

MINUTES  
**LICENSE COMMISSION MEETING**  
**6:00 p.m.**  
**Thursday, December 15, 2022**  
**G.A.R. Room, City Hall, 45 School Street**

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The License Commission held its regular monthly meeting on Thursday, December 15, 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 November 17, 2022.

A motion was made by Commissioner McGarry to approve the minutes of the previously mentioned meeting of November 17, 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 December 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 December 2022. The motion was seconded by Commissioner Studenski and made unanimous by vote of the members present.

3. Hearing on a request from Ann's Palace- Rose Andre, (Anne Child Safety Foundation, Inc.) for a Special One Day Permit to Sell Wine and Malt Beverages at 277 Main Street, Brockton, MA on the following dates;  
**December 30, 2022, from 6:00 p.m. to 2:00 a.m.**  
**December 31, 2022, from 6:00 p.m. to 2:00 a.m.**  
**January 7, 2023, from 6:00 p.m. to 2:00 a.m.**  
**January 14, 2023, from 6:00 p.m. to 2:00 a.m.**  
**January 21, 2023 from 6:00 p.m. to 2:00 a.m.**  
**January 28, 2023, from 6:00 p.m. to 2:00 a.m.**

Present was Rose Andre of 134 Candy Lane, Brockton, MA.

Ms. Andre informed the board that they have been working on the place for the last four years. One year of COVID, two years of renovation, and one year of battling the tenant next door. She wanted to open the new year fresh, and she stated that everyone must have seen the email today from Deputy Chief Williams. Chairman Charnel stated that he was the only one that saw the email. She informed the board that she does have work that needs to be done in order to meet the deadline.

Chairman Charnel opened the meeting to the public and asked if anyone was in favor or opposition? Mr. Joseph Francois of 541 N Cary Street, Brockton, MA, came forward to speak in favor. He stated that as Mrs. Andre stated they have been struggling with this place. They have been trying to get some activities going on Main Street in Brockton, she has spent a lot of money on it to make sure that they can open by a certain date. At this time, they have a list of 15 items that must be done before the opening date provided by the Fire department. They will try their best to get it completed so that they can open by December 30th.

He stated that the board should have the list in front of them and that Mrs. Andre is working on everything, so he thinks the best thing to do is to give them the opportunity to open the place. They have been struggling for four years with this place. The Chairman asked if there was anyone else that wanted to speak in favor or opposition? he then asked if any elected officials wanted to speak? he closed that portion of the hearing and asked the Commissioners if they had any questions?

Commissioner McGarry asked Mrs. Andre if she currently has a Common Victualer license? Mrs. Andre replied yes. Commissioner McGarry asked Silvia if they had a license? and she replied no, perhaps a restaurant license through the Board of Health. Commissioner McGarry asked Silvia if there was a license issued to that address? Silvia replied, no. He stated that the application states that they will be cooking on site, so they should have a Common Victualer license. Silvia replied yes, they must have a Common Victualer to do so. He informed them that the hours listed are not the hours, for brunch, brunches are midafternoon, and the requests are for 2:00 AM.

He informed them that the hours are a serious problem, and these are One Day licenses, and the hours are more for a restaurant or bar. He then asked them about the functions that are planned, and that he had some concerns. He asked her if she has the names of all the people renting the space? Mrs. Andre stated that she will be fundraising for the foundation. Commissioner McGarry stated, so you are asking for the dates personally for yourself to raise monies for the organization? She replied yes, he then yielded and stated that he would like the ability to come back after he has gone through the applications.

Chairman Charnel asked if any other Commissioners had any questions? Commissioner Studenski stated that he had nothing at this time. Commissioner Uhlman asked Mrs. Andre if the foundation is a 501C3 in the state of Massachusetts? She replied, not in Massachusetts. He stated, so she is applying for a license with a foundation in Florida for Brockton, and she is also requesting a 2:00 AM, and stated that he thought brunches were from 11:00 AM to 3:00 PM. Chairman Charnel asked Deputy Chief Williams for his input.

Deputy Chief Williams stated that he has been working on this project for well over four years. One of the biggest problems is that this is the old furniture store. She has done a fabulous job inside and they have had a lot of speed bumps along the way. They had illegal functions at one point in time, and they have resolved all of that. She was originally going to do the left-hand side of the property, but it had a mezzanine that was controlled by someone else, which made it a hazard to the bottom so there was a long legal battle between the tenant on the right-hand side who also controlled the mezzanine over her area.

He was finally evicted, and they probably would have opened her at that moment, but she started construction on the right-hand side of the building to expand her business, and that messed everything up. He was unaware of these requests until he saw it on the agenda, he immediately emailed her and went down with Frank Gazzero from the Building Department. They have a long way to go but she said she can get it done. He personally will not hold her up if she gets everything done. He informed the board that he is not commenting on the hours. The facility is very nice and beautiful, but only a portion of it can be used right now because of the ongoing construction on the left-hand side on the 1st floor.

He wrote an email to the members today that he wouldn't be opposed, but it would be a temporary license for occupancy only, with no opinion on the time. The license will not be issued until a temporary certificate of inspection is issued by the Brockton Building Department, and it is signed by the Building Commissioner and the Fire Chief. He will not let his boss sign it, until everybody is good to go. It will only be for the left-hand side space on the ground level only. She has a long list of things to accomplish. The right-hand side of the property must be separated and blocked from public access, as it is under construction. The mezzanine and 2nd floor of the left side of the property needs to be separated and blocked from public access as it is under construction.

