

MINUTES
LICENSE COMMISSION MEETING
6:00 p.m.
Thursday, June 16, 2022
G.A.R. Room, City Hall, 45 School Street

The License Commission held its regular monthly meeting on Thursday, June 16, 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 Detective Eric Clark, and Executive Assistant Silvia Carvalho.

1. Approval of the Minutes of the License Commission Meeting of May 19, 2022.

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

2. Approval of the following police officers as license agents for the month of June 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 June 2022. The motion was seconded by Commissioner Studenski and made unanimous by vote of the members present.

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

Present was Mr. John Zhang of 738 Spark Street, Swansea, MA and Mr. David Seley of 8 Churchill Road, Woburn, MA.

Mr. Zhang stated that they would like to put in an arcade and it was supposed to be done a while ago, but they were given a list of things that were missing by the city. He hopes that he has completed it and brought in everything that is needed so that they can move forward. He stated that Silvia should have everything, and she replied yes. Chairman Charnel asked if it was the one the board tabled last month? Silvia replied yes. Chairman Charnel asked Mr. Zhang if he was done? And he replied yes.

Chairman Charnel asked the board if they had any questions? Commissioner McGarry asked to speak and informed Mr. Zhang that the Commission had multiple concerns regarding the safety at the facility and with regards to the company speaking to and clarifying responsibility in the event of an injury at the trampoline park. There are safety issues there and if someone gets injured, he would like to know which community is going to respond because the building is located in Brockton and West Bridgewater.

His concern is there could be an instance where someone is injured and if the call is not handled properly there could be a delay for first responders. Mr. Zhang replied that they have decided to use Brockton. Commissioner McGarry asked Mr. Zhang if he has spoken to Brockton and if they were aware? Mr. Zhang stated that he has not spoken to Brockton. Commissioner McGarry informed Mr. Zhang that these were the things that were told to the people that were before the board the first night. He replied that they went to him because he deals with the other trampoline parks, and he told them that he would take care of it, and he apologized. He stated that he will speak to Brockton.

Commissioner McGarry informed Mr. Zhang that whatever motion he makes tonight will be contingent upon the Brockton police and Fire department being aware of who will be responding because he does not want any delays if someone gets hurt. Commissioner McGarry also informed him that the devices must have proper UL listings. Mr. Seley replied that he personally went to the location and all of the machines on the amended floor plan are either UL or CE.

The floor plan does show exact locations, so they are in fact where they say. They have the correct number of machines and can put some in storage. Maybe down the line they can apply for additional licenses which can be placed on the other side. He informed them that the massage chair is located where people can watch their children. Commissioner McGarry yielded. Chairman Charnel asked Commissioner Studenski if he had any questions? Commissioner Studenski stated that they should have two phones there one in Brockton and one in West Bridgewater.

Mr. Zhang informed him that everything is on the Brockton side. Commissioner Studenski asked them what happens if someone gets hurt on the other end? On the Bridgewater end, are you going to call Brockton? He replied correct. Commissioner Studenski asked him if the whole building is open? And he replied yes. Mr. Zhang stated it just makes it less confusing. Commissioner Studenski informed him that he should know for liability reasons and suggested that they get a telephone that rings to West Bridgewater and one for Brockton. He informed him that if he comes in for more machines they will have to go to West Bridgewater and they replied understood.

Chairman Charnel stated that he has a couple of questions. He stated that Commissioner Studenski stated that you will be putting in more machines on the West Bridgewater side? They replied yes that's right Chairman Charnel informed them that in their decision they would like to be notified of any interior layout changes for the safety of the residents. This board should be informed. He does see that they included a lot of safety information and asked him where in the building it was located? He replied in the front.

He stated that he has the same in place at the other trampoline parks and he explained it to the employees there last week. Chairman Charnel asked him about his request for a Common Victualer license and asked them if they sell food? He replied, only packaged snacks and soda. Chairman Charnel asked him if he had a party would he get food? He replied that the party would bring their own pizza and the Chairman asked him if the food is ever delivered to them? And he replied yes, he stated that sometimes they may order pizza for a birthday party like from a Papa John's or something.

Chairman Charnel replied we don't have any Papa John's around here. Chairman Charnel stated that he understands they order food, and it comes into the establishment and if there were any food handling procedures? who serves the food? He replied the guests serve their own food. Chairman Charnel asked if they provide any drinks or soft drinks? He replied they are all bottled. If the people have cake they will

put it in the fridge and when they are ready to sing happy birthday, they will take it out. Chairman Charnel asked Mr. Zhang who cuts the cake? and he replied the guests handle their own cake.

Chairman Charnel informed them that any layout changes or new equipment must come before the board. Whether it's a plug in or UL, just to stay consistent. The Chairman informed them from the first meeting to this one it is a 180 degree turn, the information presented to the board from the last meeting was pretty grim. They were running their business without a license. He stated that no one has been hurt yet and they now have safety protocols in place, so he yielded.

Detective Clark informed the board that Lieutenant Bonanca did an inspection on the 14th, and he indicated that they had one game over what was requested. He stated that there were twelve and the request was for 11. Chairman Charnel stated correct. Detective Clark stated that he saw 12 and asked if there was a change? Did something get moved? Mr. Seley informed him that many of the machines got moved. Detective Clark asked if that was within the last two days? and he replied yes, he showed them where they went on the layout plan. He stated that there are 11 and showed them the exact machines and their locations.

They made sure that the West Bridgewater side is clear, and they want to be in full compliance. Some of the machines were put in storage and if they get a license from West Bridgewater, they will put it in the vacant location which is in West Bridgewater. Chairman Charnel asked if the storage was in the building? He replied yes, but if it must be picked up, they can do that. Chairman Charnel asked if they were to go and find an extra machine in there that would be a problem. Detective Clark asked him if it was the blue machine and Mr. Seley replied that those are not their machines and they have asked them to be removed.

They are not hooked up and can't be hooked up Mr. Zhang informed the board that there was a previous owner, and he has been asked to remove them. Detective Clark then asked them if it was part of the plan and they replied, no. Chairman Charnel stated that he did not get anything from fire so there are no objections from them, and the Chairman yielded.

A motion was made by Commissioner McGarry to approve the licenses with the stipulations that the board is notified of any changes in either community. They are connected to Brockton for emergencies. The motion was seconded by Commissioner Studenski and made unanimous by vote of the members present.

4. Hearing on a request from Brockton Beer Company for a Special Permit to Sell Wine and Malt Beverages for a Juneteenth Celebration at the Brockton Fairgrounds to be held on June 18, 2022, from 12:00 p.m. to 5:00 p.m.

