

MINUTES
LICENSE COMMISSION MEETING
6:00 p.m.
Thursday, May, 16, 2019
Basement Level, City Hall, 45 School Street
Brockton, Massachusetts

TAPED

The License Commission held its regular monthly meeting on Thursday, May 16, 2019 in the Basement Level of City Hall. Present were Chairman Henry Tartaglia, Commissioners, Paul Merian, David Teixeira, Jeffrey Charnel and Eugene Marrow. Also present were Lt. Le Grice; and Administrative Assistant Silvia Carvalho.

1. Approval of the Minutes of the License Commission Meeting of April 19, 2019 and the Special Meetings of April 12, 2019 and April 25, 2019.

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

3. Hearing on a request from Southside Motors for a Transfer of a Class II Used Car Dealer's 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.

Chairman Tartaglia asked Mr. Nessen what he was looking for and Mr. Nessen stated to the board they were in front of the board last month and that he was asked to get the letter from Mr. Renaud notarized. This would relinquish him from the license at 491 Main Street where he was a previous tenant. Chairman Tartaglia asked Lt. Le Grice if he had been out to the location and if everything was all set. Lt. Le Grice stated that he did inspect the property and they are entitled to 21 spaces, 1 employee, 1 customer and 19 vehicles for sale. Commissioner Charnel asked that the letter be turned in and placed in the file.

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

4. 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.

Present was Mr. John Lynce and Lilly Baptiste of 91 Narrows Road, Assonet, MA.

Chairman Tartaglia asked Mr. Lynce and Ms. Baptiste if they were the owners of the old Chinese restaurant on the south side, in which they replied yes. He told both parties that it has been 8 months to a year since they were before the board and he has not seen any activity at the establishment. Chairman Tartaglia said the reason why he called them before the board is to find out if they plan on using the place. Mr. Lynce and Ms. Baptiste told the board that they do plan on using the establishment and that it has been a slow process and they are having great difficulty finding a contractor that is willing to take the job. The plans that they submitted show the renovations that are being made to the property. They have been getting estimates for the job and hope to find one soon. Commissioner Charnel asked them if they knew how long it would take to begin renovations and when would they be applying for permits. Ms. Baptiste stated that as soon as they hire a contractor. The contractor that they were intending to use took all their information and it has been 3 months since they heard from them. Commissioner Merian asked them if they had their financing in place. Ms. Baptiste and Mr. Lynce both replied yes, and they do have their finances in order. Commissioner Charnel stated that it is a lengthy process and it may take quite some time and once they have obtained a building permit to please drop off a copy to the License Commission. He also asked that they please keep the board informed of the progress.

Mr. Lynce and Ms. Baptiste were both excused.

5. Hearing on a request for a Special Event Permit from Stairway to Recovery for an Annual Cookout to be held on Saturday, June 8, 2019 from 10:30 a.m. to 3:00 p.m. at 142 Crescent Street, Brockton, MA.

Present was Mr. Andrew Babbitt of 142 Crescent Street, Brockton, MA.

Mr. Babbitt stated to the board that they are celebrating their 11th Anniversary cookout they have 2-3 grills and will be serving hot dogs and hamburgers. Chairman Tartaglia asked Lt. Le Grice if he had any questions and he replied no, the permit was approved by Captain Hallisey. Chairman Tartaglia asked Mr. Babbitt how many people he was expecting, in which he replied about 75. He also asked them if they were serving alcohol and Mr. Babbitt stated no alcohol, just hot dogs and hamburgers.

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

6. Hearing on a request for a Special Event Permit from Claudette Steele for a Witness Praise Walk to be held on June 1, 2019 from 10:00 a.m. to 12:00 noon from The House of Prayer Church- 848 Main Street to the Brockton Public Library-304 Main Street, Brockton, MA.

Present was Ms. Claudette Steele of 57 Clinton Avenue, Brockton, MA.

Ms. Steele stated to the board that the Witness Praise march is held annually they sing praises and hold a banner that says Jesus Saves. Chairman Tartaglia asked Lt. Le Grice if he had any questions, in which he replied that Captain Hallisey approved the permit and asked that they obey all traffic laws.

