

MINUTES

LICENSE COMMISSION MEETING

6:00 P.M.

Thursday, August 19, 2021

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

The License Commission held its regular monthly meeting on Thursday, August 19, 2021. Present were Chairman Henry Tartaglia, Commissioners John McGarry, and Paul Studenski. 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 July 29, 2021 and Special meeting of July 16, 2021.

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

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

There was no representative on this matter.

A motion was made by Commissioner Studenski to hold till the end of the meeting to see if anyone shows up which motion was seconded by Chairman Tartaglia and made unanimous by vote of the members present.

4. Hearing on a request from New Westgate Mall, LLC, for a Special license to Sell Wine and Malt Beverages and a Special Event Permit with entertainment to be held at Westgate Mall -200 Westgate Drive, Brockton, MA for Brews and Bites on October 23, 2021 from 12:00 p.m. to 5:00 p.m.

Present was Greg Farrington of Nantucket, MA and Dan McCallum, director of safety and operations. This event was planned for next year but did not take place due to Covid. Has been done several years at the mall. Live music and a DJ, beer trucks, wine trucks and food trucks, probably 8-10 trucks in total. They are expecting about 1,000 and will have 4 tents and police coverage. There is a total of 3,000 sf of tent coverage outside with parking available. Mr. McCallum said that amount is expected throughout the day and not all at once.

Chairman stated he wouldn't be holding any large events until Brockton is out of the red and that it is dangerous. Commissioner Studenski asked how long would people stay if they came to event such as this. Mr. McCallum stated he has never had a time limit on how long people can stay. They could stay for an hour or be there all day. Commissioner McGarry stated as acting Chair and a registered nurse by profession, he is really concerned with holding anything at this time. Commissioner McGarry asked if there were any plans in place. Mr. Farrington said they are asking for unvaccinated people to wear masks and vaccinated people are not required to wear masks. Lt. Bonanca said his concerns are how can we distinguish who is vaccinated and who isn't. There are no vaccine passport and the Police Department would not be for it.

Upon motion duly made by Commissioner McGarry, seconded by Commissioner Studenski, and a unanimous vote of the members present, it was voted to deny with the ability to come back if the Covid numbers switches back to yellow or green.

5. Hearing on a request from AR Westgate Lanes, LLC for a Special Event Permit with entertainment for an All White Outside Event to be held at 65 Westgate Drive, Brockton, MA on September 4, 2021 from 3:00 p.m. to 10:00 p.m.

Present was Timothy Major, manager of Westgate Lanes of Brockton, MA and Marisa Babcock, in charge of the event. This event is to raise money for her country and to help the kids get ready to go back to school. They are expecting 250 to 300 people. Chairman Tartaglia stated Brockton is in the red and doesn't approve of this at the moment but if they

would like to come back at a later time, he wouldn't have any issues with it. Chairman Tartaglia stated that Brockton's vaccination is at 60% right now. Mr. Major stated even if it's outside. Chairman Tartaglia confirmed yes because we can not tell who is vaccinated and who is not and no one will be social distancing staying 6 feet apart. Chairman would like to keep the City safe and that it's a little too dangerous right now. But if they would like to come back, there will be no problems. Commissioner McGarry asked if the petitioners want to say anything else and they said it's ok, they will wait.

Commissioner McGarry stated needs to be a positive motion, then voted down. All those in favor of granting the license, raise their hands. Noted no one raised their hands. All those opposed, noted all hands raised.

Upon motion duly made by Commissioner Studenski, seconded by Chairman Tartaglia, and a unanimous vote of the members present, it was voted to allow the petitioner to withdraw without prejudice and come back at a later time.

6. Hearing on a request from Entertainment Management Complex for a Special Event Permit with entertainment for a Brazilian Concert to be held at Campanelli Stadium- 1 Feinberg Way, Brockton, MA on September 5, 2021 from 11:00 a.m. to 8:00 p.m.

Present was Tom Tracy of Hanson, MA. They are expecting 6,200 people. Chairman Tartaglia stated you heard what was said to the others. He also does not want to take the responsibility god forbid there is an outbreak. Mr. Tracy stated unfortunately when it was discussed, everything was fine but now it has kicked up again and that he understands the Chairman's position. Commissioner McGarry stated in light of the situation, can they vote without prejudice instead voting it down. Chairman Tartaglia said sure it can be done. Because of Covid, this is extraordinary circumstance and once everything is squared away, they should be able to come back without prejudice.

Upon motion duly made by Commissioner Studenski, seconded by Chairman Tartaglia, and a unanimous vote of the members present, it was voted to allow the petitioner to withdraw without prejudice and come back at a later time.

7. Hearing on a request from Brockton Area Multi Service, Inc. (BAMSI) for a Special Event Permit to hold an "International Day" for all BAMSI employees to be held on Thursday, September 16, 2021 from 12:00 p.m. to 6:00 p.m. at 10 Christy's Drive.