Present was Latisha Silveira of 115 Cypress Drive, Brockton, MA and Cynthia Hodges and Jamie Hodges.

Mrs. Silveira informed the board that they are a vendor participant alongside Cynthia and Jamie Hodges which are also present at the meeting tonight. They are hosting a Juneteenth celebration and they will have a small section carved out just for beer service. The event should be fun and family oriented and they are looking forward to it. Chairman Charnel then opened the meeting up to the public and asked if anyone was in favor? Mr. Rowan Olmsted stated that he is also part of Brockton Beer Company, and he is at the meeting to support it.

Mrs. Silveira stated that they have approval from the Fire Department which was included with the application as well as the Police Department. They are aware that they need detail and have tried to check off as many boxes as possible. Jamie Hodges stated that she is with the African American Association, and they are the host of the event, and she is in favor. He then asked if anyone was there in opposition? And there were none he then asked the Commissioners if they had any questions? Commissioner McGarry stated that he wondered if they would be using any of the old beer tents from the fair? They replied that they are providing their own tent, table and tablecloths.

They have everything to keep the beer cold and ready for service, they will not be using any electricity or gas. Commissioner McGarry yielded. Chairman Charnel asked Commissioner Studenski if he had any questions? Commissioner Studenski asked if they would be serving the beer and asked if their servers were TIP Certified? And they replied yes.

Chairman Charnel asked them if they would be using the entrance on the plan to enter the fair? And they replied, the entrance across from the Harbor One Bank. Chairman Charnel asked if all other entrances would be closed? and they replied yes. Chairman Charnel asked if the expected number of guests was 50? Leticia said yes, within the area where they are providing beer service. So, they can check IDs, that is why they carved out a separate space. He then asked how many people they were anticipating throughout the event? They replied 150 to 200.

They expect the crowd to flow in and out throughout the day. Chairman Charnel asked if they were selling tickets and they replied no, it's for family and friends and anyone who would like to attend. Detective Clark stated that the police recommends one police detail and he yielded.

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

5. Hearing on a request from The Arc of Greater Brockton for a Special Permit to Sell Wine and Malt Beverages for an Open House at 1250 West Chestnut Street to be held on June 23, 2022, from 4:00 p.m. to 8:00 p.m.

Present was Dean Rizzo of 21 Freemont Street, Plymouth, MA.

Mr. Rizzo stated that they are not selling beer and wine they are offering it as part of their open house, they will have a licensed bartender serving the beer and wine. He informed the board that they have done a lot of improvements to the facility, and they are having an open house to celebrate the building. They are dedicating the improvements to the former director Jay Lynch. Mr. Rizzo informed the board that he has been there for 1 1/2 years, and they are celebrating the groundbreaking of some exterior improvements through the help of a Brockton Redevelopment grant and the Small Business Operation.

They expect 100 people during the 4-8 period, and they will be offering food through licensed caterers. They did hear from the police, and they recommended a detail which they did want because they are using lots across the street and because of the construction on the building parking is limited. He did not know if they need two officers, one inside and one outside. They are on the corner of West Chestnut and Pearl which is a busy intersection. Detective Clark asked if they expect 100 people at a time? He replied yes, he hopes for more. Detective Clark stated that one for traffic and one for inside that's his recommendation.

Chairman Charnel asked if anyone was in favor or opposition? There were none, Chairman Charnel asked if the Commissioners had any questions and there were none.

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

6. Hearing on a request from 2030 Ocean Street, LLC- Manager, Daniel Newcomb makes application for an All Alcoholic Beverages Package Store license at 750 Belmont Street, Brockton, MA.

Present was Attorney Adam Barnosky of 25 State Street and Mr. Daniel Newcomb of 036 Ocean Street, Marshfield, MA.

Attorney Baranowski stated he is before the board on behalf of the applicant Daniel Newcomb. Mr. Newcomb is in front of the board on a request for an All Alcoholic Package Store license located at 750 Belmont St. He stated that as the board is aware the property is in a commercial building on the south side of Belmont St. It is in the same building as AutoZone and half a dozen other retail spaces. Mr. Newcomb and his team plan to build out and improve the premises which is a vacant retail space. They will provide regular selection beer, wine, and spirits as well as homemade coffee and premium nonalcoholic beverages.

The background on the operation as a package store did require a special permit and they did go before the ZBA last month and the special permit was granted. The ZBA found that the location, size, and character would be in harmony with this district and not detrimental to the neighborhood or development of adjacent parties. That application did come before the board with no opposition with the only condition being that the siting of the retail package store be in the most western unit of the commercial property.

As far as character and fitness of the applicant Dan meets the test as he has successfully operated and opened several different package stores within the state with no violations and no negative impact on its neighbors. He has a clean record and has never been before a local municipal board or the ABCC for violations. He also has extensive experience with restaurants. They believe that the best new license for a community is one that has been tested and that is the case here with Dan. He has those credentials and has been approved for the same market concept in Methuen, Tewksbury, Quincy, Framingham, Norwood, Lawrence, and Lexington in the past year.

In addition to character and fitness they also must talk about public need, that is the second factor. He feels that the location fits the public need. Like the ZBA's findings it is an appropriate use for the location. He would like to note that while it is classified as a package store this is not going to be a location where someone comes in to get otto tickets, a bag of chips and a 6 pack. This is more of a boutique shop it will have experienced and knowledgeable staff, a variety in quality and it's an aesthetically pleasing location.

In addition to public need there is use, it is a brand-new location that is vacant and there are some vacancies in the area. Having a store that is an attractive space will generate business for the city which will hopefully attract other businesses to the area, which will drive real estate taxes and revenue for the city. It is an ideal location in a currently existing Plaza designed for retail use. There are over 100 parking spaces with easy access to and from Belmont St. This application does come before the board with

letters of support that were submitted with the application packet as well as support from visitors to the location.

Attorney Barnosky then asked Dan Newcomb to speak on behalf of his application. Mr. Newcomb stated that hopefully everyone received the application packet they put together. This has been a very well thought out project and the site was very well thought out. They think that this side of Belmont St has a traffic pattern that is conducive for a successful operation. They must pay rent, so they must make sure they do a good job there. His family had 26 restaurants called mug and muffins and he opened Stonebridge Cafe with his cousin 21 years ago and it is still there, and he does a good job with it. His family has been in the hospitality business all his life he has been successful with locations inside Stop and Shop with thousands upon thousands of transactions and they have never had a problem with underage drinking or were they called before a local board.

He tries to be an exceptional citizen and is committed to doing a good job at this location. Attorney John McCluskey then addressed the board and informed them that he represents Vanessa Gumbert the owner of the property. He informed the board that it was the Merrell shoe store and for years it has been vacant. He informed the board that when he looks at Belmont Street, it is a very busy place, and they need to occupy these spaces. He will be coming before the board for another site that Vanessa owns for Kentucky fried chicken.