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

7. Hearing on a request from Morabeza Night Club to Sell All Alcoholic Beverages outdoors at 581 Main Street, Brockton, MA on the following dates;
 - **June 22, 2019, July 20, 2019, August 3, 2019, August 31, 2019**

Present was Mr. Florencio Lopes of 61 Hancock Street, Dorchester, MA.

Chairman Tartaglia and Commissioner Marrow asked Mr. Lopes what type of events he will be hosting outdoors. Mr. Lopes stated that his patrons asked to have some events outdoors during the summer months. Chairman Tartaglia asked Lt. Le Grice if they had any issues last year, in which he replied, no and he stated to the board that this is the third year that Mr. Lopes has hosted events outdoors for his patrons. Commissioner Charnel asked Mr. Lopes if he would be playing music outdoors as well. Mr. Lopes replied yes. Chairman Tartaglia asked Lt. Le Grice if he required any police detail, in which he replied no. They have held events outdoors in the past and they have never had any issues, so he does not require police detail. Chairman Tartaglia stated to Mr. Lopes that just as last year, he must keep everyone in the back of the establishment. There is to be no one in the front parking lot. Lt. Le Grice stated to Mr. Lopes that the events are to end at 10:00 p.m. Commissioner Charnel asked Mr. Lopes if patrons would be going from the events to the night club, Mr. Lopes replied yes.

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

8. Hearing on a request from the Polish White Eagles to Sell All Alcoholic Beverages from outdoors at 40 Emerson Avenue, Brockton, MA on June 22, 2019 from 1:00 p.m. to 5:00 p.m. for a Fundraiser for a Scholarship.

Present was Mr. Joseph Lazorko of 72 Lucy Lane, Brockton, MA.

They are holding a scholarship fundraiser and would like to have it outdoors. Chairman Tartaglia asked how many people they would be expecting, in which he replied 60-75 people. Chairman Tartaglia asked Lt. Le Grice if he had any issues with the request, in which he replied no, and they do not require a detail.

A motion was made By Commissioner Merian to approve the request. The motion was seconded by Commissioner Marrow and made unanimous by vote of the members present.

9. Hearing on a request from the Brockton License Commission to Reginald Guillaume dba BCF Auto Service and Sales on a Class II Used Car Dealer's license at 772 North Main Street, Brockton, MA.

Present was Mr. Phong Tat of 19 Pheasant Lane, North Easton, MA, Mr. Nadir G. Rocha of 15 Weld Street, Framingham, MA and Attorney Jim Burke of 48 N. Pearl Street, Brockton, MA.

Attorney Burke stated to the Board that he is representing Mr. Tat who is the owner of the property at 772 North Main Street where he was previously operating as Champion Auto, and subsequently entered into an arrangement with Mr. Guillaume. Mr. Guillaume in turn leased the property to Ms. Rocha without coming before the board for a transfer. The arrangement that Mr. Tat had with Mr. Guillaume was the reassignment of the license back to him, once the lease was over and subject to the approval of the License Commission. Attorney Burke stated to the board that from a business perspective, that just did not work out and Mr. Tat has an execution against Mr. Guillaume. He sold partial assets to the current tenants. Attorney Burke stated that at this time you have individuals operating without a license at the location. He also stated that his client has an execution against both parties and would ultimately like to see the license returned to him under Champion Auto. Commissioner Charnel stated that it seems as though they have an issue that must go to litigation, in which Chairman Tartaglia agreed. Commissioner Marrow asked Attorney Burke who has the license now. Attorney Burke stated Mr. Guillaume and he is no longer in the picture. Lt. Le Grice told the board that he does know that the location has been pad locked by the Sheriff's dept due to the execution. He has been up there several time and has not been able to get any answers. Lt. Le Grice stated to the board if Mr. Guillaume is gone the board should revoke his Class II license. The city should take the license back until the issues are litigated and the person who ends up in the building can come before the board and apply for a new license. Currently, they are operating without a repair license. He has no idea who is operating under the Class II license and it is a total mess. Le Grice told the board he does not know who is operating at the location, when he goes there someone is working and turning wrenches. All the parties involved can be fined \$360 dollars a day for renting to unlicensed people and for operating without a license. The place must be cleaned up and once that has happened and the litigation is complete, they can come back before the board for a license. Commissioner Charnel stated that they should be given a time table to get the place cleaned up and resolved. Lt. Le Grice asked both parties who owned the vehicles that are on the property. Ms. Rocha's associate stated that vehicles were there when they took over. Lt. Le Grice said they have had to tow cars off Herrod Ave that belong to them and this has gone on long enough. Lt. Le Grice asked the board to give them a month to clean up the place. Attorney Burke replied that a month is not enough time, because they can't just walk in there and suggested giving them 90 days. He told the current tenants they can't operate at the location or he will fine them and tow all the vehicles off the property. Lt LeGrice said he will go back to the property to inspect around June 30 to July 1st.

