



CITY OF TAUNTON
LICENSE COMMISSION MEETING
MINUTES OF THE MEETING

October 12, 2016

7:00 p.m.

PRESENT:

Chairman Peter Lamb

Commissioner Brendan Mullen

For the Police Department:

Detective Dennis Smith

Detective Sgt. Matthew McCaffrey

Detective William Rutherford

Meeting was called to order at 7:13 p.m. by Chairman Lamb.

1. Minutes of the meetings from September 21, 2016. Motion made by Commissioner Mullen to accept the minutes. Motion was seconded by Chairman Lamb. Motion passed unanimously.
2. **UR of Taunton MA, LLC d/b/a Uno Chicago Grill** – Application for a Change of Manager. Appearing before the Board is Christopher Perry. Mr. Perry stated that he has been at the Taunton location for approximately 2 years and with the company for 10 years. Chairman Lamb asked if Mr. Perry had been a manager at other locations. Yes. Mr. Perry stated that he does have a copy of the City's Rules and Regulations. Commissioner Mullen made a motion to approve the change of manager application for UR of Taunton MA, LLC. Chairman Lamb seconded the motion. Motion passed unanimously.
3. **Bobby's Place, Corp. d/b/a Bobby's Place** – Discussion of Incident Report #16016932. Appearing before the Board is Robert and Denise Asack. The Recording Secretary states that she had made a typographical error on the agenda with regards to the Police Incident report and that the correct number is: 16016932. Chairman Lamb asked if Mrs. Asack had received a copy of the incident report. Yes. Chairman Lamb asked if there was anything in the report that Mrs. Asack wished to discuss with regard to the facts. No. Detective Smith reads the report into the record. Chairman Lamb asked if there was a detail on duty that night at Bobby's. Detective

Smith stated there was, but he was unaware that a stabbing had taken place inside the bar. Detective Smith stated that there was also a statement in the report that indicates that Bobby's Place has security cameras but was informed that they were not working that night. Mr. Asack stated that was correct. Chairman Lamb asked Detective Smith if he had looked into other previous reports at the licensed premises. Detective Smith stated that he had compiled a list of incidents that occurred at Bobby's Place. He thereafter went through each incident indicating that there were a total of 16 incidents within the last 11 months between the hours of 1:00 a.m. and 2:00 a.m. Commissioner Mullen stated that he felt it was really 14 incidents because he wasn't counting the panhandler or the fire, but he summarized it as follows: 4 arrests, 1 stabbing, 3 fights and 2 protective custodies; 4 on Sunday, 8 on Saturday, 2 on Friday and 1 on Thursday. The earliest was at 1:06 a.m. and the latest was at 2:10 a.m. Chairman Lamb stated that if the Board looked solely at the issue on the incident report, and what happened inside the premises. Chairman Lamb asked Mrs. Asack if she had an issue with that. Mr. Asack stated that he did have an issue. He was on the premises at the time. Mrs. Asack stated that she was not there at the time. Chairman Lamb asked why Mr. Asack had an issue with the incident report. Mr. Asack stated that he couldn't say that it happened and he can't say that it didn't happen because he was exactly a foot away from the victim. Chairman Lamb asked if he acknowledged that the victim was on the premises. Yes, he was. Mr. Asack further stated that he called Officer Cahill over to have the victim removed from the premises and that he was removed and walked out of the building. Mr. Asack is unable to determine whether or not the victim was stabbed. Chairman Lamb stated that the other issue was the continued pattern of incidents which has been a concern of the Board. Commissioner Mullen stated that the pattern is what he called a trend. Mrs. Asack asked Detective Smith if all of these incidents were from Bobby's Place. Yes. Mrs. Asack asked if she could receive a copy of the reports. Yes. Mr. Asack stated that they are a nightclub and have taken every precaution they could. He went on to state that the clientele in the whole country is changing and the officers are being targeted. Mr. Asack further stated in disagreement that the incidents were associated with Bobby's Place; that one incident happened on the other side of the space building near the ambulance place and another on the sidewalk in front of his door. Chairman Lamb stated that this is a trend and past trends keep going down a path unless the Board makes changes. One of the issues that the Board has done in the past is to ensure that the license holders are not draining the services of the City Police Department to provide control at any establishment. That is one trend and the other trend is these disturbances. Chairman Lamb stated he wasn't sure if it was the patrons at Bobby's or the hour, but that this was one of the reasons that the Board did the roll back to 1:00 a.m. a few years ago. After 1:00 a.m., there seemed to be a spike in calls. Commissioner Mullen stated that he still cannot see the need to be open from 1:00 a.m. to 2:00 a.m. Mr. Asack stated that they have tightened things as much as they can. We keep a tight watch there Mr. Chairman. Chairman Lamb responded that it can't be that tight because there is an incident a month and these are the ones that are being reported and as we have found in the past, not all the incidents make it into the police log. Commissioner Mullen asked what was the status of the video camera. Mr. Asack replied that he doesn't have them on. They haven't been on for