He knows there is a real urgency and need for businesses to come back here, the issue about it being too close to a school was from a law that was created back when he was a kid. They are too close to either a school or a church. The church issue was because the wives did not want the fathers leaving church and going down the street and getting a beer during the service. Well, that does not happen anymore, and the law is antiquated. He knows that not too long ago the old Friendly's location which is almost next door applied for a liquor license.

He spoke to the Councilor that was opposed to liquor going into that location and asked him why and he posed the scenario of a 21-year-old student at the high school going there for lunch and getting drunk. He stated that would be ridiculous that's a reason that does not make any sense. The students at the high school are not going to walk around the corner and pick up a 6 pack of beer. That will not happen and if they are in a car, which they probably would be they're going to go someplace else because some teacher will probably see them. He thinks the proximity to the school is not a big issue at this point why would Mr. Newcomb come before the board when there is a package store across the street?

He stated that he drives up and down Belmont Street all the time and he hates when he is heading South towards City Hall and must take a left across Belmont Street to get into one of the plazas to do business. He would much prefer to take a right to shop or pick up whatever. Belmont street is now our Main Street, he grew up on Main Street and now Belmont Street seems to be the place. Anyone who does business on Belmont Street knows how busy it is there. Mr. Newcomb who has obviously done his homework knows there is plenty of room for two liquor stores at this location.

Some may ask why don't we go downtown? Well, it is not there yet there are issues, and they don't have the traffic. Someday, it will be a place with foot traffic for pedestrians with liquor stores, bars, and restaurants. It is coming and stated he was at the new brewery, and it is a great spot. His feeling is if they are concerned that it is too close to a school, we will find out on day one if this guy is violating the rules and regulations and he will lose his license. He asked the board to consider these things and the

heavy traffic on Belmont Street and the need to allow him to come in and do business there. His client would love a good tenant in there and that will attract good businesses to her place and respectfully requested that the board grant them the license.

Mr. Newcomb stated that he would be happy to answer any questions regarding the closeness to the school. When they looked at the plan, they were mindful of it and sought out the Ward Councilor Mr. Dagostino and he spoke with the Superintendent of schools on their behalf. There is no reason for someone under the age of 21 to be in their store. They do not sell chips, ice cream, crackers, cookies, gum, or any of that. This is an adult beverage store everyone is carded and I'd. Anyone that comes near the place will find out quickly by his staff that they are young and should not be there. They do not foresee that as an issue and if it does happen, they will stop it right away.

Chairman Charnel opened the public hearing portion of the meeting and asked if anyone was in favor of the application? There were none so he closed that portion of the hearing and asked if anyone was against? And there were none he then asked the Commissioners if they had any questions? Commissioner McGarry stated that from the description it looks as if they are going into the very last space closest to Boston Market? Mr. Newcomb replied to the right of AutoZone. Commissioner McGarry stated it looks like they will have to make major renovations and he stated he is glad that the property owner is present because to put in that amount of work to create a visually appealing business takes work and wanted to know if the property owner is going to make sure the property is upgraded?

The way the Plaza flows in the front portion and back portion and all that empty space. All of the talk is wonderful, and he was the Ward Councilor for that section back in the 90s when they tore down the building that was there. The Plaza needs to have work done to it to reach the level that they are talking about for businesses in that area. He hopes that this is a unified belief among all the parties up there that are involved in the business coming to the city. Mr. Newcomb stated that there is going to be a lot of work there and he knows how to build a business. His dad taught him early on how to build one and stay.

He will do his best to create that energy there and make it a good place that will make people want to come back. He hopes that the landlord will get additional tenants and it builds upon itself and is a thriving center. Commissioner McGarry also informed them that they will need to put a plan in place on day one for dealing with transient issues. He informed them that he worked behind the counter at the House of Hades, and he knows what he dealt with back in those days, people are people, and that part doesn't change. He likes the sound of what they plan on doing, he is just concerned and would like to see the big picture carried through.

Having represented that area, he has seen many businesses come in and they were great as soon as the initial timeframe ran out the place started going down. It's a concern of his and he is lucky to be on the board now so he can help the city he loves optimize itself. Mr. Newcomb stated he recognizes the transient concern, and he has personally been sober, for 34 years since March 28th of 1988. This is a business venture for him, and he is aware of the consequences and responsibility that goes along with the license and will do their best. Commissioner McGarry stated to the Chairman that there is a big issue with nips which may be more of a trash issue.

He asked him if he would be carrying small portions like that? Mr. Newcomb stated that they are committed and aware of the issue regarding the miniatures. They have committed to being a good

neighbor and picking up their parking lot. If you go by any of the stores that they had or the ones that he grew up in it is part of their daily routine making sure it is appealing to people. They are open to the board and if the board has any issues with the miniatures, they are more than happy to have a conversation about that.

It's not their business but he does not want to leave things off the table because he does have a big rent to pay. They need to do what the customers want, and they are mindful of the issue. Commissioner McGarry yielded. Chairman Charnel stated that he understands that counsel is here representing that the statute of the 500 feet within a school is not what it was 50 years ago, but it is still a statute that stands. It is not something he wrote, and he thinks that it is a major concern for this location. He has also served on the zoning board, and they tried to put an alcohol establishment adjacent to the high school and he was vehemently opposed to that.

Chairman Charnel stated that Mr. Newcomb stated he would have a conversation regarding the nips and asked him what is the conversation? what is the business going to do? He drove by DW field on his way to the meeting and they are nowhere near a liquor store and there are 1000 nips there. Mr. Newcomb stated that he is prepared if it is important to the board to not carry nips or sell miniatures if that's what the board prefers, he will not sell them. It is not their business model nor is lottery or anything else. They are looking to run an upscale business there.

He does not want to argue the nip issue one bit, that is not how they are going to build their business. Nips and kegs are not things that are part of his business model, and he is willing to leave those out of his business plan if that is what the board would prefer. Chairman Charnel stated he has an issue with this being so close to a high school. The board also must weigh the public need, there is literally a liquor store across the street and there is one at the top, near the start of the fairgrounds and over the bridge. He stated that he is a banker, and they pop up all over the place next to each other.

He informed Mr. Newcomb that he believes he will be a great operator, but a liquor store is a liquor store. He understands what he's going to do but neither attorney has told him that there is a precedent being this close to a school. Attorney Barnosky stated that he can address that the property line and the physical boundary of the school and entire building is within 500 feet. Chairman Charnel asked them if they brought that information to the board? He replied yes, it is actually 661 feet and asked him if he wanted to look at that?

