

MINUTES
LICENSE COMMISSION MEETING
6:00 p.m.
Thursday, March 17, 2022
ZOOM Virtual Meeting

The License Commission held its regular monthly meeting on Thursday, March 17, 2022, via Zoom. Present were Commissioners Jeffrey Charnel, John McGarry, 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 17, 2022.

A motion was made by Commissioner McGarry to approve the minutes of the previously mentioned meetings 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 2022: 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 March 2022. The motion was seconded by Commissioner Studenski and made unanimous by vote of the members present.

3. Hearing on a request from Fuller Craft Museum for a Change of Manager on an All Alcoholic Beverages Restaurant license located at 455 Oak Street, Brockton, MA.

Present was Mr. Paul Tantillo of 258 Boylston Street, Brockton, MA 02301.

Mr. Tantillo informed the board that the current license holder Denise LeBica LeBlanc has retired, and he is the current security and facilities manager, and they felt that he would be a good person to hold the license. Chairman Charnel asked the board if they had any questions? Commissioner McGarry asked Mr. Tantillo if he had any alcohol experience in management or sales? He replied, no Sir. He stated that he has been a volunteer at fuller craft for the past 20 years, so he has been TIP Certified for the Fuller Craft in the past, but nothing beyond that and no professional experience.

Commissioner McGarry asked Mr. Tantillo to maintain his TIP Certification if he is going to be the responsible person that oversees the alcohol at the location. He stated that at a minimum he should be TIP Certified and Mr. Tantillo replied, sure thing. Chairman Charnel asked if there was anyone on the call for or against the request? and there were none. He then asked if the Deputy Chief or Lieutenant had anything to add? Deputy Chief Williams replied, no comment and Lieutenant Bonanca stated that there were no objections from the Police, other than he be TIP Certified. Chairman Charnel suggested that Mr. Tantillo get the Crowd Management Certification.

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

3-0

4. Hearing on a request from Terra Nossa, Inc., Manager Iane Jardim makes application for a Wine and Malt Package Store license, at 1040 N. Montello Street, Brockton, MA.

Present was Attorney Scott Rubin of 71 Legion Parkway, 3rd Fl, Brockton, MA 02301 and Iane Jardim and Euller Cunha of 49 Captains Way, E. Bridgewater, MA 02333.

Attorney Rubin stated that he is presenting on behalf of Terra Nossa, Inc. He stated that it is a Brazilian convenience store/market with about 3,000 square feet in a strip plaza on the Avon/Brockton line by Sunny's car wash on the north side of the city. They have been there for 20 years. The family also has another Brazilian market that they have been operating out of Abington for about 17 years. The location in Brockton is a Brazilian market and they cook prepared food, and they have a deli. They presently have about 6 to 7 tables in there which will be reduced to 3 to 4 tables to make way for the new cooler if the board were willing to approve the license tonight.

There would be a reduction in the number of dine-in tables at the location. They also have a large selection of barbecue meats that are very popular with the Brazilian community which people purchase and use to skewer and cook at home. They are looking to expand their ability to offer a variety of products and when the beer and wine license became available, they felt this would fit in well with their product mix. They have prepared a plan to show where the store would be somewhat split in half. There's one entrance that comes in off North Montello Street. There would be a barrier they would have to come around, as well as the corner and around some additional shelving.

There would be a U shaped, area where they would have the beer and wine as well and they would have to walk past the register to grab the selection of items and go past the counter as well. They will always have a person at the register to obviously monitor and make sure no minors are in there grabbing beer or wine and leaving. They will have an area where they would have to pass twice to get to the register. He stated when they are unavailable to do beer and wine, they will cordon off the section so it will essentially only be available for beer and wine. There is a bathroom in the area, but they will block access to that during alcohol sales.

The other side of the business is dry goods which is located on the south side of the building. They also have an office and storage area as well as a storage area that they would use to backfill when products are short. They expect it to be a \$35,000 renovation. It would include a walk-in cooler and all the new coolers will be installed in that portion of the property. He stated that he would like to give the board additional background information and stated that the family runs a Giordano's restaurant, in Abington and Iane has worked at the location for a couple of years.

She is very familiar with the service of alcohol and obviously Giordano's restaurant has a full pouring license, so she would maintain her TIP Certification as Mr. McGarry mentioned to the last applicant. Anyone at the counter as a salesclerk would be required to be TIP Certified and trained. Although it is a

convenience store/Brazilian market there is no tobacco or lottery sales at this location. They are a little bit different from your traditional convenience store that you would typically see in Brockton.

