

MINUTES
LICENSE COMMISSION MEETING
6:00 p.m.
Thursday, November 18, 2021
G.A.R. Room, City Hall, 45 School Street
Brockton, Massachusetts

The License Commission held its regular monthly meeting on Thursday, November 18, 2021, in the G.A.R. Room. Present were Commissioners Jeffrey Charnel, Paul Studenski, and John McGarry. Also, present were License Agent Paul Bonanca and Executive Assistant Silvia Carvalho.

1. Approval of the Minutes of the License Commission Meeting of October 21, 2021.

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

2. Approval of the following police officers as license agents for the month of November 2021: Lieuts. Paul Bonanca and David Farrell; Sgts. George Khoury and Christopher McDermott; Dets. 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 McGarry to approve the license agents as listed for the month of November 2021. The motion was seconded by Commissioner Studenski and made unanimous by vote of the members present.

3. Hearing on a request from Brockton Beer Company for a Special One-Day Permit to Sell Wine and Malt Beverages for a Beer Garden-City Holiday Celebration to be held at the B1 Parking Lot on November 27, 2021, from 11:30 a.m. to 4:00 p.m.

Present was Mr. Ronald of 121 Main Street, Brockton, MA.

Ronald stated that they are applying for a One-Day serving license for an event to be held outside his establishment between 121 Main Street and Merian Brothers in lot B1. They would like to hold a beer garden and they will be serving beer, wine, water, and soda during the Downtown. They will also have an Airstream trailer by Beehive Events. It opens and has a bar inside with pouring capabilities and some seating. They would also like to set up some tables in the parking lot with heaters that would be provided by PROVA. They will rope off a certain section of the parking lot to hold the event.

Commissioner McGarry made a correction on the date which should be November 27th and Chairman Charnel thanked, Commissioner McGarry for the correction. Lt. Bonanca stated that because it is open to the public a police detail is required for all hours of operation. Chairman Charnel asked Ronald if that is something he can take care of? and he replied yes.

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

4. Hearing on a request from Brockton Arts, Inc. for a Special One-Day Permit to Sell Wine and Malt Beverages for a fundraiser to be held at Enso Gallery-50 Centre Street on December 9, 2021, from 5:00 p.m. to 9:00 p.m.

Present was Mr. Arnie Danielson of 603 Summer Street, Brockton, MA.

Mr. Danielson stated that the event is for fifty people, and it is an invitation only event. The event is a fundraiser for the organization called Pro Connect. They will structure the day with a light nosh and light wine. Everything will end early, as is the way these days. Lt. Bonanca stated no detail is required because it is a private event.

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

5. Hearing on a request from George's Northern Lights, Inc. dba George's to remain open till 3:00 a.m. on New Year's Day-January 1, 2022, for a New Year's Eve Celebration being held on December 31, 2021, located at 220-228 ½ Rear Belmont Street, Brockton, MA.

Present was Mr. Hamilton Rodrigues of 95 Rockland Street, Canton, MA.

Mr. Rodrigues stated that they are having a private invitation only event like the one held two years ago prior to COVID. It is a private invitation only New Year's Eve celebration. When they had it two years ago, they had a police detail, and everything went smoothly. They are not asking for alcohol after 2:00 a.m. they are just asking to close at 3:00 a.m. They will not sell liquor after the obligated time frame which is 1:30 a.m. They are just asking for a 3:00 a.m. closing time, which they were granted for a previous event.

They did not have any problems and the event is private invitation only with a guest list. It will be mostly family members and friends and not open to the public. Commissioner McGarry stated that he understands that the Commission's authority ends at 2:00 a.m. and after said time it is out of the Commissioners hands. Chairman Charnel agreed with Commissioner McGarry. Commissioner Studenski stated that last drinks are served at 1:30 a.m. and the only people allowed in the establishment are the people who work there.