A motion was made by Commissioner Charnel to revoke the Class II Used Car Dealer's license from Mr. Reginald Guillaume and to give the current owner 90 days to clean up the property, and the current tenants must cease operating without a license. The motion was seconded by Commissioner Marrow and made unanimous by vote of the members present.

10. Hearing on a request to Sell All Alcoholic Beverages from the Ladies of Greek Orthodox Church for a Food Festival to be held from May 17-19, 2019, hours are Friday May 17, 2019 5:00 p.m. to 10:00 p.m., Saturday, May 18, 2019 11:00 a.m. to 10:00 p.m., and Sunday, MAY 19, 2019 from 12:00 p.m. to 6:00 p.m. at 457 Oak Street, Brockton.

Present was Mr. John Papadopoulos of 444 West Elm Street, Brockton, MA.

Chairman Tartaglia stated to the board that the event is held yearly, and they do a great job. He asked the members present if they had any questions regarding the request. All the members were satisfied and had no questions.

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

11. Hearing on a request for a Special Permit to Sell Wine and Malt Beverages from the Fruth Center/Robin Cherele to be held on May 18, 2019 from 8:00 p.m. to 1:00 a.m. at 891 Montello Street for a Graduation Party.

Present was Ms. Cynthia Hodges of 17 Stebbins Avenue, Brockton, MA, Ms. Nina Sousa of the Fruth Center 891 Montello Street, and Ms. Robin Cherele.

Ms. Sousa stated to the board that Ms. Robin Cherele is the first in her family to graduate from college and had booked the venue months in advance, and with such short notice is unable to find another location. Ms. Cherele stated to the board that her father enjoys drinking hennsey and would like to have a celebratory shot at her graduation. Lt. Le Grice informed the parties that there are laws they must abide by, and they are only allowed to serve beer and wine. Lt. Le Grice also mentioned that Deputy Chief Williams has spoken to the center regarding the hall and no hard liquor at the event. Ms. Sousa stated they expect approximately 150 people and will have a security company at the event. She assured the board that both her and Ms. Hodges will be at the event. Commissioner Charnel told Ms. Sousa and Ms. Hodges that it is their responsibility to make sure everyone leaves the property safely and no more spray cans.

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.

12. Hearing on a request from Buffalo-Brockton LLC, dba Residence Inn Brockton, Manager Rosines Torres makes application for a Change of LLC-Members, LLC Mangers and Change of Manager on a Wines and Malt Restaurant license at 124 Liberty Street, Brockton, MA.

Present was Mr. Gael K. Shungu of 124 Liberty Street, Brockton, MA.

Chairman Tartaglia asked Mr. Shungu if had experience working in the hotel business and Mr. Shungu stated that he has worked in the hotel hospitality business for the last 10 years. Commissioner Charnel mentioned to Mr. Shungu that he would have to be TIP Certified in order to comply with the sale of alcoholic beverages and Mr. Shungu agreed.

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

13. Hearing on a request from Liberty Acquisition Corporation dba Copeland Volkswagen of Brockton for a Class I Dealers license located at 122 Liberty Street, Brockton, MA.