over 10 years. He had them on originally to watch the bartenders. Mr. Asack stated that this is a serious matter and that he is very concerned because he is still not sure if the incident happened inside or outside. He further stated that he offered \$1,000.00 because he wants this individual brought to justice. Chairman Lamb asked if a second detail officer would help. Detective Smith stated he wasn't sure if that was a good idea or a bad idea. Detective Smith further stated that the Commission had rolled the hours back to 1:00 a.m. two years ago or so and it was his recollection that it was his suggestion that the hours be rolled back. Then after a year or so, Mr. and Mrs. Asack approached the Commission again stating that they aren't being able to be as competitive and that in the past there were some mistakes and that going forward, he would stay tight on the problems. Unfortunately, it's been 11 months and all of the incidents have been after 1:00 a.m. Chairman Lamb followed up by asking the attending police officers if they had seen a pattern similar to this with the 1:00 a.m. closings. No. Detective Smith stated that he did scan the other establishments to see if there were any incidents, but there were not. Detective Smith stated that he had looked at Bobby's Place last year and there were only a couple of incidents which he felt he did not need to bring to the Board's attention. Additionally, he does have a detail every Thursday, Friday and Saturday evening. Detective Smith further added that after last month's incident with the stabbing and the other incidents, he felt the Board needed to be notified. Commissioner Mullen stated that he didn't necessarily think that this was an indictment against Mr. and Mrs. Asack but more of an issue of the time of morning. People end up at your establishment after they have been at other establishments. They have been drinking; Bobby's Place is a bar and they will continue to drink when they get there. Commissioner Mullen stated that his concern was the 1:00-2:00; it had nothing to do with Mr. and Mrs. Asack but people usually aren't having their first drink at 1:00 a.m. People are leaving other establishments and maybe they have already had 3 or 4 or 5 and then they get to Bobby's and have another 3. Chairman Lamb stated that it wasn't specific to their establishment inside but as the Board is aware, it is our expectation is that your license extends beyond your four walls. The one incident is very serious but whether it happened inside or outside, without having proof, it seems to have escalated. Commissioner Mullen stated that when he first heard of this incident, he asked what time it happen. Mr. Asack stated that there are more people turned away from that door than they realize. Commissioner Mullen stated he believed it. Mr. Asack stated that he felt he and his wife do a good job; they wouldn't be here tonight if they didn't. Chairman Lamb stated that it may not necessarily be the way they run their operation within the four walls. He further stated that the Board cannot look solely at how he runs his establishment but they also need to look at the impact on the neighborhood and the community. The Commission has tried to balance out your needs and the needs of the community. As Commissioner Mullen stated, it is a trend and it is a trend that is headed in the wrong direction. We have had discussions and you have been here too discussing other establishments in the neighborhood and their impact, etc. You had asked us to look at that and take that into consideration when other issues have been raised. It is the Board's attempt to treat everyone on the same rules and the same approach and this is not a good trend. Chairman Lamb added that he didn't think the Board could just let this go. Commissioner Mullen agreed, stating

