

MINUTES  
**LICENSE COMMISSION MEETING**  
**6:00 p.m.**  
**Thursday, May 19, 2022**  
**G.A.R. Room, City Hall, 45 School Street**

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The License Commission held its regular monthly meeting on Thursday, May 19, 2022, in the G.A.R. Room, City Hall, 45 School Street. Present were Commissioners Jeffrey Charnel, John McGarry, and Paul Studenski. Also, present were License Agent Paul Bonanca, and Executive Assistant Silvia Carvalho.

1. Approval of the Minutes of the License Commission Meeting of April 21, 2022, and the Special Meeting on April 11, 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 May 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 May 2022. The motion was seconded by Commissioner Studenski and made unanimous by vote of the members present.

3. 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 Attorney Scott Rubin of 17 Legion Parkway, Brockton, MA, Francine Kaiser and Yogi Patel of 65 Westgate Drive, Brockton, MA.

Attorney Rubin stated that he is representing AR Westgate Lanes. They are in front of the board for a request for significant renovations of Westgate Lanes he knows that the Commissioners are very familiar with the location. It was constructed in 1962 and it has been a staple to the entertainment community since that time. He informed the board that he has been in the city since 1969 so he has spent many afternoons and evenings there as he grew up in the city.

Here before the Board is Yogi Patel and Francine Kaiser the managers of the location. The group before the board has extensive experience in the operation of bowling alleys and laser tag, they had upwards of seven locations at one time and this location was purchased in August of 2017. They are seeking to add axe throwing and renovating the billiard Lanes to laser tag. They're coming off a two-year situation with Covid and they were temporarily shut down for a period of time. It has been very challenging and

difficult not only due to Covid, but the community's taste and standards have changed and modified over the years.

They are trying to refresh what offerings they have in this location, and they were approached, by the laser tag company with a new opportunity. They know about laser tag because they had it at one of the other facilities. Axe throwing is something that Laser Tron also offered to them and found it has been successful specifically in these types of environments. They have arcade games, bowling alleys, billiards, and liquor. It has been a very popular addition these types of entertainment and this type of axe throwing has grown over the last 15 years.

There are many locations in Massachusetts that have the same combination that they're looking to install. People in the community have been out and have seen these other locations in Massachusetts and would be familiar with this type of setup. He informed the board that the Ryan Family Amusements in Yarmouth installed this exact combination, and they also have a full liquor license at that location. Pins is another popular entertainment venue, and they have multiple locations in Milford and Kingston WITH Kingston be in the closest to us which is south shore.

Yogi and Francine had thought that with axe throwing it would be limited to 18 plus and 21 plus after 6:00 PM primarily because of safety and management concerns. This is where their target market is, and they do expect that families will still come because they have laser tag, arcade games and bowling. This may be something that families can participate in while the parents are doing the Axe throwing the kids could do some of the other unsupervised activities safely. He stated that he provided protocols from Laser Tron that is mandated by their operations manual through the manufacturer and the vendor must follow a series of guidelines as far as the axe throwing is concerned.

They are required to get a waiver from all the individuals and are required to go through a briefing video, he informed them that he is sure that many are familiar with other types of activities where you must watch a video. They will have an employee onsite and on hand to show the customers how to throw the axe and that will be their primary responsibility. Each individual that signs up for this activity must go through and demonstrate that they can actually perform the function before they move on to the next individual. They will have hands on training with a staff person and he believes it will reduce the possibility of most of the injuries.

He has found that many of the injuries have come from people that are not properly supervised. They will have a security person and a duty officer from eight PM to close. The same individual stated that they would be willing to come in on Saturdays and they will be expanding the police officer to Saturday's as well from 8:00 PM to close. They will also be adding an additional individual that will be in this area where there will be axe throwing and billiards, Thursdays to Saturdays 6:00 PM to close. They'll have two security personnel on site.

They have not only been operating there since 2017, but they have been operating their other locations and they are very familiar with what high traffic count is. Although Axe throwing will be done at other hours, they know that people are coming through Thursdays to Saturdays, when most of the activities are occurring and that way, they are going to have the highest amount of security. Obviously, it depends on how popular this event is there are only four Lanes, and it is rented by the hour. So even if it was booked up in the afternoon or early evening it is limited to X number of people that can actually be in the Lanes at any given time.

Many of the locations have upwards of six Lanes this one will only have 4, two on each side. They will be taking out some of the billiards space right now where the particular spot will be. They will take some of the billiard tables and move them into the restaurant area. The restaurant is not being utilized at the location. It is an important enhancement to them, and they want to recover their significant Financial Investment. The cost is close to half of a million dollars, which includes the laser tag as well. Operationally this is an expensive proposition, and they want to make sure that it is a fun and safe activity.

As far as the laser tag is concerned, they go through a briefing as well and must sign a waiver. It is hard to get kids out of the laser tag arena, which will be the hardest thing is usually kids want to stay and play. They will also try to expand some of the arcade space and from a traffic flow standpoint as well this is an excellent plan that they presented. He went to the location, and he spoke to Deputy Chief Williams about the project they're obviously going to pull permits. They will make sure that not only is everything done according to the manufacturer specifications and requirements they will do what the city is demanding for code requirements as well. With that he asks for the board's approval.

Chairman Charnel opened up the meeting for anyone that wanted to speak on behalf of the application and there were none. He closed that portion of the hearing and he asked if anyone was in opposition? and there were none. He then asked if there were any elected officials that would like to speak? Councilor of Ward Seven Shirley Asack stated that she would like to speak in favor of the applicant. She stated that she is very familiar with the location, and she believes they were before the board last month and they were in constant contact throughout the year.

First of all, as City Councilor the first thing, she hears is we have nowhere to go in Brockton, the kids have nowhere to go our young adults don't have anywhere to go. This is a happening thing and when she first heard of Axe throwing, she was a little thrown off, but she researched it and heard from Francine and Yogi on the procedures and how it is dealt with. She has faith in them and that they are going to follow procedures because they do not want to put their license in any kind of jeopardy, as far as laser tag that should've happened years ago, she does not know why we still didn't have it.

She stated that the Attorney just spoke so she is not going to repeat everything, and she hopes they will vote in favor of it because the city needs it, our youth need it and our young adults need it. She has full faith in them and that they will manage it well and she thanked everyone. Chairman Charnel asked the Commissioners and if they had any questions? Commissioner McGarry stated that he read through the entire package, and he is glad that he put in a training period for his own staff and what is required of them.

There is a little ambiguity in the application, it is stating that there will always be one ax pert on duty at all times and Chairman Charnel replied, that is correct and on the next page it says each lane will be supervised by an ax pert. His concern is that the axe throwing places he researched are usually just a long line. You folks are going to be back-to-back. Francine replied it's open. His concern is that you're going to have someone paying attention to one direction while something is going on behind. He thinks at those times when all four of the places are being rented you need to have one on each side. Francine replied, absolutely there will be one ax pert as well as a floor manager or either Yogi or herself.

She stated that she can have the ax pert on one side and the manager on the other side. There will always be someone watching the lanes. Attorney Rubin didn't state it, but you never hand the axe to the

next person. It is put down so they are not taking it from each other, so it is not something that scares her, and they will not be changing axes in hand. Attorney Rubin stated that he suggests that nobody go before going through the training in order. If two people wanted to rent a lane at the same time, one group is going to have to be trained and they must wait for the next person to be trained. That is part of the business model, and they must go through the briefing and the training. As Francine stated one group goes, they get the training, and they must show that they are proficient and then the next group goes. The ax pert's job essentially according to the manual 95% of the time is training.