The Board of Health has to issue permits for food and liquor, and one or more employees must obtain crowd manager certificate, so there will be one on board at all times. The applicant must understand that it's only for beer and wine and not hard liquor, the Board of Health has an issue with mold in the basement that must be addressed, and she has done some work on that already. A Massachusetts licensed electrician must certify in writing that the building is safe. There are wires being run everywhere in the construction part and he wants to make sure that the building is safe in case of a fire.

The sprinkler system in the entire space needs to be inspected by Rustic Fire Protection for any impairments, and there are many right now must be cured. This includes but not limited to painted sprinkler heads, light fixtures blocking and newly constructed walls. The architect in charge must submit an affidavit that the space being permitted is safe to do so and the occupancy level. They believe it to be somewhere in the vicinity of 250, so 250 people are allowed in that space given the formulas for that space. It does have potential for a large crowd. Any penetrations that would affect the function of the sprinkler system must be properly filled at the determination of the use supply which was made by the architect.

Excess storage in the basement must be removed, and the kitchen suppression system should be updated. It was brand new a long time ago, at this point it needs to be checked every six months. The architect needs to submit an affidavit and satisfactory evidence that the furniture that will be used will meet the requirements of the building and fire safety. The cloth on the seats need to meet certain inspection levels. The applicant should be aware that this is the holiday season, and the transaction for signatures takes time, every effort will be made to complete all the work prior to the closing of business on December 27<sup>th</sup>, so that they can do the paperwork.

We can't expect everything to happen on December 30<sup>th</sup>, and City Hall is going to be on a skeleton schedule. This is a healthy list of requests and can be considered a solid request. If they go in there and there is another wall put up, they will have to do something about that. It was also determined after he sent the letter to the Building Commissioner, and upon checking with this plumbing inspector he had

not inspected the building yet for occupancy. So, he informed Mrs. Andre and that it is happening tomorrow. There are a lot of things that need to be done to make this all work, there are a lot of moving parts. He does not have an issue with her opening, as long as it is all done, and he will end up being the gatekeeper to make sure that it gets all done. He stated everybody knows me, I am a black and white kind of guy there are not a lot of grays, so it's all going to get done and done right. He does not want anyone to get hurt.

Chairman Charnel asked Lieutenant Bonanca for his input? Lieutenant Bonanca stated notwithstanding the comments made by Deputy Chief he did an inspection and submitted photographs to the Commission. Obviously, with the work that needs to be done he thinks their requirements are that they would like to have somebody, an employee with a counter to make sure that they do not exceed the 250, and he is not comfortable with a 2:00 a.m. in the morning license, or the balcony that surrounds the floor. He is not comfortable about that and alcohol. At a minimum they would require three police details on all of those dates, and of course the necessary inspections by other city departments.

His preference would be at a certain hour to close off the stairwell that leads to the balcony, well before 2:00 AM. Deputy Chief Williams stated that the stairwell will not be opened, and no one will be going upstairs. This is for the ground level only. Chairman Charnel stated that they should have someone that is TIP Certified as well as a crowd manager. He thinks the issue is, it seems that the place is being run like a bar or restaurant and these one day permits are typically not for establishments to run like a restaurant on a daily basis. He thinks that that is a little bit of a concern for the Commission.

He stated that he does not have much experience at seeing applications like this to be honest. Typically and this is where He and Lieutenant Bonanca disagree, with regard to the closing time, but in this instance he agrees with him because again if you want your establishment to be open till 2:00 AM, there are licenses available you can go through that process and come before the Commission. If you're running the function as this, he thinks it's a little bit excessive in his opinion. He doesn't know if anyone else agrees but he thinks from what they have been through, he'd love to see them open, but he agrees with the Lieutenant, let's take baby steps with this, because of the outfoot of the building and all the issues.

He stated that since he has been on the Commission and in the four years, he has never approved something like this, again he thinks they have been through a lot and that the board wants to be here to support their business. He would say anywhere between closing at 1:00 AM, is OK with him, he does not think that they should be open till 2:00 AM. If you want to run it like a restaurant, get a Common Victualer license and come in and get those. Chairman Charnel asked if any of the Commissioners had any other questions? Commissioner Uhlman asked the Chairman with them being open till 2:00 AM does she come under the same rules as of 2:00 AM, no reentry after one o'clock?

The Chairman replied, yes and stated that if the board grants this license all the rules that the ABCC sets are in force. They must follow all the rules and abide by them. If the Lieutenant wanted to gain entry, they would have to let him in or the Deputy Chief. We are essentially giving them a license as if they were an establishment for one day. Deputy Chief Williams stated that he wanted to make sure that Mrs. Andre understands that there's a catch 22, to all this. She's asked for all these one day licenses but that makes her ineligible to apply for a regular liquor license, while she has one day liquor licenses on board.

And in reality, she should have started back in September to get a regular license and she would have been all set, but right now she can't even apply for a regular license, because you'll have all these one day licenses coming before the board. So, you can't have a one day license request granted, while you apply for a regular liquor license, and that's a state law not a local law. She has to figure it out at some point if she wants a regular license. You must stop serving liquor for a period of time, and he is not sure what that period of time is or the process to get the license, but it'll probably be a couple months. You can't serve liquor on site while you apply for your license. They have a time predicament and one day licenses are not going to fly forever, you can only have 30 a year.

Chairman Charnel stated that the two things that the Commission needs to consider on these dates are the rolling back of the 2:00 AM, and they must come to an agreement on the time that they would like to close, and again typically with all alcoholic restaurants it's a privilege and a right giving it to them, but this is not the case this is a one day permit for a charity event. He thinks that they should be cautious again when people go through the process with the ABCC, and that's a long process that takes a couple months. They check their backgrounds there are a lot of that that go into it. There are other people that are approving this, so to give someone a one day license with a 2:00 AM is going to fall on the board.

