

MINUTES
SPECIAL LICENSE COMMISSION MEETING
3:00 p.m.
Monday, April 11, 2022
Virtual ZOOM Meeting

The License Commission held a Special Meeting on Monday, April 11, 2022, via ZOOM. Present were, Commissioners Jeffrey Charnel, John McGarry, Paul Studenski, Executive Assistant Silvia Carvalho, and Lt. Paul Bonanca.

1. Hearing on a request from Brockton Beer Company, LLC dba Brockton Beer Company, Manager- Pierre Alexandre, makes application for an All Alcoholic Beverages Restaurant license and a Common Victualer license located at 121 Main Street, Brockton, MA.

Present was Mr. Pierre Alexandre of 53 Belcher Avenue, Brockton, MA, Eval Silveira of 115 Cypress Drive, Brockton, MA, Ed Cabellon of 43 Chilton Drive, Brockton, MA, Rowan Olmstead of 267 Ash Street, Brockton, MA, and Emily Hall from the Brockton Redevelopment Authority.

Mr. Cabellon is looking for the opportunity to pour beer and wine and alcohol at their brew/pub located at 121 Main Street. They will be starting with beer and eventually move on to other things. The request today is about pouring beer and moving forward with the plans that many of you are aware of at that location. They are happy to answer any questions and their hours of operation are Thursdays, Fridays, and Saturdays 4:00 PM to 9:00 PM, 4:00 PM to 10:00 PM, and 12:00 PM to 10:00 PM respectively. They will be serving food out of there at some point but not initially when they open. They are looking to close the final piece of the puzzle to open their doors.

Mr. Cabellon asked Eval and Pierre if they had anything to add? Eval stated that he thinks he got all of it. Chairman Charnel asked them if that was it? and they replied, yes. Chairman Charnel then asked if anyone was in favor or opposition? and there were none. Commissioner McGarry asked them to repeat the hours of operation and what the time frame is for the set of hours? Mr. Cabellon stated that their initial set of hours for the first month are Thursdays, 4 to 9 Fridays, 4 to 10 and Saturdays, 12 to 10. He believes the application at one point did state 1:00 to 2:00 AM but they are going to start slow and have those hours for the first month or two. That is what they have planned for now.

Commissioner McGarry stated that obviously all the employees are to be TIP Certified and Mr. Cabellon replied, yes sir. Commissioner McGarry stated that he sees a Common Victualer request and asked them how long it will be before they serve some type of food? will they be serving finger foods? Mr. Cabellon stated that they have bar snacks to give folks but nothing that they are making at the restaurant. He believes that will come later maybe in the second or third month of operation. They want to do beer well to start and then lead into opening the kitchen slowly. The first month will be just beer and snacks and they would like to provide food, but it all depends on how well they do to start.

Commissioner McGarry asked them if they will be starting as a beer company and eventually become a full bar serving wine and full alcohol? Mr. Cabellon stated that he does not believe it will be a full bar, but they want the ability to serve prepackaged mixed drinks which they are working with distributors on. Wine mixtures and wine cocktails, it would not be difficult for the bartenders they would simply add ice. They are not trying to be that they are trying to do beer well and would like the option to go that way but not initially. That will come with the expansion of food, and they are not looking to do that right away. Commissioner McGarry thanked him, and he yielded.

Commissioner Studenski asked them if they would be looking for any type of entertainment in the future? He did not see an application for entertainment. Mr. Cabellon replied that they are not, and the space is not conducive to bringing in live entertainment. They may do some programming in the future like trivia nights and things of that nature. They will only have music playing in the pub. Commissioner Studenski asked Mr. Cabellon if he has experience in the alcohol business? and he replied that he does not but there are people in the ownership group that do. Commissioner Studenski then yielded.

Chairman Charnel stated that he believes the ABCC has a requirement that while serving alcohol you must serve some type of food. He thinks snacks are fine, but he yielded to the Lieutenant to speak on it. You cannot just serve alcohol you have to have food to accompany it. There must be some type of food in order that it does not go right to the blood stream so fast. That is his understanding of how the rule works. Chairman Charnel asked them about their hours of operation and asked them if they planned on being open till 2:00 AM anytime in the future? Mr. Cabellon stated that is not their intention.