They don't move onto the next group until one group is actually doing it. Commissioner McGarry stated that he does not want to belabor it, but he has dealt with, and he was an operating room nurse for a long time. He can just picture and he read about how the axes are not supposed to be super sharp. The main danger is probably a slash back and the issue with the feet not being protected. He believes it is mandatory that they have closed toe shoes. Attorney Rubin replied, yes.

Commissioner McGarry posed a scenario to the applicants of four groups going up and they all have received training and it's one hour a whack. So, hopefully they will have 30 minutes of group activity, one person goes at a time, and he understands all of that. The bottom line is that it is great that they have the ax pert and whoever that second person is, that person should go through the training as well. Francine replied, correct all managers will have training. He stated so even though they are not technically and ax pert, you are an ax pert.

Francine stated all her staff waitresses, security guards, her, Yogi, and the managers will get training and they will send everyone in the building to the training. Commissioner McGarry stated that will alleviate some of the concerns. He knows it's nomenclature but it's the famous it's not my job. As far as the laser tag goes, he asked Francine if she keeps glasses for everybody? Francine stated that they do not have to wear safety glasses. They only wear vests into the laser tag arena and children must be eight years old or older.

The vests do have a little weight to them, they hold the laser and that's it, no glasses or anything like that. It's infrared so it will not cause injuries to the eyes. She stated that she built a laser tag arena back in New York and they had one injury a girl was running when she was told not to and she hyper extend her knee. That's the only injury they had in all the years. Commissioner McGarry yielded and so did Commissioner Studenski.

Chairman Charnel stated that just a point of information Deputy Chief Williams did send an e-mail saying that he thought this was going to be a great improvement. Axe throwing and laser tag will be built to be acceptable and to code. Chairman Charnel asked them if axe throwing would be for 18 plus? and they replied, yes. He asked up until what hour? Francine replied 6:00 PM and she informed the board that the bar is 21 plus after 6:00 PM which includes the pool room and the bar. 18 plus will be allowed up until 6:00 PM and 21 plus after 6:00 PM.

Chairman Charnel stated that to him personally he thinks that it will be difficult to manage and would be more in favor of just 21 plus to start. He stated that this is very new to the city so they're going to be a little bit more cautious. Another thing he asked was will everyone be certified on how to put on a tourniquet? Francine stated that she is CPR certified as well as another manager. They can look into getting all her staff CPR trained and certified. Chairman Charnel stated that the security person in

charge needs to have that ability. They should be able to respond and not have you come from the other side.

She stated that Thursdays, Fridays, and Saturdays are their busiest nights, and she works the pub and billiard area from 3:00 PM to close. Chairman Charnel asked her what if you get Covid or get sick? She stated her duty manager is also first aid certified, but she can have the security guards go through training and certification. Chairman replied that would be good. Attorney Rubin stated that they would have no issues with that. Chairman Charnel asked them if there were to be an incident, he would like to see the axe throwing part of the business closed for 30 days especially if they must come before the Commission depending on whether the lieutenant deems that it is something severe.

Again, he is not trying to close their business, but if there is a severe incident, he would like them to close until they can come to the next meeting. He also stated that he had two other things he thinks that the axe throwing should close 1 hour before they close the business. Francine stated that right now after speaking to their Attorney, they have decided to close down axe throwing at midnight. They have a 2:00 a.m. license and she has last call at 1:00 AM., this way it gives everybody an hour to mellow out. They're planning to close down the axe throwing at midnight. Chairman Charnel replied that is fine.

Francine also informed them that they close down the pool tables at midnight this way there is not so much of a crowd which could lead to incidents. Chairman Charnel asked the lieutenant if he had anything to input? He stated that he spoke to Deputy Chief Williams this morning and the plans that were submitted are acceptable. From the standpoint of the police department, he is sure that like many other businesses there are incidences that will occur and from his standpoint an incident from axe throwing would be unacceptable for the police department. That is his recommendation, and he has no issue with the laser tag.

From the police department perspective, they can't recommend the axe throwing, if the Commission does recommend it. Chairman Charnel did come up with a good point if there is an incident involving the axe throwing it should be updated in the plans that any further axe throwing should be suspended until an investigation is underway. It would be up to the Commission at the next meeting and there would be an overview and a report of whatever incident occurred should the Commission approve the axe throwing.

The lieutenant also agreed that there should be two people the ax pert, and the manager and they should be observing at all times. They will be subject to inspection if that does not occur and will be in violation if the Commission does in fact approve it. Chairman Charnel stated that he wanted to add one more thing he stated that he assumes there will be cameras? Attorney Rubin replied, yes. Francine stated that they have 56 cameras on the premises, and they are in the process of adding more. Chairman Charnel stated that he assumes there will be cameras on the axe throwing? Francine replied, yes. Chairman Charnel asked the lieutenant to state how he would like the cameras.

The Lieutenant stated that the camera should be recorded and accessible to the police at all times regardless of the hour and there should be a manager to assist them. They should hold the recordings for at least 30 days. Francine replied that at this time it is in her office, and they will make it available to the police anytime. If there are incidences at the mall, she always has the police check their outside cameras. Their currently adding cameras to the axe throwing and the laser tag and she has no problem with the police approving the location of the cameras before it is completed.

The Lieutenant stated that would be great if they could have approval as to where the cameras will be placed and that would be an advantage. Attorney Rubin stated he believes it is a requirement of a pouring license anyway. The Lieutenant stated it is, but it is limited on the quantity and to what locations. Chairman Charnel replied definitely with the axe throwing. The Lieutenant replied, yes, they must be at entrances and exits. Attorney Rubin stated that they had no problem with that, and they want the ability to observe from their phone. Chairman Charnel stated that lastly, he is playing the devil's advocate, say someone is wielding an axe what would they do procedure wise? Attorney Rubin stated that they certainly have a police officer on duty, and they have security personnel.

Attorney Rubin stated that there are incidents in liquor establishments where people can come in on their own and would not be unique to have to respond to it with a particular type of urgency. He has done some research and he has never seen anything like this, where someone comes into an entertainment venue looking for some kind of weapon to cause mayhem. He is sure that the security personnel and the police officer will be getting a call for assistance if somebody is committing a crime on the premises. Whether it is for this type of incident or anything else that's a criminal act.

Whether it is a pool cue, a billiard ball, or something like that they have reporting requirements anyway which is mandatory as a liquor establishment. They should be calling the police and asking for assistance inclusive of gathering the police officer and security personnel that are on duty there will be all hands-on deck if something crazy like that happens. Somebody can just show up with a weapon and walk through the doorway that could happen will a package store or any other establishment.

Francine stated that since they put the duty officer Diana back on Friday nights the clientele and crowd that would go to Westgate are no longer going. The atmosphere is calm and mellow all of the nuisance and bad stuff that would happen at Westgate no longer occurs. When people walk in and see a police officer standing there, if they are there to do something wrong, they are leaving. She is great she walks around and talks to all of her customers and they're very friendly with her and feel safer that she is there. They certainly do not want the element that would be interested in doing that.

Chairman Charnel stated that he is going off topic, but he drove by the establishment and saw a lot of cars in their lot that look like they are being repaired. Francine stated that they rent their lot during the day to Maaco. He does not have enough parking spaces for his business. Chairman Charnel replied that he does not know if that is something that they can do. Francine replied yes you can. There is an agreement from the old owner and the city. She can look it up, but it was an agreement made with Harry Minassian. The contract rolled over to them, and the cars belong to Maaco not them.

