

MINUTES  
**LICENSE COMMISSION MEETING**  
**6:00 p.m.**  
**Thursday, March 18, 2021**  
**Virtual ZOOM Meeting**  
**Brockton, Massachusetts**

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The License Commission held its regular monthly meeting on Thursday, March 18, 2021 VIA ZOOM. Present were Chairman Henry Tartaglia, Commissioners Jeffrey Charnel, Eugene Marrow and Paul Studenski. Also present were License Agent Paul Bonanca, Deputy Chief Edward Williams, and Executive Assistant Silvia Carvalho.

1. Approval of the Minutes of the License Commission Meeting of February 4, 2021.

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

2. Approval of the following police officers as license agents for the month of March 2021: Lieuts. Paul Bonanca and David Farrell; Sgts. George Khoury and Christopher McDermott; Dets. Patrick Donahue, Erin Cummings, Jackie Congdon, Eric Clark, Santiago Cirino, Thomas Hyland, Michael Bunker, Nazaire Paul, James Cronshaw and Timothy Stanton.

A motion was made by Commissioner Charnel to approve the license agents as listed for the month of March 2021. The motion was seconded by Commissioner Studenski and made unanimous by vote of the members present.

3. Hearing on a request from Bertucci's Restaurants, LLC dba Bertucci's for a Change of Manager on an All Alcoholic Beverages Restaurant license located at 1285 Belmont Street, Brockton, MA.

Present was Mr. Robert Mahoney of 30 Meadowbrook Road, Raynham, MA.

Mr. Mahoney stated to the board that he is the new General Manager for the Bertucci's located in Brockton. Chairman Tartaglia asked Mr. Mahoney how long he has worked there? and he replied 5 ½ months and has been an employee for 10 years.

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

**4-0**

4. Hearing on a request from Montello Auto for a Class II Used Car Dealers license located at 706 Montello Street, Brockton, MA.

Present was Attorney Michael Magerer of 109 Highland Avenue, Needham, MA and Sonia Elnar of 53 County Street, Dover, MA.

Chairman Tartaglia asked Mrs. Elnar if she was the one applying for the license? and her Attorney replied that she is the corporate officer. Chairman Tartaglia asked Lt. Bonanca if everything was in order? because from his viewpoint there were numerous corrections that needed to be made to the property. He asked the Lt. if they had submitted a proper plot plan? He replied that he has not seen a resubmitted plot plan. Attorney Magerer informed the board that he did submit another plot plan and may have sent it to City Solicitor Bridges by accident and offered to share his screen with the board. The Chairman asked Lt. Bonanca if they were ready for a Used Car Dealer license? Lt. Bonanca stated that he had done an initial inspection and submitted it to Silvia, and she did tell him that they had some updates. The problem was that he did not have a plot plan, so even if he did share the screen with the board, there would have to be measurements done with regards to the amount of spaces they requested.

He would need to see the actual written plan. When he did the reinspection, although they had placed an ADA Handicapped placard, there were junk cars still on the property. It is difficult to determine what they are requesting without a proper parking plan. He knows that the location has tenants, and he does not know what provisions for parking were made with the tenants. It is something that a parking plan would provide. He is unsure of how many spaces they need for sale, customers, and employees. With a parking plan in hand, he can measure the number of spaces, to make sure that what they want for sale is exactly what is on the parking plan that was submitted. The parking spaces were faded and not striped, he believes he submitted photographs to the board of the same dilapidated vehicles on the property.

The only change they made was the ADA Placard and they removed the limousine, he is unsure whether they have a limo service at this location, but that would have taken two of the spaces. He informed the board that he does not think they are ready yet, he needs the plan in hand. Chairman Tartaglia informed them that he does not want to take this up tonight because like Lt. Bonanca stated we need a proper plot plan. Lt. Bonanca must go back out there and make sure this is a proper place to put a Class II Car Dealer. If there are cars there that they were told to remove and have not done that in the first place, this must be postponed for another month, until they have everything in order.

Attorney Magerer asked to reply to Lt. Bonanca's concern with regards to the plan. He stated that the only thing he was aware of was the handicapped sign. He was not aware of the junk cars, and he was not asked to resubmit another plot plan and perhaps Lt. Bonanca spoke to his clients. He did have his clients obtain a plot plan with parking for 30 vehicles, which is why he wanted to share his screen with the board in hopes of getting provisional approval. Chairman Tartaglia informed them that the board is unable to do anything without the parking plan and they would have to come back. There are too many violations, and they cannot approve the request provisionally. If they had 1 or 2 violations, maybe but there are too many violations to do so.

