a violation hearing in November, 2014, the hours were rolled back from 2:00 a.m. to 12:00 midnight which was implemented in February, 2015 with the understanding they could come back after six months to apply for an extension.

In response to questions from the Chairman, Lieut. LeGrice stated there have not been problems since the midnight closing was imposed however, the history of this establishment would indicate that the problems occur whenever they get a 2:00 a.m. license. There seem to be issues with people leaving after 2:00 a.m. He recalled a horrendous scene when the detectives had found a minor being served and the treatment that the police received was totally uncooperative. It is his opinion, after dealing with them, that the operators do not appreciate having a license in the City. At this time, he would recommend they not be granted the extension of hours because it seems there are fewer problems when they have a midnight closing time.

Mrs. Rodrigues stated she was punished for six months. She was not present when the minor was served and her employees cannot give the police the information they had requested. She stated her license is for 2:00 a.m. and she has been punished for almost two years and she feels this is not right and she should have a chance. She stated she always cooperates with the police and does nothing wrong. She was punished for six months because her employees did something wrong. She stated she is a business woman and has four businesses in the City of Brockton. She pays the City a lot of money in taxes.

In response to questions from Commissioner DeAndrade, Mrs. Rodrigues stated nobody goes to her restaurant since she closes at midnight. She stated she used to open seven days

a week. Now she doesn't open on Monday because there is no business. Tuesday she opens at 5 p.m. and on Wednesday it is closed. On Thursday she opens at 5 p.m. and on Thursday, Friday, Saturday and Sunday she doesn't even make \$500. In order for her to pay her bills, she had to open another business and it is not right for someone like her who employs many people to be treated this way.

Chairman Tartaglia indicated he understands the problems with operating a liquor business because he has operated several. He stated he always told his employees to cooperate with the police and licensing authorities and to treat them with respect.

Lieut. LeGrice stated he has not had a problem with Mrs. Rodrigues but with the people who are there. They have chased people into the building and have had obstructionists stop police officers entering the business. He particularly experienced it with Mrs. Rodrigues' daughter who was supposedly the manager when he went in one night. He reviewed the history which includes the following penalties:

- Hours rolled back from 1:00 a.m. to 12:00 midnight for at least 6 month period (November 13, 2014) (Effective Feb. 2015)
- Hours of operation rolled back to 1:00 a.m. for at least six months (April 18, 2013)
- Hours rolled back to 1:00 a.m. for 3 months - September 1 thru November 30, 2012
- 2 a.m. closing approved in 2008
- Hours Rolled back from 1 a.m. to midnight 4/19/07
- 3 Days suspensions issued in 2006 and 2014

Lieut. LeGrice stated the problems seem to arise when Mrs. Rodrigues is not there but it is only a 50 seat establishment.

Chairman Tartaglia told Mrs. Rodrigues that if she is not going to be there, he wants her to put someone in charge that will treat the police with respect. He warned her that if the extension of hours is approved this evening, it will be the last time. He suggested that perhaps her son should be there and there has to be someone held accountable. Mr. Rodrigues stated his father is there during the night.

Mrs. Rodrigues' son, Tony Rodrigues, stated he is representing his brother Manuel who is out of the state. He indicated that he does not have all of the charges in front of him. There are three businesses, Joe Angelo's, Tamboo and Cristal that use the back parking lot. It is his understanding that the last violation was due to a language barrier. It is also his understanding that most of the infractions were for minute incidents. It is his opinion that the former board members were very biased.

Chairman Tartaglia warned Mrs. Rodrigues that if she does get the 2:00 license back, he wants her to have someone in charge and he is going to be there checking on the establishment. He reminded them that the State Police had also brought charges and it was not just the Brockton Police.

Commissioner DeAndrade asked the licensee how she can assure the Commission that the problems will not happen again.

Mrs. Rodrigues stated her husband will be there and they will always treat the police with respect.

Commissioner Merian stated that as a business owner on Main Street it is very important that the image of Main Street improves. He indicated this is the first time he has sat on the board before them and he knows it is difficult to have crowd control at 2:00 a.m. He indicated that if this gets granted it will be the only time because they cannot continue to have negative things going on downtown. He stated that he has families coming into his store and he has to make a positive image there as best he can now that he sits on a board that has more control over his neighbors and they have to make sure their business is run right.

A motion was made by Commissioner DeAndrade to approve the extension of hours to 2:00 a.m. with the understanding that if something happens again, it will be the last time. The motion was seconded by Commissioner Merian and made unanimous by vote of Chairman Tartaglia.

Commissioner Tartaglia instructed the licensee to call the police if there is a problem.

7. Hearing on the request from Avon Auto Brokers, Inc. – Dana Nessen to transfer the Class II Used Car Dealer license at 491 Main Street to Junior Renaud dba VIP Used Motors to operate at the same address.

Present were Dana Nessen, 24 Marshall Lane, No. Easton, Junior Renaud, 21218 St. Andrews Blvd, Boca Raton, Florida.

The Adm. Asst. informed the applicant that in checking the Secretary of State's corporate database today, it indicated that no records were found under the names, VIP Auto Sales LLC, VIP Used Motors LLC or VIP Used Motors Corp. All three of these names were checked for the reason that Mr. Renaud had submitted paperwork with the three similar but different names.

Mr. Nessen stated he owns Avon Auto Brokers located in the Brockton-Avon area. He has been in business for about 29 years. He owns the property at 491 Main Street and he is leasing it to Junior Renaud. Mr. Renaud stated he will be moving here from Florida.

In response to questions from Commissioner DeAndrade, Mr. Nessen stated the lot has been empty for approximately two or three months. They have been trying to get the application together to submit to the Commission. Mr. Renaud stated he has been in the business and his partner who is also present this evening will be handling the daily activities. His partner identified himself as Jimmy Jolcelin, 407 Spring Street, Waltham. They are requesting 22 vehicles.

Lieut. LeGrice stated he had gone to the location today and according to the plan submitted, it will accommodate a total of 18 vehicles on the lot, three vehicles for customer and employee parking and fifteen vehicles for sale. Mr. Nessen stated he is quite sure the lot will accommodate more vehicles and he has another plan drawn to scale which was approved a few years back. The lot has never been lined. Lieut. LeGrice stated that by allowing the required 9' x 20' for each space, a total of 18 vehicles will fit.

Chairman Tartaglia stated that if they have another plan they can come back to the board for additional vehicles. Mr. Nessen stated he will submit the other plan. Lieut. LeGrice stated the plan submitted and which he went by was prepared by an architect. There is 79 feet across the front.

Commissioner Merian stated they can approve the license with the plan before them. Ms. Tucker stated the approval should be subject to the lot being lined in accordance with the plan.

A motion was made by Commissioner Merian to approve the transfer of the license in accordance with the current plan which allows for a total of 18 vehicles, no more than 15 for sale and 3 for customer and employee parking. The motion was seconded by Commissioner DeAndrade and made unanimous by vote of Chairman Tartaglia.

Mr. Nessen then asked the Adm. Asst. if there was any way a stipulation could be placed on their license that when they vacate the property, the license will be pledged back to him. She indicated the law does not provide for that and he would have to work something out between himself and the new licensee.

8. Communications

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

With no further business to come before the Commission, a motion was made by Commissioner Merian to adjourn the meeting. The motion was seconded by Commissioner DeAndrade and made unanimous by vote of Chairman Tartaglia.

Respectfully submitted,

Henry Tartaglia
Chairman

APPROVED:

Paul D. Sullivan, Commissioner

Scott H. McDuffy, Commissioner

Joao DeAndrade, Commissioner

Paul Merian
Alternate Commissioner