Chairman Charnel asked them to look into that. Councilor Asack stated as a point of information it may have been something that went before Zoning where certain businesses will allow other businesses to park in their lot if they do not have enough parking spaces during their off hours. It is during the day when they don't have people. Chairman Charnel asked them to send him letter from Zoning stating that it is OK. Francine replied, yes. Chairman Charnel stated that unfortunately they live in the city and drive around and see things. Francine stated that they are welcome to stop by anytime.

A motion was made by Commissioner McGarry to approve the licenses with the stipulations agreed upon. The motion was seconded Commissioner Studenski and made unanimous by vote of the members present.

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

Present was Attorney Scott Rubin of 71 Legion Parkway, Brockton, MA, and Attorney Philip Nessralla of 1063 North Main Street, Brockton, MA.

Attorney Rubin stated that he is representing Attorney Nessralla who is the applicant requesting the change of control. The current owners of Leaf Relief, Inc. had expressed some time ago the desire to no longer be in the marijuana business due to other factors in their particular lives. Many of them are business owners in their own right and had decided that they no longer wish to pursue this business at this time. Attorney Nessralla being the landlord at the location had entered into discussions with them about taking over this business and came to an agreement to do so.

They entered into an agreement to hold the space and it was accruing rental earerages and in lieu of those outstanding balances Attorney Nessralla agreed to take on the operation in lieu of them paying the rental earages. He stated that he worked with Attorney Bridges at that time, and he filed the applications with the CCC, the state has a separate set of applications which they filed. He received an e-mail from one of the licensing Attorney specialists on May 18<sup>th</sup>, which was yesterday, that they are recommending its approval for their upcoming June meeting. Although the agenda for the June meeting is not posted until a couple of days before it takes place. The second week of June is when they expect that it will be approved.

Attorney Nessralla had to go through the background check which required a Cori check, and fingerprinting the check came back without any questions or issues as far as the state is concerned. When he spoke to Attorney Bridges, he initially provided a letter, but an application was created for this specific thing, and he filled out that application and provided the board with the exact details that he just mentioned. Attorney Nessralla is certainly somebody suitable for licensure with the city, he represented the city itself as the former city solicitor he is a lawyer as well and he is aware of compliance issues and operating not only the commercial real estate that he has in the city, but also running a law office.

He is certainly confident that he will be able to build out that location and run the establishment according to the rules and regulations of the state and the City of Brockton. He asked the board to approve the change of control. Chairman Charnel asked Attorney Nessralla if he had anything to add? and he stated that he thought Attorney Rubin explained it all pretty well. He informed the board that the gentleman that carried the license are very Savvy businesspeople, and they own a slew of restaurants. The primary reason they are here is the COVID impact completely spun their business empire around and they stated they must focus 100% on the restaurants and bringing the restaurants back up to date.

They will have to reemerge somewhere up the road, both sides were equally disappointed that they weren't working together, but so much has already been put into this. It was unfortunate and maybe in the future they can have another look at this. Attorney Rubin mentioned he has other businesses in the city that they keep their eye on and happens to be involved with a cannabis business at another location

so this is not unfamiliar to him. He is very confident that they will continue moving forward and do it successfully and in a fashion that the city would like and anticipate for these types of businesses.

Attorney Rubin stated that he would like to add another thing he stated that he has been involved with these marijuana businesses since the inception of the state law and the development of the ordinances that the city has put in place. It took them a couple of years to put the ordinance in effect, but he had worked with the city and reviewed the ordinance, and he is aware that the City Council ultimately must approve any change of ownership/control. The ordinance specifically requires in his opinion that they file with the License Commission, that's what the ordinance states and requires. It says that any changes in ownership or control shall submit said request for such change to the License Commission with notice to the Brockton City Council and pay the appropriate fee.

He is aware that the next line says no such changes shall be permitted unless approved by the City Council. It very specifically says shall file with the License Commission which is then subject to approval by the City Council. In fact, the application that was provided to them says the exact same thing. The application says that pursuant to section 11-428 subsection A, repeats that shall submit the following request for change to the License Commission. No change shall be permitted until approval by the City Council. He thinks it is very clear from the application itself that it says License Commission application for change.

When he requested what they must do to file before the City Council the Clerk's office provided him with the short form City Council application which actually says that they are to approve any action taken by the License Commission. He thinks the ordinance very clearly lays out the order in which to proceed. Attorney Rubin then provided them with the application that he was given to have Attorney Nessralla sign and it actually says City Council application for approval of License Commission decision. That is very clearly under the exact same section 428 subsection A. the very application that they provided them dictates the order in which they should be going through their process. That is what was provided to him. The City Council application certainly contemplates that they would be before the License Commission first and then the City Council.

Commissioner McGarry stated that he has an ordinance and Attorney Rubin stated that he is aware of that ordinance as well. Commissioner McGarry read the ordinance from the licensing business regulations and asked if Attorney Rubin had a copy? Attorney Rubin stated that his thoughts on the specific ordinance very clearly says notwithstanding any other requirements no transfer of a license shall be considered by the City Council, it doesn't say License Commission. In his own opinion he does not believe that this is a transfer that falls under this ordinance. It is not something he is going to argue tonight because in his opinion it's not before the board.

Chairman Charnel asked him to elaborate a little? and he stated that his elaboration on it is that this license is not transferring. They are keeping the same corporation all they are swapping out is the shareholders, so the ordinance specifically uses the word transfer. The other section 428 subsection A and believes they're getting way into ordinance reading. That one says ownership or control change not transfer of license and in his opinion swapping out stockholders is not the same as transferring a license to a separate entity, which is not what they are doing.

Regardless this is the City Council's jurisdiction and because the application that they were given says he must come to the License Commission first; he thinks that the ordinance is very clear that they shall file

any change to the license with the License Commission with notice to the City Council. And then it says nothing can happen unless they get approved by the City Council anyway, it's quite frankly cumbersome it is not something he wished he would have to do, going before two boards anytime you must make changes. It is time consuming, expensive, and not the most user-friendly situation, but nonetheless this is what they have.

This particular ordinance which he is well aware of specifically leaves that in the hands of the City Council, so he thinks what they have in front of the board is a properly requested ownership/control change request that a suitable individual is before the board and that he does think it should be recommended for approval and any issues related to any kind of transfer or anything else he would have to get before the City Council anyway. He has no option because the ordinance is very clear.

Commissioner McGarry stated that obviously the marijuana business is still extremely new, and he is willing to as a License Commission member do his job. His concern is the City Council is still as far as marijuana goes the authority. They have pushed onto the License Commission the follow up and reading the things he certainly sees the Attorneys point. Attorney Rubin asked the board if they have jurisdiction over suspensions, renewals, and revocations? He stated that once the initial review was done by the City Council the board other than this carve out, and he is not aware of anything else that must go in front of the City Council other than this structural change as far as the entities are concerned and after that License Commission.

They have already been before the board for renewal and Leaf Relief has already renewed with the CCC as well. Literally the License Commission has their hands in everything. City Council only has its hand in a handful of things which would fall under this specific ordinance, everything else it's the License Commission that is in charge. He respectfully requests that this is before the board properly and is a proper request and he recommends that it be approved. Commissioner McGarry stated that he is tempted to treat this as he has done in the past the Commission does their business contingent upon the decision of the City Council.