Attorney Magerer informed the board that he will take care of the violations now that he is aware of them. He asked to give a quick background of his clients, case to the board and informed them that his clients did operate a used car dealership until December of 2018, at which time they arranged with another individual to lease the property and to transfer the license. His clients did run a successful used car dealership on that property. He is applying for a new license at the suggestion of City Solicitor



Bridges, who thought it would be easier than trying to obtain the old license, which was improperly and illegally transferred. He will take care of getting the things that are needed and asked Silvia to send him the list of outstanding items, so he knows what the board is looking for. He assured the board that he will be prepared for the next meeting. Chairman Tartaglia asked Silvia to send him the information he requested, and Silvia stated that she will send him the inspection report from Lt. Bonanca.

A motion was made by Commissioner Marrow to continue the matter until they have met all the conditions set forth by Lt. Bonanca. The motion was seconded by Commissioner Charnel and made unanimous by vote of the members present.

**4-0**

5. Hearing on a request from PHO TOWN, VI for a Common Victualer license located at 27 Westgate Drive, Brockton, MA.

Present was Mr. Duc Chau of 75 Central Avenue, Hull, MA.

Mr. Chau was asked how many seats he was requesting? and he replied 56 seats. He informed the board that the restaurant was formerly owned and operated by Moe's Southwest Grill. Lt. Bonanca stated that he had no issues with the interior or exterior of the premises. Mr. Chau was asked if he had all the signoffs from the different city departments? and he replied no, and he was informed that all the inspections need to be in. Commissioner Charnel stated to Mr. Chau that the application says 14-56 seats and wanted to know what the total capacity of the building was, and Mr. Chau replied 56. He also asked Mr. Chau if they were open 7 days a week and if in fact there would be no alcohol sales? He replied no and informed the board that he and his partners have been in the restaurant industry for 6 years and he has worked at 3-4 restaurants. Commissioner asked Mr. Chau if he will be on site and he replied yes.

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

**4-0**

6. Hearing on a request from Texas Roadhouse Holdings, LLC for a Change of Officers/Directors/LLC Managers on an All Alcoholic Beverages Restaurant license located at 124 Westgate Drive, Brockton, MA.

Present was Attorney Andrew Upton of 112 Water Street, Boston, MA.

Attorney Upton informed the board that the request is for a Change of the President of the top level of the corporation in Louisville, Kentucky. It will affect the change of officers in that area. There will be no changes to any aspect of the business whatsoever in Brockton, or any Texas Roadhouse's in Massachusetts. Commissioner Charnel asked Attorney Upton if this was a formality thing, due to a change of stock? He replied, no it is simply an appointment of a new officer.

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

**4-0**

7. Hearing on a request from Naanaa Realty Trust, LLC dba Champion Auto to transfer to a new Corporation and DBA; Champion Auto Center, Inc. dba Green Auto Plus, located at 1724 Main Street, Brockton, MA.

Present was Attorney Jake Creedon of 71 Legion Parkway, Brockton, MA, and Chan Whiting

Attorney Creedon stated that his client is simply looking to change the name of the business to Champion Auto Center, Inc. dba Green Auto Plus. For those of you who have gone by the place you will notice that it has been painted green. This is just a housekeeping thing, because as the board knows they have an MVR license, auto repair and a state inspection station. Lt. Bonanca has been great and went down to do a repeat inspection to make sure that the place was cleaned up, for tonight's meeting. Attorney Creedon asked the board to approve their request to have the name changed to Champion Auto Center, Inc. dba Green Auto Plus.

Chairman Tartaglia asked Lt. Bonanca to inform the board on his findings. Lt. Bonanca informed the board that he did go down for an inspection and he was disappointed with what he saw, but they did clean up the lot, and replaced the handicapped sign. He is sure the board could see from the photographs he submitted that it was very disappointing what he saw, and if it had not been for the inspection, he would have written them up for a violation. He did go out again for a reinspection in the same month and they also had replaced the handicapped sign, so at this time he will be keeping an eye out on the business. He stated that considering that the place was previously owned by Champion, they never had any issues with them. However, as the Attorney stated the issues have been rectified and everything is in order.

Chairman Tartaglia asked if any of the Commissioners had any questions and Commissioner Charnel stated that he wanted to speak regarding the pictures he saw. The place was in horrible condition for someone who was going before a commission. Folks must know that the board is not just approving things, without having inspectional services go out. People do go out and check these things. The pictures were poor, and he would not approve a change of anything. He informed them that people who run establishments must know that if we go by and see the place in disrepair again they will have the proper people go out and inspect and to find out why it got to that place again. Attorney Creedon agreed with both Lt. Bonanca and Commissioner Charnel that the place was in bad shape.

