



CITY OF EVERETT

BOARD OF LICENSE COMMISSIONERS
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Phil Antonelli, Chairman
Brian McCarthy, Member
Phil Arloro, Member
Annette DeBilio, Administrative Asst.

LICENSING BOARD MINUTES April 23, 2018

Meeting called to order. Present were, Chairman Phil Antonelli, Board Member Brian McCarthy, Board Member Phil Arloro, Detective Paul Durant, and Attorney Keith Slathery, Seth Daniels of the Independent News Paper and Annette DeBilio, Clerk of the Board.

1. Oliveira's Restaurant was called in for noise complaints from neighbors. The Chairman states that the restaurant is being run like a night club. He has spoken with the police that people are being over served and coming out drunk. Sgt. Durant states that when people come out the door to smoke they are leaving the door open and you can hear the music on Broadway and over at Walgreens. That they have to make sure that the door is always closed. Wilton states that he has made the restaurant sound proof. The Chairman states that Wilton has been called up before the Board for the same reasons. This is a warning that if the complaints continuing to come in then other actions will have to be taken. Wilton says they have sound meter that they will use to check the sound outside and it will show 6 DBA's. They are trying their best. They also they will now have last call at 12:15 AM. They plan on closing on Sundays at 11:00 PM. The Board reiterates that the side door has to remain closed. Wilton states that he does not have any DJ's in the restaurant it is always just live music on Thursday, Friday, and Saturday. He will do what the Board wants he does not want to lose his license. The Chairman states that a letter will be sent out.
2. Vladymir Narcisse, 433 Broadway, appears before to give the Board to his business plan which is his interest in opening a five star restaurant at this location which would include a night club downstairs. The Chairman asked if

he was the owner of the building, which he is. The Chairman also states that the Board does not allow night clubs in the city. He goes on to say that the city is in the process of redistricting and the he should speak with Attorney Slathery in regards to the changes and he should set up an appointment to speak with the Mayor. Vladymir would like to do open this restaurant for the city. Phil Arloro thinks that the restaurant is a good idea but would not be on board for the club. It would be ok to have a bar downstairs for the patrons while they are waiting for a table to be ready. Vladymr asked what the difference is with having music and being a night club. They explain to him is when a night club is there they would have promoters come in. The Chairman says that it would be a good idea to meet with Community Development also.

3. Ferry Street Grill did not show, a letter will be sent to appear at the next meeting on May 14, 2018.
4. Energy North did not show, a letter will be sent to appear at the next meeting on May 14, 2018.
5. Winners Sports Bar, Tony Portillo and Attorney John Mackey. The Chairman says that Tony was to deliver payroll records, tapes from the DVR, working papers, and tip certifications by April 17 which the Board has not received yet. Brian says he was also supposed to file a change of manager application because Juan is still listed. Also the Board requested that a Certified Crowd Control person be on duty at all times because they do not have one on record, which is a fire safety issue with the Fire Marshall. Attorney Mackey states that after the last meeting they have made progress and in regards to the prior incident it was a screw up and Tony apologizes. It will not happen again. Attorney Mackey states that Tony was under the impression that he had an hour after closing to clean up. After checking the Board Rules and Regulations it does state that he does have an hour after closing. Since the last time that they were here before the Board he has had everyone out be 1AM, Phil Arloro says that at the March 26 meeting Tony was insisting that the people that were in the bar were all employees. Attorney Mackey says that he has been requesting police details but the detail has not been able to be filled. Also as far as the application for the change of manager the application has been filled out and has the payment been made to the ABCC. The Chairman states to Tony and Attorney Mackey

that he has received 3 phone calls, 2 calls asking to help Tony out. The Chairman states that there is a history with this business and the Board will work with him and he is willing to work with the Board. The 3rd phone call said that The Chairman was bullying Tony. The Chairman states that no one is bullying him, the Board is trying to work with him and has requested documents and that Tony has no respect to the Board. That Tony was so adamant that the people in the bar were employees which they weren't. The Chairman states that the Board has always tried to help him and Tony says that he knows that. The Chairman states that going forward Attorney Slathery will be present at the meetings. Attorney Mackey says that Tony went to the Fire Dept to take the Crowd Control Class which they did not have one scheduled. Brian tells him that they can go right online to take the class and would be certified right then. Tony says they do have someone on duty that is certified and he will give the name to the Clerk of the Board. Attorney Mackey says that a lot of the people that were there that night are not on the payroll. They work occasionally and receive 1099's. They do not work on a regular basis. Phil Arloro asked why the Board was not notified that an extension was needed. The complaint was that people in the bar after 1:00 AM., were employees and the most important thing to bring in was the payroll records and nothing was brought in. Brian states that even if you pay someone with a 1099 they still have to show that they either have a green card or are legal. Tony says that he was advised if he pays someone less than \$600.00 to give them a 1099. The Chairman says the next meeting is on May 14th, 2018. Right now the Board does not have any documentation and cannot make a determination. Phil Arloro states he is not at all happy with the outcome of this meeting. The ruling should have already been made and now it has to be delayed another month. Attorney Mackey states if he had none there was no paperwork he would have notified the Board. The Chairman states now that the Board knows that there is no paperwork he wants to see everyone tip certification and working papers and payroll from quick books. Phil Arloro states that he is tired of the excuse and that a call should have been made to postpone the meeting. Brian says technically the license could be suspended until the documents are turned in. There is a history of problems. History has proven that the Board has given Tony second and third chances. Brian would like to make a motion to have one year probation. The Chairman states that would be pending he also wants to see payroll records, tip certification, crowd control manager, quick books records, and working papers from January 1, 2018 and a change of manager

application. Phil asks if there is anything to add and Phil Arloro states he disagrees. Brian makes a motion to amend his original motion for one year probation to include the following to be received one week prior to the meeting by May 7th, copy of all employee tip certification, quick book payroll records from January 1, 2018, work permits for all employees with a photo ID, certified control manager, change of manager and notification of any other crowd control managers. A log book from the crowd manager. Phil Antonelli seconds from the chair. Brian McCarthy votes yes, Phil Arloro votes no, Phil Antonelli votes yes. Motion is passed.

6. Motion was made by Brian McCarthy to have a discussion to revise the Rules and Regulations at the next Board meeting on May 14th, 2018.
The Board votes in favor.
3 yays - 0 nays