

MINUTES
LICENSE COMMISSION MEETING
6:00 p.m.
Thursday, June 18, 2020
Virtual ZOOM Meeting
Brockton, Massachusetts

The License Commission held its regular monthly meeting on Thursday, June 18, 2020 via ZOOM. Present were Chairman Henry Tartaglia, Commissioners Jeffrey Charnel, David Teixeira, Paul Merian and Eugene Marrow. Also present were License Agent Paul Bonanca, and Executive Assistant Silvia Carvalho.

1. Approval of the Minutes of the License Commission Meeting of February 20, 2020.

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 June 2020: 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 Merian to approve the license agents as listed for the month of June 2020. The motion was seconded by Commissioner Charnel and made unanimous by vote of the members present.

3. Hearing on a request from Puja Convenience, Inc. for a Wine and Malt Package Store license located at 660 Pleasant Street, Brockton, MA.

Present was Mr. Jenish Patel of 660 Pleasant Street, Brockton, MA.

Mr. Patel informed the board that he has been a manager in the retail business for 2 decades and is TIP Certified and is currently residing in East Bridgewater. His store Premier Farms is open 24 Hours a day and they hold a late-night business permit. Mr. Patel informed the board that his customers have asked them to offer beer and wine, so they can make it a one stop shop, enabling them to pick-up everything they need. They sell items such as milk, soda, and gas. The manager on record has been part of the retail alcohol business for 2 decades and lives in Bridgewater, he will be working 30-40 hours a week. He is TIP Certified, and all the employees will be as well.

The gas station is currently open 24hrs a day, but from 11:00 p.m. to 5:00 a.m. only the drive-up window is open. The hours that alcohol can be legally purchased will be 8:00 a.m. to 11:00 p.m., Monday to Saturday and 10:00 a.m. to 11:00 p.m., Sunday. Mr. Patel informed the board that he will be using a state-of-the-art ID verification system by ID Science Solutions, instead of scanning the bar code, which 90% of the verification systems do, it scans the front and back and runs a security check, which can not be detected by the naked eye. It accepts ID's from all 50 states. However, they will only accept ID's from

Massachusetts. His family has owned the gas station for 8 years and owns 2 other businesses in the city. Lt. Bonanca asked Mr. Patel about his video surveillance both indoors and outdoors? Mr. Patel replied that they do have a surveillance system and it is in great working order. The police department asked them to face some of the cameras towards the street and they have done so. Chairman Tartaglia has been to the area and it is clean, and he never sees any kids in the neighborhood. Commissioner Charnel stated that he agrees with the Chairman it is a convenience factor for people in the area. He does not believe it will bring any riff raff to the area, there is a business right around the corner Athena's and they sell beer and wine, and they are in a neighborhood setting as well. This is a competitive advantage for these local businesses, and from what we have seen during the pandemic, we must give these small businesses an advantage. He also stated that he would like the hours to match the ABCC standards and follow all the rules and regulations of the Commonwealth.

We had members of our community speak against this agenda item in error. They were on the call, in opposition to Rusty Lantern and I have omitted their comments from this agenda item.

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

5-0

4. Hearing on a request from Garcea Food & Beverages, Inc. for a Seasonal Permit to Sell Wine and Malt Beverages and a Common Victualer license to be used at D.W. Field Golf 331 Oak Street, Brockton, MA.

Present was Mr. Marc Garcea of 482 West Elm Street, Brockton, MA.

Mr. Garcea informed the board that this is his third year running the shack at the golf course and there will be no changes to the operation. They sell sandwiches, snacks and beer and wine to the patrons. Lt. Bonanca had no issues with the location and everything was in order and they have taken all the precautions necessary. Commissioner Charnel stated that he had no objection and would make a favorable recommendation.

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

5-0

5. Hearing on a request from Angel Hinostroza dba Brockton Roast Chicken for a Common Victualer license located at 235 North Main Street, Brockton, MA.

Present was Angel Hinostroza of 52 Portland Street, Brockton, MA.

Mr. Hinostroza has been awaiting a license to operate the location for a couple of years and is requesting a license for tables and chairs for 23 seats. Lt. Bonanca inspected the property and informed the board that Mr. Hinostroza had to clean up the debris and the property had to be raked and clearly marked, with the condition that he passes all the sign offs.

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

5-0

6. Hearing on a request from Veronica Fernandes for a Common Victualer license located at 74 West Elm Street, Brockton, MA.

Present was Mr. Wilson Fernandes of 110 Bellevue Avenue, Brockton, MA.