They are looking to be open till 10 PM for majority of their operations. They may do New Year's Eve where they would be open past ten and informed the board that most Brewers do not open past 10 PM and they are not trying to be open any later than that. Chairman Charnel informed him that the Common Victualer will be specific to the hours of operation. He informed him that if he wants different hours they must come before the Commission for approval. Mr. Cabellon stated that he understands. Chairman Charnel asked Lieutenant Bonanca if he had anything to add? Lieutenant Bonanca stated that he conducted an inspection, and he was impressed with the location.

He had some recommendations, and he did speak with the proprietors about not being open late which he believes is consistent with the new pouring license application. He believes we have had a couple of others which were given a probationary period. The Lieutenant stated that if it is stated on the license and adjusted to reflect the hours that the proprietor mentioned. He will check on the ABCC guidelines regarding the service of food with alcohol and believes this is a good step in the revitalization of the downtown area. He was impressed when he inspected it. Chairman Charnel asked if there were any questions? and there were none.

Chairman Charnel informed the applicants that they limited themselves by asking for Thursday, Friday, and Saturday and if they have an event let us say on a Monday night, they would not be able to open. It may be in their best interest to have set hours that are uniform and that would keep them from having to come back before the Commission.

A motion was made by Commissioner McGarry to approve the licenses with the operating hours of 12 noon to 12 midnight seven days a week. The motion was seconded by Commissioner Studenski and made unanimous by vote of the members present.

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2. Hearing on a request from Legal Greens, LLC for a renewal of a Marijuana license located at 73-75 Pleasant Street, Brockton, MA.

Present was Michael Maloney, Vanessa Jean Baptiste, and Mark Boquet

Ms. Baptiste informed the board that she is a Legal Greens owner and operator as well as Mark and Mike Maloney. They are a retail store looking to get their license renewed. Mr. Maloney stated that he is happy to address any questions? but the application is straightforward. He believes they filed all the proper documentation. Chairman Charnel asked if the Commission had any questions? Commissioner McGarry stated that he had no questions for the proponents but asked Silvia if all the paperwork has been properly filed? She replied yes, they sent in all their stuff. He then yielded.

Chairman Charnel stated he wanted to mention one thing to the applicants regarding their renewal. He stated that the board had a meeting last month to renew marijuana licenses and their application is technically late. We renew them at the same time every year and he asked them to be mindful of the renewal date of next year, so the board does not have to call a special meeting to renew the application. Mr. Maloney thanked the board and ensured them that it would not happen again, and they have taken the preventative measures to ensure that it is filed in a timely manner next year. Chairman Charnel asked if anyone had anything to add? and he did not see anyone on the call from the public.

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

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3. Hearing on a request from In Good Health, Inc. for a Change of Ownership and Change of Control on three Marijuana licenses located at 1200 West Chestnut Street, Brockton, MA.

- Manufacturer
- Cultivator
- Retailer

Present was Mr. David Noble of 1200 West Chestnut Street, Brockton, MA 02301.

Mr. Noble informed the board that they filed an application with the CCC and License back in January, with the City Council hearing tonight at 7:00 PM. They are bringing on two business partners and they are divesting their interest from 100% to 30%, which triggered a change of ownership and a change of control. In good health, Inc. will be keeping its name and its tax ID number and the location. Nothing will be changing except they are bringing in two partners to expand their opportunity in the cannabis space in and outside of Massachusetts.

This was approved by the CCC on March 10th, and they are just following up with the local licensing authority, following local compliance. Tonight at 7:00 PM they are presenting to the City Council for their approval on the change of control and the change of ownership. He will be remaining in place as the president and CEO of the company for the five years. Any host agreements, invoicing, or billing that must be paid to the city will continue to be paid by In good health Inc. He is happy to answer any questions?

Chairman Charnel asked if the Commissioners had any questions? Commissioner McGarry stated that he was not aware that this was required to go before the City Council. They are the signers of any host agreements, so anything that the License Commission does will be pending the outcome of the vote by the City Council. When the time comes for a vote that will have to be incorporated. Chairman Charnel agreed. Commissioner Studenski stated that he did not see anything wrong with the application and he agrees with Commissioner McGarry, he will wait until the information is forwarded and he is for it with any stipulations that must be made.

Chairman Charnel stated he has two questions. He asked if there were any changes to the hours of operation? and he replied, no. He stated that he understood they do retail and cultivation, but inquired as to whether they do deliveries? Mr. Noble stated that only on the medical side, not on the adult use side. They have done medical delivery from the beginning, and they were the first medical delivery company in the state. Chairman Charnel asked why that does not require a license transfer? Mr. Noble replied, it does not because it is under his RM V-105. Chairman Charnel asked Lieutenant Bonanca if he had anything to add?