Attorney Rubin stated that if the board approves it subject to the approval of the City Council, he is in the same boat anyways Commissioner McGarry informed the Attorney that because there is only three of them, if one of them does not vote with the others then it would stop or die. Whereas he could delay it by making a motion to postpone till after they go to the City Council and come back again. He would prefer to deal with it as their role as a License Commission properly before them and let them deal with it rather than forcing the proponent to have to come back. He has no questions because this is really cut and dry and then yielded.

Chairman Charnel opened the floor to the public and asked if anyone there was in favor or opposition? He then asked if there were any city officials that would like to speak? Councilor Shirley Asack stated that she was not asked to speak on this by the applicant, but it is her ward and upon listening to Attorney Rubin admitted that it is very complex, and she knows the process is not very clear. She would like to say she supports it. Attorney Nessralla is a resident of the city and a business owner, if it were someone coming from outside that she didn't know then she would mind her own business. She was speaking with the other councilors the other day on how many of the licenses that were given out have not opened. So, if this could help open the business and bring revenue to the city, she would support it.

She wished the process was easier or clearer, and she will question their Attorney, but if the board does not pass it this evening she does not know if they can go before City Council. She believes they need the license Commission approval to get back before the City Council. She asked for support from the License Commission to help get their doors open in the city. Commissioner McGarry thanked her for speaking and asked that she take back to the City Council that this is an area that needs to be looked at and clarified so, they're not putting proponents and businesses in the middle. She agreed and stated that she will call their Attorney in the morning. It must be figured out because it is not fair, it is costly to the applicant, and it is not fair to the city or the board. She will speak to the to her colleagues in the morning and their Attorney.

Chairman Charnel stated that he is in agreement with the Councilor this is a Rubik's Cube of confusion he then asked Commissioner Studenski if he had anything to add? and he stated no, he has taken it all in. The City Council sets up a committee like ours so they can delegate things they vote, and it can go back in front of the City Council. Chairman Charnel stated that he had a couple of questions he asked them when they plan on opening? Attorney Rubin replied it is subject to getting their request approved. Chairman asked him for a rough timeline. Attorney Rubin replied that it is taking his other locations upwards of six months to open based on essentially the same size and square footage.

He stated that for the boards knowledge there is a lot of behind-the-scenes nonsense that goes on with these build outs and they have plans. Attorney Nessler stated that the architectural plans have been completed and the builders will be pulling permits this week. It is a vanilla box with no complications to it. They will move on very quickly. Attorney Rubin stated that the construction plans are done, and the permits can be pulled obviously Attorney Nessler wants control of the entity to pull the trigger and expend the funds. Once the CCC approves one other item that must be filed with them with a copy of the building permit.

They still need to get clearance from the CCC, and everything takes time, once the build out is complete they still must request inspections from the CCC even if the buildout is complete, it will still take four months. it is taking two months to get through the regular Cori process with the state and they only meet once a month, and you must get an approval from the state. Chairman Charnel asked them where are they in that process? Attorney Rubin stated June is the expectation that the change of control application will be approved by the state. If the Commission approves their request, it will obviously have to get on the agenda for the City Council and then that would start the six months.

Chairman Charnel asked Lieutenant Bonanca if he had anything? and he stated that the Police Department had no objections he then asked him if he had anything from Deputy Chief Williams and he stated he did not think so.

A motion was made by Commissioner McGarry to approve the Change of Ownership pending the outcome of the City Council. The motion was seconded by Commissioner Studenski and made unanimous by vote of the members present.

5. Hearing on a request from Brockton Council on Aging for a Special Permit for an Annual World Elder Abuse Awareness Day Walk to be held on June 15, 2022, from 12:00 p.m. to 2:00 p.m. from the Council on Aging to Old Colony Elder Services.

Present was Michelle Brace of 10 Father Kenney Way, Brockton, MA.

Ms. Brace informed the board that every year except during COVID, on June 15th they would march from the Council on Aging mostly on the sidewalk whenever possible down to OCES which is approximately 1/3 of a mile. They stop there and have a water break high five everyone and walk back to the Council on Aging. World Elder Abuse Awareness Day began June 15<sup>th</sup>, 2006. It was started by the International Network of the Prevention of Elder Abuse and Worldwide Health Organization. It is estimated last year that there were 32,000 reported cases of elder abuse, it could be financial, sexual, or neglect. It seems unimaginable that anyone would abuse an elder but unfortunately it is something that happens every day and something that they would like to bring awareness to in the city.

Chairman Charnel asked if anyone was in favor or against? and there were none, he asked if there were any city officials that would like to speak? and there were none. He then asked Lieutenant Bonanca if he had anything to add? Lieutenant Bonanca stated it was approved by the chief, but he advised them to consult with the Traffic Commission. Maybe a police officer could help with the traffic, etc. Ms. Brace informed him that there is a police cruiser in front of the line and that is what guides them and keeps them on the sidewalk, and it also leads them back. Lieutenant Bonanca suggested she check with Captain Porcaro in the Traffic office.

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.

6. Hearing on a request from New Westgate Mall, LLC for a Special Permit to Sell Wine and Malt Beverages and a Special Event Permit for a Brews and Bites event at 200 Westgate Drive, to be held on September 24, 2022, from 12:00 p.m. to 5:00 p.m.

Present was Daniel McCallum and Gregory Farrington of 200 Westgate Drive, Brockton, MA.

The gentleman informed the board that they are applying for a special permit for one day for a 5-hour event that the mall has carried successively multiple times in the past. There will be 6 to 8 food trucks serving food and beer and wine only. There will be live entertainment either a DJ or someone playing an instrument. They have their own USI security personnel and typically have two detail officers and they will speak to the police and if they think they need more they would be happy to do that if needed. It is a family event, and it is outdoors with tents, tables, and chairs. There will be a pedestrian gate and ID's will be checked and obviously they look forward to having a very nice event this coming fall, if allowed.

Chairman Charnel asked if there is anyone in favor or opposition? and if any public officials would like to speak? Councilor Shirley Asack stated that the applicant did not ask her to speak but she is constantly up at the mall, and this is a great thing. They had an event a few years ago with the food trucks and it was successful. People in the community really enjoyed it and they are supportive of them all. They are our largest employer in the city, and we will do whatever we can to support them, and she knows the residents are looking for these types of events.

Chairman Charnel asked if any Commissioners had any questions and Commissioner McGarry asked them where on the property will they hold the event? They replied over near the IHOP the back area of that parking lot. There will be a pedestrian fence set up and he usually works the detail from 3:00 AM till it is over so, someone will be on site making sure nothing happens. Commissioner McGarry asked them if they will be checking IDs and he replied, yes at the direction of the Police Department they set up an entrance and an exit on both sides of the pedestrian fence set up. That is where people are allowed in, and ID's will be checked when the beer and wine is served. Commissioner McGarry asked if they have a beer garden area? and they replied yes. Commissioner then stated it helps them control it better and yielded.

Commissioner Studenski had nothing, and Chairman Charnel stated that as Commissioner McGarry stated a simple site plan as to where they plan on setting up will be great. He stated he can forward that to Silvia. Chairman Charnel stated that he has attended the event in the past and it's a great event, it gives local and outside vendors the opportunities to sell food. He believes it was our first food truck event in the city and now the city is talking about making food trucks permanent. He thinks it is great and that the mall is wonderful. Chairman Charnel then asked if the brew people are hired professionally? They replied yes, the breweries have their own employees that are certified to pour and same with the wine vendors. It is a great opportunity for the local vendors to sell their product.