Mr. Fernandes will be co-owner with his sister Veronica Fernandes who has worked at the Panorama in the past and it did not work out. Mr. Fernandes mentioned to the board that he was proud of his sister and that the family got together to help her out on this endeavor. The board explained to Mr. Fernandes that they understood how difficult it must be to try and open a restaurant during the pandemic and praised them for their efforts. They are looking for 6 tables and 24 seats and have no plans on providing outdoor dining during the pandemic.

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

5-0

7. Hearing on a request from Armando and Arlinda Vieira dba Live Well Nutrition, LLC for a Common Victualer license located at 587 Centre Street, Unit 3, Brockton, MA.

Present was Mr. Armando Vieira of 28 Richmond Street, Brockton, MA.

Mr. Vieira will be occupying the same plaza as the Bargain Outlet and is still in the process of going through the Building department and assured the board that the location has plenty of parking. The board asked Mr. Vieira if he had handicapped parking spaces available. He is requesting 49 seats with tables and seating at the bar. They partner with Herbal Life and will be providing nutrition guidance with a wholesale component and coaching sessions.

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

5-0

8. Hearing on a request from Rusty Lantern, LLC for a Common Victualer and a Late-Night Business license located at 683 Pleasant Street, Brockton, MA.

Present was Carmen Santillanes of 2 Main Street, Topsham, ME and John Koch of 2 Main Street, Topsham, ME.

The location is brand new and is independently owned and operated, they have a supply agreement with Irving's to provide their fuel. They have a network of 16 stores, 4 in Massachusetts and out of the 16 stores 11 are 24hr locations. The Brockton location is brand new, which serves the highway travelers and a densely populated neighborhood. They are applying for a 24hr license for a few reasons, one being that they provide critical services and products during those hours of the night, and it makes up 15-20% of their business. They offer diesel and gasoline fuel, air for tires, hot foods not just prepackaged foods, such as pizza, sandwiches, salads, coffee, and beverages. The store carries last minute fill in products, like diapers, pet food, baby food, and over the counter medications.

During the winter months the store serves as a gathering spot for snowplow crews, and other members that service the community during winter storms. They have strong relationships with the local police officers, and 3rd shift employees in the cities and towns and with COVID-19, they have been deemed an essential business. Mr. Koch informed the board that the 24hr license is critical to their business and several of their competitors have 24hr licenses, including the one right across from them, and it would be a competitive disadvantage. Staying open during those hours helps with their operations, they do maintenance, cleaning, stockpiling and food prep work. Mr. Koch does not feel that they will pose any disruption to the area, and they have no direct abutters. The store lighting is state of the art, LED lights and will not leak into off site areas, and they do not play music outdoors. The store is very safe, with many windows, which provide high visibility, and the store is equipped with a full set of cameras for security purposes and a drop box safe.

Mr. Koch believes that not offering beer and wine may help with the safety of the store, he thanked the board for their consideration of their applications. Chairman Tartaglia thanked Mr. Koch for his presentation and asked Lt. Bonanca about his inspection of the property. Lt. Bonanca asked Mr. Koch if he will have a drive-up window, where people can purchase items after hours and Mr. Koch replied no, they would walk-in and walk-out. Lt. Bonanca told Mr. Koch that the parking lot is still under construction and he does not have an idea of how it will be set up. Mr. Koch stated that they have 2 handicapped spots, right in front of the door, the opening is a condition of paving, and parking per the plan. Commissioner Charnel asked Mr. Koch if he would be open 24hrs during the holidays? Mr. Koch stated that they are open 365 days a year, the exception being Christmas eve, they close and reopen on Christmas morning. They try to be reliable to the public.

Commissioner Charnel asked Mr. Koch what their policy is regarding loitering? Because the city has had many issues with other gas stations. Mr. Koch stated that they have a no loitering policy and generally have a good working relationship with the local police departments and would work with them to mitigate any problems. Commissioner Charnel asked Mr. Koch how many people would be on staff during the overnight hours? Mr. Koch stated that they normally have 1 staff member on overnight and would consider having 2 with the size of the facility and can manage it internally through policies. Lt. Bonanca asked Mr. Koch if he would consider having a police detail, should issues arise? Mr. Koch stated that he is not opposed to the suggestion and is willing to work with the city. Chairman Tartaglia suggested Mr. Koch have a police detail for the first week, just in case, to see what it is like. Lt. Bonanca agreed with the Chairman that it would be best for them to do so.