that this was too big of a sampling to ignore. Mr. Asack asked if they were going to be put on probation. He further stated that if this was a disciplinary hearing, he was unaware of it. Commissioner Mullen stated it was a discussion right now. We are also having a conversation with you and in a conversation, you are allowed to have input. If this was a disciplinary hearing, it would have been noted on the agenda as such. Mr. Asack stated that this was new to him; he doesn't have anything to hide and that he and his wife try very hard. They are in the alcohol business. They sell alcohol. Sometimes people show up and they think they are going to run the place and you need to have them removed. Everyone who knows us, knows that we try our hardest and we will continue to do so. Commissioner Mullen stated that his issue wasn't whether Mr. Asack was turning people away or not, his issue was more that they are at the door at 1:00 a.m. Mr. Asack stated but then they are told to leave. Commissioner Mullen stated that if they weren't open, then it wouldn't be an issue. Mrs. Asack stated that they close the door at 1:00 a.m. and no one can get in. Chairman Lamb stated that they went down this path before of removing and rolling back the 1:00 licenses because it was creating more issues regardless of the establishment. It is an impact on the community. Detective Smith stated that one of the dilemmas is the shift change at the Taunton Police Department. Our shift changes at 12:45 a.m. So between 12:30 a.m. and 1:00 a.m., we could have 20 officers crossing paths. If something happens at 12:30, and I am coming on and he is coming off, that is more than the 6 people on the street. There are about 15-18 detectives crossing paths and if an incident goes down, everyone is there. At 2:00 a.m., there are 6 officers on the street. We would be sending minimal people into situations. This is the same argument that I brought up before and after speaking with Sgt. McCaffrey and Detective Rutherford, we are all in agreement with this. I know that Mr. Asack pays for a detail and he pays well. I do not think it is fair to ask him to pay for another detail. Mr. Asack stated that he feels less than one incident a month is pretty good. Detective Smith stated that he didn't want to argue but it's only a 3 day week – Thursday, Friday and Saturday. Chairman Lamb asked Mr. Asack how he planned to address this because the answer is easy for the Board, they would just roll the closing time back. Mr. Asack stated that if the Board rolls back the time, that is fine, but they will be closing. They will not be able to stay open. They try their hardest. Chairman Lamb stated that he had to question the effectiveness of the detail. That is something you control. Sgt. McCaffrey stated that when you have a one detail officer, he is probably worried about his own safety and he will be at the front of the establishment to be a deterrant and if there is a problem inside the building, it is well monitored by the detailed officer. If there is a problem, it is usually the bouncer's job or the manager's job and then the officer goes in. Between 1:00 and 2:00, there is a different clientele out there and he isn't serving candy, he is serving alcohol. Chairman Lamb asked again how we eliminate this problem. Detective Smith asked how big the crowds were. Mr. Asack stated about 125 people; that it has been slow. He further added that he asks for two forms of identification and that they do not accept identification cards anymore. Chairman Lamb reiterated that it is not the establishment, it is the spill over and the effect on the neighborhood. Detective Smith added that it is even the fact that you have to turn people away. Then they are mad that they can't get in, other people get in and then an argument ensues. Mr. Asack

stated that they close the door at 1:00 and then the police detail moves to the center of the room once the door is locked. Chairman Lamb suggested probation. Commissioner Mullen stated that everything ties to the hour; to the 2:00 a.m. license. Sgt. McCaffrey asked if they do much business between 1:00 and 2:00 a.m. About 12 Mr. Asack responded. Commissioner Mullen asked how many people are in the bar at 1:30. Mr. Asack responded about 125. I have a 250 person capacity but I only usually have about 125. The night before Thanksgiving is busy and I have two details on that night. I can't tell you how many times if at 2:00 a.m. there isn't anyone out front, I tell the detail officer to go home, even though he is supposed to be there until 2:30 a.m. I tell them to go home to their family. Very rarely are they there after 2:00 a.m. I just want to move forward. Commissioner Mullen stated that he didn't think that there was anything wrong with the club per say; it is the hours. Chairman Lamb agreed. Detective Smith stated that Bobby's Place is the only 2:00 a.m. license in town and he didn't believe there were any 2:00 licenses in neighboring towns. Mr. Asack stated that East Bridgewater has a 2:00 and Brockton has 15. Mr. Asack again suggested probation, perhaps a three month probation. He stated that they weren't taking the identification cards any longer and that was the problem. Detective Smith stated that he didn't think that it was going to fix the problem even if they have 3 identifications; if they are going to fight, they are going to fight. Mr. Asack stated that he didn't have a fight, he isn't aware of a fight. All I know about is that Ryan and he told me about the guy drinking a quart of beer. That guy Ryan, crying Ryan and he was lying. Then he made the arrest and I told him to go home. He went home alright. He went to the station and wacked me for 7 hours. Sgt. McCaffrey stated that he didn't think that Mr. Asack paid for 7 hours and Mr. Asack agreed. Sgt. McCaffrey stated that when he is a detailed officer and there is an incident inside the bar, he doesn't necessarily call and log it in. If we are going to compare apples to apples, then let's compare apples to apples. I bet you that all of these incidents with the exception of Joe Ryan because it resulted in an arrest, were all generated by telephone calls. Mr. Asack asked what that meant. Sgt. McCaffrey stated that there is an incident or a disturbance inside the premises and then someone places a call through the station and we get sent there. But I bet if you look at detail officers, myself included, I handle the problem, ask someone to leave, whatever. What I am saying is let's not get stuck on a number here because sometimes there are more incidents than what is recorded because the detail officer handles it and it isn't logged into the log. Chairman Lamb stated that it cuts both ways. Commissioner Mullen stated that the more people drink and the longer they drink, the more issues you are going to have. It is only human nature. Sgt. McCaffrey stated that if he is driving down the street and sees a disturbance, he'll stop the car and break it up. He doesn't necessary call the station to report it because he has handled it and it is done. Mr. Asack stated that he understood and agreed with Sgt. McCaffrey. Commissioner Mullen suggested the end of the year. Chairman Lamb agreed but added it could be conditional. Chairman Lamb suggested continuing this agenda item and reviewing it each month till the end of the year. Commissioner Mullen so moved. Chairman Lamb stated that the Board will table this agenda item and continue it forward for the next several months to monitor the situation and if at some point in time, they would make a final determination and put this agenda item to bed or take further action.