They are more of a family-oriented store, and this would add to their product mix. As people come in for the items in the market, they can pick up the beer and wine for their use. He stated that they have plenty of parking at this location and there should be no issues if they were to have increased traffic in the area. There aren't licenses of this type in that area of the city. He thinks the public would be well served and that there is a public need for this mix of product. There has been an influx of people who are either Brazilian or interested in eating Brazilian food. They have a wide selection of customers, and he thinks the closest full liquor store is Bridgeway Liquors on Howard St. This is something completely different than what is out there and asked the board to approve their request.

Chairman Charnel asked if there were any questions from the Commissioners? Commissioner McGarry stated that he has a diagram that was turned in with the application and that he needed some clarification? He asked the Attorney if they were putting emergency doors on the two doors furthest away from the main entrance? The attorney asked the Commissioner if he was referring to the two doors on the either side of the building? and he replied, yes. He stated that he thinks those doors are locked right now and lane replied, that they are.

They have focused on having everybody come through the front entrance and there is a rear entrance out the back. He asked the Attorney if that was a full wall or half a wall as you come in through the entrance on the right-hand side? The Attorney Rubin stated he does not believe that it is going all the way up to the ceiling because the cooler is going there. He asked lane to confirm and she replied, there will be a cooler that goes all the way up to the ceiling. Commissioner McGarry stated that per the presentation if there's going to be a separation between the store and where the beer and wine portion will be stored? Attorney Rubin replied that is right.

Attorney Rubin stated that presently if you walk into the store there is a gap there on the right side. If you walk into the store right now and take a right and walk down that area of the aisle it is available. That would no longer be available because the cooler will go straight to the wall. If people want beer and wine, they will have to go past the shelving, the cooler, and the register. That area would be limited to essentially beer and wine, and they would have to come back to the register to make their purchase.

Commissioner McGarry stated that his concern was that you would be able to just reach in and grab it Attorney Rubin replied that the cooler will be on the other side and the door to the coolers would face the cashier. Commissioner McGarry thanked him and yielded. Commissioner Studenski stated that his concern is for the customers coming in and asked them if they would be notified by some type of sign that they can make the purchase, but can't consume any of the alcohol on the premises? Attorney Rubin asked if he was referring to signage? and he replied, yes.

He is concerned that when a customer comes in, they have tables there and that leads him to believe that people get fed there and he would not want any problems caused by somebody wanting to open alcohol. Attorney Rubin stated that they must come up to the counter to order food or get prepared food and they would have to bring the product, i.e., beer and wine to the counter as well, and stated that they can certainly provide signage. Commissioner Studenski stated notification would be great and lane replied, they will. Attorney Rubin stated that they will be notified that this is a cash and carry for beer and wine. Commissioner Studenski thanked him and yielded.

Chairman Charnel stated the only problem he had is that he did not have any dimensions or linear footage on the outside and he does not know how big some of the spaces are on the inside. How big is the entire location? Attorney Rubin stated 3,000 square feet which is on the application. He is going to suggest that it is about 35% the section of the store that is being altered. There is 6 feet on the frontage on the diagram and it is 46 feet deep. Chairman Charnel stated that they are installing coolers where that wall is and asked if the coolers will have locks on them for when the store is open or on Sunday hours? He stated that it worries him because they are a food place and wants to know how that is going to be controlled?

Attorney Rubin stated that he understands and what has worked in the past when they have a convenience store is they must put up tens' barriers. That is what they do and some of the supermarkets where the aisles are technically closed. He stated that Roche Brothers in his community when the hours are not available for a beer and wine purchase, they put up barriers across those aisles that you are not supposed to go down. He recommends the same type of tens' barriers. Two poles that have a strip barrier between them that would be up so that they would be aware that the area would not be accessible during that period. They certainly could put locks on the coolers as well, but it is relatively close, and they should not be in that area unless they are sitting down to eat the food during those hours.

That is something that has been successful in the past and there will be several people in the store working and they would inform them that the beer and wine purchase is not available until a certain time. Chairman Charnel asked Lieutenant Bonanca or Deputy Chief Williams if they had anything to add? Deputy Chief Williams stated he had nothing from the Fire Department and Lieutenant Bonanca stated he did not have a negative history with regards to the premises or anything negative about the applicant, so the Police Department has no objection. Chairman Charnel asked if there was anyone on the call that was in favor or against the application? and he then asked Councilor Shirley Asack to speak she stated that she is the Ward 7 City Councilor and she is very familiar with the business.