Ms. Brandi Short a neighbor asked to address the board in opposition to the applications. Ms. Short feels that the new store is a safety concern, having 1-2 people on staff overnight is not sufficient, and opens it up to criminal activity. If one employee needs to be relieved at the counter, that is an unsafe situation. Mr. Koch informed Ms. Short that he understands her concerns with the overnight hours and reiterated that the store has LED lighting and that tends to deter and keep that element away, and they certainly do not want to be on camera. Mr. Koch also stated that by not offering beer and wine that may help keep that element away from the store. He also informed Ms. Short that the store does have a panic button should an emergency arise. Chairman Tartaglia informed Ms. Short that this is not the only 24hr store in the city, we have a Cumberland Farms and many others.

Brandon asked to address the board in opposition to the applications. He informed the board that he lives in the neighborhood and feels that having a 24hr store across the street is dangerous. He noted

that they already have a 24hr gas station in the area, as well as a DeAngelo's, Walgreens and a mall. He mentioned that you can see the illuminating light across the street and that will attract people. It will be great for the business, but not for the neighborhood. Keith a neighbor as well, spoke in opposition to the applications. He is against the 24hr component of the application and worries about the traffic in the area. He stated that the intersection is already the most dangerous intersection in Massachusetts, and he agrees with the other neighbors that overnight hours are not good for the neighborhood. Mr. Koch stated that he understands their concerns and wanted to assure them that they are working on the road construction, which will help with traffic. He also reiterated the point that the lighting will help detract certain elements.

Chairman Tartaglia asked Lt. Bonanca if he has had issues with 24hr licenses in the past? Lt. Bonanca replied that yes, they do have 24hr businesses in the city and does not recommend issuing these licenses. The crime rate in dramatically reduced in cities and towns that do not open late or 24hrs. However, if it must be, the businesses must be monitored and if issues arise a detail must be hired. Chairman Tartaglia stated that he is in favor of the applications and if there are any problems, they can get a detail and the police can inform the board of any problems. Chairman Tartaglia asked Mr. Koch to please have police detail present for the first week and Mr. Koch agreed. Commissioner Charnel stated that he is not in favor of the applications, because they will only have 1 person on during the overnight hours and that is not safe. He also stated that he would be in favor of a 6:00 a.m. to 12:00 a.m., but he can not approve the 24hr license.

Mr. Koch added that those hours would be very prohibitive, and the overnight hours are busy for their stores. Commissioner Marrow informed Mr. Koch that at least in the beginning he should have 2 people on overnight and then they can make a better assessment after 2-3 months and adjust accordingly. Chairman Tartaglia echoed the same and agrees that they should have 2 people on overnight and a police detail for the first week of business. Brandi stated that they should consider having three people on staff during the overnight hours for safety reasons. Ms. Santillanes asked to address the board and stated that she has worked her way through the company, and they are fair and treat their employees well. She has worked the 3rd shift herself and feels they will be welcoming to the neighborhood.

Commissioner Teixeira stated that he is in favor of the application and he would like the applicant to be given an opportunity, just like the other businesses. They are requesting a 24hr license and they should be given a chance and if there are any problems down the road, we can revisit it. Chairman Tartaglia added that the Mayor is also in favor of their applications. Commissioner Charnel stated that he is unable to vote in favor of the applications because of the Common Victualer license, which allows seating and loitering and that is a concern for him.

A motion was made by Commissioner Marrow to approve the applications with the restrictions that they have 2 people on staff overnight and a police detail for the first week they open to the public. The motion was seconded by Commissioner Teixeira and made unanimous by vote of the members present, with Commissioner Charnel voting in opposition.

4-1

9. Hearing on a request from Asack's Place for a Common Victualer license located at 571-573 North Main Street, Brockton, MA.

Present was Mr. Peter Asack of 571 North Main Street, Brockton, MA.

Mr. Asack is requesting a license for a Common Victualer license so that he may open his business. He will sell hot dogs and appetizers with the alcohol. Lt. Bonanca informed the board that Mr. Asack should submit a parking plan, the lot as it is in its present state is gravel and would need to be paved and lined with at least 1 handicapped parking space available to the patrons. Once they have completed the parking lot, Lt. Bonanca will re-inspect the property prior to the issuance of the license.

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

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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.

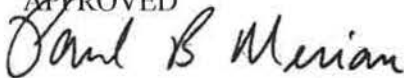
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Respectfully Submitted,

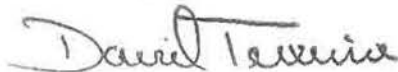

Chairman

Henry Tartaglia, Chairman

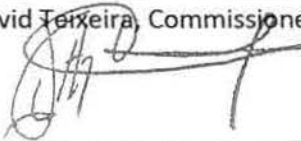
APPROVED



Paul Merian, Commissioner



David Teixeira, Commissioner



Jeffrey Charnel, Commissioner



Eugene Marrow, Commissioner