The mall does this at no cost. It is free to the public and admission is free. It is a great opportunity for vendors to see their product. Lt. Bonanca stated that the dept. recommends approval subject to the following: two detail officers minimum, if the detail officer feels there may be a safety issue, he may request additional detail if needed. Lieutenant Bonanca stated that the application says they are expecting 1000 people but not all at the same time, correct? he assumes that it will be a couple hundred each hour and they replied that is correct. Those are the conditions the Police Department would demand upon approval.

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

7. Hearing on a request from Cardinal Spellman High School for a Special Permit to Sell Wine and Malt Beverages for a Trivia Night Fundraiser at 738 Court Street, to be held on June 2, 2022, from 6:00 p.m. to 10:00 p.m.

Present was Mr. Richard Bosmer of 27 Taunton Street, Lakeville, MA.

Mr. Bosmer stated that he is representing Cardinal Spellman and on June 2nd which is a Thursday they will have a trivia night that is closed to the public and for the Spellman families. They are raising money for a trip for the kids to go to West Virginia the Appalachian Mountains this summer. It is a trivia night open to Spellman families. It will be held in the cafeteria one night only and he believes it's a three-hour event. Chairman Charnel asked if anyone was in favor or opposition? he then asked if there were any public officials that would like to speak and there were none. He asked if the Commissioners had any questions?

Commissioner McGarry asked if they would be bringing in a group to handle the alcohol? He replied they have teachers that would do that. Commissioner stated that he would still like someone that is TIP Certified to handle the alcohol and they can do it online. Mr. Bosmer stated that they have been doing it for years so he assured them that they can handle it. Chairman Charnel stated that the application states that they are expecting 150 people in the cafeteria, and he asked him if it was a closed environment? He replied between 100 and 125 people.

Chairman asked him if it was open to the public? and he replied, no. The Chairmen then asked if they were selling tickets? and he replied, yes admission tickets. Chairman Charnel asked Lt. Bonanca if he had anything to add? and he stated that he spoke to Jason Deramo and had a simple point of contention. He did mention for the stipulation on the license that a police detail would be required if it were open to the public. He asked him for clarification whether it was open to the public and if in fact it was a closed event? and he replied, yes private. It is not open to the public.

Lieutenant stated that when he spoke to Jason Deramo, he had an issue with that. Mr. Bosmer assured him that it is not open to the public, only to Spelman families. Lieutenant Bonanca stated if it is not open to the public and alcohol is being served then no police detail is required. Mr. Bosmer stated that they have held this event for five years prior to COVID and have never had an issue. Chairman Charnel stated Eddie signed off so he's good with it.

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

8. Hearing on a request from Simonelli's Automotive Incorporated dba Simonelli's Auto Sales for a Transfer of a Class II Used Car Dealers license at 1489 Main Street.

Present was John Simonelli, Jr. of 1489 Main Street, Brockton, MA.

Mr. Simonelli stated that they are looking to transfer an existing used car dealers license from the old owner Mr. Ridley to his family his father owner of Simonelli's Automotive. The property is located at 1489 Main St. Chairman Charnel asked if they had anything else to add and they did not. Chairman then asked if anyone was for or against? or if any elected officials wanted to speak? and there were none. Chairman opened the discussions to the Commissioners. Commissioner McGarry asked them if they were next to the ambulance service? He replied yes, that is correct it is the old Bob's Auto Body. He asked them if they are currently using Brewster's parking lot for employees? He replied yes, they have allowed them to use their parking lot for employee parking.

He informed them that that the Deputy Chief made some notes that there are to be no junk or dismantled vehicles parked out front and if they lose the ability to park at Brewster's the board will have to change their parking structure. He replied that he believes he said it was vehicles that have been damaged. There are other companies out of the same address that have spots that are in rotation or next in line. They tried their best to keep other companies from going in the backyard to prevent anything from happening. What they do is pull the vehicles out in front of the gate when they are scheduled to be picked up so, they will be outside the gate but only briefly. He believes Deputy Chief Williams was OK with that.

Commissioner McGarry asked him if he shares a space outback with other companies? and he replied there is a small portion of the yard in the back where vehicles are stored. Commissioner restated that Deputy Williams does not want any junk or dismantled vehicles out front, if someone is picking up a vehicle that is fine. He informed the board that Deputy Chief Williams was provided a new updated parking plan and he believes he has signed off and has given his blessing. The plans were provided to him last week. Commissioner McGarry asked Silvia if we received a parking plan and she replied, yes Deputy Williams had the copy. Did he forward a copy to you, and she replied yes, he then yielded?

Chairman Charnel asked Commissioner Studenski if he had anything to add? and he replied, no. Chairman Charnel stated he was confused that senior was not present, but he noticed that junior has power of Attorney, and he can stand in for his father. Chairman stated that they park on Desantis's parking lot and asked him if he had a written agreement to do that? He replied that they do have an agreement that they submitted with the business license transfer so City Hall should have that on file. It was signed by Brewster. Chairman Charnel asked him how many spots they gave him? they were told they were free to use from their fence line to the trailer that houses the wheels of times auto show which is held every other Thursday night. He stated it's approximately 25 to 30 spaces wide.

Chairman Charnel asked if they put overstock equipment or cars there? He replied that some of the guys are in and out all day long. Chairman asked him let's say a car is being repaired? he replied to no. Chairman asked him if he ever put a car that is in disrepair there and he replied, no. They never put anything that is being worked on their property. Chairman then yielded to Lieutenant Bonanca. Lt. Bonanca stated that he and Deputy Chief Williams have had various meetings as well as inspections on site and have met at City Hall with Councilor Nicastro.

The bone of contention with this is the fact that a transfer of a class II used car dealers license also has an auto repair license on the premise so, the bone of contention is how many cars in terms of what you can have stored there as auto repair as well as what you can have stored there for a Class II used car dealers license. After negotiation and various meetings there still must be an updated new completed plot plan. They did negotiate with his father on what was going to be stored there.

The only thing that is needed is the new completed plot plan which they did not think had to be extensive and it can be adjusted, and they also need the ADA approved signs and striping of the space as well. He knows he lost a few spaces because of the dimensions of the spaces weren't by prospect but he can assure the Commission that he and Deputy Chief Williams went through the property with the new completed plot plan that was owed to them as well as the pending completion of the requirements from the plan he thinks it was acceptable at least from the Police Department perspective and Deputy Chief Williams.

Chairman Charnel asked Lieutenant if they would approve the request and require that they provide him a proper plot plan? He replied that is correct the plot plan and the completion of the requirements as well as the ADA Spaces.

A motion was made by Commissioner McGarry to approve the Transfer pending the ADA Spaces and completed plot plan. The motion was seconded by Commissioner Studenski and made unanimous by vote of the members present.

9. Hearing on a request from NgonQuaLoc1, LLC dba N-Gon for a Common Victualer license located at 321 Crescent Street, Brockton, MA.

Present was nobody.

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

10. Hearing on a request from The Brockton Business Café for a Common Victualer license located at 245 Main Street, Brockton, MA.

Present was Eduardo Marques of 215 Adams Street, Apt #112 Quincy, MA, and Julian of 345 Belmont Street, Brockton, MA.

Mr. Marques informed the board that he and his partner decided to open the Brockton Business Cafe because they were downtown one day and wanted some coffee and they were instructed to walk to a Dunkin' Donuts all the way on the other side. They then decided to find a place and they did locate one at 245 Main Street on the corner of Belmont and Main St. They did hard work that took 45 days to complete and many sleepless nights until they got it done. They are in front of the board to get a license for seating for both inside and outside. Chairman Charnel opened the meeting up to the public and asked if anyone would like to speak in favor? Chairman Charnel asked the business partner if he wanted to speak in favor of his own business?

