

MINUTES
LICENSE COMMISSION MEETING
6:00 p.m.
Thursday, May 18, 2023
G.A.R. Room, City Hall, 45 School Street

The License Commission held its regular monthly meeting on Thursday, May 18, 2023, in the G.A.R. Room, City Hall, 45 School Street. Present were Commissioners, Jeffrey Charnel, John McGarry, Robert P. Simpson, Paul Studenski, Christina Derome, 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 April 20, 2023.

A motion was made by Commissioner McGarry to approve the previously mentioned meeting of April 20, 2023. 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 May 2023: Lieuts. Paul Bonanca and David Farrell; Sgts. Christopher McDermott, Timothy Stanton; Captain John Hallisey; Dets. Erin Cummings, Jackie Congdon, Eric Clark, Thomas Hyland, Donald Macmillan, Nazaire Paul, James Cronshaw, Ryan Quirk, Michael Micciche.

A motion was made by Commissioner McGarry to approve the license agents as listed for the month of May 2023. The motion was seconded by Commissioner Studenski and made unanimous by vote of the members present.

3. Hearing on a request from Majestic Trust, dba Majestic Cuts Lounge for a Special One Day Permit to Sell Wine and Malt Beverages for a Haitians Mother's Day Event to be held at 443 Crescent Street, on May 27, 2023, from 5:00 p.m. to 1:45 p.m.

Present was Mr. Lucson Guerrier, of 443 Crescent Street, Brockton, MA.

Mr. Guerrier informed the board that he has a Barber shop that is not working well for him, and he would like to have people in the area come in because he is looking for new barbers, as well as new clients. Culturally Haitians have had Mother's Day on the 30th, and since Monday will be a holiday with no work, or school he figured he would have the event on Saturday instead. They can dance, relax and be together. He would like his business to pick up. Chairman Charnel opened the meeting up to the public, and asked if there was anyone in favor or opposition? He then asked if any elected officials would like to be heard? He closed that portion of the hearing and opened it up to the Commissioners and asked if they had any questions.

Commissioner McGarry stated that the board received an e-mail from the Law Department stating that Barber shops are not permitted by state statute to sell liquor or have food inside of their shops. Commissioner McGarry asked him if he was aware of that? He replied that he was not told that. He informed the board that they would cook the food at home and bring it to the shop. The Barber shop will be closing at that time and the BBQ will be in the afternoon. They will not be cooking food inside the

shop. Commissioner McGarry stated that he will read what the law states. He had some difficulty finding the language and had Commissioner Simpson read it. Commissioner McGarry informed the applicant that it states that they cannot have alcohol. Commissioner Simpson corrected the Commissioner stating that it is from the Board of Cosmetology. Commissioner Uhlman also read aloud what it states regarding food as well. Commissioner McGarry informed him that it is potentially jeopardizing his barber license. Chairman Charnel informed him that this is not the proper venue for alcohol and food because of the business he runs in there. The board probably could not sanction an event there. They can only sanction events at proper venues that fit the description.

Chairman Charnel gave him an example of someone throwing a concert at their house, and they wanted the board to sanction it, the board could not do that. He does not have the right venue to serve food and alcohol, probably because of hair cleanliness. He understands what he is trying to do but the Commission's hands are tied. If he had a nice fenced in area in the back maybe but not inside. Mr. Guerrier informed the board that he made a big mistake, he rented a big place for a Barber shop and if he had known he would not have done that.

Chairman Charnel stated that he should have checked with the board first, or he should have checked with someone in the city before he signed the lease. He asked the Chairman if he would allow it during the day, because he has already spent so much money. He informed the board that he invested \$100,000 into the space. The Chairman stated that the board does not have the authority to grant something like this. The Chairman asked Deputy Chief Williams if he had anything to add? Deputy Chief Williams stated that he is looking for something till 1:45 AM, and that would not be appropriate. It is a residential area, there are houses across the street and he does not think that it would be a good idea. It is also a small parking lot, and there is a variety store there as well.

