

MINUTES
LICENSE COMMISSION MEETING
6:00 p.m.
Thursday, November 17, 2022
G.A.R. Room, City Hall, 45 School Street

The License Commission held its regular monthly meeting on Thursday, November 17, 2022, in the G.A.R. Room, City Hall, 45 School Street. Present were Commissioners, John McGarry, Robert P. Simpson, Paul Studenski, Christina Derome, and Scott D. Uhlman. Also, present were License Agent Paul Bonanca, Deputy Chief Edward Williams and Executive Assistant Silvia Carvalho.

1. Approval of the Minutes of the License Commission Meeting of October 20, 2022, and the Special Meeting of October 11, 2022.

A motion was made by Commissioner McGarry to approve the minutes of the meetings of October 20, 2022, and October 11, 2022. The 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 November 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 November 2022. The motion was seconded by Commissioner Studenski and made unanimous by vote of the members present.

3. Hearing on a request from Downtown Brockton Association for a Special Event Permit for a 35th Anniversary Holiday Parade to be held at Belmont and Main Street, on November 26, 2022, from 1:00 p.m. to 3:00 p.m.

Present was Mrs. Mary Waldron of 70 School Street, Brockton, MA.

Mary Waldron informed the board that they are a nonprofit organization, but they work in partnership with the city. They have many partners, and this is their annual holiday celebration with many activities throughout the city. This year they have 80 participants and they have been in touch with Captain Porcarro and, the Traffic Commission as well as DPW, and other relative departments to secure all the necessities for public safety. She does have flyers that talk about the events for the day, she then passed them out to the board. She stated that the flyers give a rundown of the events.

Chairman Charnel stated there are a lot of events scheduled for the day, and Mrs. Waldron replied, that the highlight of the day are the pictures with Santa. Chairman Charnel asked Mrs. Waldron if she had anything else to add? She stated that last year's parade was downsized because of COVID. She stated that when you hear things like Salem having their Halloween celebration it does give a sense that there is a want to have people doing activities. Pretty much all their activities are free at the library, and here at City Hall and the Mayor's office has done a great job in terms of activities, of course there is a food

court and they have gone to the Board of Health to get all of the necessary board of health policies. The most important thing is working with volunteers and supporting the Brockton Police Department and Fire Department.

The only thing she is hoping they could help with is the weather. They really appreciate the work of the License Commission and their consideration. Chairman Charnel opened the meeting to the public and asked if anyone was in favor or opposition? He then asked if any elected officials would like to speak? He closed that portion of the meeting and asked the Commissioners if they had any questions? The Chairman stated that it seems like it is a full agenda they have been doing this for a very long time and many city agencies are involved. Police, Fire as well as our own jolly Santa.

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.

4. Hearing on a request from Nayama Marcellus for a Special One Day Permit to Sell Wine and Malt Beverages for a 30th Birthday to be held at 21 Torrey Street, Brockton, MA.

Present was no one.

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

5. Hearing on a request from Brockton Arts, Inc. for a Special One Day Permit to Sell All Alcoholic Beverages for a Fundraising Gala to be held at the Brockton Public Library- 304 Main Street, on December 3, 2022, from 7:00 p.m. to 1:00 p.m.

Present was Mr. Arnie Danielson of 603 Summer Street, Brockton, MA, and Mr. Jeremy Marcellus of 38 Nilsson Drive, Randolph, MA.

Mr. Danielson informed the board that they were engaged by the library board of trustees and their foundation to facilitate a fundraising event on December 3rd. They will provide the style, the tables, flowers, fruit, cheese, crackers, alcohol, and the staff. The materials and the products they have will be raffled at an auction to raise money. It is a fundraising party/cocktail party. There will be 200 guests, and 30 members of the staff on site. They have TIP Certified bartenders, and they will be working with Eval Silvera of the Brockton Beer Company to facilitate the alcohol service.

Mr. Marcellus stated that he is Vice President of Brockton Arts, and he volunteers in the community, and he serves as the Membership Chair at the Brockton Lions Club, and he is on the board of the Brockton Young Professionals. He currently serves in the capacity of Vice President of Brockton Arts, and he wanted to take this moment to thank the Fire Department, and Police Department. He stated as a fellow nurse he has had to deal with clients that must be sectioned and things like that. He also thanked the board.

Mr. Danielson informed the board that Mr. Marcellus is also a TIP Certified bartender in his own right, and he coordinated the beverage service for the event. Chairman Charnel opened up the meeting to the public and asked if anyone was in favor or in opposition? He asked if there were any elected officials

that would like to speak? He closed that portion of the meeting and asked the Commissioners if they had any questions? Lt. Bonanca stated that because admission is going to be charged a police detail will be required. It is a public event if you are charging admission. He also stated that only a nonprofit corporation can be issued an all-alcoholic permit. Mr. Danielson stated that they are a nonprofit. Lt. Bonanca also stated that the alcohol must be purchased through a certified wholesaler, other than the police detail he has no objections. Deputy Chief Williams stated one issue the Fire Department has is that a crowd manager be present. He knows Mr. Danielson is already a crowd manager. Chairman Charnel stated that he has no issues. Arnie has always done a very good job and for the newer members he stated that Mr. Danielson has been in front of the board on many occasions.