Commissioner Mullen stated that he thought they needed to vote on that. Chairman Lamb stated that he would make that in the form of a motion and table this item. Commissioner Mullen seconded the motion. Motion passed unanimously. Mrs. Asack asked if they needed to appear again. Commissioner Mullen stated no, that it would be the topic of conversation at the next couple of meetings but that no one needed to appear.

Bobby's Place, Corp. d/b/a Bobby's Place - Request for Extended Hours. Chairman Lamb asked Detective Smith for a recommendation. Detective Smith stated a minimum of two officers. Chairman Lamb asked if there were concerns. Commissioner Mullen stated of course he had concerns, it was for a 2:00 extension. However, they have had it for the last 20 something years. Commissioner Mullen made a motion to approve the request for the extended hours for Wednesday, November 23, 2016 until 2:00 a .m. on November 24, 2016 with two detailed police officers. Chairman Lamb seconded the motion. Motion passed unanimously.

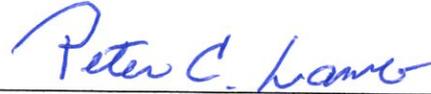
4. **Round One Entertainment d/b/a Round1Bowling & Amusements** – Application for an Alteration of Premise. Appearing before the Board is Steven Takeuchi, Business Development. Chairman Lamb asked if he was the manager. No, our director is on other business that he needs to tend to. Detective Smith asked Mr. Takeuchi who the manager was. Mr. Takeuchi stated that it was Shane Kaji or we may have spoken with Scott Endow. Commissioner Mullen asked who was on the license. Melissa Williams. Chairman Lamb stated she was the individual who should have appeared, but they will go forward and hear what Mr. Takeuchi has to say. Mr. Takeuchi passed out diagrams of the proposed play area and stated that the proposal was to add a children's recreation area to their premises. This recreation area would take about 5,000 sq. ft. out of their existing 65,000 sq. ft. They were asking for the alteration of premises because they will not be serving alcohol within the children's recreation area. Commissioner Mullen asked who was going to monitor that and who would be controlling that area. Mr. Takeuchi stated that there would be employees stationed in the area and we will require parents to supervise as well. Commissioner Mullen asked if there would be someone situated there the whole time. Yes. How many hours a day? Mr. Takeuchi stated they are open from 10:00 a.m. to 1:00 a.m. Commissioner Mullen stated that there would be someone there from 10:00 a.m. till maybe 9:00 or 10:00 p.m. because he didn't expect children to still be there at 1:00 a.m. That is correct stated Mr. Takeuchi. Commissioner Mullen stated that he has been in the facility and has observed a lack of staffing and a lack of security. A lack of cameras, a lack of supervision, etc. so to approve a change like this, I would like to know that there is going to be some sort of semblance of control over it. Mr. Takeuchi stated that they are going to have additional staff and cameras for this new area. Chairman Lamb asked exactly where this area was going to be located. Commissioner Mullen stated towards the front at the left of the vestibule. Chairman Lamb asked if it was near the rooms. No, they are on the side. Chairman Lamb asked if he entered through the mall . . . Commissioner Mullen stated it would be on your right. Mr. Takeuchi agreed. Chairman Lamb asked how many games would the recreational area replace. Mr. Takeuchi stated approximately 30-40 games. Chairman Lamb asked if he knew what the total number of games would be after the