No one was present for this matter to be heard.

Upon motion duly made by Commissioner Studenski, seconded by Chairman Tartaglia, and a unanimous vote of the members present, it was voted to hold till the end of the meeting.

8. Hearing on a request from Committee to Elect Michael JF Nunes, for a Special license to Sell All Alcoholic Beverages for a one-day function on Sunday, August 22, 2021, 5:00 p.m. – 8:00 p.m. to be held at 340 Warren Avenue.

Present is Michael Nunes of Brockton, MA. He will be holding an event to help raise money for his campaign. He stated he has all his food permits, building permit for a tent, crowd management certification, safe serve certification, hand sanitizers and 2 porta potties. Fire Department approved it and flame resistance certification. Stated the event will be taking place regardless and understands that the Board is concerned about Covid; however, the money will help with his campaign and part of it will go to a donation. Lt. Bonanca asked if this was open to the general public. Mr. Nunes responded yes, it is open to the general public but encourages everyone to wear masks and the tables are set apart. He is expecting 50-75 people and the lot is big enough to hold 400 people. Mr. Nunes also stated when people come, they typically do not stay for the whole event. Food will be coming from Lady CJ.

Mr. Nunes had applied for All Alcoholic permit; however, upon further review by the Law Department, it was determined according to Ch. 138 section 14, All Alcoholic can not be served but Beer and Wine can. Chairman Tartaglia asked Lt. Bonanca if police detail was needed. Lt. Bonanca responded stating if this event will be open to the general public, then he should have police detail. Mr. Nunes responded stating the Police Department told him no Police detail was needed because the event is taking place on Sunday. He also has approval from the Parking Authority. Commissioner asked if he would be having a bar tender. Mr. Nunes responded that he will be having a bar tender and the bar tender is Tip Certified and is currently a bar tender for George's Café and Perfect Place. Commissioner McGarry asked about the location of the event. Mr. Nunes stated it would be taking place on the back end of Cottage Street and was advised by the Fire Department to keep the gate open. Mr. Nunes asked if the fee could be waived because it is non-profit. Commissioners informed Mr. Nunes this is not a non-profit but rather a campaign. Mr. Nunes stated he is set up as a non-profit with the IRSY and has gotten the fee waived with Board of Health. Chairman Tartaglia informed Mr. Nunes to take it up with City Clerk.

Upon motion duly made by Commissioner Studenski, seconded by Chairman Tartaglia, and a unanimous vote of the members present, it was voted to approve for the sale of Alcohol but amended to Beer and Wine only.

9. Hearing on a request from Red Crab Brockton, Inc. dba Juicy Seafood, Manager- Yanchun Zhang makes application for an All Alcoholic Beverages Restaurant, Common Victualer and Entertainment license at 683 Belmont Street, Unit 1, Brockton, MA.

Present was Attorney Chris Coleman of Reading, Ma and Yanchun Zhang. The location of the proposed restaurant is the former Stop & Shop on Belmont Street. They have been

redeveloping it to subdivide the building. Juicy Seafood will be located on the left side along with Dollar Tree in the right side, Big Lots in the middle and Family Dollar. The space is 6,000 sf and proposed seating is 142. There are 64 seats at tables and 64 seats at booths and a 14-seat lunch bar. The cuisine is a Cajun Seafood Boil and the menu has been provided with the application. The proposed hours on Sunday is 12 noon to 11pm, Mon thru Thurs is 11am to 11pm, Friday and Saturday are 11am to 1am. Ms. Zhang has very good restaurant experience and is the former owner and manager of Japan One in Marlborough which also has Alcohol. She has served there from 2009 to 2020 and is Tip Trained and is a U.S Citizens who plans to be at the restaurant 40 hours a week. They will have a trainer come in to train staff. They have also applied for Entertainment License for 10 televisions and background music. The build out will be about 8 months or so and will be opening in a month after that. Attorney stated that he understands there has been some questions about the ability to inspect but due to the extensiveness of the buildout, they want to know ahead of time if a Liquor license would be granted before making that investment.

Lt. Bonanca had questions about the plans and if a parking plan has been submitted. They applicants are waiting on the landlord to submit the plans and they understand that they are at a preliminary stage but are willing to make it conditional upon every approval the City requires. Lt. Bonanca believes this is very early in the stage for the Board to be granting licenses and there hasn't been any work done. The Police Department believes the work should at least be near completion for inspector to come out. Chairman Tartaglia informed that there are plenty of Liquor licenses available and asked if they can return next month when they have everything they requested. Attorney Coleman stated he cannot argue that and sounds reasonable to do, but just as a tenant, they do not have control over what gets submitted. Their lease is contingent upon them receiving an approval from the Board. Chairman Tartaglia said to get what Lt. Bonanca is requesting which is a copy of the parking plan detailing handicap space, restriped and plans of building and will be added to the September meeting.