They want to make sure that they are responsible to the constituents at large, and every patron that would be walking in there. He is cool with 12:00 AM, or 1:00 AM, he's not sure how everyone feels. Commissioner McGarry asked the Deputy Chief if only the left side while accommodate 250 people or does he mean the entire building? The Deputy Chief stated that the one side can handle 250 people, if it were standing room only, if she throws tables and chairs in there the number changes. Chairman Charnel stated that we should have gotten plans with the application to show the kind of tables and chairs.

Deputy Chief Williams stated that there is no doubt that the cart is before the horse here. They try to be business friendly, and he has been dealing with Mrs. Andre for four years now, and she has suffered his wrath, if she thinks she can get this all done, and they board wants to give her the one day license they will make sure that that portion of the building is safe for that period of time. So, if Deputy Chief Williams is saying that the building will be safe, after Mrs. Andre completes all of the work, and he believes in Mrs. Andre and knows she will do it. Commissioner McGarry stated that he is opposed to the 2:00 AM, he would say midnight and would be willing to give her the 1:00 AM, on December 31st because it's New Year's Eve.

Commissioner McGarry stated that he'd be willing to give them midnight on all the other dates except for the 31<sup>st</sup>, where they can have a 1:00 AM, because it's New Year's Eve. That way there's no problem with giving last calls and clearing the place out. Chairman Charnel stated that he thinks that is reasonable. Commissioner McGarry stated that he would do that in the form of a motion with the stipulation that all other required licenses are in place and has been signed off by all required safety and building departments, with the TIP Certification, and crowd control manager on site for each one of the events. Chairman Charnel informed them that Deputy Chief Williams can assist them with getting the crowd control management certificate and he can send the link to them.

A motion was made by Commissioner McGarry to approve the permits with the stipulation that all other required licenses are in place and has been signed off by all required safety and building departments, as well as the TIP Certification, and crowd control manager on site for each one of the events. The motion was seconded by Commissioner Studenski and made unanimous by vote of the members present.

4. Hearing on a request from KG Collective, LLC for a renewal of a retail marijuana license at 912 Crescent Street, Brockton, MA.

Present was Attorney Scott Rubin of 71 Legion Parkway, and Michael Pires of 912 Crescent Street, Brockton, MA.

Attorney Rubin stated that they are before the board for a marijuana renewal located at 912 Crescent Street, Brockton, MA, this is location is collocated with Miko's Café, over on the east side. The property was damaged by a motor vehicle accident, he wants to say about a year or two ago. Someone drove into the side of the building. They were in the process of doing the construction and getting it started, and that incident happened, so that put them back some. The owner of Miko's was actually doing the construction and was going to supervise as well, and when the accident happened that put them into an insurance fight, and it took a little bit longer than expected. That is why they are not open at this time.

They do expect to be open this summer, and they are in the process of getting the construction resumed. There have been no changes to the plans, no changes to the ownership, and they are just asking that the board approves their annual renewal, and hopefully it will be another one in the list of establishments for marijuana that will be open this summer. Commissioner Charnel closed that portion of the meeting, and asked if there was anyone was in favor or opposition? He then asked if there were any elected officials that wanted to speak? He then closed the public portion and then asked the Commissioners if they had any questions?

Commissioner McGarry asked them if the sole reason why they have not been open is because of the accident and the insurance issues? Attorney Rubin stated that that is certainly one of them, the portion of building that was hit is part of both the dispensary, and the restaurant, so they had to work with the owner of the property. Again, it's been a friendly situation, it's just something that unfortunately set them back. It was a pretty significant a car accident. Commissioner McGarry asked them if they have already gone through the CCC? Attorney Rubin stated that he believes that all their renewals were accepted, and he believes they provided all the information.

Commissioner McGarry asked them how old is the license? Is it over a year? Mr. Pires stated just over a year. Attorney Rubin informed the board that this is his first renewal. Commissioner McGarry then yielded. Deputy Chief Williams stated that he had no comment. They will have the chance to sign off on the building and informed the board that there was a significant car accident that kind of knocked the building off its foundation, and Miko's will reopen on January 3<sup>rd</sup>, according to Facebook. It has been quite a long time. Lt. Bonanca stated that as long as they comply with the Cannabis Control Commission guidelines, there is no objection from the Police Department at this time.

Chairman Charnel asked them how big the space is? Mr. Pires stated that the parking lot space is about 2,100 square feet. Chairmen Charnel asked them when they planned on opening? and he replied by this summer, hopefully by June. The construction will take about five months, and they need to go through the final licensing with the CCC. Chairman Charnel asked him if he was still provisional? And he replied yes. Chairman Charnel also asked them if they have to go to the City Council? they replied no because it is a renewal. There is no change of ownership. Commissioner McGarry asked the Chairman if this falls under the area of not being open for a year, and some of the other regulations that govern marijuana through the City Council? Commissioner McGarry stated that this as an extenuating circumstance and he will state why in the motion.

A motion was made by Commissioner McGarry to approve the renewal due to the extenuating circumstance of the accident into the building preventing the finishing and opening during their originally scheduled time. The motion was seconded by Commissioner Studenski and made unanimous by vote of the members present.

5. Hearing on a request from Lembranca de Terra for a Common Victualer license located at One Centre Street, Brockton, MA.

Present was Mrs. Nilda Barbosa Gibau of 76 Carl Avenue, Brockton, MA.