He stated that there is a difference between an ATM and a Citizens in Stop and Shop and a full-service bank. They are all institutions where you can put in money, take out money make deposits, check balances and they are the same, but the core issue is the service and what it's styled as is entirely different, and that is what they are going to see here. There are convenience liquor stores and lotto liquor stores, the material speaks for themselves it is a different kind of store one that is inconsistent with the usage of teenagers, that coupled with the distance all play a role in the determination.

Chairman Charnel stated that he thinks they are stretching it and Mr. Newcomb replied that there isn't another store up and down Belmont Street like what they are proposing. He said Dunkin' Donuts and Starbucks both sell coffee, but it is definitely a different experience and that is what they are proposing here. He is not looking to go head-to-head with a lottery liquor store which is up and down Belmont Street. On the side he is on there is nothing from the highway all the way up past 7-11. To his knowledge there are no liquor stores at all, so someone coming into town on 23 has to take a left and go across

traffic to go into that center and to get out of their car and walk over to the store versus taking a right as they come off the highway.

They looked at the traffic patterns especially the PM patterns and they favor that location. Attorney McCluskey stated that he has a project going before the ZBA at the intersection of Pearl Street and they had a traffic study done and the count for Belmont Street is 25,000 to 28,000 cars a day, so when they talk about public need there is a lot of public, there. When you talk about 25,000 versus a couple of choices there probably is a public need because, they're all not going to go to one store. Nobody wants to crossover Belmont Street, so the public need is there.

Although there is a statute you do have the ability to use discretion to avoid that statute or make conditions such as the nip situation which seems to be a giveaway because there is a big market with nips. They are everywhere and all-over Main Street. His wife used to go out and pick up nips all the time on Main Street. If Mr. Newcomb is committed to cleaning that up and keeping the place clean which he is sure he will and stated that whoever keeps up with Stonebridge is doing a good job that place is clean as a whistle.

Mr. Newcomb stated that he has 61 letters of support that they obtained from Stonebridge on a Sunday morning by talking to people and asking them what they thought about the area and their concept for that area. They were asked to read the letter and sign it which is different than having people sign a petition. This required some thought and conversation. If they had stayed out there another day or two, they would have doubled it easily. Chairman Charnel yielded.

Detective Clark stated that Lieutenant Bonanca did go out to the location for an inspection and the work has not begun so he will have to go out after the work has been completed. Chairman Charnel stated he did not get anything from Deputy Captain Williams, so he assumes that he has no opposition.

A motion was made by Commissioner Studenski to approve the license pending all city services have signed off prior to the issuance of the license. The motion was seconded by Commissioner McGarry with Chairman Charnel voting in the negative.

7. Hearing on a request from Siyasmit, Inc. dba Temple Beer, Wine and Smoke Shop- Manger, Jagrutiben Alpesh Barot, makes application for a Change of Category from a Wine and Malt Package Store license to an All- Alcoholic Beverages Package Store license at 826 Crescent Street, Brockton, MA.

Present was Attorney Ian Hedges of 40 Turnpike Street, Alpesh Barot of 42 Temple Street, Brockton, MA and Jagrutiben Barot of 42 Crescent Street, Brockton, MA.

Attorney Hedges informed the board that they are in front of the board for a Change in Category for Temple Beer, Wine and Smoke Shop. They currently operate a convenience store with a beer and wine license at 826 Crescent Street. They have operated the store for about five years and during that period they have never had a violation related to either the sale of alcohol or tobacco. The particular location they feel is suited for an all-alcoholic beverages license. They have plenty of parking in a larger Plaza to accommodate any increases in foot traffic and deliveries.

They spoke to the Ward Councilor Jeffrey Thompson, and he is in favor of the changing category. They are highly experienced operating this location for a number of years now and stated he will answer any

questions they had. Chairman Charnel opened the public portion of the meeting and asked if there was anyone in favor? Paul Austin of 48 Alder Street, Richard Gamble of 68 Alder Street, Sean Dessio of 1018 Temple Street came forward in favor of the request. Mr. Gamble informed the board that he has known them for years and he frequents their store a lot and instead of having to drive a long way he can walk to the location. The remaining supporters said that they agree with what Mr. Gamble said. Chairman Charnel asked if there was anyone in opposition? Attorney Phillip Nessralla came forward of 1063 North Main Street and informed the board that he was there on behalf of Mr. Deep Patel who is against the proposal. He stated that normally he is not here in opposition of certain businesses, but this is not a normal situation. And following the footprints of what the Chairman stated prior to the hearing public need is an essential element of the granting of licenses.

What we should be doing as a community is protecting those that are here and those that are working with each other and trying to survive in this business environment. The business that we are talking about is not Total Wine versus Blanchards, these megatons facing each other. The ones in Brockton are mom and pop stores and in that area the applicant Temple Beer and wine intends to go already has three stores all within a mile of each other. East Side liquors, Super Value liquors and his client Crescent Discount liquors.

Those three within one mile with the introduction of this one would be like a circular firing squad shooting off at each other. We are looking as an administrative body to create a scale to help balance and ensure survival of these small businesses. The introduction of this business no matter how good of an operated they are or well-intentioned would be destructive to the small business scheme in Brockton. They are not megatons and having dealt with issues such as COVID and inflation coming around the corner it's going to be very difficult to survive. The last thing we need is another empty storefront in the City of Brockton. We do not need another vacancy.

So, in the interest of the public balancing whether there is a public need he would request that not only on behalf of Mr. Patel of Crescent discount but of all the other establishments within that close immediate area that it is not an appropriate place for this establishment and asked that it be denied. Mr. Suresh Patel of 35 Goldfinch Drive came forward to speak against the establishment. He informed the board that he is against the application because there are three liquor stores within one-mile Eastside liquors which is 3,000 square feet, Super Value liquors which is 3,000 square feet, and Crescent Discount liquors which is 5,000 square feet.

Crescent discount is less than .3 miles away and a 5-minute walking distance on the same street and on the same side of the street. All the liquor stores are more than enough in the neighborhood therefore there is no need for another All-Alcoholic beverages liquor store in that area. A couple of years ago Crescent discount liquors moved from a 2,000 square foot space to a 5,000 square foot space there is no need for another package store. Temple Beer, wine & Smoke Shop sells tobacco, glass pipe, water pipe and tobacco accessories and beer and wine. There will be no space to carry liquor and they do not have a delivery door in the back of the premises or parking and asked the board to deny the request.

