

## MINUTES

### LICENSE COMMISSION MEETING

6:00 P.M.

Thursday, July 29, 2021

G.A.R. Room, City Hall, 45 School Street

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The License Commission held its regular monthly meeting on Thursday, July 29, 2021. Present were Chairman Henry Tartaglia, Commissioners John McGarry, Paul Studenski, and David Teixeira. Also present were License Agent Paul Bonanca, and standing in for Executive Assistant Silvia Carvalho is Administrative Assistant from the Law Department Synthia Olivier.

1. Review and accept Minutes of the Regular License Commission meeting of June 15, 2021.

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

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

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

3. Hearing on a request from Yelapa Mexican Grill for a Common Victualer license located at 1284 South Main Street, Brockton, MA.

Present was owner, Jeanette Melgar and her husband of Brockton, MA. They are looking for a license to open up a small Mexican Restaurant with about 20 seats from Monday to Sunday from 11:00 a.m. to 10:00 p.m. They are currently open now with no seating. Lt. Bonanca states they will need proper signage. The husband states the signage will happen tomorrow afternoon. They also need approval from the Board of Health and Fire Department.

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

**4-0**

4. Hearing on a request from Lynce Towers, Inc. dba Le Pyramide Restaurant for an All Alcoholic Beverage Restaurant license located at 1040-1042 Main Street, Brockton, MA.

No one was present at this time for representation.

A motion was made by Commissioner McGarry to postpone till to the end. The motion was seconded by Commissioner Studenski and made unanimous by vote of the members present.

**4-0**

5. Request for Special One-Day Permits:

1. Hearing on a request from Annunciation Greek Orthodox Church for a Special license to Sell Wine and Malt Beverage with entertainment to be held at 457 Oak Street, Brockton on the following dates;
  - September 16, 2021 from 11:00 a.m. to 10:00 p.m.**
  - September 17, 2021 from 11:00 a.m. to 1:00 a.m.**
  - September 18, 2021 from 11:00 a.m. to 1:00 a.m.**
  - September 19, 2021 from 11:00 a.m. to 8:00 p.m.**

Present was Paula Tsitsopoulos. This is the same event that is held annual but was postponed from 2020 due to Covid. Police Department was already contacted for Traffic detail.

A motion was made by Commissioner Teixeira to approve the Special One-Day permits. The motion was seconded by Commissioner McGarry and made unanimous by vote of the members present.

**4-0**

6. Hearing from Elmcourt Hotel, Inc. to Transfer a Lodging House License located at 33 West Elm Street, Brockton, MA to Bryant Hotel, LLC.

Present were Attorney Mark Adams, Steve Young and Frank. The transfer was complete on July 27, 2021. They surrendered majority of the licenses and only want to maintain the Lodging license. Frank will stay on for another year during the transition. The rules at the Elmcourt will remain the same and most of the inspection has been done.

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

**4-0**

7. Hearing on a request from Pho 99 Corporation dba Pho 99 for Common Victualer license located at 708 Belmont Brockton, MA.

Present Marnone Southi Tech of Brockton, MA. This will be a Vietnamese Restaurant located close to the Brockton Highschool. The establishment has been closed for quite some time when a Jamaican Restaurant was due to go in that location. Lt. Bonanca has been to the location and stated that the entrance doorway is damaged, dining and kitchen not done. There is still a lot of work to be completed and was asked how long will it take. The owner stated they should be ready to open in 3 months. The commissioners discussed voting to give time for the petitioner to return when work is near completion.

A motion was made by Commissioner Studenski to allow the petitioner to return at a later time when the work is near completion. The motion was seconded by Commissioner Studenski and made unanimous by vote of the members present.

**4-0**

8. Hearing on a request from Fast Betty's Café for a Common Victualer license located at 685 Warren Avenue, Brockton, MA.

Present was Mike Woitunski of Rockland, MA. There are currently 62 seats in the establishment and Mike is looking to open from 6:00 a.m. to 7:00 p.m. The application states 6:00 a.m. to 6:00 p.m. Mike will have to meet with Silvia to make the changes on his application Chairman Tartaglia stated. Lt. Bonanca stated outside still needs to be cleaned and inspections completed before license can be granted. Mike stated he is only missing inspection from the Fire Department.