Ms. Gibau informed the board that the business will be located on One Centre Street. She will be serving cold sandwiches, milkshakes, ice cream, coffee, tea, and salads, fast foods. Chairman Charnel stated so it's just a sandwich shop with milkshakes, cold sandwiches. Chairman then asked her if she would be serving any hot food? She stated no, he asked her if there would be a stove? she stated no, he asked her if she would be using a fryolator? and she stated that she wanted to have a toaster. Chairman Charnel then opened the meeting up to the public, and asked if there was anyone was in favor of the application or opposition? He then asked if there were any elected officials that would like to speak?

Ward Two Councilor Maria Tavares came forward to speak on behalf of the applicant. She stated that the applicant has a dream to open her own business, and we would like to have more businesses in Brockton and hopes that the board will grant her the license. She is in the process of trying to learn the business, and she would like to work with the city to make her dreams come true. Of course, this will bring more taxes to the city, and more jobs. She thanked the board. The Chairman closed that portion of the meeting and asked the Commissioners if they had any questions?

Chairman Charnel stated that she will be serving sandwiches, and milkshakes, all the things he can't say no to, and that he will probably be there. Chairman Charnel asked Deputy Chief Williams for his input? Deputy Chief William stated that it is a unique location because it is in the basement of the building. They inspected it yesterday, and they have no objections. There are just a few things that need to be taken care of, fire extinguishers need to be tagged. No cooking on site, which she already said everything is going to be cold. There are some extension cords going into the ceiling that need to be removed. The owner of the building is aware of that, and she needs to get the appropriate health permits.

The one thing that he wanted to bring up is that he showed up yesterday, and the owner of the building had no idea what he was talking about. He's managing the building for his brother who had a medical incident, and there's a quasi-manager that's living in the building, that they're going to cure. He did

know something about it. The owner was taken aback, so his only suggestion is that she obtained a rental agreement, prior to the issuance of the license. Chairman Charnel replied that he agrees with him, and he stated that if we are aware of it, is definitely something that we should get.

Chairman Charnel asked Lieutenant Bonanca for his input? and he stated that he conducted an inspection and submitted some photographs to the Commission. As long as the required city department inspections are conducted and approved, there are no objections from the Police Department. Chairman Charnel asked what the hours would be? Commissioner McGarry stated 7:00 AM to 3:00 PM. Chairman Charnel stated that the Board of Health and all the other departments must sign off prior to the issuance of the Common Vic, and the rental agreement must be submitted. Chairman Charnel asked Mrs. Gibau if she had a rental agreement with the owner? And she replied not yet, the Chairman informed her that the board would like to see it, just to make sure that she is legally operating.

Mrs. Gibau asked the Chairman when she should submit the rental agreement and he replied that she should turn them into Silvia, and she will make sure that everyone gets a copy.

A motion was made by Commissioner McGarry to approve the Common Victualer license contingent upon completing the requirement of the Fire Department and obtaining a signed copy of the rental agreement. The motion was seconded by Commissioner Studenski and made unanimous by vote of the members present.

6. Hearing on a request from M and C of the Village Corp., dba Shoe City Tavern and Restaurant to request an extension due to the sale of the property on an All Alcoholic Beverages Restaurant license, at 24 Intervale Street, Brockton, MA.

Present Mr. Daniel Climo of 15 Cavanaugh Road, Braintree, MA 02184.

Mr. Climo stated that they closed the business in April to sell the property, and it has taken a little longer than expected, and they have a buyer lined up and they are looking to extend the license, so that it will be attached to the property. He is not sure if it is possible, and it is going to expire at the end of the month. They would like to hold on to it without doing everything, because there is liability insurance, and other stuff that are extremely expensive. Chairman Charnel opened the meeting to the public, and asked if there was anyone that wanted to speak in favor? Miss Liz Tavares came forward to inform the board that she is the attorney for the seller, and if the board had any questions she is in the room.

Chairman Charnel asked if there was anyone in favor or opposition? And if there we're any elected officials that would like to speak? he then closed that portion of the hearing and asked the Commissioners if they had any questions? Commissioner McGarry asked Mr. Climo if because it is taking longer than expected is he requesting to carry the license? He then asked him if he had all of the paperwork ready to go? Does he have everything ready to be filed? Mr. Climo replied that he has already submitted all of the paperwork. Commissioner McGarry asked Silvia, if he has submitted all the paperwork? she replied that he has submitted what he could. Silvia stated that he does not have liability insurance or workers' compensation, because he is not open. He is selling the business and that is why he is before the board, as well as to obtain an extension on the fee.



Commissioner McGarry stated that he is not aware of the board's ability to extend anything like that. Commissioner McGarry asked Miss Tavares if they are handling the sale or the purchase? and she replied that she represents the seller. He then asked her if they have a real buyer? She stated that they did, but they do have someone that expressed interest today, who they think will be a viable buyer. Commissioner McGarry stated so this still could take a few months? and she stated that it depends. Commissioner McGarry then yielded. Commissioner Uhlman asked Silvia if they notified the Commission that they were closing for more than 48 hours? She replied, no they were trying to sell the place. She stated that most places were closed because of COVID . Commissioner Uhlman stated that selling the property has no bearing on the license because you can't transfer the license, you have to reapply or the buyer has to reapply. Silvia replied that they can transfer the license, or the buyers can apply for a new one. The only problem is that they would have to go through the process all over again.

Commissioner Uhlman stated so they would have to go through the process as if it was a new application, and if they were rejected, they would be rejected. Chairman Charnel stated that the board does have the ability to grant an extension. He stated that we do not have a lawyer here to confirm that, but he does think that in certain circumstances the board can grant the extension. We have pocket licenses. He understands what is going on, it is just more valuable to him to sell it with the licenses versus selling it without. He doesn't have an issue with it per se, but Scott is right we weren't notified of closing, but then again there was COVID, but he thinks that we can give him more time.