A motion was made by Commissioner Studenski to approve the permit with the stipulation that they obtain a police detail. The motion was seconded by Commissioner McGarry and made unanimous by vote of the members present.

6. Hearing on a request from Bertucci's Restaurants, LLC dba Bertucci's for a Change of Manager on an All-Alcoholic Beverages Restaurant license at 185 Belmont Street, Brockton, MA.

Present was No one.

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

7. Hearing on a request from C.V. Auto Care, Inc. for a Transfer of a Class II Used Car Dealers license at 803 Crescent Street, Brockton, MA.

Present was Mr. Bruno Silva of 18 Exchange Street, Brockton, MA, and Mr. Stephen Maher of 34 Florence Street, Brockton, MA.

Mr. Maher stated that he is the owner of 833 Crescent Street, and that Mr. Silva has purchased the dealership and they are in front of the board to transfer the used car dealer license. The Chairman asked Mr. Silva if he would like to speak about experience? Mr. Silva stated that he has been in the auto repair business for almost 10 years, and he is currently located in Dorchester. Two years ago, he moved to Brockton, and he is looking to get into the car sales business as well. Chairman Charnel opened the public portion of the meeting and asked if anyone was in favor or in opposition?

He asked if there were any elected officials that would like to speak? He closed that portion of the meeting he then asked the Commissioners if they had any questions? Commissioner Uhlman stated that he contacted the Division of Inspectional Services in Boston, and they stated that they have not had any issues with this business in Boston in the last 10 years. Chairman Charnel stated that that's good to know. Commissioner Uhlman stated that a new plan was submitted today to the Fire Department and the License Commission and asked if the Chairman had that plan? Chairman replied yes.

Deputy Chief Williams stated that with the new plan he worked back and forth via e-mail. They have two employee spots, One, handicapped spot, two, customer spots, and 19 spots for used cars outside. They show two cars inside and are in the process of getting their repair license and have applied for a repair license through the City Council. Chairman Charnel asked if they applied for a repair license? And Deputy

Chief Williams replied yes, they have applied for a transfer of the repair license so you can't count the cars inside the building towards the used cars on the property because they can't have cars inside the building being repaired.

Commissioner Uhlman stated that the garage license will automatically be transferred or they will have to do a transfer. Deputy Chief Williams said they have applied for that. Chairman Charnel stated to the Deputy Chief that he is confused on the old parking plan and the new parking plan and why did the old parking plan look like it did? Why do the spaces look like this? Chairman then apologized he was looking at the wrong one. Deputy Chief stated that the new one is dated 11/16/2022. The Chairman asked Deputy Chief Williams if they will have ample parking spaces in addition to selling vehicles? Deputy Chief Williams replied yes, he thinks they do. Deputy Chief Williams stated that the city has a problem with used car licenses, and junk yards. Just drive by 967 and 955 Montello Street, and that's what they are trying to avoid.

That's why they want designated parking spots. Mr. Maher stated that it has gone down from 33 cars. Deputy Chief stated that he is good with the new plan. Lt. Bonanca stated that the Deputy Chief has addressed their concerns and the updated plot plan is satisfactory. Chairman Charnel stated that they brought up junk cars and are they allowed to keep junk cars on the property? Commissioner Uhlman stated that is regulated by the repair license. Chairman Charnel replied which the board does not control. Deputy Chief Williams stated that they don't have a lot of storage for cars under repair, but if they bought the car under their used car license with the intent of either selling it as a junk or making a repair, they could keep it on the property.

Commissioner Uhlman stated as a Class II. Chairman Charnel replied OK and asked if there is a time limit? He then informed them that the city would like to see these places maintained, and as manicured as possible. The city is trying to avoid a junkyard. Mr. Silva stated he does not want his place to look like a junkyard. He said he came from a main street, Dorchester Avenue, and it came with a lot of requirements. He always keeps it pretty decent and clean. He will do the same thing here. Deputy Chief Williams stated that he went back on Google Earth and looked over his business over the past several years and all the different phases, and his lot has always looked well. Chairman Charnel asked Lt. Bonanca if he had anything else to add? and he replied that the Police Department has no objections. Chairman Charnel asked if anyone else had anything to add?

A motion was made by Commissioner Studenski to approve the Transfer of the Class II Used Car Dealers license. The motion was seconded by Commissioner McGarry and made unanimous by vote of the members present.

8. Hearing on a request from FunZ Trampoline, LLC dba FunZ Trampoline for 18 Automatic Amusement Device licenses at 2077 Main Street, Brockton, MA.

Present was Mr. David Seley 8 Churchill Road, Woburn, MA.

Chairman Charnel asked him for updates? Mr. Seley stated that they went over the whole plan last time and everything was in order. The only thing that was not was the ad for the public hearing, and he has that with him. The ad was placed on the 2nd. Otherwise, there are no changes, the space has shown to be large enough, the electrical is there and was previously approved. Chairman Charnel then opened it up to the public asked if anyone was in favor or opposition? He then asked if there were any elected

officials that would like to be heard? Councilor Nicastro came forward and stated that it was postponed last month and wanted to know what the outstanding issues were?

