

## **TAPED**

The License Commission held its regular monthly meeting at 6:00 p.m. on Thursday, October 20, 2016, in the G.A.R. Room at City Hall. Present were Commissioners Paul Sullivan, Joao DeAndrade, Paul Merian, and newly appointed alternate member Jeffrey Thompson. Also present were Lieut. Paul Bonanca and Administrative Assistant Bonnie Tucker. Commissioner Merian presided in the absence of Chairman Henry Tartaglia.

1. Approval of the Minutes of the License Commission meeting of September 15<sup>th</sup> and the Special Meeting of September 28, 2016.

A motion was made by Commissioner Sullivan to approve the minutes of the aforesaid meetings. The motion was seconded by Commissioner DeAndrade. With Commissioners Sullivan, DeAndrade and Merian voting in the affirmative and Commissioner Thompson abstaining, the motion carried.

2. Approval of the following police officers as license agents for the month of November 2016: 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 DeAndrade to approve the police officers as listed as license agents for the month of November which motion was seconded by Commissioner Merian. All members present voting in the affirmative, the motion carried.

Requests for Special One-day Permits:

- (a) **Wine and Malt Beverages** – Cardinal Spellman High School – Ellen Morrissey Rota, Manager, for an Alumni Reception to be held in the dining hall on Wednesday, November 23, 2016 from 4:30 p.m. to 6:30 p.m.

Present was Jane Westerlund, 152 Cashman Road, who stated they have an alumni fundraiser reception planned on the night before Thanksgiving. This is an annual event and Mrs. Westerlund stated they will have a police detail on duty.

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

- (b) **Wine and Malt Beverages** – Brockton Council on Aging – Janice Fitzgerald, Manager, for a Fundraiser to be held at 10 Father Kenney Way on Thursday, November 17, 2016, from 5:00 p.m. to 8:00 p.m.

Present was Anne McCormack, 25 Mayotte Circle, who stated this is a fundraiser which will be used toward building an addition onto the building. They plan to have the event catered and would like to offer beer and wine. They expect between 75-100 people will attend.

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

- (c) All Alcoholic Beverages (2 Permits)** - Brockton Firefighters Union Local 144 – William Hill, Manager, 80 Perkins Avenue, for a Fundraiser to be held on Saturday, October 28, 2016, from 6:00 p.m. to 12:00 midnight; and for a Retirement Party to be held on Tuesday, November 15, 2016, from 6:00 p.m. to 12:00 midnight.

Representing the Firefighters Union was James Nee, 268 East Street, East Bridgewater who stated Bill Hill was unable to be present this evening. Mr. Nee is the Secretary of the Firefighters Union. These are events which have been held annually for years.

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

- (d) Wine and Malt Beverages** – Haitian Community Partners – Marlene Amedee, Manager, for a Fundraiser to be held on Saturday, October 29, 2016, from 5:00 p.m. to 12:00 a.m.

Present was Marlene Adedee, 47 Haywood Avenue, who stated they are holding a fundraiser to raise money to build a YMCA in Haiti and to also aid the victims of the hurricane that recently hit Haiti. They are planning for 100-150 people to attend. They were told that a police detail is required especially with the alcohol and the detail will also help with people crossing the street.

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

4. Hearing on the request from Starbucks Corporation for a Common Victualer license to be located at 200 Westgate Drive.

Present was Daniel Brennan, 8 Stonegate Lane, Salem, NH, who stated he handles the permitting and licenses for Starbucks.

Mr. Brennan stated they are constructing a new freestanding building at the Westgate Mall located next to Modells. There will be 39 interior seats and 9 exterior seats. They hope to open November 10<sup>th</sup>. Hours of operation will be from 5:00 a.m. to 11:00 p.m.

The Administrative Assistant reminded Mr. Brennan that the inspection approvals will all have to be completed prior to the license being issued.

A motion was made by Commissioner Sullivan to approve the license pending receipt of the inspection approvals which motion was seconded by Commissioner DeAndrade. All members voting in the affirmative, the motion carried.

5. Hearing on the request from Brockton Chicken, LLC dba Popeyes Louisiana Kitchen for a Common Victualer license to be located at 688 Crescent Street.

Present was Rizwan Shamsi, 7 Fales Road, Sharon.