Mr. Patel of 728 Auburn Street, Whitman came forward to speak against the establishment. He stated that he has been working for Crescent discount liquors for eight years without a single liquor violation. They run a good operation there and he would like to add that we do not need an extra license right there. They would rather see the license used towards downtown Brockton. Chairman Charnel asked him if he worked at the temple liquor store? He stated that he works for Crescent discount.

Mr. Patel of 35 Oak Ridge Dr Brockton came forward against the establishment and he stated that he is a partner of Super Value liquors which is located one mile from Temple Beer and Wine. There are already three liquor stores in the area, and he does not think we need another one because there are two serving the community. Chairman Charnel closed the public comment portion of the hearing. He then opened the meeting to the Commissioners and asked them if they had any questions? Chairman Charnel went back to the attorney for rebuttal. Attorney Ian Hedges stated that it is a smaller convenience store with Beer wine it is a change in business model. They are not looking to take everything off the shelves and replace it with liquor and create a liquor store. They offer lotto, tobacco, snacks and liquor products will only be a portion of the business. They are not looking to supplant any of the other stores that were mentioned.

They have operated a successful small business for the past five years and with all due respect to the other business owners the increased competition isn't necessarily not a public need. Chairman Charnel informed the board that he received an e-mail from Ward five city Councilor Jeffrey Thompson stating that he is in favor of the package store. Chairman Charnel then went back to the Commissioners and asked if they had any questions? Commissioner McGarry asked them if they had a diagram of the store and they replied no because it is not a new license.

Commissioner McGarry stated that he would like to see one because of safety issues. People will be coming in and would like to know where the beer and wine is usually kept, and the coolers are usually located down back. He would like to see how they control the flow around the liquor and what they are going to displace, and he wanted to see that. The attorney asked if they could make it contingent upon getting that information? Commissioner McGarry stated it would be contingent upon seeing the actual layout.

It's too easy in a small place for issues to arise. Again, he stated having worked in a package store he knows. He would want to know how they are changing the store. They are going from beer wine and dry goods to bear wine dry goods and liquor what's changing and how is it being handled. Attorney hedges asked Silvia if there was a floor plan and she replied, no. Commissioner Studenski asked them where they are located? and the attorney stated on the corner of route 27 and Massasoit Ave right near Massasoit Community College. Commissioner Studenski asked if it was on the corner number 800? The attorney stated yes, it's just down to the West.

The owners informed him that it was the old rainbow Plaza and Chairman Charnel also stated it was the old Lambert's. Chairman Charnel informed them that he did not have a layout of the store before he visited the store. He was there when there was a delivery, and it was quite concerning to him as a patron. A big truck was delivering beer and there is no place to put the beer? He noticed they were just stacking them up on top of each other. He asked if there was a backroom? and he was told that they do not have one. He went into the freezer and he is a big guy and he could barely walk around that again was very concerning.

He went to the adjacent Plaza and asked about parking and realized that the parking there was very limited a lot of the patrons, park on the other parcel and there is a sign that separates it. That was alarming because he had no idea that was the case prior to this. Chairman Charnel asked where they planned on getting deliveries? And where are they storing the liquor? He informed them that he visited some regular package stores to see what these folks would be moving into, and these other package

stores have a smorgasbord of supplies in the back. There is no way that these folks can hold any supplies. He would be surprised if they could just sell nips out of there.

They have no room to put anything, and it is very alarming and that is why he wanted to see an interior layout. He wanted to see where everything was going to fit, and they did not get one. He was under the impression of why, because they don't have space for storage, parking is limited and there is a liquor store within 1,000 feet and from his calculations it is within 500 feet of a school because the college is there. He thinks giving these people a beer and wine license at the time was a stretch. He may have been on the zoning board that approved it at one time, but from what he knows now it was quite a feat to get there. Mr. Barot stated that they changed their delivery time and Chairman Charnel replied that he has no problem with their delivery time. Mr. Barot stated they could possibly purchase a space next door. The Chairman replied that information was not included in their proposal, and he can't use that information.

Detective Clark had no objections from the Police Department. Chairman Charnel stated that his concern is that they only have one means for deliveries and can't receive goods in the back and they can't hold any stock. The place is very small and asked them for the square footage? Mr. Barot, replied 2,000 square feet. The Chairman informed them that when he was in there it was very cumbersome to walk through the aisles. If he walks in there it is not a package store and giving them a beer and wine license was a lift to try to keep the business going but trying to fit a full package store in a business like that will not work. The way everything is stocked up in there as well as the freezer taking up so much room makes it difficult.

Chairman Charnel asked if they were approved what would they do with their beer and wine license? Attorney Hedges stated they would relinquish it back to the city. Chairman asked if they would return it to the city? Attorney replied yes, if the new license was an All- Alcoholic beverage license. The Chairman asked so you would pledge it back to the city? They replied yes.

A motion was made by Commissioner McGarry to approve the license. The motion was seconded by Commissioner Studenski with Chairman Charnel and Commissioner McGarry voting in the negative.

8. Hearing on a request from Salto's Liquors & Food, LLC, -Manger, Joao J. Mendes, makes application for a Change of Category from a Wine and Malt Package Store license to an All Alcoholic Beverages Package Store license at 1041 North Main Street, Brockton, MA.

Present was Attorney John Fink of 7 Leonard Lane, Holbrook, MA and Joao J. Mendes of 56 West Chestnut Street, Brockton, MA.

Attorney Fink stated that he is representing Salto's & Food, LLC on behalf of John Cannavo of Sims & Sims. He is with Mr. Joao Mendes the owner of the property and Salto's liquor LLC. They are looking to go to an All Alcoholic beverages license and they are located up towards Avon. Mr. Mendes has been a Brockton resident for 26 years and ran a previous soccer program for 20 years and he is a full time employee for the Commonwealth of Massachusetts trial court department.

When he purchased the business, it was formerly Celina's Market back in March of 2020. As they can imagine the timing was not fortuitous because he was not able to take advantage of any of the PPP loans or any of the COVID money because that was the start up time, and it was also the cut off time. So, he has been looking to shore up his business and being an employee of the Commonwealth he has not

been able to offer lottery. He is excluded because he is an employee of the Commonwealth. Four previous owners have tried to turn a profit here and all have failed. The property itself has 1,248 square feet it does have plenty of basement storage so that is not an issue, and he has also prepared a layout.

He is currently selling prepared foods, beer and wine and general convenience store items. He does have space from where the lotto used to be, and a tremendous amount of space has been devoted to wine which is not a popular seller. The extra space for the liquor will be coming from where the wine is with a couple of exceptions. There will be a separate storage area for the liquor in the basement. This was approved by the ZBA by special permit. The last couple of years have been very hard for Mr. Mendes from a business perspective and in terms of the need in the neighborhood the nearest liquor store near Avon is just past the 24 exit so, cars heading that way would be coming in the opposite direction. The nearest one in Brockton is down over the bridge in a small strip mall about a mile away.