Julian informed the board that they opened a cafe in downtown Brockton with a workspace in it which means that professionals in the area can rent a space to sit down and do work. It has PowerPoint presentation and zoom capabilities as well as high speed secured Wi-Fi. He informed the board that the place was put together for people like you. They put a lot of money and energy into it and created a welcoming place for the community. He has another business, and he is a member of the Chamber of Commerce. The mayor is always talking about changing downtown Brockton and is always pumping it up adding train stations and many other things. So, they made a place that looks like it's on Newbury St and hopes that people in the community like the board would stop in.

Julian informed the board that one of the most beautiful things he saw was the DA and his colleagues sitting on the bench in front of their place having a latte and eating a danish. They asked for a picture, but they were like no not yet. Chairman Charnel asked if anyone was in opposition or in favor? or if any elected officials would like to speak? and there were none. Chairman Charnel asked the Commissioners if they had any questions? Commissioner McGarry asked if it was on the corner of Belmont and Main Street? and they replied yes, next to the bank. He asked if they had tables inside and out? and they replied yes.

Commissioner McGarry stated that he believes they had tables out in the past and Silvia replied, yes when Athena was there, she had tables and chairs. It was the Gourmet Cafe. Commissioner McGarry yielded, and Commissioner Studenski had nothing to add. Chairman Charnel asked them their hours of operation? and they stated 6:00 AM to 9:00 PM. Chairman asked the number of seats they were looking for? They replied 19 inside and 6 outside. Chairman Charnel asked if it is the same building as the check cashing place? and they replied yes. Chairman then informed them that they must get all inspection sign offs and they replied that they pretty much have all of them. Lieutenant Bonanca completed an

inspection on the 12th, and they had no issues, and the Police Department has no objections and recommends approval.

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

11. Hearing on a request from FunZ Trampoline, LLC dba FunZ Trampoline for 11 Automatic Amusement Device licenses at 2077 Main Street, Brockton, MA.

Present was Mr. David Seley of 8 Churchill Road, Woburn, MA and Mr. Andy Linn of 95 Mirra Drive, Groton, CT.

Mr. Seley stated that he knows some of them are familiar with FunZ it's a trampoline park and they do not serve alcohol because it is family oriented. They are looking for a license for 11 amusement games. The ones people are used to seeing around cranes, super bikes, basketball, nothing crazy. They are all in full view of the main desk the place is highly supervised and there are always two people at the desk. There are trampoline supervisors everywhere during the busy times and they also have a security guard. It is straightforward there is no cash in the games they set it up with a debit card. The people must go to the teller and purchase the card for the games.

Chairman Charnel asked if there was anyone there in favor or opposition? he then asked if there were any city officials that would like to speak? and there were none. Chairman Charnel asked the Commission if they had any questions? Commissioner McGarry asked them if the plan he has is how everything is laid out? and Mr. replied yes that is where the games and front desk are. He offered to show the board the pictures on his phone, and he stated that there is typically a manager and a staff member at the desk and there are people dispersed throughout the building. It is a safe and clean place for families to go and enjoy themselves.

Chairman Charnel stated that he is familiar with the business because part of the building is in Bridgewater and part of it is in Brockton which has presented a lot of issues. He informed them that he has received photos and calls and he thinks that some of the issues with the machines are that they are not fire rated to the proper code. He replied that they swapped out those ones and that the only ones in the building are either UL or CE rated. Chairman Charnel asked him if he is the owner? and he replied that it is a corporation, and he is a major shareholder. Chairman Charnel informed him that he never came to the city to have his business sanctioned. He did see the field evaluation service, but he is more concerned about safety.

It is a jumpy place what do you do if someone is injured? What is the fire code, what is the fire plan what is the exit plan, what do you do in an emergency? He also told them that they were selling food in the building without permission and asked them if they bring food in from offsite? He replied that they have packaged snacks nothing is prepared on site. It would be sealed ice cream. Chairman Charnel stated OK but there is seating in there and I would have to sit down and eat it correct? He asked him if he would be able to sit down and eat it? The Chairman asked him if he could go into his business grab a candy bar or popcorn and sit down and eat it? They replied yes.

Well then you would need a Common Victualer license to do that, and he informed them that the board was going to call them in because of the issues they have been having with the business and on a few occasions, he was told it has been overcrowded. Chairman Charnel yielded to the other Commissioners. Commissioner McGarry stated that he was not aware they were there and has not received any phone calls. Chairman stated that he has not been there, but he has received reports from Deputy Chief Williams of overcrowding. It's great that the business is successful, but they still have not applied for a Common Victualer license and he thinks that they should. He understands half of the building is in Bridgewater and half is in Brockton and believes the state fire marshal has visited the property as well.

The machines that were on site were not rated properly and at some point, he does not know if they still are. Commissioner McGarry stated that he has a couple of questions? He asked them who is overseeing the people using the trampoline? He replied on the weekends he has a staff of about 9 to 10 people. He then asked out of that number how many are trained in medical/first responder type abilities? He replied three to four. Commissioner then asked if it was CPR certification, first aid or anything like that? Commissioner informed him that whenever people are using the trampoline someone with some type of training should be present.

Mr. Seley informed the board that on the Bridgewater Brockton thing they applied and received a license on the Bridgewater side only to find out that some of the games were on the Brockton side. The actual delineation was not clear so there was no attempt to do anything with the machine part. They thought they had the correct licenses. Who knew the line went through the middle of the business? It was very difficult finding out exactly where the line was but now, they have a good idea of where it is exactly. All the machines will be on the Brockton side. Commissioner Studenski asked if they will all be on the Brockton side? and he replied yes because of the way it is laid out they want the machines in front of the desk.

This way it will always be in full view of the management and staff. Chairman Charnel and the Commissioner yielded to Lieutenant Bonanca. Lt. Bonanca stated that he and Deputy Chief Williams inspected it on the 11th and found a few issues. The big problem is that they are coming in front of the Commission to get approval for 11 automatic amusement device licenses but when they went there, they were already in operation. You were in operation before the approval of the Commission. The plot plan must have been adjusted because you had a few in West Bridgewater and the rest were in Brockton. In accordance with the plan, they were not placed according to the drawing. If you are saying that you changed it, we will have to do a re-inspection.

He informed the board that they had them turned off and does not know how long they had them running with people using them prior to getting any permission from the Commission. He also knows they have birthday parties, kids' parties and there's food being served. He does not know if they have any involvement in the production of food but he knows people are bringing in the food from outside so they should have a Common Victualer license and should not be doing that unless you have a Common Victualer license. So, there are some violations right off the bat, the devices on the floor were not consistent with the plot plan and you already had them working and you don't have a Common Victualer license.

As far as the Police Department is concerned and speaking with Deputy Fire Chief Williams they would have to be in compliance before there would be any approval. Right now, they are running the ship without any authorization to leave the dock. Chairman Charnel agreed with Lieutenant, he wouldn't

vote in favor of the application, but he does not want to deny them today. Chairman Charnel informed him that he needs a plan that addresses if something were to happen, safety, the exits, you are serving food now, is it brought in? are the staff medically certified? He informed them that he must provide this information to the board. He is running a business that has a lot of injuries that can happen to the lower extremities and to those that are younger, and we need to know if there are safety protocols in place

Mr. Linn stated that they had two security personnel on weekends and the Chairman replied, you can have seven security personnel, but are those people equipped to help in an emergency? are they CPR certified, and can they put on an ace bandage? do you have those things on site? If someone would have sprained an ankle? Again, these kids are jumping you can't just come to the Commission asking for automatic amusement devices and just forget about the rest of the business. That's not how it works. He informed them that he must tell the board about the entire business not just machines. Mr. Seley stated he is taking notes because Mr. Linn's English comprehension is not the best. He stated that he deals with just the machines, but it is really one package. Chairman Charnel informed them that they are just talking about machines and wants to vote when there is a whole business plan.