Chairman Charnel asked Deputy Chief Williams for his input? Deputy Chief William stated that he has passed his safety inspection, so they have no objections. Lt. Bonanca stated that he spoke to Mr. Climo's partner and his understanding is that the business has been closed since February. Obviously, they have no complaints to speak of, so there are no objections from the Police Department. Chairman Charnel stated that the real goal is to sell this at some point. He asked Mr. Climo how long does he need? Miss Tavares stated whatever the Commission is comfortable with doing.

Commissioner McGarry stated to the Chairman that they had a buyer that backed out at the last minute so, who's to say that they go through all of this, and it happens again. He is just concerned in giving them carte blanche, and we do have plenty of this type of license available, it's not like it's the last one, and if he lets it go that the next person who is going to buy the business will not get one. Chairman Charnel stated that he 100% agrees, but we do have the ability to give him more time. He understands the Commissioners purview saying how can we control how long this takes. The commercial lender in him is trying to be more sympathetic to him.

He is trying to sell this as a restaurant with a license and he understands. Again, he has no issues, but he also agrees that we have licenses available. There is really no harm no foul if we were to say no because the new person can apply for a license. Chairman Charnel asked him if he paid his renewal fees? Mr. Climo replied not yet. Silvia replied that yes that is part of this too. Chairman Charnel stated that if he pays the renewal fees, he's OK with giving it to him. He believes that a transaction like this may take that long. Chairman Charnel stated that they typically give pocket licenses six months, so we give someone who has been displaced from his liquor store six months to find a new location. If he comes back, we might give him another six months. We have done that before.

This is not the same thing, but it is similar where he is trying to find a home for someone that is his opinion. Commissioner Uhlman stated that he can see where package store licenses could become a pocket license, and it would be applicable because they are not obtainable. This is not the same, and

these licenses are granted as a manner of public convenience, and he is not providing any public convenience at this time because he's closed. Chairman Charnel stated that again, this is where the Commission has the ability to grant him the extension. Commissioner Uhlman stated again you are the Chair, so you can draw the line. Chairman Charnel replied it's not about being the Chair, he just believes that the board has the ability to listen to applicants and see if it's a reasonable request.

Commissioner Uhlman stated that he has stated that he has been closed two months, it has almost been a year. He has had a year without a license and now he's asking for a second year. Commissioner McGarry stated that, to be clear he is just asking for a stay. Commissioner Uhlman stated of course, he's asking for a renewal and if he were to get all his paperwork in order tomorrow, he would be able to open and be full force in effect. So, he stated that the keyword is extension, so let us come up with a number. Commissioner Uhlman stated six months or a year? If he sells it, and someone comes back in a year, than we have accomplished what he has asked for. What if next year it's not sold, and he asks for another extension? Chairman Charnel stated then I think we will have a problem.

Chairman Charnel stated that he is OK with it, but he also understands everyone's opinion. But again, that is why everyone has their own vote. Commissioner Simpson stated six months gives him two quarters, and they should have an idea going into the third quarter, because the person who will purchase the property will come back before the board. Chairman stated that as a commercial lender this transaction normally takes about 90 days and up. That's about three months that are gone already. He agrees that the board should keep their eye on it, they can do six months, and bring them back see how are things going, and at that point the board can make changes.

Chairman Charnel stated that he understands he is trying to sell the building with the license. He is a businessman, and it makes more sense, it's a business with a license and it is a little bit more valuable. Personally, he would not like to take that away from him. If there are no licenses available, and they could give it to someone else that's fine, but it doesn't say that here. We have plenty of licenses. If he wants to sell it that way, because it is more valuable, he doesn't have a problem with it. He is not trying to speak for the applicant, but he believes he's right. He would give them until the next renewal. Just knowing how long commercial transactions take. Again, this is in the village it is a tough location. He is not on Main Street in Brockton, it's a tough place that has a history.

To be very honest, he thinks he's a good guy and he's just trying to sell his business and trying to get the best price he can for it, which he can't blame him for. As long as he pays the renewal fee, he is willing to give him to the next year. Miss Tavares stated that the new owner has to come in and go before the Commission. Commissioner McGarry stated that it would be a transfer, and it would be the new owner essentially starting from scratch. Commissioner Uhlman stated which the ABCC could deny. Chairman Charnel replied absolutely and could be denied as well by the Commission. If the person doesn't have experience or has a checkered past, or they run a shady business. The Commission does have the ability to deny whoever comes before the board, and they have the ability to appeal.

Commissioner Uhlman read information to the board with regard to pocket licenses and the ABCC. Chairman Charnel stated that is what he has been saying from the beginning. The board does have the ability to grant an extension. Commissioner Uhlman stated that he was just placing a check mark next to what the Chairman has been saying. Commissioner Uhlman stated that his suggestion is to give them six months and the burden of proof is on him to notify Silvia in six months, and that he must come in for an

extension or if it is not going to sell, that he is going to cancel the license. Chairman Charnel stated that in his wisdom it's going to take a little bit longer than that.

A motion was made by Commissioner Simpson to approve the extension if they pay the renewal fee and notify Silvia in 6 months of the status of the sale, and they can file for another extension. The motion was seconded by Commissioner Studenski and made unanimous by vote of the members present.

7. Hearing on a request from Cardoso Café, Inc., to reinstate his 2:00 a.m. license to operate at 146-148 Montello Street, Brockton, MA.

Present was Mr. Carlos Cardoso of 112 North Warren Avenue, Brockton, MA, and Analina Ramos of 110 North Warren Avenue, Brockton, MA.