The neighborhood itself does not have a lot of trash, it is a clean location. He is committed to cleaning the outside area twice a day and putting some additional trash cans. He presently sells cigarettes but when he was there, he could not find any cigarette butts. It is similar to the nip issue that has already been discussed. He has a security system in place and has cameras on the entirety of the store, the entirety of the parking lot, and the front. He has a panic button and a security monitoring system. He has never had any issues selling to minors and has never been cited for any trash violations. He is looking to expand in this one particular market and believes his customers and the area will approve of it.

Chairman Charnel opened the meeting to the public and asked if there was anyone in favor? Hippolito Fontes of 15 Quarry Avenue, Richard Marseille of 22 Alger Street, Cesar Gonzalez of 1037 N Main Street came forward in support of the establishment. Mr. Fontes stated that he has known Joao for 20 years he went to the University of Massachusetts and lived most of his life in Boston. Joao was his soccer coach, and he would take a bus just to go practice with Joao. Today he is a soccer coach himself and lives a couple of blocks down the street and he walks to the store to buy whatever products he is selling. He has never encountered any issues in the neighborhood and his little brother also lives a couple of blocks down the street at 1025 Main Street. He stated that he is here to support Joao because he is a great guy.

Mr. Marseille stated that he loves Salto's and he loves food and stated that they work hard and they have great customer service. It is great for the area because there is nothing like it on this side for this type of business and what he is trying to bring to the neighborhood is a wonderful thing. Chairman Charnel asked if there was anyone there in opposition? Attorney Phillip Nessralla stated that he would like to add for the boards edification because he happened to be at the zoning board meeting the night this matter came forward.

He informed the board that clearly, he is a man of good stature and reputation which is a minimum requirement, and you don't get extra points for that. That is what the law expects, we don't come forward and say I am not a felon I should get something. The neighbors are good people, and he is a good person, and they all live within walking distance. As Chairman Galligan brought up, there is a serious problem with parking in that area because when the cars go to park to patronize at the store the rear is strictly out on the street. Mr. Galligan correctly observed where are the delivery trucks going to go? It is a very tight area and that is why it was desired for a small convenience store selling cupcakes and etc.

When you get into alcohol and liquor, he thinks it's going to exacerbate the issue and that will be unwelcomed and later regretted. Regretful for that particular location, but you can go by on any given day and if you try to park your car the rear end is going to be sticking out on to the side street. He thought the board should be aware of that, if they have not already observed that. Attorney Fink asked Attorney Nessralla who he is representing? and he stated himself. Chairman Charnel took a 5-minute recess.

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

Attorney Fink stated that he does have a copy of the zoning board decision and you can see that the parking issue is a requirement there. Mr. Mendes has already ordered the signs that say parallel parking only and in addition to that they have spoken to a contractor to put in a green space that will force cars to park parallel, straight ahead and not at an angle. As described the green space will really force that to happen. He has not signed a contract yet because he is waiting to see if he gets the license.

Chairman Charnel asked the Commissioners if they had any questions? Commissioner McGarry asked him if the exit sign is the only entrance and egress that customers use? and he replied yes, he asked him if when you come into the right is that where he will have the liquor displayed? and he replied yes. He has enough space to add at least 7 to 8 shelves. Commissioner McGarry stated that it's about positioning, that is his concern. It looks like the register is going to be blocked from view with your shelving as you come in on the right. You have got a U-shaped display area for your liquor and then you have your cash register. Unless it is going to be waist height down.

The attorney stated that from a viewing perspective it is set-up that way now. The cash register has the best view of the area. Commissioner McGarry stated that he is glad it has a good view, but he is still concerned. If you are selling prepared food or waiting on people or going outback? Attorney Fink stated that currently there will be two workers present at any given time with the addition of the liquor license he would have to hire two additional staff. He usually has three people on site and the minimum is two. Everyone who works for him lives in Brockton, so they know the area and the issues there.

Commissioner McGarry asked if they all have their training? and he replied yes. He also asked if they have a camera in that area? Mr. Mendes stated that he has ten cameras that cover outside, inside, basement. Chairman Charnel stated that he is required to have cameras because he has a license. Commissioner McGarry stated one of this concerns is if you had someone up front and the kitchen is way in the back. They replied that there is always a person at the front, there will be one person at the checkout counter, one serving the food and if he gets the license, he will add another checkout counter.

There will be three people there at all times, people in the front don't go to the back to grab anything people who work in the kitchen come to the front to check the food display add food and to change the pans. Commissioner McGarry asked so the front people would have no responsibility of going to the back? He asked him if someone is in front during all hours of operation? and he replied yes. Commissioner McGarry yielded. Chairman Charnel stated that he visited the location a few weeks ago and waited in line and he let patrons walk around him. The store is very small in stature, and it was probably not designed to have beer and wine. He walked downstairs to where the storage would be, and you must walk through a full-fledged kitchen.

He does not know if we have any full liquor establishments that serve food, but he doesn't think it's a deterrent he thinks this would be the first. With regard to parking, he drove down there on purpose on his way home from something and he still sees people parking at an angle. This must be addressed by multiple boards. He may have been on the zoning board when they gave the former owner their beer and wine license. He understands he wants to put in a green space, but he thinks people are going to drive over the green space. The Chair stated he thinks parking is an issue and size is an issue.

He gets why applicants want this license, but unfortunately what he sees when he visits these places is that they are not designed to have beer and wine. The food and the lotto sales and whatever was there prior to the beer and wine is what it was designed for. It's like trying to cram 10 pounds of stuff into a small peg. His concern is parking in that area it is very limited and there is no parking on the side of the property because if you park on the side of the property, they would be in the way of anyone that's turning. It would probably be one car at a time. If he puts up the barriers to the end of the property line and people parked there, they will be literally in the middle of the street. He also mentioned that when he was there people were parking adjacent on someone's property and for him it is very hard to get there. He likes the applicant, and he is a very good operator and very personable. His character is great the way he runs the business is great everything is great.

This is not a full package store, and he is a small businessperson to the core, but the board must make realistic decisions and to him this is not a realistic decision. It is not realistic to give this establishment a full package store license. It is 1,200 square feet in totality and that is very small. The attorney stated that the building is about 80 feet long and he believes it would fit 10 cars. Chairman Charnel replied if you could fit 10 cars you would be a magician. The attorney informed the board that he has a beer and wine license, and they do serve ready to eat food and the traffic presently does exist he is trying to make additional sales with the current traffic and footprint.