The Commission did not have any idea about the business prior to the application that it even existed. Commissioner McGarry stated that because it is on the community line and in case of an emergency, he suggested he speak to the town of West Bridgewater and the City of Brockton for first responders. He does not want a child or someone's life in jeopardy if they were injured on one of those trampolines because the calls were misdirected. Commissioner Studenski stated the business should have a phone in Brockton and one in Bridgewater and all the employees should know if you want to call Brockton use that phone and West Bridgewater use that one. Mr. stated that makes total sense.

Chairman Charnel recommended that the applicant consult with some type of professional. He stated he is not in favor of what he has seen in the photos and what he has heard from the city's first responders. The place has been overcrowded the machines were not certified, but now they are. The machines at one point were the wrong certification and the savvy owners of the business never came to the Commission to let us know about anything. He also heard there has been a response there for four injuries he is not concerned about it, and he thinks they were minor but that is an issue.

Commissioner McGarry suggested a motion to postpone and give them some time to correct all those things and come back in a month. He told them none of the machines should be operated. Mr. replied they are turned off. Commissioner McGarry stated as of right now it is a trampoline park if you are allowed to do that. Chairman Charnel asked the Lieutenant who sanctions the trampoline park? Lt. Bonanca stated a business license just like any other license. Chairman Charnel asked what town? Lieutenant stated most of it is in Brockton. The function rooms are in West Bridgewater so, if somebody chokes on some food or something he would think that it's in the function room and that is West Bridgewater.

Its partially in Brockton and West Bridgewater so he does not know if they have a business license in West Bridgewater and he does not believe it's a License Commission sanctioned business, it would be more of a general business license. Amusement devices and Common Victualer license are Commission business but other than that it would be a general business license. The Chairman asked if we sanction trampoline parks? and do we know if they applied for a business license? the Lieutenant stated he would check. The Chairman stated that he does not even see anything that shows that they applied for that either.

The Chairman stated that the business is operating the business like a Tesla that's driving itself. We know not nothing. Lieutenant Bonanca stated he will check it out and the Chairman stated it's unfortunate because he thinks the business has done well, but you can't just come into the city and think you can open a business like that and not let anyone know that you're running that business. He thinks it's a shame. He stated it he sees that he is a 33% shareholder so, there are three of you people that are making these decisions and he is assuming but you must make the right decisions you can't just come in here willy nilly and run a business.

You must check with Bridgewater and Brockton you know that you are in both towns. Commissioner McGarry stated that tomorrow you must pull a business permit and somewhere preferably in Brockton and West Bridgewater. Chairman Charnel asked them if they applied for a business permit in Brockton? He believes when they renovated the business, they got a business license and a certificate of occupancy etc. Commissioner McGarry stated that he will speak to what the License Commission controls.

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

12. Hearing on a request from Lynce Towers, Inc. dba Le Pyramaide Restaurant, Manager- John R. Lynce makes application for an All-Alcoholic Beverages Restaurant license, Common Victualer, Automatic Amusement Device and Entertainment license at 1040-1042 Main Street, Brockton, MA.

Present was Mr. John Lynce of 91 Narrows Road, Assonet, MA.

Mr. Lynce stated that when he purchased the business it was a Chinese restaurant and he decided to bring Caribbean food to another level in Brockton. He decided to do some maintenance and renovations inside. Due to Covid they had to shut down, after a couple of months, they started again and now they are at the point where everything looks good and thinks, they are ready to go. Last time he was here they gave him the forms for fire department, wire department and he has everything done and he has turned them into Silvia except for the Board of Health. He has it in his car and he will give it to Silvia tomorrow or Monday.

Mr. Lynce informed the board that he has poured a lot of money into the business, and it cost him a lot. He would like to bring jobs to Brockton and if the board votes in favor and he is ready to go. Chairman Charnel asked if anyone would like to speak in favor or opposition? and there were none. Chairman asked the Commissioners if they had any questions? Commissioner McGarry asked if he had a packet from him? Silvia asked if they were looking for his stuff? Chairman replied that Mr. Lynce has been kicking around since 2018. He bought his restaurant made plans but then COVID hit, and he has been working little by little. Silvia stated that he already had a license, but it lapsed.

Commissioner McGarry stated OK I was an alternate then. Chairman Charnel stated that he went and visited it and he is sure Lieutenant went as well, the work that has been done is crazy, extensive to say the least. New flooring to new ceilings, to new hoods everything. Like you said he has spent a lot. Mr. Lynce replied upwards of \$150,000. Chairman Charnel stated plus he purchased the building. He stated that he does not have an issue with it, the board already approved the applicant he just let his license

lapse due to Covid. Commissioner McGarry asked the Chairman what were the approved hours of operation he was given in the past?

Chairman Charnel replied 2 AM. Commissioner McGarry stated that he has a problem with the 2:00 AM, the Chairman stated that when Hank was here the standard was to give everyone at 2:00 AM license. If we had issues with them Lieutenant would call them in, and we would roll them back. Commissioner McGarry stated that his problem is that this is his section of the city and he represented it for 10 years. Chairman Charnel stated that he thinks the Main Dragon had a 2 AM. Commissioner McGarry stated that we used to have an awful lot of problems with the bars on Main Street Mr. Lynce stated that he will have cameras inside and outside and in the parking lot for security. Chairman Charnel stated that we granted him a 2 AM license before so, out of being consistent and in fairness of bars and restaurants in the city he asked the Commission to really consider it.

Commissioner McGarry stated that he would because of the special situation this is but it's still his section of the city and he still lives near there so he will be watching and if there are any incidences he will be put on notice. Mr. Lynce stated he does not mind if people are watching them. Commissioner McGarry stated he did not mean it in that way. He stated that section of the city has been his home and he is almost 70 years old. He's gone down there for a lot of reasons over the years. He hopes he has a wonderful business he really does and that's what he is praying for. That he would be a great addition to the neighborhood down there, that's what we are looking forward to. Mr. Lynce stated that he has been chasing out the homeless. Commissioner McGarry stated I am sure you are.

Chairman Charnel then stated that while he was visiting him, he noticed an incident with a homeless woman at his business that was sad. Commissioner Studenski stated that he is impressed with the inspection it appears that a lot of good things have occurred, and it seems there are some inspections to come he is not sure. He stated that this Commission used to start new businesses with the 1:00 AM closing. Chairman Charnel stated that not while Hank was on the board. Commissioner Studenski apologized. Chairman Charnel stated that the reason why Hank took that position was because when you give everyone at 2:00 AM and he gets a 1:00 AM everyone leaves the business and runs to the business open till 2:00 AM. Again, he understands, and the Lieutenant has been a proponent of let's start him with a 1:00 AM and see how he does but this gentleman had a 2:00 AM he just let it lapse.