Mr. Shamsi submitted a copy of the lease which was requested for the reason that the space was licensed to Burrito Wraps which had never notified the Commission that the business was closing. Burrito Wraps has vacated the premise and Mr. Shamsi is applying for a Common Victualer license at this time. Hours of operation will be from 10:30 a.m. to 10:00.

A motion was made by Commissioner DeAndrade to approve the license pending receipt of the department inspection approvals. The motion was seconded by Commissioner Thompson. All members voting in the affirmative, the motion carried.

6. Hearing on the request from Thai Food Theory Corp. for a Common Victualer license to be located at 104 Torrey Street.

Present was Jarunee Chansyna and Phouthakone Chansyna, 281 Chestnut Street, Randolph. Ms. Chansyna stated they plan to operate a restaurant. It was reviewed that the ZBA had stipulated hours of operation from 11:30 a.m. to 10:00 p.m. although the application for the Common Victualer license was for 10 a.m. to 11 p.m. The applicants were informed that the License Commission cannot grant hours beyond those stipulated by the ZBA.

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

7. Hearing on the requests from Bernardi Brockton, LLC dba Bernardi Honda to transfer the Class I Motor Vehicle Dealer's license and the Common Victualer license at 300 Manly Street to MAG Retail Holdings – HND, LLC dba McGovern Honda.

Present were Matt McGovern, 286 Commonwealth Avenue, Boston and Amy Rossi, 267 Myrtle Street, Ashland, the Vice President of Bernardi.

(Both Agenda Items #7 and 8 were considered together)

Mr. McGovern stated he is buying both of the Bernardi dealerships and that the licenses are being transferred to his company.

A motion was made by Commissioner Sullivan to approve the transfer of the licenses. The motion was seconded by Commissioner Thompson. All members voting in the affirmative, the transfer was approved.

8. Hearing on the requests from Bernardi Brockton LLC dba Bernardi Hyundai to transfer the Class I Motor Vehicle Dealer's license and Common Victualer license at 300 Manley Street to MAG Retail Holdings – HYN, LLC dba McGovern Hyundai.

(Refer to agenda item number 7)

9. Hearing on the request from Trans Atlantic Enterprises, LLC dba Happy Bear Auto, to transfer the Class II Used Motor Vehicle Dealer's license at 772 North Main Street, to Phong Tat dba Champion Auto Group.

Present was Phong Tat, 19 Pheasant Lane, North Easton.

Mr. Tat stated he is buying the property at 774 North Main Street and will be closing on it the following week. He has experience in the used car business.

Lieut. Bonanca stated that an inspection was done on the property on October 19th and the recommendations are as follow:

1. Properly post handicapped parking space;
2. The yellow lines in front of the dumpster must be blacked out;
3. "No parking" signs must be put on the dumpster gates;
4. A minimum of 6 employee/customer spaces and one handicapped space;
5. There be no more than 22 vehicles for sale with no more than 29 cars outside and no more than 10 vehicles inside.

A motion was made by Commissioner Sullivan to approve the license with all of the recommendations of the license agent being complied with. The motion was seconded by Commissioner DeAndrade. All members voting in the affirmative, the motion carried.

Mr. Tat was informed that the current licensee would have to turn his license in before the new license can be issued.

10. Hearing on the request from Domingas Tavares dba Restaurant Luanda, holder of an All Alcoholic Restaurant license at 453 Centre Street, to extend the closing hour to 2:00 a.m. on Thursdays, Fridays, Saturdays and on eves of legal holidays.

Representing the licensee was Attorney John Creedon 71 Legion Parkway. Also present was Domingas Tavares, 50 Temple Street, Somerville and Jason Goncalves, 81 Pomona Drive.

Attorney Creedon reviewed the request and stated the location is across the street from the East Junior High School. Luanda Restaurant has been there since 1994. It is a family run business and Jason's mother and father are always there. They currently have a 1:00 a.m. closing time. Attorney Creedon stated to the best of his knowledge there has only been one incident at the location. The bartenders are Tips certified. Jason is the manager. There is parking for 41 with a handicapped space. The street located next to the establishment is a dead end. They do have entertainment and would like to extend the closing hour to 2 a.m. in order to remain competitive with the other licensees that close at 2 a.m.