A motion was made by Commissioner McGarry to approve the Common Victualer license pending change to hours of operation on application and completion of inspections. The motion was seconded by Commissioner Studenski and made unanimous by vote of the members present.

**4-0**

9. Hearing on a request from Toro Restaurant for a Common Victualer license located at 205-207 Belmont Street, Brockton, MA.

Present was Miguel Cabrera and Yanira Orozco of North Attleboro, MA. Looking to open a Restaurant Monday to Sunday from 5:00 a.m. to 8:00 p.m. with 35 seats. Lt. Bonanca has been by the place and stated he had no issues other than needing proper signage.

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

**4-0**

10. Hearing on a request from Campello Veteran's Fireman's Association to serve Alcoholic beverages outdoors at 224 Clinton Street, Brockton for an annual Chicken Bake to be held on September 11, 2021 from 12:00 p.m. to 6:00 p.m. with a rain date of September 12, 2021.

Present was Jimmy Badger of Whitman, MA. This is a private event that is held annually with beer and wine. Lt. Bonanca had no issues.

A motion was made by Commissioner McGarry to approve the serving of Alcoholic beverage outdoors. The motion was seconded by Commissioner Teixeira and made unanimous by vote of the members present.

**4-0**

11. Hearing on a Request from Domar, LLC dba Sweeney's Discount Spirits for a Pledge of a License located at 1145 West Chestnut Street, Brockton, MA

Present was Attorney Joe Santeo and Mr. Veiga. They applied in April for the liquor license and was approved on May 13, 2021. At the closing a liquor license pledge was needed.

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

**4-0**

12. Hearing on a request from Fuhs Enterprises, Inc. dba Dylan's Bar & Grill, Manager- Paul J. Fuhs, makes application for the Transfer of an All Alcoholic Beverage Restaurant, Common Victualer, Entertainment and Automatic Amusement Device license and a Pledge of License at 787 Centre Street, Brockton, MA to Kabob House Brazilian Grill, LLC., dba The Brazil Grill, Manager- Jeffrey L. Sample.

Present were Jeff Sample and his wife, Morella Sample of Rockland, MA, and Attorney Creedon of Brockton, MA. Mr. Sample has been in the restaurant business for over 20 years with

experience from his current business located on Crescent Street. They are looking to expand and this new location on Centre Street will provide that with a total of 96 seats inside and 20 seats outside on an attached deck. Mr. Sample is ready to close as soon as transfer takes place. Mr. Sample will be the Manager at the Kabob House Brazilian Grill and is looking to get a 1 a.m. closing. Attorney Creedon has gone over the rules and regulations with Mr. Sample as a precaution. Chairman Tartaglia asked if Mr. Paul Fuhs would be involved in the business and Mr. Sample responded no he will not be involved. This new location for Mr. Sample will provide room to serve more guests and ample parking with the option of being able to dine outside when weather permits. Lt. Bonanca said the Police have no objections.

A motion was made by Commissioner Studenski to approve the Transfer of All Alcoholic Beverage Restaurant, Common Victualer, Entertainment and Automatic Amusement Device license. The motion was seconded by Commissioner Teixeira and made unanimous by vote of the members present.

**4-0**

13. Hearing on a request from Athena International Foods, Inc. Manager Nikolaos Giannaros makes application for a Transfer of a Wine and Malt Beverage Package Store license at 753 Pleasant Street, Brockton, MA to VM Foods, LLC, dba Athena International Market, Manager- Alexi Malo.

Present was Attorney Robert Kelly of Quincy, MA, Peter and Alexi Malo of Quincy, MA. Alexi Malo will be the general manager on site and plans to work about 50 hours. A constituent was present at the meeting to voice concerns about the business.