Miss Ramos asked the board if she could approach them to speak on behalf of her father who suffered a stroke and has a speech impediment. Chairman Charnel stated that is OK. Miss Ramos stated that they are before the board to reinstate their two o'clock license. They have been open for over 15 years, and their business heavily depends on that two o'clock license. So, she stated that she would like to remind the board that the license was taken away because of a fight that happened outside of Cardoso's café, and that was out of their control. Since that incident, they had three months to come before the board to request the liquor license be reinstated, but they waited a year.

They hired an extra security guard, making it three security guards at night. They have taken every measurement to make sure that Cardoso's Café is a safe place. Her father is a former police officer, he believes in public safety, and he has demonstrated that. In helping a fellow citizen he got attacked which caused him to have a stroke. In addition to that, her sister Stephanie Cardoso, and her mother both work at the bar. It is a family business, so there is no one more interested and vested in making sure the business is safe other than Mr. Cardoso. They have not been in violation, and they believe they should get their 2:00 AM license.

Chairman Charnel asked Mr. Cardoso if he had anything else to add? Mr. Cardoso stated that he could have come to the board three months ago to ask for his reinstatement, however he waited 15 months. Chairman Charnel opened up the meeting to the public and asked if there was anyone there in favor or opposition? He then asked if there were any elected officials that would like to speak? Ward Two Councilor Maria Tavares came forward to speak on behalf of Mr. Cardoso. She stated that by allowing Cardoso's to stay open till 2:00 AM, that allows them to serve more customers. That is the time when everyone goes to their place.

As all of Brockton says they make the best soup. As she described it is a family business, and she has lived in Brockton for 17 years. She and her oldest do go to the place, and as everyone knows that's the time when most businesses make their money. Since they have not been open till 2:00 AM, it has made a huge impact. She is here to ask that the Commission grant the 2:00 AM license. They have increased the security, and they have tried to provide more safety, and to provide more customer service. This will and this will help bring in more revenue in taxes to the city. She hopes that the board will grant the family the opportunity.

Chairman Charnel stated that he had a letter of support from Councilor Rita Mendes, and a few others supporting the opening of the 2:00 AM. He wanted that read into the record. He then closed that portion of the meeting and opened it up to the Commissioners. Commissioner McGarry asked them if

they increased their security? She replied yes, they have three at night. He asked if it was every night that they are open or just on certain nights? Mr. Cardoso replied, on Friday, Saturday, and Sunday. The regular days they have no reason to have security, because of the quantity of people. They mainly use security on the weekends. He has tried to obtain Brockton Police detail, but they have told him they do not have enough officers available for the detail. He stated that it is safer for his customers, and his business. He does not mind spending the money, and they are losing money because people leave and go to other bars and restaurants.

They are losing business by closing one hour earlier and feels like they are not supporting their customers by telling they must leave early. Chairman Charnel asked him what the closing hour was now 1:00 AM? Mr. Cardoso stated it is one hour before closing time. He stated Thursday, Friday, and Saturday it is 1:00 AM, and Sunday and the rest of the week at 12:00 AM. Chairman Charnel then asked the Commissioners if they had any questions? Commissioner Studenski asked Lt. Bonanca to give him a run down.

Lt. Bonanca stated that that he does not want to belabor the debate they had at the previous hearing. Obviously, it is difficult to be hiring police details, and it is not very popular. Requiring a detail for Friday, Saturday, and Sunday night is not guaranteed. That is including Brockton and out of town. It has been difficult for late night bars to obtain police detail. He appreciates the applicant's proposal for added security, If the Commission chooses to reinstate the 2:00 AM, they would have to check to make sure they have three. He did do a history over the last year with regards to calls for service, and the applicant did their due diligence by calling in if they had an issue, and there were five issues with disturbances, and unwanted guests.

The applicant did make the calls to the police department and that satisfies their responsibility, and they were compliant. Notwithstanding those issues, the police department does not consider the roll-back a punishment. They consider it to be more of a remedy. He understands the applicants, proposal with the additional security but to quote what Chairman Charnel stated at the meeting, they have had many bites at the apple. That needs to be taken into consideration, that there have been many violations in the past, and they were repeated. As far as the Police Department is concerned, most of these issues with this establishment occurred during the hours of 1:00 AM and 2:00 AM. So, they have not had any issues with the 1:00 AM closing. As far as the Police Department is concerned, they object to the reinstatement.

Deputy Chief Williams stated that he has no discussion. Chairman Charnel stated that he agrees, he loves family businesses he is a banker in the city. It is very important that we keep businesses going but like the Lieutenant was saying the rollback was due to a trend in the business, and since we have rolled you back, we have had no issues. One of the issues that he has when reinstating is that he has reinstated people in the past. You told me that you have hired extra security guards, but you have not told me what in the operations have changed to assure that if this Commission were to grant the license premises a 2:00 AM, how will the public safety happen?

You did mention that there was a fight, and it didn't happen inside your establishment, but many of the Commissioners here know that until the people unfortunately get in their cars and leave your premises you are responsible for them. Unfortunately, that's how the ABCC rules work. We had people getting intoxicated and you just let them all out and just because they hit public sidewalks, you are not responsible, that's not how it works. You are responsible to make sure that crowds are dispersed

especially where there are residents, and there are people. That is the license premises responsibility. No matter if it is the city sidewalk, or a city street. Your business is unique because you don't have a real parking lot, but you are responsible to make sure that people leave the immediate vicinity. Miss Ramos informed the Chairman that is the reason why they hired a third security guard, to make sure that they are outside between 1:00 AM and 2:00 AM, to make sure that that does not happen again. She stated that she is not sure if they are familiar with the facility, but it's very hard to see what's going on outside from within the facility, so by having somebody on the outside they can make sure that a crowd does not gather to cause any issues. They will call the Police Department which is what they have been doing if there are any issues.