Chairman Charnel stated the issue was the advertising. She asked the Chairman if it has been resolved to the board satisfaction? The Chairman replied correct. She then replied that she will support it and thinks it would be fine. Commissioner Uhlman stated that he believes it was approved pending the advertisement. Chairman replied he believes that he is correct. The Chairman stated that we have been down quite a path with them. He thinks they are doing everything right and he asked Lt. Bonanca and the Deputy Chief if they had anything else to add? Deputy Chief stated that he had no issues on his end. Lt. Bonanca stated that he had no issues other than the advertisement and no objections.

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

9. Hearing on a request from Hollistic Concepts, MA, LLC for a Change of Ownership on a retail marijuana license located at 1915 Main Street, Brockton, MA.

Present was Attorney Scott Rubin of 71 Legion Parkway, Brockton, MA, and Mr. David Asack of 95 West Elm Street, Brockton, MA, and Mr. Sam Arustamyan of 40 Chilton Road, Brockton, MA.

Attorney Rubin stated that they were before the board for a change of ownership. Sam is seeking the board's request to acquire 49% of the stock in the current Hollistic Concepts Inc. They are currently a holder of a marijuana retail license at that location. He has been doing marijuana cannabis in the city since its inception, and Hollistic is one of the first entities to receive a host community agreement and was in the first group of licensees to receive their approval from the City Council. They have had some internal issues, and they are seeking to partner with somebody so they will be able to provide an infusion of some capital along with some assistance in the build out and operations as well.

Sam is here to provide that funding. He is planning on providing funding for the build out itself and to oversee the build out and assist in operations. He will not have a majority stake in this company, he will only have a 49% interest. He does not have a controlling interest if approved. They have also filed with the CCC and the CCC application is still pending, and they do expect to have that approved at the December meeting. The paperwork has been deemed complete with the CCC and he has completed his fingerprinting and has provided the CCC with his Cori application.

They do expect that to come in December. Obviously, they need both local and state approval to complete this transaction, so to the extent that the board is willing to approve this, it can be subject to the receipt of the approval from the state. The two paths are independent, but they work together so he needs to have the approval. Chairman Charnel stated to the Attorney that he needs Council approval too. Attorney Ruben stated that is a given. This is just a first of a few steps on the road. Attorney Asack and Sam have had numerous discussions and he is comfortable and confident that this proposal will get this long-awaited property improved.

It is quite an expense and an undertaking, and he is not sure how many Commissioners have been around to the stores in the city, but if they have, they can certainly see that the build out is quite a project. They are confident that they will get the project going and he believes he was at the meeting with Attorney Asack for the renewal and it was mentioned that something like this would be coming

down the line, so they are here to request the board's approval. Attorney Asack stated that they have a building plan in place, and they need funding and someone with technical expertise and Sam can provide that. He thinks it's a partnership that will work well for them and the city.

Chairman Charnel asked if anyone would like to speak in favor or opposition? He then asked if there were any elected officials that would like to be heard? Councilor Nicastro came forward and stated that this approved license is located in ward four and it is the only marijuana retail establishment that has been approved in ward four. It was approved several years ago as Attorney Rubin mentioned, and it has been disappointing that it has not advanced and opened because it is a very good location close to the border of West Bridgewater.

She is wondering and she asked the Chairman isn't there an ordinance that says you have to be operating for a year to be able to transfer a license? And how does that impact this Commission? Chairman Charnel stated that he does not want to speak out of turn, but he believes that is a City Council thing he does not think it is in the board's purview. He believes City Council has to make the determination, if they are outside of the ordinance that they created. She stated that those were her concerns. He closed the public portion, and he then asked the Commissioners if they had any questions?

Commissioner McGarry reiterated that any vote the board makes tonight would be contingent on both the CCC and the City Council approval. The Chairman stated that he has not read the ordinance on where they come in, but he believes City Council is the issuing authority. License has the ability to send it to them. Commissioner McGarry asked Attorney Rubin if they in fact expect to hear from the CCC in December? Attorney Rubin replied December 7th. He then asked if he has applied to the City Council? Attorney Rubin stated that he can't do that until he has License Commission approval. He understands it's a two-step process, and the ordinance is very specific any changes shall come before the License Commission and then the City Council must review any decision made by the License Commission.

Attorney Rubin stated that he does have a copy of the ordinance and it does say no transfer shall be considered by the City Council. Commissioner Uhlman stated that this is the first stop on the checklist. Second step is CCC and if CCC says no, they are dead in the water, and anything we do does not make a difference. The Chairman stated that the only issue he has with the application is there were no plans submitted for the buildout. Typically, and it has been so long he does not remember what it looks like. Attorney Rubin stated that it was not on the checklist. Chairman Charnel stated that the board typically sees renderings of the establishments. The License Commission does get specs for the cannabis layouts.