Lieutenant Bonanca stated that he did a check of their records over the past years and there have been no complaints about In good health Inc. as well as the others. The Police Department does not have any objections and they are all set Chairman Charnel did not see anyone on the call that is in favor or opposition. Allison Cogliano from the Law Department asked to speak and informed the board that technically the ordinance requires that the City Council approve the License Commission's approval. So whatever decision they make for or against will go to the City Council.

She understood that Commissioner McGarry did not want to make a decision without City Council approval, and he replied he was going to make a decision pending their vote. They would have had to accept what the License Commission did for it to take effect. Allison agreed. They will either accept or deny the License Commission's decision. Chairman Charnel asked if there was anything else? There was none. Mr. Noble asked Chairman Charnel if the License Commission could send notification to the City Council that it was approved by the License Commission? Chairman Charnel asked Silvia to send something over to the Clerk's Office and Allison agreed to inform Solicitor Bridges.

A motion was made by Commissioner McGarry to approve the transfer pending the positive vote of the City Council tonight. The motion was seconded by Commissioner Studenski and made unanimous by vote of the members present.

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4. Hearing on a request from Leaf Relief, Inc. for a renewal of a Marijuana license located at 165 Westgate Drive, Brockton, MA.

Present was Attorney Philip Nessler of 1063 North Main Street, Brockton, MA.

Mr. Nessler informed the board that there is ongoing work at the location and there was no knowledge on their part that they received a notice for the renewal. His understanding is there was no notice sent out because the city was under the impression that they had not picked up or paid for the license. About a week or two ago he sent an email with a copy of the license which was picked up and paid for last April at the Clerk's office. There was some slip up or gap because the city did not think they

had paid for the license they were not sent a notice of renewal. When he found out they put everything together and notified the city.

Chairman Charnel asked the Commissioners if they had any questions? Commissioner McGarry asked if everything has been sent to the License Commission? Chairman Charnel asked Silvia and she stated that they are missing some things. The CCC license, proof of general liability insurance, and workers compensation insurance. She also informed the board that Eddie stated they were fine on inspections. Attorney Nessralla stated that they are not open and questioned the requirements of general liability and Workers Compensation. Silvia stated that the Law department put the package together and she guesses it is required.

Allison asked Silvia where that was in the application? and she replied in the checklist/completed attachments, she replied yes, the city appendixes. Silvia stated they would just have to get the info in if the board does approve once they are open. If they are closed that would be a moot point Allison stated but once they open that would be necessary and Mr. Nessralla agreed. She will run it by the City Solicitor and think she will be OK with it. Silvia stated these are the missing items and she did not see the CCC licensure. Phil stated that he believes Scott Rubin has it and he will have him send it. Chairman Charnel asked Commissioner McGarry if he had anything else? and he yielded. Studenski had no questions.

Chairman Charnel stated that it would have stipulations that we receive all required documentation he agrees with Allison on workers compensation, if they are not open, they cannot obtain that. All other items are obtainable. Mr. Nessralla asked what the other requirements are? Chairman Charnel asked Allison to speak to the requirements and she stated that we require proof of insurance, and she will check with Megan. Commissioner Studenski asked about current certificates of inspection as well before they can get a license. Chairman Charnel stated that he believes they have the license, but the premises not occupied. They fall out of things that they would need because they do not have employees. Technically they are not even in the space.

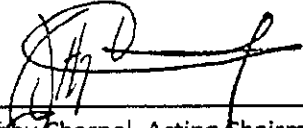
He agrees with the petitioner he thinks Megan and the team can come up with a good cover for both sides that makes sense. Mr. Nessralla stated in his humble 2 cents he believes the general liability/workers comp was for employees of the cannabis business not for a third party outside, such as carpenters and electricians and Chairman Charnel agreed. Allison stated that she thinks that is probably where they are going to fall. Chairman Charnel stated that sounds like it makes sense. The Chairman asked if anyone had any questions? there were none and asked Lieutenant Bonanca if he had anything to add? and he replied that the Police Department did not have any objections and they are all set.

A motion was made by Commissioner McGarry to approve the renewal pending all required paperwork and inspections have been done prior to their opening. The motion was seconded by Commissioner Studenski and made unanimous by vote of the members present

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

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Respectfully Submitted,



Jeffrey Charnel, Acting Chairman

APPROVED



Paul Studenski, Commissioner



John McGarry, Commissioner