

MINUTES
LICENSE COMMISSION MEETING
6:00 p.m.
Thursday, April 18, 2019
G.A.R. Room, City Hall, 45 School Street
Brockton, Massachusetts

TAPED

The License Commission held its regular monthly meeting on Thursday, April 18, 2019 in the G.A.R. Room of City Hall. Present were Chairman Henry Tartaglia, Commissioners, David Teixeira, Lawrence Siskind, Jeffrey Charnel and Eugene Marrow. Also present were Sargent Michael Dennehy; and Administrative Assistant Silvia Carvalho.

1. Approval of the Minutes of the License Commission Meeting of March 21, 2019 and the Special Meetings of March 8, 2019 and March 12, 2019.

A motion was made by Commissioner Marrow to approve the minutes of the aforesaid meetings which motion was seconded by Commissioner Charnel and made unanimous by vote of the members present.

2. Approval of the following police officers as license agents for the month of April 2019: Lieuts. Kenneth Le Grice and Paul Bonanca; Sgts. George Khoury, and Michael Dennehy; Dets. Thomas Hyland, Nazaire Paul, Eric Clark, Santiago Cirino, Jackie Congdon, Michael Bunker, Michael Cesarini, Patrick Donahue and Erin Cummings.

A motion was made by Commissioner Marrow to approve the license agents as listed for the month of April 2019. The motion was seconded by Commissioner Charnel and made unanimous by vote of the members present.

3. Hearing on a request for a Special Event Permit from The Frederick Douglass Neighborhood Association for a Plant and Seed Swap to be held on May 5, 2019 from 12:30 to 3:00 p.m. at the Community Garden Center- 95 Frederick Douglass Avenue, Brockton

Present was Ms. Lynn Smith of 34 Carl Avenue, Brockton, MA.

The association holds the Plant and Seed Swap every year during the month of May at 95 Frederick Douglass Way which is a small parcel of land behind Firestone. There will be vendors from Stonehill College Farms, Sioux Farms, Gateway Cities. With the date of the event falling on the 5th of May, they decided to have a "Cinco de Mayo" celebration and offer tacos for a \$1.00 donation to the association. The association is asking to close Paddy Lane a 500 feet section of road that connects Frederick Douglass Way and Legion Parkway to protect children from oncoming traffic. Ms. Cynthia Hodges has been instructed to contact the Board of Health for necessary permits in order to operate the food truck.

A motion was made by Commissioner Charnel to approve the permit. The motion was seconded by Commissioner Teixeira and made unanimous by vote of the members present.

4. Hearing on a request for a Special Event Permit from the Brockton Council on Aging for an Elder Abuse Walk to be held on June 13, 2019 from 12:00 p.m. to 2:00 p.m. from the Brockton Council on Aging-25 Father Kenney Way to the Old Colony Elder Services-144 Main Street, Brockton, MA.

Present was Ms. Janice Fitzgerald of 26 Homesite Road, Brockton, MA.

Ms. Fitzgerald stated to the board that the event has been held for the last 5 years and has been very successful. It raises awareness on Elder Abuse and serves to educate the community. The walk concludes at the Old Colony Elder Services building at 144 Main Street, where participants may pick up resources.

A motion was made by Commissioner Marrow to approve the permit. The motion was seconded by Commissioner Charnel and made unanimous by vote of the members present.

5. Hearing on a request for a Special Event Permit from Floripa Producoes for a Brazilian Rodeo to be held on May 26, 2019 from 10:00 a.m. to 8:00 p.m. at the Brockton Fairgrounds -600 Belmont Street.

Present was Marcelo Malcher of 4334 Scotts Mill Court, Saugus, MA and Phil Boyle of 489 Turnpike Street, Raynham, MA.

Mr. Malcher stated to the board that he is requesting a one day permit to have a Brazilian Rodeo at the Brockton Fairgrounds and will adhere to the same protocols. Mr. Boyle also stated that they are trying to keep everything isolated to the black top with the sound system facing towards the Burger King and Stop and Shop parking lot. The music is slated to start between 1:00 to 2:00 p.m. Chairman Tartaglia reminded Mr. Malcher and Boyle that there are to be no boom boxes or loud music in the parking lot. The Police dept. has required that they have 12 officers for the event. Mr. Malcher asked the board to extend the closing hour to 9:00 p.m. instead of the 8:00 p.m. that was on the application, since it is a holiday weekend. He assured the board that there would be no issues and that the Police Dept. did a great job assisting them last year, and this year should be the same. Chairman Tartaglia reminded them of the protocols they were given last year and asked that they be given another copy for their records.

A motion was made by Commissioner Marrow to approve the permit along with the extended closing time. The motion was seconded by Commissioner Charnel and made unanimous by vote of the members present.

6. Hearing on a request from Southside Motors for a Transfer of a Class II Used Car Dealers license at 491 Main Street, Brockton, MA.

Present was Mr. Dana Nessen of 24 Marshall Lane, North Easton, MA and John Thompson of 6104 Chestnut West, Randolph, MA.