Upon motion duly made by Chairman Tartaglia, seconded by Commissioner Studenski, and a unanimous vote of the members present, it was voted to come back next month as long as all plans have been submitted to Lt. Bonanca.

10. Hearing on a request from K HP Enterprises, Inc., dba East Side Package Store, Manager- Malkiat S. Gill makes application for a Transfer of an All Alcoholic Beverages Package Store license and a Pledge of Inventory and License at 469 Centre Street, Brockton, MA to Primespot, Inc., dba East Side Package Store, Manager-Hardik S. Patel.

Present is Attorney Arthur Pearlman of Framingham, MA representing Primespot, Inc. who needs a Transfer of an All Alcoholic Beverage Package Store and a Pledge of Inventory and License currently held by KHP Enterprises. Attorney Pearlman has submitted an affidavit and exhibits relative to public's notice and notice to abutters is not required for Transfer of License. Primespot is a Massachusetts Corporation. Dharaben Patel is the President, Priyank Raje is the

treasurer, Umaben Vadher is the Secretary and Hardik Patel is the sole director and will be the manager on the license. All 4 are stock holders. Mr. Hardik Patel is currently living in Wareham and has managed businesses located in Massachusetts which has a Liquor license. Mr. Patel will spend about 40 hours a week at the business. The business currently located at 469 Centre Street is open 7 days a week, 9am to 9:30pm Monday to Thursday, 9am to 10:30 on Friday and Saturday and Sunday 10am to 8pm. Primespot will maintain those same hours and plans of the store will remain the same. All owners and managers have been in the liquor business and are familiar to the laws relative to the sale of alcohol. They have completed Alcohol Training programs and have certifications from the programs. They have never had any violations at any of their stores ask the Board approve the Transfer of the License to Primespot and Pledge of the License to Rockland Trust.

Chairman Tartaglia stated since he's been on the board they have never had any violation at any of their locations. Lt. Bonanca has no issues.

Upon motion duly made by Commissioner Studenski, seconded by Chairman Tartaglia, and a unanimous vote of the members present, it was voted to approve the Transfer of the Liquor License and Pledge to Rockland Trust.

11. Hearing on a request from Morris Motor Sales, Inc., dba Silko Volkswagen of Brockton, for a Class I Dealers license located at 122 Liberty Street, Brockton, MA.

Present is Adam Silverleib of Sharon, MA and currently the dealer principle at Silko Motors Sales dba Silko Honda in Raynham, MA and has purchased Copeland Volkswagen, Morris Motor Sales, Inc. would be the legal entity and Silko Volkswagen would be the dba. Also present is Jeff Yule of Plymouth, MA and the director of operations for Silko Motor Sales dba Silko Honda and he will oversee the Copeland location. Lt. Bonanca said he visited the location and had no issues with the property as is.

Upon motion duly made by Chairman Tartaglia, seconded by Commissioner Studenski, and a unanimous vote of the members present, it was voted to approve the Class I Dealer License.

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

No one ever showed up on this matter.

Upon motion duly made by Commissioner Studenski, seconded by Chairman Tartaglia, and a unanimous vote of the members present, it was voted to postpone to the next regular scheduled meeting.

13. Hearing on a request from Brockton Area Multi Service, Inc. (BAMSI) for a Special Event Permit to hold an "International Day" for all BAMSI employees to be held on Thursday, September 16, 2021 from 12:00 p.m. to 6:00 p.m. at 10 Christy's Drive.

No one ever showed up on this matter. Commissioner McGarry stated they are not serving alcohol and there are no street closures. Lt. Bonanca advised to look into the matter and whether they need to come before the License meeting.

Upon motion duly made by Commissioner Studenski, seconded by Chairman Tartaglia, and a unanimous vote of the members present, it was voted to postpone until communication has been made with the applicant and whether it is needed to come before the Board.

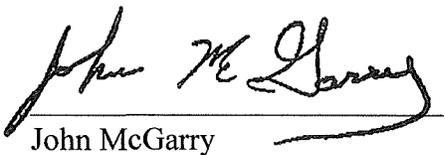
14. Upon motion duly made by Commissioner Studenski, seconded by Chairman Tartaglia, and a unanimous vote of the members present to adjourn the License Commission meeting.

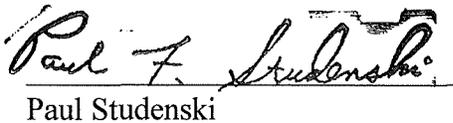
Respectfully Submitted,


Chairman

Henry Tartaglia, Chairman

Approved


John McGarry


Paul Studenski