Commissioner Studenski asked Lt. Bonanca to correct him if he was wrong and Lt. Bonanca stated that he is correct. The license that was issued specifies a 2:00 a.m. closing with a half hour to clear everyone out and that is clear on the license. So, they are asking for an exception on a license that would be out of order because the license specifically says 2:00 a.m. Lt. Bonanca stated that the proper question to ask is if they plan to allow the public to enter prior to that and then plan on clearing the public out at 2:00 a.m. and only allowing private till 3:00 a.m.?

Mr. Rodrigues stated that it would start at 9:00 p.m. and end at 3:00 a.m., if the board grants permission. Lt. Bonanca stated that having people leave at 3:00 a.m. would pose an issue. He also stated that George's is in a heavily populated area with Brook Street, Brett Street, and parts of Belmont Street.

New Year's Eve is a busy night, and the Police Department gets increased calls for service. The amount of people that would be leaving at 3:00 a.m. would be a resource drain for the City of Brockton.

The license itself is specific with a 2:00 a.m. and it has a specific timeframe for people to exit and it would be out of order to make any exceptions. Mr. Rodrigues asked if they were basing their decision off an assumption? Chairman Charnel stated that they are basing it off the ABCC rules and that the Commission has no authority after a certain time. Mr. Rodrigues asked Chairman Charnel who authorized the last event? Chairman Charnel stated to Mr. Rodrigues that for a private event at his establishment, he can open it at 6:00 a.m. in the morning and have people unbeknownst to the Commission.

He reiterated to Mr. Rodrigues that the board does not have the authority to allow him to stay open past a certain time. Mr. Rodrigues stated that with all due respect he was granted the same license two years ago, in 2019 by the same board. Commissioner Studenski stated that no it is not the same board. He then asked the board what has changed from 2019 to present? Chairman Charnel stated that there was some research done on the request for a 3:00 a.m. closing. Chairman stated that even at that time the Commission did not grant him a request for alcohol.

Mr. Rodrigues is asking to stay open past 3:00 a.m. Chairman Charnel stated that from what the Law Department has sent to the Commission, it may have been a fumble in 2019. Mr. Rodrigues asked the Chairman if he is saying that the city granted him an illegal license? Chairman Charnel stated that it is not what he is saying. Mr. Rodrigues asked the Chairman to elaborate what a fumble is? The Chairman stated that the board is not in a position where they can grant a license and he asked Lt. Bonanca if Mr. Rodrigues could technically have people in his establishment?

Lt. Bonanca stated that he will be serving and the license states that if you are a bar/restaurant you must close at 2:00 a.m. People are going to be leaving and the limit is half an hour after closure that is specific on his license. He can open his business at 6:00 a.m., but if he is serving alcohol that is an issue. Lt. Bonanca stated neither he nor the commissioners were there in 2019 and he is not sure who would have authorized that. The license on his wall is specific 2:00 a.m. is your closing hour and he has a half an hour to clear everyone out.

Mr. Rodrigues asked the board if they are saying at 2:30 a.m. everyone must be cleared out and the Lt. and the board stated that is correct. Mr. Rodrigues stated OK, but he was granted a license in 2019 and he is being told it was a fumble. Chairman Charnel stated he does not know, and he would have to check. Mr. Rodrigues stated it is a new board and he would have to respect that. They had no issues in 2019. Chairman Charnel stated that the Law Department informed them against it. Mr. Rodrigues stated that he does not understand what has changed from 2019 to present, but he is fine, and he will live with it.

A motion was made by Commissioner McGarry to approve the request. The motion was seconded by commissioner Studenski. The board then voted 3-0 in opposition and the motion failed.

6. Hearing on a request from Cary Hill Discount Liquors, Inc., Manager Maura J. Carney, makes application for a transfer of an All Alcoholic, Beverages Package Store license and a Pledge of

the license at 232 East Ashland Street, Brockton, MA to East Ashland Liquors, Inc. dba Cary Hill Discount Liquors, Manager Maria S. Veiga.