She remembers when they first opened their doors 20 years ago and she visited the store today and it has completely changed. It was a small convenience store when they first opened selling specialty Brazilian items and they have expanded. They have a nice sized convenience store. She had the privilege of meeting lane, who showed her where the cooler was going to be which is set well away from the entrance of the store. Some of her concerns were brought up by the Commissioners. She was concerned about the consumption of alcohol on site and lane reassured her that there would not be any, and she has faith that they will follow the rules if they are granted this beer and wine license.

She has not received any complaints and if there was a problem she would have heard over the years. She has never received any calls regarding this business. The other thing that she would like to mention is that the business isn't in a commercial zone, and they do not have much residential space around them. There are no concerns with schools or kids. It is a destination; people are coming to the store to pick up specialty items and she thinks that would be an asset to their business. She is in support of the license and hopes that the board will vote favorably and thanked them.

Councilor Mendes stated that she is strongly in support of the application and asked the board to approve it tonight. She has known the family for over 20 years, and they attend the same church. She frequents their business and has since they opened 20 years ago. She also goes to the one in Abington as well as the restaurant and it is a great place, not just for Brazilians and Cape Verdeans, but for the

community. It is a family place and everyone there knows their customers and their clientele. It is a family owned and operated business, they are all brothers and related. It is beautiful to see that they all came together and built up this family owned and operated business.

They know everybody by name and people who work in landscaping stop by in the morning to pick up a cup of coffee. She is very happy that they have this opportunity to grow and expand their business and she is confident they will continue to do the right thing because they always have. It is who they are, and she is strongly in support, and she is asking that they vote in favor and thanked the board.

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.

3-0

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

Present was Attorney Elizabeth Paisano of Upton, Connell, and Devlin, 112 Water Street, Suite 201, Boston, MA 02109.

She stated the application is for a Change of Officers they are seeking to add Donna Epps as a director and remove Doug Thompson as the COO, without a replacement. There are no operational changes to the restaurant, just the officer change. Chairman Charnel asked the Commissioners if they had any questions? Fire Department had none and stated they were a well-run establishment and have invested a lot of money into the kitchen this year with their hood systems. It is a good place to go. Lt. Bonanca stated that the Police Department has no objections, and he concurs with Deputy Chief Williams statement. Chairman Charnel asked if there was anyone in favor or opposition? and there were none.

A motion was made by Commissioner McGarry to approve the Change of Officers/Directors/LLC Managers. The motion was seconded by Commissioner Studenski and made unanimous by vote of the members present.

3-0

6. Renewal of Marijuana licenses for 2022.

Chairman Charnel stated that this is the first time doing these renewals and he is going to read them all collectively unless any of the Commissioners had any objections and they can vote at the end of the reading. Commissioner McGarry stated without objection and Chairman Charnel read the names of the licensees. Chairman Charnel asked Lieutenant Bonanca or Deputy Chief Williams if they had anything to add? Lieutenant Bonanca replied, the Police Department did not have any objections. Deputy Chief Williams stated that they inspected 7 locations two weeks ago and re-inspected today. Four out of the seven have passed inspections. Three of them have minor things that they must take care of such as alarm inspections and get their fire extinguishers updated.

He stated that he had no objections with the board approving them pending their OK, which he will get to Silvia next week. Chairman Charnel asked if the Commissioners had any questions? Commissioner McGarry asked if all the paperwork has come into the board at this time from the businesses that were

read by Chairman Charnel? Chairman Charnel asked Silvia and she stated Legal Greens is missing their application. They did send in their payment, however the application has not come in. She informed them that the applicant stated they are having an issue and will have it in by the end of the month.

Chairman Charnel stated that he would not be in favor of renewing their license because we do not have an application for them, he is in favor of the other six applications. We do not have an application in front of us today for Legal Greens. The Chairman reminded everyone that the reason the board is not asking for public input is that these are renewals, and the people are not on the call to answer any questions. This is just amongst the Commissioners.

A motion was made by Commissioner McGarry to approve the six (6) Marijuana licenses for 2022. The motion was seconded by Commissioner Studenski and made unanimous by vote of the members present.

3-0

7. Hearing on a request from AR Westgate Lanes for Automatic Amusement Device licenses for 4 Lanes of Virtual Axe throwing and 4,000 sq. feet of Laser Tag, located at 65 Westgate Drive, Brockton, MA.

Present was Ms. Francine Kaiser and guest of 65 Westgate Drive, Brockton, MA 02301, and Greg Watches of Lasertron.