Attorney Creedon stated that the place is under new ownership and for the past 20 plus years it was owned by Bob Horgan. All the new stuff required for their autobody and other stuff required some significant and expensive work on this 4.3 acres of land. They have since been approved and the general manager Chan Whiting who is on this call tonight will be on top of it himself. He is the one in charge of cleaning it up. He agrees with Lt. Bonanca and they should stay on to of it. It is a gateway to the city entrance and has been there for years. He thinks that when the signs arrive from Sign Design that have been on hold for several months, and they go up it will look much better down there.

Councilor Nicastro asked to speak, she stated that the company changed hands about a year ago and Mr. Naanaa has invested a bit of money into the property, and she knows he was trying hard. She was surprised to see a Seeclix Fix complaint about the condition of the property. She asked Deputy Captain Williams to have a look at it. She is glad to hear that Lt. Bonanca is going to keep an eye on it, because that will make all the difference in the world. Let us give him chance, but on a short leash.



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

**4-0**

8. Hearing on a request from Teffy's Restaurant for a Common Victualer license located at 74 West Elm Street, Brockton, MA.

Present was Estefhany Sanabria of 374 Hovendon Avenue, Brockton, MA.

The location has changed hands a couple of times in recent years and Ms. Sanabria is looking to start a new business serving Mexican and Salvadorian foods. Lt. Bonanca had no issues with the premises and stated the restaurant has on-street parking only. Ms. Sanabria was asked about her experience in the restaurant business, and she stated that she has worked for a Spanish restaurant over the last 10 years. They are requesting 24 seats and a total of 6 tables.

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

**4-0**

9. Hearing on a request from Thorney Lea Golf Club, Inc. for a Change of Manager on an All Alcoholic Beverages Club license located at 159 Torrey Street, Brockton, MA.

Present was Mr. Richard Campbell of 15 Cross Street, South Easton, MA.

Commissioner Charnel asked Mr. Campbell how many years of experience he has in the business? Mr. Campbell replied that most recently he was the General Manager of the Walpole Country Club, which is like Thorney Lea. Prior to that he spent many years as the General Manager of Harmon Golf Club in Randolph. Commissioner Charnel also asked him how many years of combined experience he has? And he replied, 20 years in total.

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

**4-0**

10. Hearing on a request from B.A.R. Automotive dba Pires Brothers Auto, Inc., for a Transfer of a Class II Used Car Dealers license located at 693 North Montello Street, Brockton, MA.

Present was Mr. Manny Pires of 192 Braemoor Road, Brockton, MA.

Mr. Pires stated to the board that he was the co-owner and manager of Pires Brother's Auto, Inc. They recently purchased the location, and they want to transfer the license from Allen. Commissioner Charnel asked him where the transferring party was? He stated that they have a transfer letter from the previous owner, and he did come to the License Commission with him. Silvia acknowledged that he did come in initially. Commissioner Charnel stated that he had not received the application. Chairman Tartaglia asked Mr. Pires if he had the letter with him and if he could share it with the board? Mr. Pires stated that he would email the information to Silvia right away.

Commissioner Charnel asked Silvia when she sent out the application? She stated that the applicants came in last minute, so she had to change the agenda and sent out the application via email. Chairman Tartaglia stated that Mr. Pires has the letter with him, but Commissioner Charnel did not want to decide without seeing the actual letter. Chairman Tartaglia asked Lt. Bonanca if he knew anything about this? Lt. Bonanca stated that he inspected the location on the 15<sup>th</sup>, which was three days ago and if it makes the Commission conclude a little easier, there is some work that must be done. He knows they submitted a parking plan after he requested it. He is not sure if the parking plan is entirely up to specification, meaning the spaces. If they accurately measured the spaces, they may be overselling their plan with regards to how many spaces are for sale.

He has not reinspected, so they have junk car to remove, they have not striped the lot. They just submitted a parking plan that is not up to par, and there is no handicapped sign. If that makes the commission feel better, barring, and other circumstances perhaps a delay until they reinspect and look at their parking plan with accord to measurements. He suggested a delay of a month. Deputy Captain Williams asked to address the board. He stated that he has not had a chance to confer with Lt. Bonanca yet, but he went out this afternoon at 3:00 p.m. and he measured the property, and what they are giving does not meet the requirements. There must be dimensions on it.

In the front where they are showing 10 cars at 9 feet wide, they can only fit approximately 7 cars in there, and not the 10 cars that they put on the specs. Also, in the back where they show a row of 7, 6 and 6, they only leave about 12 feet in between those three rows which is hard to navigate when you are backing up. Usually in a regular parking lot the gap between the spaces are 20-24 feet wide. He is not sure the measurements work out for what needs to be done. Some of the areas that they are showing as parking is just dirt, and he believes there is a D.P.W. rule that states it must be on black top or macadam. The back lot is covered in leaves and pine brush that needs to be cleaned.