The board has had one other situation where they have granted the applicant and then it proceeded to the City Council. He would hate to keep the business from opening and believes the applicant is a pillar of the community and does many things. He asked them what the timeline would be? Attorney Rubin stated that they have the December 7th meeting, and if the board were to grant this application, they would request that Silvia or himself, he is not sure, to send approval of the application. He did it once before but is not sure who would send it. He would like to get it on the agenda as soon as possible. If they could get on one of the December meetings for the City Council and they were fortunate enough to get that approval, they would be moving to pull a building permit and getting started.

The funding is ready, the paperwork is ready, the special permits have been granted the Planning and Zoning boards have approved. They just need final construction drawings, and they are ready to go. Chairman Charnel asked the Attorney who is the 51%? and he replied it's the original Holistic Concepts

organization. Chairman Charnel asked how many people? Attorney Rubin stated five people. The Chairman asked if they are still part of the corporation? Attorney Rubin replied yes. He stated there have been no changes they have been diluted but no one has left.

Deputy Chief Williams asked the Attorney if this has been before the Planning board for approval? Attorney Rubin replied yes Attorney Asack stated it was a beautiful plan and it was vetted. Deputy Chief Williams stated that when they start construction, they will be scrutinizing it well. Attorney Rubin stated it's an intensive proposition to put these together and they are anxious to do so. Lt. Bonanca stated they have no objection to the change in ownership.

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

10. Hearing on a request from Saisha, Inc. dba Grab n Go, Manager Shahid R. Ghuman makes application for a Wine and Malt Package Store license, at 443 Crescent Street, Brockton, MA.

Present was Mr. Shahid R. Ghuman of 28 Orleans Road, Weymouth, MA.

Mr. Ghuman stated that this business and this location has been there for three decades. It was a Little Peach back in the day and was acquired by Tedeschi food shop which in turn became 7-11. When 7-11 decided to close their doors, he decided to open a business there. The location had a beer and wine license for many years. It goes with the mix of products that they sell and offer to the community. They are a food and beverage business and that will be another thing they can offer their customers. He does come from a similar business and has 20 years of experience.

He runs another 7-11 on Belmont Street and he has owned that location for five years. He did go to the Zoning board to obtain permission, and they do not have any issues. He thinks getting approval would be good for the community and good for their business. They are a small business trying to survive and definitely needs this to improve, and to be more competitive with other competitors that have similar products. Chairman Charnel then opened up to the public and asked if anyone was in favor or opposition? Ms. Mitza Smith of 27 Long Street Brockton, MA, came forward. She stated that she likes the store and always goes there, and it is very clean and safe.

She likes going inside and it is very clean, the people that work there are very polite and that is what she looks for in a store. She likes to stop in on her way home, grab a bottle of wine go home relax and drink. She feels safe in the store, and she stops in to pick up a few things that she needs, and leaves and she is here to support them. Chairman Charnel asked if any elected officials wanted to be heard? He asked Councilor Nicastro because she was the only one there. He closed that portion of the meeting and asked the Commissioners if they had any questions?

Commissioner Uhlman asked his fellow Commissioners to take note of the number of letters the applicant provided in favor, and that they are all signed petitions. He also wanted to comment on the plan they provided showing the location of the beer and wine. He thinks they are setting themselves up for a hit and run. People coming in can grab a bottle of wine or beer in the front case and run out the front door. The two cases are right at the front door, and he thinks that they should be moved towards

the back, and he can put the cleaning supplies and groceries up front. If they are going in there for wine, they will know where it is.

Commissioner McGarry asked Mr. Ghuman if he had any history with beer and wine or alcohol? He replied yes, the Belmont Street location does have beer and wine and he has been there for five years. Commissioner McGarry stated that his cashier should have direct view of the alcohol. He would not put it up front, where they can take it and go out the door. He needs tight control. Chairman Charnel asked Mr. Ghuman if he owns the 7-11 or is it a franchise? Mr. Ghuman stated it is not a franchise, and he is the sole owner. Chairman Charnel informed Mr. Ghuman that he knows 7-11 limits the outside products. Mr. Ghuman stated that 7-11 does not have anything to do with their business anymore. He is not planning to have a full beer and wine, and this is going to be an addition to what they do.

This is why he has nine aisles, and they are trying to use two of them. Chairman Charnel asked him what he does in his other store and how many hours is this store open? He replied 7:00 AM to 11:00 PM. Chairman Charnel informed him that he can't sell alcohol at 7:00 AM. Mr. Ghuman stated that he is familiar with that, and they have locks available to them. The store already had a beer and wine license. The locks were there, and the cashiers know how to put the locks on. They also have a modern cash register system that limits the sale, and the system will not allow them to make the purchase.

Commissioner Uhlman stated that he understands the beer cases and remembers seeing the one on Oak Street where they have the pull-down racks. Mr. Ghuman said he has locks. Commissioner Uhlman asked him how he would protect the wine and the alcohol? Mr. Ghuman stated that the wine is open, but it will not ring up at the register. Chairman Charnel asked if it also applies to cash? Mr. Ghuman stated that cash is a form of payment. Commissioner Uhlman stated that if it is not past 11:00 AM it will not sale. Chairman Charnel asked him if they check ID's? And he replied yes. Chairman asked him what the ID policy is when someone is buying alcohol?