Francine stated that they are seeking to expand Westgate lanes they currently have 12 pin lanes and four candlepin lanes that are not working. They are out of Commission, and they do not have the inventory of people like they did back in the day to keep that big of an inventory for bowling lanes. They are looking to take out the 12 lanes of 10 pin and four lanes of candlepin and put the laser tag arena in there. She stated that she emailed Silvia the drawings earlier today and sent it again a little while ago. She informed the board that it is just a sketch to give the board an idea of what they are looking to do and where they are looking to do it.

She stated that Mr. Williams from the Fire Department had been there, and she did show him, and they are looking to do four lanes of axe throwing in their pub area and caged axe throwing which is in the drawings that Silvia has. She does not know why Greg is not on he can explain it better than she could. She wanted to see if it is a possibility to bring to the Brockton community. They want to upgrade Westgate, the building, and the facility to bring in more business. Just something different and they are seeking the license now to see if it is a possibility.

Chairman Charnel asked if there were questions from the Commissioners? Commissioner McGarry stated that if they sent drawings in today, he did not receive them it would be onus on the staff to get them out at the 11th hour and he would like to see them. If they are going to have a laser tag area it would have to be enclosed. As far as the axe throwing, he looked at the brief video from the contractor that created it and he would need to see the complete layout. He would like to know what they are doing for staffing because having played in a dart league, which is nowhere near as dangerous as an ax bouncing back. He just has some concerns and wants to see the actual plans before he would be willing to approve.

He needs to see detailed plans of how they are going to lay them out, how they are going to staff it. He stated that he is not opposed to it off the bat, but it is something new to Brockton and he wants to do it right. Ms. Kaiser stated that it will be in the pub like she explained to Deputy Chief Williams when he came in. She stated that Greg is on the call from Laser Tron and stated that she has brought detail on Friday nights, and she would be willing to add her on Thursdays, Fridays, and Saturdays. which are the three nights of main business. While the axe throwing is running, she will have a security guard there as well. It will be well staffed in that area. It will only run on the weekends when they are busy versus during the week when they are not busy. Commissioner McGarry yielded and stated that he must see the revised layout for the changes to the facility. Ms. Kaiser stated that she sent them to Silvia, and she is not sure if she got them or not? Silvia replied that she received them at 6:21 PM and she stated she had sent them earlier and resent them when she went into the meeting because the engineer finished them today.

Chairman Charnel asked Commissioner Studenski if he had any questions? and he stated he would like to see the plans and would like to see the finished product. Chairman Charnel stated that he had a couple of questions? Ms. Kaiser stated that they are on the call seeking information from board and the Councilors on what they need from them. If it is more info or plans, they are more than willing to show them. They need their input on whether to move forward with the plans or not and they are thinking of adding this addition. Chairman Charnel stated that he assumes you can drink and throw axes? So, you can be intoxicated while you throw axes? Ms. Kaiser stated that you cannot allow someone that is highly intoxicated to throw an axe. You must have limits on who is playing the game.

Basically, the way it is set up is that it is a cage, you are inside a cage by yourself nobody standing next to you, and nobody is around you. You are throwing an axe at a board that is cork and the projector which projects the different spots you are supposed to hit. She stated that if you go to Boston this is becoming very popular in many areas. Chairman Charnel stated that with virtual axe throwing do you have an actual axe in your hand? She replied, yes Chairman Charnel stated that he is with the other Commissioners, the board needs more detail than what we have received. Chairman Charnel asked Deputy Chief Williams and Lieutenant Bonanca if they had any input?

Lieutenant Bonanca stated that from a Police Department standpoint he had some safety concerns about axe throwing and alcohol as the board has mentioned. He has done some research and there are no laws in Massachusetts that limit this type of entertainment. He knows he included Deputy Chief Williams and would like him to speak on this. From the Police Department standpoint, he cannot recommend the use of axes in the setting in which alcohol is involved. He would like Deputy Chief Williams to weigh in on it, but the Police Department can't in good conscience recommend the use of axes in a setting with alcohol and would defer to Deputy Chief Williams for safety on both the laser tag and axe throwing.

Deputy Chief Williams stated that he did go there this week and they showed him the area they were going to use, and he would like to see drawings himself for the laser tag and axe throwing area to make sure it's safe from fire and escape. He would have to concur with the Lieutenant that giving someone an axe to throw around in a bar room would not be something he would want to say yes to. There are some in other places, he has done some research on the Internet. People have been hurt doing it. Is it a great idea for Brockton? he is not sure.