They have also looked into increasing their security cameras to provide a better footage of what's going on, so that everyone inside the bar knows what's going on outside. They can also implement that they can stop serving people after a certain amount of beverage that they're getting. Chairman Charnel stated that is a rule. Chairman Charnel stated that he is a big component of the business he loves to see businesses thrive unfortunately, for people and he has been on this Commission a little bit longer than the others. He was here when the board rolled him back the first time, and he was on the board when they reinstated him, and rolled them back again. So, it's a little different for him than it is for the other Commissioners unfortunately.

His issue was that they have not had any issues, he was on the Commission when they rolled him back there were no issues, they gave him the license again we had issues. It took Aileen 40 minutes to read all the calls from the people that live in the residences next door. He agrees with them to a certain extent. One would think having a bar next to where I live would be a benefit to me. It is more of the crowds that he saw at 2:00 AM. It's really a tough decision, because he wants to support the business the daughters are here, they are saying they are going to be in control, but again on the other hand this is not like they have had one violation, we have many letters in the file we have given them warnings, we have taken licenses away.

The board does not want to take away 2:00 AM licenses from people. Please understand that, he is in finance and he gets it, people are not going to come to your business if you're not open till 2:00 AM. They are going to go somewhere else that is open till 2:00 AM. Are they going to leave at a certain point and go to a business that closes at 2:00 AM? Yes, they are going to leave and run to Malu's or the other spot. It is a very difficult decision for him, because even though there is no one here and there are people in favor, there has been a real checkered history of what has gone on. A little over a year ago it was not good.

Miss Ramos stated that she understands his concerns, but she would like to say that given that there have not been any incidences. It could be because of the measurements that they have taken, there is no proof that it's because of the 1:00 o'clock closing. The one hour is a make or break for their business. It could be that they took the time to make the measurements, and to do anything foreseeable to make things safer. There is nothing to say that the 1:00 o'clock is the reason why things aren't happening. Chairman Charnel stated that that is a very good rebuttal but typically, from being on this Commission it's kind of what they have seen. Chairman Charnel stated that she may have not been present, but her dad was at that time, and there was an element at that establishment that no one could control not even the police,

not the fire department, not anyone on this Commission. No one could control that element, and from what you're telling me you've gotten rid of that element which is great. Again, if you told me that you have gotten rid of the riffraff, you stopped them at the door, if they look intoxicated you get them out, these are the things that Commissioners want to hear. So, we can really assure that the public is being safe. If there are people that are fighting and defecating on people's property and parking in people's spots, it's chaos.

For the record, he wants to support the business and he is glad that they are involved, but it is a very difficult decision to reinstate a rollback, that he rolled back before. He is in a different position than the other Commissioners. He has rolled them back, and given their license back to them, rolled them back and given the license to them, rolled them back again. That is not how this works, the whole point of rolling someone back is not to reinstate, it is to keep the business safe.

Commissioner Simpson asked miss Ramos if they were planning on installing cameras? and she stated that they have cameras already, they are looking to update to better cameras. He didn't know if they were putting cameras in or if they were updating. Miss Ramos stated that they have over 9 cameras at the business. Lieutenant Bonanca stated that the exterior camera needs to be updated if they will be opening past 1:00 AM. The exterior camera is short sighted, it is not up to par. In fact, there's barely any exterior cameras. She replied that they have two on each side that are 180 degrees. As she stated they are working on updating them.

Chairman Charnel asked Lieutenant Bonanca if they had to have a certain type of camera? The Lieutenant stated that they have to have a camera system that holds footage for 30 days. He does know that they have to have them on the interior, he is not sure about the exterior. Every square footage of the interior should have a camera system. This is for all of the bars. They have inspected their system before and tried to retrieve video and he is not entirely sure if they could not provide the video for any particular reason, he would have to go back into his notes. He does know that the system had to be upgraded because there were some faults. Commissioner McGarry stated that he believes that the door has to be covered.

Lieutenant Bonanca replied yes, the door does have to be covered, and the square footage as well. Miss Ramos replied that the cameras do cover the doors and the whole street. She stated that they also have city cameras that are in that area. Chairman Charnel asked if the Commissioners had anything else to add? He stated that it is a little bit different to him because he was here on the prior board where they've had issues with this licensed premises, and again Mr. Cardoso's daughter stated that most of the incidents take place outside, but if you read the rules of the ABCC, you can't just let people out, and say goodbye. You must make sure that these people disperse and exit the immediate vicinity of the licensed premises.

He's not stating that it is an easy task or feat, but they can't bring pressure onto the public that wasn't there before. You can increase water in someone's backyard just by doing a development. You can't let 100 people out of a bar and say deuces, and have someone get hit by a car, or have someone get stabbed that's not how an establishment should be run. He does believe from the daughters that they are in control. The father has obviously taken a backseat, and if the Commission feels that that is enough to grant the 2:00 AM license or do they want to see six months of more time?

Commissioner Derome asked if closing earlier has made a financial impact on their business? Miss Ramos replied yes, it has and has made a very big impact. Then Chairman Charnel stated that it is like a driver's license, is not a privilege it's a right, but he will admit that it is different. It is not good for a business, because people won't go there. This is a difficult decision and weighing public safety and this is how these people feed themselves. Commissioner Uhlman asked if this should have been advertised and if it was? Silvia replied no, it's not something that we have done in the past. Silvia stated that we have never done it in the past and it's something that we would have to look into. Chairman Charnel stated that we haven't done it in the past, he doesn't think that we need to, but we can check with the Law Department.