Mr. Ghuman stated that they are very strict, and their registers are capable of scanning the ID's or by manual entry. They do have a calendar in the front that quickly tells them what age they should be. Chairman Charnel asked him what the age is? and he replied, 21+. He tells them anyone under 35 should be carded. Deputy Chief Williams had no comment from the Fire Department. Lt. Bonanca stated he conducted an inspection, and they definitely have the space to move the product to a different section of the store to satisfy the demands of safety for the business. So, the Police Department does not have an objection.

11. Hearing on a request from Pires Family Treats and Flower Shop, Manager- Valdir Pires Barbosa makes application for a Wine and Malt Package Store license, at 706 B Main Street, Brockton, MA 02301.

Present was Mr. Valdir Barbosa of 20 Lowell Street, Brockton, MA, and Mrs. Christina Pires of 20 Lowell Street, Brockton, MA.

Mr. Barbosa informed the board that they just opened a flower and treat store and they have gift baskets that they sell in the store and the customers would like to add wine to the basket. In order to make the customer happy they would like to apply for the license so that they can add wine to the baskets. Mr. Barbosa introduced his mother and informed the board that it is a family business. She

informed the board that she brought samples to show them, and she stated that to make the customers happy they would like to add alcohol. Many customers request strawberries that are dipped in chocolate, and they put flowers, but would like to add a wine or a champagne bottle to the basket, that's why she tried to come last year. The Chairman stated that he remembers.

The Chairman then asked her if she had the sample with her? And she replied yes, she placed them on the table for them to view and she showed them where she places different items and where she would put the alcohol. Mr. Barbosa stated that he does not see other locations in Brockton that provide this type of service. This is one of the first of its kind. Chairman Charnel opened the meeting up to the public and asked if anyone was in favor or opposition? He then asked if there were any other elected officials that would like to speak? Councilor Nicastro came forward and stated that the location is in ward four she does not know the Barbosa's and they did not reach out to her, but she thinks it is a lovely idea.

We don't have anything like this on Main Street in ward four. She asked that the board vote in favor and she supports it. It is a great opportunity for a new business on Main Street in ward four. Chairman Charnel closed that portion of the meeting and opened it up to the Commissioners to deliberate. Commissioner Uhlman stated that he visited the place today and the place is nice, and it was clean, but he has a couple of issues. One is the lease specifically says no alcoholic beverages. Two can the board restrict them to wine license for gift baskets only. He would hate to see this become a package store, as there is already a package store 187 feet across the street which is Vicente's.

Chairman Charnel stated that he does not think the board can do that. If they issue the license, they have a license. He remembers one other place that they used to do fruit baskets like this with wine and champagne. Chairman Charnel asked if they had a license? He stated probably not, and that was back in the 70s. Commissioner McGarry stated that his understanding is that they must be open for beer and wine sales. The beer and wine licenses are up for the community. It is a specific use it must be a public license. Commissioner McGarry then asked them if they have done anything else in the beer and wine alcohol business? Mr. Barbosa stated not with wine this is the first. Commissioner McGarry then asked them if they are requesting a license from the board to help round out the business? She replied yes.

He then asked them prior to the business did they have a storefront or were they doing it from home prior to this? He asked them if they got the store to get the beer and wine license. He replied, no. Chairman Charnel asked them when entering the store will they be selling products in the basket, or will they be selling wine individually? Mr. Barbosa stated that they could place a display there as a choice for baskets only. Chairman Charnel stated, so in your store the wine will only be for baskets? He replied yes. Chairman stated I guess that they can do that. Silvia informed the Chairman that they have to have wine and malt available for sale at the location in addition to baskets. Chairman Charnel asked if they must have a certain amount?

Silvia stated that they just said a cooler. Commissioner Uhlman stated that they must buy from a wholesaler. Chairman Charnel stated that they must have a cooler, someone from the public must be able to walk in and purchase alcohol. Commissioner Uhlman stated they must purchase alcohol from a wholesaler. They can't go to BJ's to buy alcohol. Chairman Charnel replied yes, if they have a license, they must follow all the ABCC rules. Commissioner Uhlman stated again the lease says no alcohol. Chairman Charnel asked them why it says that in the lease? And if they were aware of that? Mr. Barbosa stated he was not aware of that, and that he had spoken to the landlord and the landlord was aware of that and she was informed that they are applying for a license to sell baskets with wine/champagne.

Chairman Charnel gave the board an overview and he informed them that she came before the board a year ago and she was placed on the agenda. It was just informational, and it is silly but in order for her to do this she must apply for a package store license, and she needs a location which needs to be attached to an address. That's why they went and got the store so they can have an address for the business. It is a very unique style business, and he does not know how the board can police the other things. He personally does not have an issue with it if the board approves this there will probably be things the board can't police. We can't tell them how much beer they can sell or how much wine and we can't tell them that they can't be a package store. Once they have the license, they can run the business however they want. Commissioner Uhlman stated it could slowly transfer from baskets to barrels. Chairman Charnel stated again, the board would not be able to police them. The license is the license the Commonwealth regulates it. The board could put restrictions on time and certain things, but we can't put restrictions on how they sell to the public. He loves that it's a family business, but it would be very challenging for the Commission if they had an infraction there.