Commissioner Merian asked if there was anyone else wishing to speak.

Councillor Anne Beauregard, Ward Five, stated it is her understanding that there was an incident a couple of weeks prior when several cruises responded at about 2 a.m. She indicated she is concerned where this is a residential area with a school across the street. She stated that she would like for them to look into soundproofing as suggested to another establishment at a prior meeting. She indicated they want to be business friendly but reminded everyone the houses were there long before the restaurant. She also indicated that she feels it is not unreasonable to ask that a place that remains open late should have some kind of security on duty to make sure things are kept under control.

In response to Councillor Beauregard's statements, Attorney Creedon stated that last month they were before the Commission with Santana Restaurant and there had been complaints about the music from nearby residents. They conditioned that they would get the flooring soundproofed to get the decibel level down. Santana has a capacity of 300. Luanda has a capacity of 99.

In response to questions from Commissioner Merian, Attorney Creedon stated they will have entertainment on Thursdays, Fridays and Saturdays.

Lieut. Bonanca stated from a Police Department's perspective, they oppose 2 a.m. licenses and feel it is an unfair burden on the tax payers. The Police force is already spread thin. He checked back over the past couple of years for calls to Restaurant Luanda and counted 12 disturbance calls. The last call was on October 14<sup>th</sup>. They understand calling police is advantageous and they have no problem with that. Earlier in 2016, there were gunshots in the parking lot after a couple of individuals went into Restaurant Luanda and came out. That incident is still under investigation. He feels it is important to remember the establishment borders a residential area and at 2 a.m. if people are loitering in the lot it is an issue for residents living in the area.

Lieut. Bonanca further stated the advantageous thing to do would be to hire a police detail. Unfortunately, they do not always have the personnel available to fill details and this is a

concern and a consistent problem. He again stated the Police Department would oppose the 2 a.m. license.

Attorney Creedon reviewed that on all of the disturbances reported, it has been either Jason or his family making the calls to the police and they don't want any trouble. He stated the only violation that has occurred resulted in a warning by the Commission. There is always someone in the family on the premise. It is an older crowd that goes to the restaurant. Lieut. Bonanca stated a couple of the disturbance calls were noise complaints. The majority of the disturbances occur outside.

Commissioner Merian suggested they hire an outside security detail to deter situations. In addition, there is a rule that requires cameras. Lieut. Bonanca stated it would be eyes and ears but they do not condone any private security carrying firearms or anything of that nature.

A discussion was held with regard to the time the security should be on duty and Lieut. Bonanca stated the closing hour is most important and it depends on how the patrons funnel out. The Security should be outside until 2:30 a.m. monitoring the closing and getting the people out in an orderly fashion. He would prefer to call it an attendant as opposed to security. It is important to get people out of the parking lot. There is signage on the outside stating there are cameras. The lighting is sufficient.

Commissioner Merian then reviewed that if approved it should be done with the stipulation that there be an outdoor attendant from 11 p.m. to 2:30 a.m. on Thursday, Friday and Saturday evenings.

A motion was made by Commissioner Sullivan to deny the extension of hours to 2 a.m.

The motion was not seconded.

A motion was then made by Commissioner DeAndrade to approve the extension of hours to 2:00 a.m. with the stipulation that there be an attendant on duty outside from 11 p.m. to 2:30 a.m. on Thursdays, Fridays and Saturdays. The motion was seconded by Commissioner Merian. With Commissioners DeAndrade, Merian and Thompson voting in the affirmative and Commissioner Sullivan opposed, the motion carried and the request was granted.

11. Hearing on the request from Asia Two Bistro Inc. dba Asia One – Mei Xiu Zhang, Manager, for an All Alcohol Restaurant license to be located at 708 Belmont Street.

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

12. Communications

There were no communications on file.

13. 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 which motion was seconded by Commissioner DeAndrade. All members voting in the affirmative, the motion carried.

Respectfully submitted,

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Henry Tartaglia  
Chairman

APPROVED:

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Paul D. Sullivan, Commissioner

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Joao DeAndrade, Commissioner

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Harold C. Marrow, Jr., Commissioner

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Paul Merian, Commissioner

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Jeffrey Thompson, Alternate Commissioner