Carol Langley of Brockton, MA stated there is an outdoor refrigerator trailer that makes a loud noise. She said the noise is so unbearable that she can not have guests over or even sit outside in her yard. She stated she has a young son with disability and her husband was just involved in a serious car accident. Mrs. Langley says the noise reverberates through the house. She never imagined going through this when she purchased her home. She would like the trailer gone. There was also an issue with the dumpster and having it emptied so early in the morning. Mr. Peter Malo stated he has a company he is working with to build an encasement for the trailer which should minimize the noise. The encasement is scheduled to come on Saturday. Mrs. Langley was not certain this encasement would solve the problem but Mr. Malo expressed that if it didn't solve the noise issue, then they would remove the trailer. As for the dumpster issue, Mr. Malo will have it emptied later in the day.

A motion was made by Commissioner Studenski to approve the Transfer of Wine and Malt Beverage Package Store license contingent upon fixing noise problem and if not fixed, will remove the trailer. The motion was seconded by Commissioner Teixeira and made unanimous by vote of the members present.

**4-0**

14. Hearing on a request from Lynce Towers, Inc. dba Le Pyramide Restaurant for an All Alcoholic Beverage Restaurant license located at 1040-1042 Main Street, Brockton, MA.

Present was John Lynce who was running late; therefore, his item was postponed till the end. Lt. Bonanca said he has inspected the place but at the time of inspection, there were no appliances. There were issues with the exhaust system and will need a new roof. The interior has improved but still needs work. The exterior lot needs striping and no handicap spots or signs. Mr. Lynce stated the license is not based on the property and they are working on the roof now. They have all the appliance now and simply dressing up the restaurant. At this point Mr. Lynce said he will be ready to open soon. Mr. Lynce also stated they already had a Liquor license but due to Covid, the renewal for the license was submitted late. Silvia informed him because the application was submitted late, he would have to go before the License Commission for reapproval. Chairman Tartaglia asked if the license was granted to him on the conditions that Lt. Bonanca stated and Mr. Lynce replied it was worse when the license was submitted to him. He also went on to state that he put in over \$200,000.00 in the establishment. Mr. Lynce has a rough inspection with the Wiring Department and Fire Department. Commissioner Teixeira asked if he had sprinklers. Mr. Lynce stated he has sprinklers and, in the basement, also. Commissioner Teixeira asked if he has any of the inspections done and Mr. Lynce said he would get them done before he opens. Commissioner Teixeira stated that the inspections need to be completed before he comes before the License Commissioners. Mr. Lynce said he plans to open on the 12<sup>th</sup> of August. Chairman Tartaglia asked Lt. Bonanca if he wouldn't mind inspecting again. Lt. Bonanca has no problems with reinspection. Lt. Bonanca asked Mr. Lynce if anything was done with the outside. Mr. Lynce said this week, they will be focusing on the exterior. Chairman Tartaglia stated to have all the inspections done and if they are done before the next meeting, he would hold a special meeting. The Commissioners stated they would have no problems with a special meeting.

A motion was made by Commissioner Studenski to continue the request to have the time to fix the issues and hold a special meeting if need be before the regular meeting. The motion was seconded by Commissioner McGarry and made unanimous by vote of the members present.

**4-0**

15. Hearing in a request from Brockton Fair Caterers, Inc. to amend and extend the closing hour on an existing Entertainment license located at the Brockton Fairgrounds- 433 Forest Avenue, Brockton, MA.

Discussion between the License Commissioners was to have the music end at 8:00 p.m. and have closing at 9:00 p.m. All agreed with the revised time.

A motion was made by Commissioner McGarry to approve the music to end at 8:00 p.m. and closing at 9:00 p.m. The motion was seconded by Commissioner Studenski and made unanimous by vote of the members present.

4-0

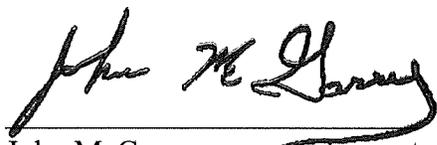
Respectfully Submitted,



Chairman

Henry Tartaglia, Chairman

Approved



John McGarry



Paul Studenski



David Teixeira