Deputy Chief Williams had no comment. Lt. Bonanca stated that he conducted an inspection yesterday and upon entering the establishment he observed 3 bottles of wine, already in a display case on the floor prior to them having a license. He submitted photographs to the Commission, but it obviously is in black and white, and it is not as clear. Three bottles of wine a Stella Rosa Moscato 5.5% alcohol by volume, Stella Rosa lemon lime 5% alcohol by volume and the same one that's in the sample basket and El Rosen Parioli which is 5.5% alcohol by volume.

The pictures the board received are in black and white, but he can pass around his phone so the board can see the bottles which are actually Stella Rosa. The bottles were already on the floor prior to even having a license. As far as the Police Department is concerned having the bottles of wine already on display prior to the hearing, they can't recommend approval at this time from the police department's perspective. Mr. Barbosa stated that he was not aware of it. Christina stated that her and her husband were in the store, and that they were placed there because she was going to put the sample baskets together. Her husband informed her that the case that she purchased may be too small for the bottles of wine. She put them in there and forgot to take them out. She apologized and removed them.

Chairman Charnel stated that he understands. Commissioner Uhlman stated that they were not there when he went there today, and he also had a question on zoning. Is it zoned for a package store? Chairman stated that they would have to go to the Zoning Board, and they would inform them. Chairman Charnel asked if it is a C2 zone? Deputy Williams said he would look it up. Commissioner Uhlman stated that the building currently houses a florist and a barber shop. Chairman Charnel stated in his many years in order for you to sell a product you must get a special permit and the special permit is issued by the ZBA. If they have not issued a special permit the board could approve it pending the ZBA outcome. This would not carry tonight as a full approval.

He is not sure, but he is a recovering ZBA guy, and he believes they need to get a special permit because that is not a permitted use. He informed them that they must get a special permit. Commissioner Uhlman stated it's zoned as a flower shop not as a package store. The board could make a motion pending the outcome of the ZBA. Commissioner Simpson stated the second they do this they are in violation of their lease. He was looking through it to see the terms and he does not see the termination clause in it. It is one of the restrictions. The Chairman stated that he is OK with the business he thinks it is fine if they were to get a revised lease.

Commissioner Simpson stated from his background when restrictions like this are added the landlord may have property near that is a non-compete or something like that. Chairman Charnel stated that he has no problem with it the landlord may have mistakenly put that in. The applicant told us that he spoke to the landlord. Chairman Charnel asked for a motion Commissioner McGarry stated that they should move on #8 first because they were heard first. The Chairman also noted that Saisha, Inc. was approved by the ZBA

12. Hearing on a request from Saisha, Inc. dba Grab n Go, Manager Shahid R. Ghuman makes application for a Wine and Malt Package Store license, at 443 Crescent Street, Brockton, MA.

A motion was made by Commissioner McGarry to approve the Wine and Malt Beverages license. The motion was seconded by Commissioner Studenski.

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13. Hearing on a request from Pires Family Treats and Flower Shop, Manager- Valdir Pires Barbosa makes application for a Wine and Malt Package Store license, at 706 B Main Street, Brockton, MA 02301.

A motion was made by Commissioner Simpson to approve the Wine and Malt Beverages license. The motion was seconded by Commissioner McGarry.

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Chairman Charnel stated that the other gentleman already has a license, and it would be difficult to police the kind of license, and if one becomes available, they can reconsider if they were to come before the board. Commissioner Studenski stated that the board tried hard to explain to them a year ago and maybe someone in the business can assist them. He guesses that they are Capeverdean, and they replied yes. His suggestion to them was to go to the Capeverdean community up on North Montello Street and they can get them the help.

14. Hearing on a request from Prestige Auto Mart, Inc., dba Prestige Brockton for a Transfer of a Class II Used Car Dealers license, at 1661 Main Street, Brockton, MA.

Present was Mr. George Polilio of 421 Locust Street, Raynham, MA, and Mr. Manuel Sarmiento of 2 Kenwood Court, Seekonk, MA.

Mr. Polillio informed the board that he is the principal and owner of 1661 Main Street, LLC. They are in front of the board tonight to transfer the used car license the board allowed him to transfer when he purchased the property. He has put in place a lease with Prestige Automart Group, and they are looking to have the board approve the transfer, so that they can start conducting business at 1661 Main St. He is a local business owner in Brockton and has been for 28 years. He holds a used car license at his property for the 20 years he has been there.

It was a natural fit for he and Manny to get together to bring his stellar record and used car enterprise. He currently owns and manages multiple dealerships in southeastern Massachusetts and Rhode Island. He has invested much time and energy into fixing and cleaning up the Main Street location that has been sitting empty for quite some time now. He thinks the board will find that this will be a great opportunity for South Main Street.