Mr. Nessen stated to the board that he is transferring his license to Mr. Thompson. The license was formerly held by Júnior Renaud who is no longer at the location and has since moved to Florida. Chairman Tartaglia stated to Mr. Nessen that Mr. Renaud should have been the one to transfer the license to Mr. Thompson not him. The license was being used and is in the name of Junior Renaud not Mr. Nessen of Avon Auto. Mr. Nessen informed the board that he does have a letter from Mr. Renaud stating that the license has been relinquished back to him and he has the license in his possession.

Chairman Tartaglia asked Mr. Thompson if he had experience in the automobile dealership business, in which he stated that he does through another person's license. Most of his business is through purchasing vehicles at auction, repairing them and selling the vehicles from his home. Both Commissioner Charnel and Marrow made note that the letter that was submitted is not enough and that he should have the letter notarized and re-submitted to the commission. Mr. Thompson said at this time he sells between 20-25 vehicles a month. Chairman Tartaglia told both parties to check with the Police Dept. to ensure that they have properly submitted the paperwork.

A motion was made by Commissioner Marrow to table the transfer until the next meeting and Mr. Nessen and Mr. Thompson have a notarized letter from Mr. Renaud. The motion was seconded by Commissioner Charnel and made unanimous by vote of the members present.

7. Hearing on a request from FHC Chinese Food, Inc. dba Yummy House for a Transfer of a Common Victualer license at 180 Oak Street, Brockton, MA.

Present was Mr. Feng Chen of 34 Newbury Street, Cambridge, MA. and Attorney Russell Chin of 400 Hancock Street, Quincy, MA.

Attorney Chin informed the board that the existing Chinese food restaurant located in the Oak Village Plaza is being sold to Mr. Chen and that the footprint, seating or operations of the restaurant are not changing. Mr. Chen has been working in the restaurant business for many years as a chef and is familiar with the day to day operations. Mr. Chen would like to go in to business for himself, has secured a lease with the building owner and is ready to go. Commissioner Charnel asked Mr. Chen where he previously worked as a chef and he replied New Hampshire. Commissioner Charnel also asked how many employees would be working for him and the hours of operation and he replied 5 in the front of the restaurant and 5 in the kitchen and he is requesting operating hours of 11:00 a.m. to 9:00 p.m. 7 days a week.

A motion was made by Commissioner Charnel to approve the transfer. The motion was seconded by Commissioner Marrow and made unanimous by vote of the members present.

8. Hearing on a request from Deftos Liquor Store Inc. dba Deftos Liquors, Manager-Stephen L. Jamoulis for a Transfer of an All Alcoholic Package Store license at 1028-1032 Main Street, Brockton, MA to New Brockton Liquor Corp dba Deftos Liquors-Manager Malav Patel.

Present was Mr. Malav Patel of 6211 Robert Drive, South Easton, MA and Attorney Matthew Porter of 480 Turnpike Street, South Easton, MA.

Attorney Porter stated to the board that Mr. Patel is purchasing the liquor store from Mr. Jamoulis. Mr. Patel is TIP certified and familiar with the liquor store business. There will be no changes to the operation of the store or hours, which will remain from 8:00 a.m. to 10:00 p.m. Deftos has been in operation on South Main Street from years and has never had any problems. He anticipates that it will remain the same.

A motion was made by Commissioner Charnel to approve the transfer. The motion was seconded by Commissioner Marrow and made unanimous by vote of the members present.

9. Hearing on a request from the License Commission to Regal Auto Parts, dba Brockton Auto Parts on a Class III Motor Vehicle Junk Dealer license at 511 Thatcher Street, Brockton MA.

Present was Mr. Donald Galante of 19 Camden Way, South Easton, MA.

Chairman Tartaglia told Mr. Galante that he was before the board because of the condition of his yard and told him that Lt. Le Grice informed the board that the yard was neat and orderly. He asked that he please try and keep it that way and was dismissed.

10. Hearing on a request from the License Commission to Ja Cruz, Inc. dba Nossa Casa for Non-Use of an All Alcoholic Restaurant license at 128-132 Ames Street, Brockton, MA.

Present was Mr. Jose Cruz of 928 Warren Avenue, Brockton, MA.

Chairman Tartaglia informed the board that Mr. Cruz was scheduled to be at the March 21, 2019 License Commission meeting, however he never received the certified letter that was mailed out inviting him to the meeting. Chairman Tartaglia asked that the board re-instate his license so that Mr. Cruz can open or sell the business in fairness to Mr. Cruz. Commissioner Charnel asked Mr. Cruz for a timeline of when he would anticipate having the building ready for operation. Commissioner Charnel informed Mr. Cruz that the Zoning Board Special Permit had probably expired, and he would be required to go before the board again. Councilor Beauregard interjected and apologized for the fact that there was no follow-through on the city side to assist Mr. Cruz with the project from beginning to end. Commissioner Charnel stated that he did not think 1 year is long enough for Mr. Cruz to get his business running and asked that he come back before the board next April with an update. Mr. Cruz's attorney Richard Lawton asked that a letter from his office be read in to the record, which was done by the Administrative Assistant, Silvia Carvalho.