Present was Ms. Laura Ciccio of 291 Miller Street, Middleboro, MA in attendance for Mr. Copeland and Councilor Dennis Eaniri of 201 West Chestnut Street.

Ms. Ciccio stated to the board that they were applying for a Class I license and they are purchasing the Paul Clark Volkswagen dealership. Commissioner Charnel asked Ms. Ciccio if this was the dealership

problem with the application. Lt. Le Grice asked the Commissioners to make note of the letter submitted by the Attorney stating that the license is contingent upon the sale of the property. Ms. Cicciu stated to the board that they did get word today that the sale has been scheduled for July 1, 2019. Commissioner Charnel asked Ms. Cicciu why the owner was not present for the meeting and Ms. Cicciu replied that he was unable to make it, therefore he sent her in his place. Councilor Eaniri asked to address the board in favor of the application. He stated to the board that he is happy to see the business stay in Brockton. He mentioned that he spoke to Mr. Todd Copeland and he told him the same thing Ms. Cicciu told the board. They would be closing on the sale of the property on July 1, 2019.

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

14. Hearing on a request from Cappo Management LII, LLC dba Ocean Honda of Brockton for a Class I Dealers license and a Common Victualer license located at 300 Manley Street, Brockton, MA.

Present was Mr. Travis Zollner of 3139 Ramsey Lane, Auburn Hills MI 48188

Commissioner Charnel asked Mr. Zollner where the dealership was located. Lt. Le Grice stated to the Commissioner that it is located at 300 Manley Street the McGovern dealership. Councilor Eaniri also mentioned that it was the old Bernardi dealership. Lt. LeGrice asked Mr. Zollner if this was a purchase of just the Honda location and he replied yes. Mr. McGovern is keeping the Hyundai dealership. Lt. Le Grice stated to the board that he has been out to the location and he has no problems with the application. Commissioner Charnel stated to Mr. Zollner that he is here from quite a distance away and asked if they have a large portfolio of dealerships. Mr. Zollner replied yes, it is their 42nd store and their 22nd Honda dealership and second store in Massachusetts. The dealership is owned and managed by Ocean Honda. Commissioner Charnel asked Mr. Zollner what his capacity was within the organization and he replied that he is in house council and works for the management company Victory Automotive Group. Commissioner Charnel also asked if he had power of attorney to act on their behalf. Mr. Zollner replied yes. Councilor Eaniri asked to address the board and Mr. Zollner. He asked Mr. Zollner what the intentions were with the parcel of land. Mr. Zollner replied that they will be purchasing the property and the parcel of land which the Honda dealership is located. Councilor Eaniri mentioned that there were rumors circulating about what could be placed there as well and that property had been purchased in Mansfield. Mr. Zollner stated that he has heard something, however that is separate from there transaction with Mr. McGovern. Commissioner Charnel asked Mr. Zollner if they intended on keeping the employees. Mr. Zollner replied that as a general rule they do try and keep the employees. In some case it is not a good fit and have to make decisions on a case by case basis. Councilor Eaniri stated to Mr. Zollner that the dealership was in their last year of the TIF Agreement with the city and next year they would be back to full taxes. Mr. Zollner mentioned that he was also applying for a Common Victualer license for the diner located in the dealership. They are looking to keep the same hours and there will be no changes.

A motion was made by Commissioner Charnel to approve the Class I Dealer's license. The motion was seconded by Commissioner Merian and made unanimous by vote of the member present.

A motion was made by Commissioner Charnel to approve the Common Victualer license. The motion was seconded by Commissioner Merian and made unanimous by vote of the members present.

Attorney Khoury asked to address the board relative to a Transfer of a Class II license at 706 Montello Street. He stated to the board that in October of 2018 he and his client applied for a Transfer of license at 706 Montello Street. His clients were approached by a gentleman who asked to lease the property and the license. He mentioned that they heard that he has transferred the license to another location without their knowledge. Attorney Khoury mentioned to the board that the transfer of the license was subject to the lease and he has not paid rent. The Chairman and the Commissioners told Mr. Khoury to put in a formal request to be heard.

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 Marrow 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