To gain a great member and bring back the South Main Street buzz and to get some action going on down there. Mr. Sarmento stated that he has been in business since 1988 and has owned Prestige Automart since 2003. He has sold 50,000-60,000 vehicles in the 20 years that he has owned the business. Chairman Charnel stated so you are experienced. Mr. Polillio stated that he had an updated parking plan with him that was requested at the last hearing. He apologized because he sent the plan to Deputy Chief Williams today.

Chairman Charnel opened the meeting to the public and asked if there was anyone in favor or opposition? He asked if there were any elected officials that wanted speak? He closed that portion of the meeting and asked if any of the Commissioners had any questions? Commissioner Uhlman asked the Commissioners if they had a chance to visit his facility in Westport? The new location will do justice to South Main Street. It is a sharp looking building; it is squared away. It is not a mess, and it will be an asset to the south end.

Commissioner McGarry asked them what the total number of cars would be? Mr. Polillio stated that it is a 47-car lot or maybe 50 to 54. Deputy Chief Williams stated that it is more like 38 spots for sale, 1 HP, 5 customer/employees, that is 44 and then the building has 9 spots inside from what he can see from the exterior of the building. Deputy Chief asked them if they would be doing auto repairs? Mr. Sarmento replied just for their cars. Deputy Chief Williams informed them that from his understanding even if he is doing repairs on his own cars, he needs a repair license.

Chairman Charnel informed them that they need a garage and repair license. Mr. Polillio stated that he assumed the property had a repair license. He was unaware as he just purchased the building a month ago. Deputy Chief Williams informed him that the 7-9 vehicles inside the building cannot be counted towards the Class II license. The proper amount is 38 cars for sale, 5 employee/customer, 1 HP. Mr. Sarmento stated that they should count towards the number. Deputy Chief Williams stated that he should be doing the customers cars, and if the garage is filled with cars there is no space for the customer that just purchased a vehicle.

Deputy Chief Williams stated that he has never counted cars inside towards a Class II Used Car Dealers license. Chairman Charnel asked them the name of the repair facility that would be doing their repairs, since he does not have a repair license. Mr. Sarmento replied, his Taunton location. The Chairman informed them that the lease agreement that they signed was not included with the application. He informed them that there should be language in the lease that states the license is to remain at the property and must be returned to the property owner.

The License Commission has had issues in the past where the tenant has transferred the license without the property owners, consent. Mr. Polillio stated that Silvia did inform him of that, and he did make clear to Silvia what his intentions were with the property. Upon the lease ending they are to return the license to him as the property owner. Chairman Charnel stated we had a dumpster fire in the past and because it was not in the lease, they were able to transfer the license. Commissioner Uhlman stated that the property does not have a garage license because it was probably not required when Mr. Lincoln purchased the property.

However, if he is going to put cars in that building, he needs a garage license. He also informed him that it could get costly due to the MBC traps. Mr. Polillio asked if it is required for storing vehicles? He stated that he believes it is for anything in the building. Mr. Polillio stated in the many years in the accessories

business he was never required to have an MBC Trap until he became a repair facility. His main business was car audio and accessories. He has had multiple locations in the city, and it was not required until they started doing repairs.

Commissioner Uhlman stated they will have to get a repair and garage license. Chairman Charnel asked how does he do that if we do not have license available? He does know that the business has been abandoned for a while. Councilor Nicastro stated that she can't speak on the existing license, but several year ago Councilor Farwell sponsored an ordinance that stated if you get a Used Car license you are entitled to a repair license.

Chairman Charnel stated that is good for the customer and wanted to be aware, so the board is not approving things and then we learn we should not have done that. He stated that he is fine with it as long as they go before Council and get the garage and repair license back in order. He thinks they will be a great asset to the city. Lt. Bonanca stated that he did an inspection, and the lot must be restriped, because the stripes have faded. Obviously, the ADA space needs a sign. He knows he owns other businesses and is aware. Other than the issues addressed by Deputy Chief Williams the Police Department has no objections.

A motion was made by Commissioner McGarry to approve the Transfer of the Class II Used Car Dealers license. The motion was seconded by Commissioner Studenski and made unanimous by vote of the members present.

15. Hearing on a request from Tori Brockton Food, LLC dba Tori Japan for a Common Victualer license at 747 Belmont Street, Brockton, MA.

Present was Mr. Dexi Liu of 195 River Street, Braintree, MA, and Mr. Yu Chin Wu of 74 Walnut Street, Quincy, MA.

They have put in a fast-casual restaurant to the existing Little Ceaser's space. They have another restaurant Charley's Philly Cheese Steak in the same plaza. There will not be any major renovation, because the restaurant was already there. Chairman Charnel opened the meeting to the public and asked if there was anyone in favor or opposition? He then asked if the Commissioner had any questions? Commissioner Uhlman asked them if they are only requesting 36 seats? They stated they believe its 30, and most of their customers stop in for take-out. Commissioner Uhlman stated that 60% of the building is taken up by the kitchen. He stated that they are not allowing kids from Brockton High School, because they are causing issues.