installation. Mr. Takeuchi stated that he wasn't sure but he could get that information to him at a later date. Commissioner Mullen asked about the hallway leading out to the mall. Yes. Commissioner Mullen stated that it was full of games. Yes, Mr. Takeuchi stated, they have permission from the mall to use that space as well. Commissioner Mullen asked if alcohol was allowed in that area. No, it is only allowed in our premised area. Chairman Lamb asked if they had control over that area in the hallway. Mr. Takeuchi asked if Chairman Lamb meant do they have staff out in that area. Chairman Lamb asked if they pay rent on that space. Mr. Takeuchi stated that the mall allowed them to use that space free of charge. But it is your patrons that use that area, correct? Yes. Commissioner Mullen asked if they were allowed to bring alcohol into that area. No, they are not. Commissioner Mullen asked who was controlling that. Mr. Takeuchi stated that usually they have security guards or staff roaming the arcade floor. Commissioner Mullen asked there is no one stationed at that doorway? During the mall hours, we rely on our staff and security officers to regulate the entry and exiting of alcohol. Chairman Lamb asked if that door closes when the mall closes. Yes. Commissioner Mullen asked Chairman Lamb if he ever had observations of alcohol beyond that gate. Yes, Chairman Lamb stated, he had. Chairman Lamb asked what the time frame was for this project. Mr. Takeuchi stated they had hoped to have it completed by December 6th. Commissioner Mullen asked if they had gone through the building department yet. Mr. Takeuchi stated that were awaiting approval from the License Commission. Chairman Lamb asked if a building permit had been pulled yet. No. The Recording Secretary interjected and stated that she thought that a building permit had been pulled but that the architect was awaiting approval from the License Commission before proceeding. Chairman Lamb stated that this was a substantial alteration. Commissioner Mullen stated that if he was convinced it could be controlled, I would be in favor of it because it would limit the open area that exists in there now. Chairman Lamb stated that he would like to have a walk through; he has concerns with that back parameter and not having control. Sgt. McCaffrey questioned if there would be a barrier or a half wall. Commissioner Mullen read from the plan a partial barrier but noted that there were no dimensions listed as to the size of the barrier. Mr. Takeuchi stated he could get that information to the Board. Chairman Lamb stated that he was not completely comfortable that there would be control in that area. Commissioner Mullen stated that he would feel better if that barricade went all the way to the wall and if there was only one entrance and one exit. But if there is only one point of entry and one point of exit, what kind of fire safety issue is that. Chairman Lamb reiterated that he would feel more comfortable if we did a walk through prior to approval. Commissioner Mullen stated that before he approved anything, he wanted updated plans with indicating the barricade and dimensions and exact location. Chairman Lamb added he would like someone with knowledge of the plans to walk the Board through it. Discussion ensued regarding the placement of the playground area within the licensed premises. Commissioner Mullen stated that this matter would need to be continued because they needed better plans, more details and a site visit. It was noted that the manager, Melissa Williams should also be present during this site visit as she is the named manager on the alcohol license. Chairman Lamb stated that he would be in touch with Mr. Takeuchi. Commissioner Mullen

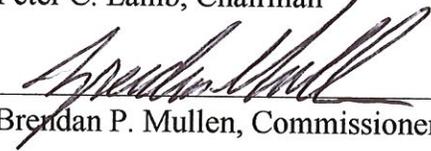
made a motion to continue the application for an alteration until next month's meeting which is November 9, 2016 and that we request more details, drawing with specifications and a site visit to review exactly what is going on and where. Chairman Lamb seconded the motion. Motion passed unanimously.

New Business/Old Business – None.

Chairman Lamb made a motion to adjourn. Commissioner Mullen seconded the motion. Meeting adjourned at 8:21 p.m.



Peter C. Lamb, Chairman



Brendan P. Mullen, Commissioner