Commissioner Studenski said OK this is his life now and asked if he would have entertainment there? He replied, yes. Commissioner Studenski asked if he would be contacting the Police Department with issues? and he replied, yes, he then yielded to Lieutenant Bonanca. Lieutenant Bonanca stated he would not belabor the point of a probationary closing time because the discussion has already been made. It would have been his recommendation, he inspected on the 12th, and he still needs, unless he did it in the last couple of weeks an ADA compliant space with signage and the lot must be paved and striped and asked him if he has done that?

Mr. Lynce replied he will have it done before it opens. Lieutenant Bonanca stated the cameras need to be placed and he would like to see how it has been set up. He should maintain storage for at least 30 days. His request is that if the closing time is going to be 2:00 AM that a police detail be required on weekends. There may be a possibility that they may not be able to fill the request, but he thinks notwithstanding the fact that the closing time is going to be 2:00 AM he would like to see the detail and Mr. Lynce agreed.

A motion was made by Commissioner Studenski to approve the licenses pending completion of all requested items and signoff by Lt. Bonanca. The motion was seconded Commissioner McGarry and made unanimous by vote of the members present.

13. Hearing on a request from Nomis, LLC dba Auto Solutions for a Transfer of a Class II Used Car Dealers license located at 1050 Montello Street, Brockton, MA.

Present was Mr. Simon Augustin of 21 Gladston Street, Brockton, MA, and Mr. George Pollilio, Jr. of 42 Locust Street, Raynham, MA.

Mr. Pollilio informed the board that Simon has been his tenant at 1050 Montello Street going on nine years and they have been collaborating as a used car dealership and Simon has decided to purchase the property and the license. Assuming that it is approved that is why they are before the board to petition to have the license transferred into his company's name so he can carry on his business which he has been doing for close to 9 years now. Mr. Augustin stated that when the officer went to the business the parking spot for the handicap space was there but there was no sign and that has been taken care of. There were some cars parked where they were not supposed to be and that has also been taken care of and the lot is clear Chairman Charnel stated he does not see anyone in favor or opposition and the Chairman asked the Commissioners if they had any questions? and they had none Mr. Polilio stated that Simon has owned multiple properties, Auto Solutions #1 on the corner of Perkins and Montello and they were able to collaborate on him expanding his business. Eight to nine years ago he purchased the property next door and leases parking lots.

This is a good and positive event for the city, and he offers the community repair service and used car service on his other property. There may be other things to come he also offers dry cleaning as well. He has a lot of good things going on and he is excited for him. Lieutenant Bonanca stated that they conducted an inspection on the 12th and a few issues came up that he thinks he has already mentioned, the ADA space, the Lieutenant asked if they had a proper one there? and he replied correct. The cars on the lot were not in the proper spaces per the plan. There is a place on East Chestnut St that crosses over which abuts the property he had some cars parked on city property and it is not his property, and they need to be removed.

He stated that for the most part the lot looks neat for the cars that are facing the street. As long as he completes what he has just mentioned, the Police Department does not have any objection to the approval. Chairman Charnel asked if there was anything from Deputy Chief Williams and Lieutenant Bonanca stated that Deputy Chief did not have anything further. Chairman Charnel informed them that as Lieutenant stated they drive by these places and he believes a lot of the Commissioners do as well and they will let him know and asked him to really keep it nice and clean, if not the Lieutenant will go back and fine you which is not necessary. He wants him to be successful and asked that he stay within the framework of what is his. Mr. Augustin stated that a few years ago there was a tough inspector in the city, and everyone was having problems with him, but since then he has had no problems.

A motion was made by Commissioner McGarry to approve the transfer of the Class II Used Car Dealer license pending confirmation of the requested changes. The motion was seconded by Commissioner Studenski and made unanimous by vote of the members present.

14. Hearing on a request from Teffy's Restaurant, LLC for a Change in Corporation on a Common Victualer license located at 74 West Elm Street, Brockton, MA.

Present was nobody.

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

15. Hearing on a request from Gorgeous Events for a Special One Day Permit to Sell Wine and Malt Beverages for a 60<sup>th</sup> Birthday Party to be held at 21 Torrey Street, from 8:00 p.m. to 12:00 a.m.

Present was Sidney Camille of 5 Whitman Street, Brockton, MA.

Mr. Camille informed the board that he is throwing a birthday party for his parents and wanted to go through the proper channels to be able to provide wine and spirits to his guests. He was told he needed to come to the license Commission to obtain a one-day license. Commissioner McGarry asked him where 21 Torrey St was located? and if it is part of Points West Plaza? He replied that it is next to the Dollar Tree where the old traders was located. It is now an event space. Commissioner McGarry stated that he did not know that. Mr. Camille stated that it has been open for a few months and he is not selling the alcohol just serving it to his guests. He will have a bartender there and he believes that she spoke to Silvia.

Silvia replied yes, the caterer called, and she informed her that she is a bartender and will be handling the alcohol service. Silvia stated that she informed her that the applicant would have to apply for a one day and informed the board that she spoke to Eddie Williams, and he was aware of it. Mr. Camille stated that he is not here on behalf of Gorgeous Events, he is just renting the space from them. Chairman stated that they are making you get your own beer and wine license. Mr. Camille said, yes, he had to seek out his own bartender. He had a bartender that he had scheduled but she cancelled on him on Friday, so this is where he is at. Chairman Charnel informed him that is the proper thing to do. Chairman Charnel opened to the Commissioners.

Commissioner McGarry stated that as long as he has a professional bartender that is certified handling the liquor for him, he has no problems with that. Commissioner Studenski stated that he had a question how many people will be in attendance? Mr. Camille replied approximately 75 to 100 however it's supposed to be a scorcher on Saturday so people might decide to do something else. Commissioner McGarry asked Mr. Camille who was turning 60? and he replied, his mother. Her birthday was on May 12th and his father's birthday was May 6<sup>th</sup> so, it's a surprise birthday party for both of them. He has never thrown them a birthday party and he is not an only child, but it falls on him.

Chairman Charnel asked Lt. Bonanca if he had anything to add? Lt. Bonanca asked Mr. Camille if Gorgeous Events told him to apply for a one-day license? He informed the board that the bartender that he is hiring went through the channels to find out what they needed to do. Silvia stated that the bartender was the one that called. Lt. Bonanca stated that they will have to keep an eye on the place. He heard they have had events there before, so he needs to make sure that there's no alcohol being served etc. Lt. Bonanca informed him that no detail is required because it is a private party and there's no admission and asked if it was open to the public? and he replied, no. Lt. Bonanca stated the Police Department has no objection.

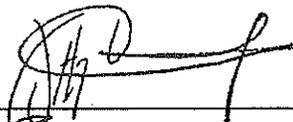
Chairman Charnel stated to Lieutenant Bonanca that he sees that Deputy Chief Williams has signed off on the application and asked if the space is sanctioned for events? Lieutenant Bonanca stated that the space is sanctioned for events but there can't be any alcohol unless they come before the Commission to get a one-day license.

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

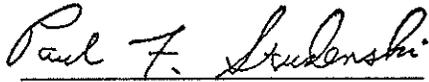
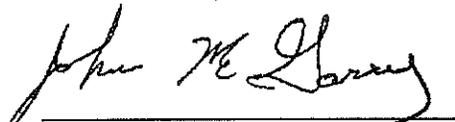
A motion was made by Commissioner McGarry to postpone NgonQuaLoc1, LLC dba N-Gon to the next regularly scheduled meeting. The motion was seconded by Commissioner Studenski and made unanimous by vote of the members present.

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,

  
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Jeffrey Charnel, Acting Chairman

APPROVED

  
\_\_\_\_\_  
Paul Studenski, Commissioner  
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John McGarry, Commissioner