He stated that the wine is dominating the space and area. He can use this space much more effectively and intelligently with the correct license. Chairman Charnel stated he has an issue with nips being in that area. He asked him what zone he was in? and they replied C5. He likes the business, but the vessel is not appropriate and yielded. Detective Clark had no objections from the Police Department. Commissioner Studenski asked them if there is a problem up there with parking on the streets? There are streets up there that you can park on both sides of the street North Main Street etc. People can park legally on the side street we can't expect him to become the policeman this is just his observation.

Chairman Charnel stated that there is some truth to what he is saying, but again if you enter into the realm of all alcoholic beverages what if the parking increased by 10% or 5% . It becomes an issue. Can you fit 20, 25, or 30 cars there? He does not think so. Yes, the person can leave his establishment and go down the street, but not if his Hennessy is cheaper. Mr. Mendes asked to speak and stated that he gets many people looking for liquors because it is in the name of his business. He has not had any issues with parking, and he gets at least 20 people a day looking for hard liquor.

He named the business Salto's liquor and food because his business proposal is to bring something different to Brockton something that we don't have. A full liquor store. Chairman Charnel interjected and informed him that if he is not selling liquor, he does not think it should be in the name. Mr. Mendes informed the board that when he started the business, he had the expectation that one day he would be sitting at the table with the License Commission to get his business to 100%. Right now, he is running his business at 50% capacity because he is missing hard liquor and lottery because he works for the state.

He does not know how long he can keep going if he does not get the liquor license. He will probably lose it or sell it soon and he is trying his best to keep the business. The four other owners told him that if he does not have hard liquor in this area forget about it. He is appealing to the board to please not let him shut down. Parking has not been an issue with the liquor license he has, and he is sure it is not going to be a problem. Everyone on the ZBA voted in favor because he has been doing the best he can ever since he got to this country 26 years ago. He has worked with kids and the parents of Brockton to help keep the kids off the street. He took the kids to three championships at the high school three years in a row.

To allow him to run his business at 50% capacity is not fair. Commissioner Studenski asked him if he is a school or a restaurant? He replied he offers takeout. Chairman Charnel stated that there are no tables. Mr. Mendes stated no one is in there longer than five minutes Chairman Charnel stated he does not think the character is an issue it is the vessel. The attorney stated he understands the space concern, but they will be amazed at the ingenuity Mr. Mendes is able to bring to this issue. He has a lot of empty space he can use since he got rid of the lottery. There is space available for a clever entrepreneur to use and if there is a problem, he would own it, but they should give him a chance.

A motion was made by Commissioner McGarry to approve the license. The motion was seconded by Commissioner Studenski with Chairman Charnel voting in the negative.

9. Hearing on a request from Fritz Restaurant Group, LLC dba Brack's Grill & Tap, Manager Frank Dennis Brack makes application for an Alteration of Premises on an All Alcoholic Beverages Restaurant license at 1280 Belmont Street, Brockton, MA.

Present was Frank Dennis Brack of 575 Forest Avenue, Bridgewater, MA. and Wendy Brack of 575 Forest Avenue, Bridgewater, MA.

Mr. Brack stated he is looking for his outdoor patio to be approved for permanent use. Chairman Charnel asked him to give the board a description of how the business runs and why they are here. Mr. Brack stated that during COVID they were forced to build a patio. It has been a year or two and it took off, they were allowed to have it through the state and now they're looking to have it permanently. They have 12 tables, and it holds 40 guests. Chairman Charnel opened to the public and asked if anyone is in favor?

Attorney Nessralla stated that he is somewhat biased because Mr. Brack is a tenant of the facility that he operates which is Michaels Plaza. He is a successor of a prior restaurant which was somewhat tattered. He came in and invested heavily worked hard and renovated the whole place and has brought the business to a triple-A first class level. It's full and packed with people and he has never had any problems. The point he would like to make about Mr. Brack is that whatever is suggested for him to do to remediate or make something better he will do just that. There is not even a debate.

It has been a flawless operation and he is expanding to a new place in Taunton formally known as Ruby Tuesdays and that is first class as well. He is an individual the city can be proud of. He did consent to the outdoor expansion when they had the pandemic situation they were basically closed, and they were able to survive because of the outdoor seating. It has been a welcome addition for people who like to have public gatherings. Chairman Charnel asked if anyone was in opposition? He closed that portion and asked the Commissioners if they had anything? Commissioner McGarry asked him if he was making any

changes to what is currently there? And he replied no, and he yielded. Commissioner Studenski had no questions.

Chairman Charnel asked if there were jersey barriers and he stated at first, they had five and now they have seven they added the two this year. Chairman Charnel then asked if there is lighting at night? And he replied yes, he then asked if they have heaters? and Mr. Brack said he does not think they will have the opportunity to do that. It will strictly be a summer thing. Deputy Chief Williams has spoken to them, and the storage of the propane tank is the challenge. Chairman Charnel added that he has been there so many times he can't count. This is a first-class business they do a great job, and that city should be very proud to have welcomed a business like Brack's here. He has no objections to what he has seen Frank is very hands on and he is excited to see him expand his business. Detective Clark had no objections from the Police Department.

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

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

Present was Mr. Peter Lam of 17 Smith Road, Randolph, MA.

Mr. Lam informed the board that the restaurant is a former Dunkin' Donuts they refurbished it into a new restaurant and are looking for seating. There was seating there before but they were told that they must reapply. Chairman Charnel opened the meeting up to the public and asked if anyone was in favor or against any closed that portion and opened it up to the Commissioners. Commissioner McGarry asked him if he was looking for three tables? He replied 3 to 4 tables. They are not sure if they will have fewer seats with more tables or fewer tables with more seats. It depends on the customers. They are looking at 4 tables three seats right now.

Regardless of the seating arrangements the tables will be small, they are more of a takeout restaurant like a Dunkin' Donuts or a Chipotle. Commissioner McGarry yielded. Chairman Charnel stated that he visited the business, and they did a good job with renovations. He asked if there is still a drive up there? He replied yes. Chairman then asked if they will have pedestal seating along the back wall or tables? and he replied no that is where people stand to pick up their food and the Chairman yielded. Detective Clark had no objections from the Police Department.

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

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

Present was nobody.

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

12. Hearing on a request from Akshar Shanley, Inc., -Manager Parth Amin makes application for a Pledge of License and Inventory on an All Alcoholic Beverages Package Store license at 429 Belmont Street, Brockton, MA.

Present was Attorney Gregory Demakis of 56 Central Avenue, Lynn, MA.