Commissioner McGarry stated if it was posted perhaps the neighbors would have been here. Commissioner Studenski asked them how many cameras they have that are focused outside when people leave? they replied two. She stated that you are able to see both sides. Commissioner Studenski asked them if it records? They replied yes. He stated Mr. Cardoso also stated that the first time he was rolled back it was because his people were letting people in through the back, and he did not know. He did realize that it was a mistake. This is a very difficult business. He stated that he would call the police a lot, because people did not want to leave and they would not listen to him.

Chairman Charnel stated because of those people that won't leave, and he does not know for sure if they were in your business. He does not want to believe this, and he understands what Mr. Cardoso is saying but, if you rooted that element from your business, I believe it is good for your business. But, it is different for the five people that are going to make the decision. He believes because of his daughters, involvement things may have changed for the better. If they feel like the involvement of the daughters will result in less calls and make a difference that's good, but it's different for me.

The problem is that there is an apartment next door. If they are not going to do the right thing, they are not going to be open for them. Commissioner Simpson asked if the hours are only for the weekends? Chairman Charnel stated only Thursday, Friday, Saturday. On Sunday they had to close one hour early. Commissioner Uhlman stated, and Monday if it is a holiday. Commissioner Simpson asked if they must put it in the paper? Silvia stated that the ABCC, is very specific on what is placed in the paper. They do not require that transfers are advertised, and we would have to check with the ABCC and Law Department. Chairman stated no he wants the Licensee to advertise not the city. Chairman stated he would have to defer to Council.

Miss Ramos asked the Chairman to explain the rules that the board would like them to follow so that they do their due diligence. Chairman Charnel stated that the ABC should have the information on their website for alcohol on premises, he recommends that she, her dad, and her sister read all of the rules. It is very detailed, and it is a lot.

A motion was made by Commissioner Studenski to continue the request for one month, to the January meeting. The motion was seconded by Commissioner Simpson and made unanimous by vote of the members present.

## 8. Hearing on the Renewal of the licenses for 2023.

### **A. Licenses to Sell Alcoholic Beverages**

**1. All Alcoholic Restaurants.**

A motion was made by Commissioner McGarry to take them all collectively. The motion was seconded by Commissioner Studenski and made unanimous by vote of the members present.

**2. Wine and Malt Restaurant.**

A motion was made by Commissioner McGarry to take them all collectively. The motion was seconded by Commissioner Studenski and made unanimous by vote of the members present.

**3. All Alcoholic General on Premises.**

A motion was made by Commissioner McGarry to take them all collectively. The motion was seconded by Commissioner Studenski and made unanimous by vote of the members present.

**4. All Alcoholic Package Stores.**

A motion was made by Commissioner McGarry to take them all collectively. The motion was seconded by Commissioner Studenski and made unanimous by vote of the members present.

**5. Wine and Malt Package Stores.**

A motion was made by Commissioner McGarry to take them all collectively. The motion was seconded by Commissioner Studenski and made unanimous by vote of the members present.

**6. All Alcoholic Clubs.**

A motion was made by Commissioner McGarry to take them all collectively. The motion was seconded by Commissioner Studenski and made unanimous by vote of the members present.

**7. B. Common Victualer Licenses.**

A motion was made by Commissioner McGarry to take them all collectively. The motion was seconded by Commissioner Studenski and made unanimous by vote of the members present.

**8. D. Licenses to Sell Second Hand Motor Vehicles (Class I and II)**

**Class I.**

A motion was made by Commissioner McGarry to take them all collectively. The motion was seconded by Commissioner Studenski and made unanimous by vote of the members present.

**9. Class II.**



A motion was made by Commissioner McGarry to take them all collectively. The motion was seconded by Commissioner Studenski and made unanimous by vote of the members present.

**10. E. Class III Motor Vehicle Junk Dealer (Class III)**

A motion was made by Commissioner McGarry to take them all collectively. The motion was seconded by Commissioner Studenski and made unanimous by vote of the members present.

**11. F. Lodging House Licenses.**

A motion was made by Commissioner McGarry to take them all collectively. The motion was seconded by Commissioner Studenski and made unanimous by vote of the members present.

**12. G. Entertainment Licenses.**

A motion was made by Commissioner McGarry to take them all collectively. The motion was seconded by Commissioner Studenski and made unanimous by vote of the members present.

**13. H. Automatic Amusement Device Licenses.**


A motion was made by Commissioner McGarry to take them all collectively. The motion was seconded by Commissioner Studenski and made unanimous by vote of the members present.

**14. J. Late Night Business Permits.**

A motion was made by Commissioner McGarry to take them all collectively. The motion was seconded by Commissioner Simpson and made unanimous by vote of the members present.

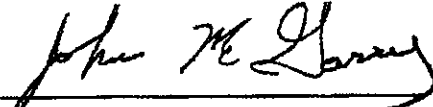
A motion was made by Commissioner McGarry to adjourn the meeting. The motion was seconded by Commissioner Simpson and made unanimous by vote of the members present.

Respectfully Submitted,

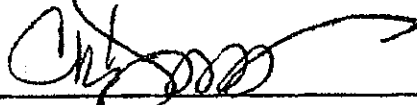
  
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Jeffrey Charnel, Acting Chairman

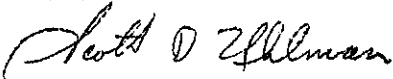
APPROVED

  
\_\_\_\_\_  
Paul Studenski, Commissioner

  
\_\_\_\_\_  
John McGarry, Commissioner

  
\_\_\_\_\_  
Robert P. Simpson

  
\_\_\_\_\_  
Christina DeRome

  
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Scott D. Uhlman