Present was Attorney Jose Centeio of 183 State Street, Fifth Fl, Boston, MA, Mr. Domingos and Maria Daveiga of 36 Cosma Road, N. Easton, MA, and Ms. Maura Carney of 122 Fairview Avenue, Brockton, MA.

Attorney Centeio stated that what they have before them is an application for a transfer of a liquor license from Maura Carney who is present at the meeting. The liquor store is identified by a lot of numbers, but the Commonwealth lists it at 232 E Ashland Street, so he will go with that address. The liquor store has a space of 8,000 square feet space, it also shares a bottle return area which is 2,065 square feet, it has two entrances and two exits and a loading dock.

Mrs. Veiga incorporated East Ashland Liquors, and she is the President, Treasurer, Secretary and Director of east Ashland liquors. Mrs. Veiga is a person of good moral character and fitness; she has been in the liquor business for over 20 years in the City of Brockton. Mr. and Mrs. Veiga employ twenty-five employees and all the money that they make is reinvested in Brockton. Both applicants are in compliance with local and state taxes. the approval of the application would serve the public need and protect the common good and needs of the Brockton community. He thanked the board and wished everyone a happy Thanksgiving.

Chairman Charnel asked if anyone else wanted to speak? they replied, no. He then asked Mr. Veiga if he wanted to speak? and he replied, no. Chairman Charnel stated to the attorney that he understands the premises is part of a plaza, correct? He asked if the pledge was to a bank or is it a pledge to the entity? The attorney stated that the lease itself is to East Ashland liquors and the pledge is to the bank, in which he submitted a commitment letter. Chairman asked if the lease runs concurrent with the license? Attorney Centeio stated that they have a new lease which is attached to the application.

The lease will start on January 1st or after he will give Ms. Carney time and wait for the approval from the ABCC. The lease is scheduled to start on the first but if they need an extension that can be done with the landlord. The Chairman asked the attorney if the entity wanted to move would that do anything to the current lease? Could they move if they wanted to? The attorney stated it is not in the lease, but all the landlords in Boston for instance if you were, a good tenant would allow you the opportunity.

Chairman Charnel stated it has happened in the past that is why he asked. Attorney Centeio stated that they have Doyle's which is anchored on one side and east Ashland Liquors on the other end. They are both good tenants. Chairman Charnel asked Lt. Bonanca if he had any questions? and he stated that there is no opposition from the police.

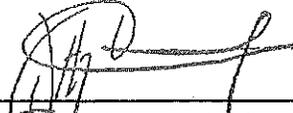
A motion was made by Commissioner Studenski to approve the Transfer of an All Alcoholic Beverages Package Store license and the Pledge of the license. The motion was seconded by Commissioner McGarry and made unanimous by vote of the members present.

Chairman Charnel asked if there was any communications and Silvia stated that Mr. Orlando Andrade contacted the License Commission to inquire about his package store renewal and wanted to know if he can still renew his license? Silvia stated that Mr. Andrade lost his business to a fire and did inform Mr. Andrade that he should renew his license. Chairman Charnel stated that he can renew his license and

will be allowed to pocket the license until he is ready to move forward. Silvia did state to Mr. Andrade that he should provide the board with information on the status of the building.

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

Respectfully Submitted,

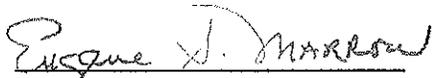


Jeffrey Charnel, Acting Chairman

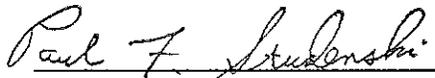
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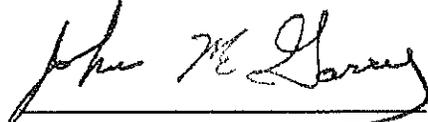
David Teixeira, Commission



Eugene Marrow, Commissioner



Paul Studenski, Commissioner



John McGarry, Commissioner