Attorney Demakis stated that he is representing his client Parth Amin who borrowed money from Northern Bank, and he has attached the note for \$1.3 million. There are two corporations that borrowed money one of the conditions of the loan was that post closing they would get a pledge of the license which is dated October 27th. That is included with the package as well as the security agreement with the pledge of the license. Parth Amin is the only officer and director, both stores are located on Belmont Street, one is at 641/651 Belmont and the other at 429 Belmont Street. He informed the board that it is mostly a paperwork thing with the bank.

Chairman Charnel opened to the public and asked if anyone was in favor or against and there were none, Chairman Charnel then opened it up to the Commissioners. Commissioner McGarry yielded to the Chairman who stated he is a banker and has taken these pledges. He informed the board that it is a standard pledge and is common he has done it post-closing as they are. Everything looks to be in order it is executed by the lender, but they have not signed the copy yet. Chairman Charnel asked if they own the real estate at both locations? The attorney replied yes that was done by a separate loan they gave mortgages to the bank. Chairman Charnel asked if they owned the real estate at Shaws? And he replied that he is covering for another attorney and he is not sure.

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

13. Hearing on a request from Akshar Westside, Inc.,- Manager, Parth Amin makes application for a Pledge of License and Inventory on an All Alcoholic Beverages Package Store license at 641-651 Belmont Street, Brockton, MA.

Present was Attorney Gregory Demakis of 56 Central Ave Central Avenue, Lynn, MA.

Attorney Demakis informed the board that he is representing Parth Amin this corporation is a Co maker with the other corporation it is the same exact note and they both signed the pledge agreements. Also, enclosed with the package are the DOR/DUA certificates regarding taxes. The facts are exactly the same has the previous agenda item. Chairman Charnel then opened to the public and asked if anyone was in favor or against he opened up to the Commissioners and he closed that portion.

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

14. Hearing on a request from The Cajun Kitchen, LLC for a Common Victualer license at 708 Belmont Street, Brockton, MA.

Present was Mr. Tri Le of 19 Laurel Lane, Somersworth, NH and Dung Hu Nguyen of Central Street.

The gentleman informed the board that they would like to open a Cajun kitchen they would offer boiled and fried food like Louisiana. They travel down there a lot as well as Florida and thought the food was good and decided to bring it up here. Chairman Charnel asked if it is just a restaurant they are opening? They replied yes, they informed the board that they are looking to apply for a beer and wine license as well. Chairman Charnel told them to speak to Silvia on the application process. Chairman Charnel opened it up to the public and asked if there was anyone in favor or opposition? he then opened it up to the Commissioners.

Commissioner McGarry asked them what they were near? They said next to the high school. Silvia stated the old Friendly's. Commissioner McGarry wished them luck because there have been many different businesses there. Commissioner Studenski asked if they were changing the seating? and they replied no Chairman Charnel stated that they mentioned beer and wine and knows that it's not on the agenda but historically it has not been allowed there. He does think it's a great location with plenty of parking and would like to see it cleaned up. They stated that they did clean it up. Chairman Charnel asked them what their experience was in the restaurant business? One did not have any experience the other stated he worked in a hotel in Dubai for five years. Chairman then asked them if they were familiar with the concept? and they replied yes. They will get help from the two owners of the restaurants in Florida. The food is very simple it includes crawfish and seafood.

Chairman Charnel informed them that they would have to get all approvals before they get the Common Victualer license. Detective Clark had no objections from the Police Department and the Chairman informed them that Lieutenant Bonanca would like to see proper handicapped spaces with A 6-foot placard.

A motion was made by Commissioner McGarry to approve the license contingent upon all inspections being completed. The motion was seconded by Commissioner Studenski and made unanimous by vote of the members present.

15. Hearing on a request from Brockton VFW Post 1046 to Sell All Alcoholic Beverages in the Parking lot at 283 North Quincy Street for a Car Show/Burnout to be held on June 30, 2022, from 9:00 a.m. to 6:00 p.m.

Present was Mr. Robert Graham of 6 Alfonse Road, Brockton, MA.

Mr. Graham informed the board that the event is scheduled for July 30th not June 30th he stated that before COVID they held the event every year and they call it a burnout because cars drive in circles to burn rubber. Chairman Charnel stated he does not know how the police would feel about that. Mr. Graham stated it's in their own parking lot. They have a big barbecue grill and serve hamburgers, hot dogs, and fast food. His request is to allow them to take the alcoholic beverages outside. They will be purchased inside and consumed outside in plastic cups that will be provided. What they have done in the past is they have used the field for parking once the field is filled up, they shuttle people to Aldi's in Abington.

Chairman Charnel opened the public hearing and asked if there was anyone in favor or opposition? he then opened it up to the Commissioners. Commissioner McGarry asked them how many young people usually show up under the age of 21? He said they can attend, but no alcohol will be served to them. Commissioner McGarry stated that he did not want any handoffs outside. Someone could purchase a

drink inside and hand it off to someone underage outside. Most places cordon or section off liquor. Mr. Graham informed the board that the group usually self-polices, themselves and it works well. Detective Clark recommended one police detail which should help with the potential of passing around alcohol and that should deter that. Chairman Charnel stated that he has been to a few events, and they do a good job.

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

16. Hearing on a request from PROVA! and Brockton Beer Company for a Special Permit to Sell Wine and Malt Beverages and a Special Event Permit to be used from July 7, 2022, to September 2, 2022, at 26 School Street, Brockton, MA.

Present was Mr. Rowan Olmstead of 267 Ash Street, Brockton, MA.

Mr. Olmstead informed the board that he is one of the Co-owners of Brockton Beer Company and he is also representing PROVA! as a board member. As the board is aware the beer garden at PROVA! has been in effect for five years and it is going to happen again this year. It will be located at 26 school Street in the empty lot. They are trying to get the license to sell beer and wine and they will be used to provide the refreshments. The space is located between Bixby and Main. Chairman Charnel asked if PROVA! has built out the location yet? And he replied no they will be moving the stage, two sheds, and will be fencing in the whole location.

There will be 2 entrances one main and one at the back as a means of egress, and it will be fully controlled. The hours are 4 to 9 on Thursdays and Fridays. Chairman Charnel informed them that they can't go over 30 days with the license and Silvia stated it was less. Detective Clark stated it was 16 to 18 days. Chairman Charnel informed them to try and get their applications in earlier. They are usually late filing. The city does support it and his bank has sponsored them in the past Detective Clark recommended one police detail.

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

A motion was made by Commissioner McGarry to get pictures, diagrams store layouts and parking plans for future applications. 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,



Jeffrey Charnel, Acting Chairman

APPROVED

Paul F. Studenski

Paul Studenski, Commissioner

John McGarry

John McGarry, Commissioner