They have an exit door in the back that is in the middle of a parking spot and they cannot block that door because people must be able to get out in case of an emergency to make it out to the street. The other side where it says 4 cars in the front, is only 31 feet wide so they can only fit 3 cars there. They need to give us a more scaled plan on what is there. He is fearful because Mr. Pires operates another business on Meadowbrook Road, the old Sergeant's supply and they constantly have problems with cars down there. They overcrowd the lot and park on the sidewalks. They have moved cars into the old back part of Sargent's supply. So, he wants to make sure that once the license is issued that they have all things in order.

Additionally, they have not transferred the MVR license and they have been cited for that last week. He believes they are in the process of doing that now. So, there are many pieces that need to come together on this piece of property. The current license that they want to transfer was for 25 cars for sale and he does not believe there is enough room for that. They must specify how many cars they want to sell. Commissioner Studenski asked Mr. Pires why all three officers put down the business address instead of their residential addresses? He informed him that the board need that information and that must be corrected with Silvia.

He also asked Mr. Pires if he will continue operating out of Meadowbrook road? He replied yes, they will and acknowledged that they are overcrowded there, and they are looking to transfer the auto repair at that shop as well. He did the design himself using the GIS map and will go there himself and measure out the spaces. He plans to have 10 spaces for sale in the front with all the other spaces for customers or



overflow of parking. He will take the recommendations of the board and make all the necessary changes and keep the property clean. He was a civil engineer and worked for state. He was in Connecticut when they were having issues at the shop. His brother is an electrical engineer and will run the shop himself.

Commissioner Studenski told Mr. Pires to work with Lt. Bonanca and Deputy Captain Williams. They are the ones that can help you. He understands that they are busy and are great mechanics, so the board is not here to hurt you, but things must be done right. Commissioner Charnel stated that because of the issues from the other location, there should be stipulations, so we do not have the same issues at this location. He also needs the information from the previous owner, allowing him to purchase and operate with his license. Chairman Tartaglia told him to straighten things out with Lt. Bonanca and Deputy Captain Williams, and when they have approved, we will place you on the agenda.

Mr. Pires informed the board that the broken cars on the lot are salvage cars that they purchase at auction and repair with their autobody license. Commissioner Charnel informed Mr. Pires that there is a tasteful way of storing vehicles. When they go out to inspect, they are not looking to pin you. They are finding what is there. Perhaps you can screen in the vehicles. Having broken down cars on the property makes it look like a mess. Many other shops have salvage cars with no issues. Mr. Pires stated he is in the process of making it better and bringing it up to standard.

A motion was made by Commissioner Charnel to continue until they have had proper inspections by Lt. Bonanca and Deputy Captain Williams. The motion was seconded by Commissioner Marrow and made unanimous by vote of the members present.

**4-0**

11. Mr. Fuhs of Fuhs, Enterprises, Inc. dba Dylan's Bar & Grill submitted a request to remain open past 11:00 p.m. to accommodate a pool club on Monday nights. He stated in his email that on some evenings the tournaments run past 11:00 p.m. and did not want any problems with the board.

The board members asked Lt. Bonanca if he has had any issues with the establishment in the past few months? He stated that he has not had any issues due to Covid-19 restrictions and could not gauge, whether he would have had issues if that were different.

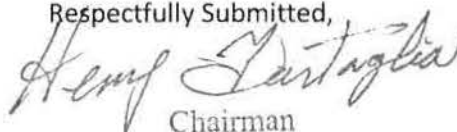
A motion was made by Commissioner Charnel to deny his request. The motion was seconded by Commissioner Studenski and made unanimous by vote of the members present.

**0-4**

A motion was made by Commissioner Marrow to adjourn the meeting. The motion was seconded by Commissioner Studenski and made unanimous by vote of the members present.

**4-0**

Respectfully Submitted,

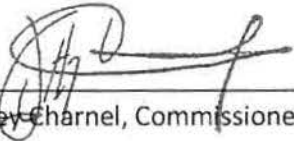
A handwritten signature in cursive script, reading "Henry Tartaglia".

Chairman

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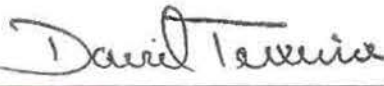
Henry Tartaglia, Chairman

APPROVED



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Jeffrey Charnel, Commissioner



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David Teixeira, Commissioner



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Eugene Marrow, Commissioner



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Paul Studenski, Commissioner