Chairman Charnel stated he counted 33 seats and Commissioner McGarry stated that they are only looking for 30 seats. He also stated that it is good to see the location open, because it has been sitting empty for years. Deputy Chief Williams stated that they have a building permit in place, so they will take care of that. Lt. Bonanca stated that the interior needs a lot of work, but they have permits, so it is a work in progress. He has no objections other that they must obtain signoffs, from all city departments.

Chairman Charnel asked them what they meant by Hibachi? Do they cook the food in front of the customers? He stated that it is a Hibachi style to go. Chairman Charnel asked them how many restaurants they have run? He stated that he has 15 years of experience with Sarku Japan.

A motion was made by Commissioner McGarry to approve the Common Victualer license pending the proper sign offs. The motion was seconded by Commissioner Studenski and made unanimous by vote of the members present.

16. Hearing on a request from La Loft Venue, - Yolanda Medina, for a Special One Day Permit to Sell Wine and Malt Beverages on the following dates:

November 26, 2022, from 4:00 p.m. to 8:00 p.m.

December 2, 2022, from 7:00 p.m. to 11:00 p.m.

December 3, 2022, from 7:00 p.m. to 11:00 p.m.

December 10, 2022, from 7:00 p.m. to 11:00 p.m.

December 11, 2022, from 7:00 p.m. to 11:00 p.m.

December 17, 2022, from 7:00 p.m. to 11:00 p.m.

Present was Ms. Yolanda Medina of 83 Thayer Circle, Randolph, MA.

Yolanda Medina informed the board that she opened La Loft Venue, 6 months ago. She has a lot of parties there and they have a max capacity of 49 people. It is an empty space where people go to celebrate birthday parties, or dinners. The dates before the board are for a Christmas party, dinner, and a few birthday parties. The liquor is not for sale it is to be served. Commissioner McGarry asked how many permits can be granted per year? Chairman Charnel stated 30 per year. The Chairman asked her where the building is located? She stated 1340 Belmont Street, Deputy Chief Williams stated it is the old Ockers building. The Chairman informed her that she can only get 30 of these per year. She replied yes and that her clients are having a hard time coming to the meeting to pull the licenses. She does not know if she should send, her bartender? She believes she already applied for 5 and informed them her parties are mostly for kids.

Chairman Charnel informed her that it is just beer and wine. Commissioner Uhlman stated that he looked at the ordinance and the only person allowed to pull these licenses are the managers. We are allowing people to pull licenses, and we are not supposed to. It says in Chapter 138-14, responsible manager. He also questioned whether they should be applying for entertainment licenses. If they are playing music, they should. Chairman Charnel stated that the board polices what is in front of them. He does not know if she needs it.

Deputy Chief stated that this may be a question for the Law Department. Arnie Danielson comes in as the manager and she can as well. Lt. Bonanca stated that the max is 30 per year, and all alcohol must be purchased from a wholesaler. Chairman Charnel stated they must be TIP Certified and if he had a venue, he would hire someone that is certified. Ms. Medina is doing the right thing. Deputy Chief Williams stated that is doing what is right, because she is the one coming in and not like the others that are sending their customer. Like the one that withdrew their application tonight.

There is a third venue coming on to the scene that was approved by Zoning on Hovendon Avenue. Chairman Charnel agrees that we should look into it. Deputy Chief Williams stated that these are new to the city and should be discussed. Deputy Chief Williams stated that he was not aware of her

applications. Chairman Charnel stated that they were just added. He gave Silvia permission to add them to the agenda. He informed the board that he has no issues because he rides by there on Saturday nights. He informed her that while it is slow, she should apply for an annual liquor license. Lt. Bonanca stated it is not open to the public, so no detail is required. Alcohol must be purchased at a wholesaler.

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

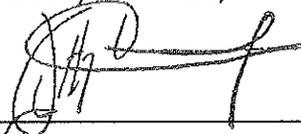
- 17. Hearing on a request from Bertucci's Restaurants, LLC dba Bertucci's for a Change of Manager on an All-Alcoholic Beverages Restaurant license at 185 Belmont Street, Brockton, MA.

Present was No one.

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

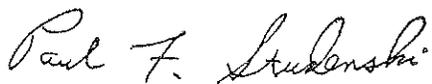
A motion was made by Commissioner McGarry to adjourn the meeting. The motion was seconded by Commissioner Studenski and made unanimous by vote of the members present.

Respectfully Submitted,

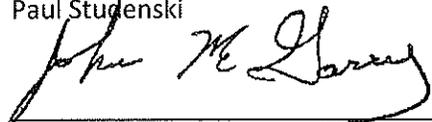


Jeffrey Charnel, Acting Chairman

APPROVED



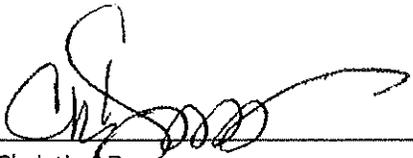
Paul Studenski



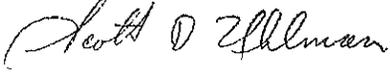
John McGarry



Robert P. Simpson



Christina Derome



Scott D. Uhlman