A motion was made by Commissioner Marrow to re-instate the license at 128-132 Ames Street, with the owner returning to the License Commission in April of 2020 with an update. The motion was seconded by Commissioner Charnel and made unanimous by vote of the members present.

11. Hearing on a request from the License Commission to Lynce Towers, Inc. dba Le Pyramide Restaurant for Non-Use of an All Alcoholic Restaurant license at 1040-1042 Main Street, Brockton, MA.

No one was present from Lynce Towers, Inc.

A motion was made by Commissioner Marrow to table the matter to the next meeting. The motion was seconded by Commissioner Charnel and made unanimous by vote of the members present.

At the conclusion of the License Commission meeting Ms. Cynthia Hodges and Ms. Sousa asked to be heard without formerly submitting the documents or required approvals for a Special One Day Permit to Sell Wine and Malt Beverages. Commissioner Charnel told both Ms. Hodges and Ms. Sousa that he was in possession of a letter from the Fire Dept. regarding an event that was held at the Fruth Center that was a complete disaster. Ms. Hodges informed the board that it was not her event and it was booked by George Brickhouse. Had she known that it was being advertised as a Carnival they would never had allowed it. Apparently, the participants had brought in spray foam canisters that were being sold for \$20 a can. She also stated that once they realized that they were using them indoors they confiscated them, however the damage had already been done and it triggered the fire alarm. Fire Department reported to the address to find a complete mess the gymnasium was covered in smoke and a black film was all over the gymnasium floor. Fire Department called the Police Department to inform them that the

address was overcrowded, and they would require back-up. Ms. Hodges informed the board that the only reason it was overcrowded was because the Rock Church was holding an event in the basement of the church on the same night. Ms. Hodges was asked why there was no security detail or why the Police and Fire departments were not called, and she did not have an answer. Commissioner Charnel told Ms. Hodges and Ms. Sousa that it is their responsibility to make sure patrons get in their vehicles and properly exit the establishment. Commissioner Siskind informed them that they have not been playing by the rules and they should make sure they always have all things in order. Ms. Sousa informed the board that Ms. Hodges is a crowd manager so they thought the situation was being handled. Commissioner Charnel asked her why they didn't cancel the event, and he added that it reflected poorly on the management and this can't happen again.

A motion was made by Commissioner Charnel to hear the two events. The motion was seconded by Commissioner Marrow and made unanimous by vote of the members present.

12. Hearing on requests for a Special Permit to Sell Wine and Malt Beverages from the Fruth Center for two events;
 - Juan Maposito for a Cultural Event to be held on April 26, 2019 from 7:00 p.m. to 1:00 a.m. at the Fruth Center- 891 Montello Street, Brockton, MA.
 - Janice Hodges for a Birthday Party to be held on May 11, 2019 from 7:00 p.m. to 1:00 a.m. at the Fruth Center- 891 Montello Street, Brockton, MA.

Present was Ms. Cynthia Hodges of 17 Stebbins Avenue, Brockton, MA and Nina Sousa-Executive Assistant to the Director of the Fruth Center-891 Montello Street, Brockton, MA

- **Juan Maposito for a Cultural Event to be held on April 26, 2019 from 7:00 p.m. to 1:00 a.m. at the Fruth Center- 891 Montello Street, Brockton, MA.**

The event is cultural in nature with singers and dancers from Ecuador. There will be an admission fee with an expected attendance of 250 people. Commissioner Charnel and Chairman Tartaglia informed Ms. Hodges and Ms. Sousa that the board would approve the event if they turned in the approvals from both Fire and Police.

A motion was made by Commissioner Charnel to approve the permit with the condition that they get approvals from the Fire and Police Departments. The motion was seconded by Commissioner Siskind and made unanimous by vote of the members present.

- **Janice Hodges for a Birthday Party to be held on May 11, 2019 from 7:00 p.m. to 1:00 a.m. at the Fruth Center- 891 Montello Street, Brockton, MA.**

Ms. Hodges informed the board that this was a birthday party that her family is having for her namely her daughter Janice Hodges. The birthday party has an attendance list of about 60-75 people, and they are only serving beer and wine. The board and Sergeant Dennehy did not feel they would require a Police detail due to the number of people that will be in attendance.

A motion was made by Commissioner Charnel to approve the permit. The motion was seconded by Commissioner Siskind and made unanimous by vote of the members present.

With no further business to come before the commission a motion was made by Commissioner Marrow to adjourn the meeting. The motion was seconded by Commissioner Charnel and made unanimous by vote of the members present.

Respectfully Submitted,

Henry Tartaglia, Chairman

APPROVED

Paul Merian, Commissioner

David Teixeira, Commissioner

Lawrence Siskind, Commissioner

Jeffrey Charnel, Commissioner

Eugene Marrow, Alt. Commissioner