Chairman Charnel asked if there was anyone on the call-in favor or against it? He then asked Councilor Asack to speak. She stated that she understands their concerns but would like to express that she supports the applicants. She does not know anything about axe throwing but she knows that a few years back they were trying to upgrade the facility to modernize it and wanted to bring laser tag to our community for our kids. They were trying to bring more things to do up at Westgate besides just bowling and they do run a good business and have kept that place well.

They have expanded the bowling there and there are leagues now and it is packed. The pub is doing well, and she does not want to discourage them and supports them and hopes the Commissioners can somehow view what their plans are and support them to help them upgrade their facility. They also hold a lot of permits and pay a lot for each machine, and they are a very large taxpayer in the city. She supports them and knows the community does as well. If axe throwing is not the best thing maybe, we can support them with finding the right procedure.

She stated that Francine mentioned there are cages, maybe we can understand what this is before we totally say no to it. She supports them and the petition and hopes we can find common ground to help them out. Chairman Charnel stated he had a couple more questions? and he would like to see a safety plan. The application that the board received is bland and he would like the plan to state what would happen if someone were to get injured with an axe, will you have some type of medical apparatus on site to deal with any injuries? and the layout of where this is going to be.

The Chairman suggested that they get examples from other axe throwing places around the Commonwealth. The board could look these things up but you're presenting to us, and I think it would be in your best interest to bring to our attention a successful ax throwing alcohol establishment. Ms. Kaiser stated that she has no problem with that. Chairman Charnel stated he is not opposed to axe throwing and alcohol, he just thinks it would be irresponsible of him to grant and have nothing in relation to safety, medical apparatus, or what happens if someone is struck with an axe or wielding an axe, or how does the staff respond?

Is the police detail there only when there is axe throwing? He stated that although Ms. Kaiser mentioned that he thinks it should be in writing. This way the board can put that in the decision. The Commission is here to make wise decisions with the information we have and right now we don't have that. Chairman Charnel asked the board if they would like to table it to a later meeting? Commissioner Studenski made a motion that the board move it to the next meeting when we have received the information that we asked for, so that we can make a sound and safe judgment.

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

3-0

8. Hearing on a request from Birdies Hot Chicken for a Common Victualer license located at 1285 Belmont Street, Brockton, MA.

Present was Ms. Vivian Chow of 1 Crown Drive, #308, Quincy, MA 02169.

Ms. Chow has opened a national hot chicken restaurant and they have 21 seats. They are a fast casual food restaurant serving Nashville style hot chicken. Chairman Charnel asked her how many seats? and she replied, 22. He asked if any of the Commissioners had any questions? Commissioner McGarry asked her which storefront did she move into? She replied that she believes it was a day spa. She is right next to Stonebridge Cafe and Bedazzled a jewelry/clothing store. Commissioner McGarry yielded. Commissioner Studenski had no questions. Chairman Charnel asked Lieutenant Bonanca if he had any objections? and he had none. Fire department had no objections and stated that they had done a very nice job fixing the place. Commissioner Charnel asked if there was anyone in favor or against them on this call? and there were none.

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.

3-0

9. Hearing on a request from Cardinal Spellman High School for a Special One Day Permit to Sell Wine and Malt Beverages for a Class of 86 Reunion on April 2, 2022, to be held at 738 Court Street, from 6:00 p.m. to 9:00 p.m.

Present was Ms. Jane Westerlund of 152 Cashman Road, Brockton, MA 02301.

Ms. Jane Westerlund stated to the board that they were asking for a One Day permit for a class of 1986 reunion with about 20 guests. She spoke to the Lieutenant today and he said they did not need a police detail. Chairman Charnel asked if they had any questions? Commissioner McGarry asked if the person handling the alcohol for the school will be TIP Certified? and she replied, yes. The reunion is hiring a professional to handle that portion. Chairman Charnel asked if Lieutenant Bonanca or Deputy Chief Williams had anything to add? Lieutenant Bonanca stated that he spoke to them, and the event is limited to 20 people, so no detail is required. Fire had no objections.

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

3-0

Councilor Asack informed the board that the marijuana ordinance for hours of operation on retail establishments had changed to a closing hour of 10 PM. Medical marijuana establishments will be heard at the end of the month.

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.

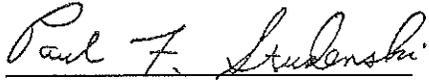
3-0

Respectfully Submitted,

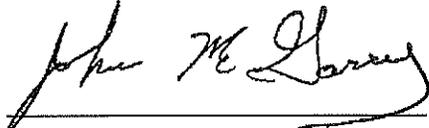


Jeffrey Charnel, Acting Chairman

APPROVED



Paul Studenski, Commissioner



John McGarry, Commissioner