Deputy Chief Williams stated that they would have to move in jersey barriers to protect the pedestrians. Lieutenant Bonanca stated that the exterior area has only twenty spaces for parking, and as the Deputy Chief stated they share it with a variety store. The bigger issue is that it is located in a congested residential area. He submitted photos to the License Commission and right next door to the actual business is an apartment building, and across the street is residential. It is not a commercial area. And if they were to have it outside it would be a burden for the residents, and of course they cannot have it inside because of the barbershop, so the Police Department would object to this one-day permit request.

Chairman Charnel stated to echo what the Lieutenant said and the Deputy Chief, where would the people park? The board would have to have plans on how the apparatus would move, and when patrons visit other businesses, so again this is not the proper venue. Commissioner Uhlman stated we have not heard from the owner of the 7-Eleven. He came before the board two months ago for a license who owns the property, we have not heard from him. Would he have to be notified as an abutter for this one-day license? Commissioner Simpson stated that even if that was so the board does not have the authority.

Commissioner Simpson stated that even if it were outside, we would still have to go through the legal department because it is on the same property. He is not qualified to say if it meets the regulations. Chairman Charnel stated that the 5:00 PM to 1:45 AM it is a big issue for an event, this is not the proper venue. Even if he were to have an event there was not enough parking. Chairman Charnel stated that if you counted all the patrons that visit the 7-11 or whatever it is called now, and you split it in half that would only be seven spaces.

Commissioner Studenski informed him that they do not have jurisdiction and asked him if he had tried to rent a hall? And if he had considered hosting this event at a rented hall? Mr. Guerrier replied that he did not and that his intention is to try to get more barbers and clients. That is why he wanted to have it there. Chairman Charnel stated that he cannot run two businesses out of that location, it is not going to work. He can have events, but it cannot include food or alcohol. He asked the board if he moved everything out of the space would that be, OK? Chairman Charnel informed him that even if it was not a barbershop and they came before the board he does not think that the venue is appropriate in his opinion. Hosting an event of any scale there during those hours will not work. It is too close to residential.

Chairman Charnel stated just imagine trying to go to sleep and you hear a boom box. What the board does is looks at public safety, and does it make sense? It is close to buildings that are residential. He asked the board if he could use the space for something else. Chairman Charnel replied the board is not here to tell him how to run his business. Mr. Guerrier stated that he could possibly use the space as a restaurant, he just does not want to lose his money. He stated that going to work for him does not work, he has tried and tried, that is why he tried to start this business.

Chairman Charnel replied that he understands but the board is voting on the event if he wants to speak to someone after we could help him with that. He could speak to Deputy Chief Williams he could speak to Lieutenant Bonanca they are familiar with that stuff.

A motion was made by Commissioner McGarry to approve the permit. The motion was seconded by Commissioner Studenski. The board voted on approval of the permit with all members voting in the negative.

4. Hearing on a request from La Loft Venue, for a Special One Day Permit to Sell Wine and Malt Beverages for a Nursing Graduation Dinner to be held at 1340 Belmont Street, on May 27, 2023, from 7:00 p.m. to 11:00 p.m.

Present was No one.

A motion was made by Commissioner Mc Garry 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.

5. Hearing on a request from Mr. Angel Hinostrza, dba Brockton Roast Chicken, makes application for a Wine and Malt Beverages Restaurant license at 235 North Main Street, Brockton, MA.

Present was Attorney Scott Rubin of 71 Legion Parkway, Brockton, MA., Mr. Angel Hinostrza of 52 Portland Street, Brockton, MA, and Angel Hinostrza Jr., of 52 Portland Street, Brockton, MA.

Attorney Rubin stated that he is before the board on behalf of his applicant Angel Hinostrza. He owns two businesses in the city, he owns the Peruvian Place which is over here at 55 City Hall Plaza. Which also has a beer and wine license and has been active in the city since 2008. He has run that establishment and it is a family run business. He has his whole family working there including his daughter Monica. He opened this location at 235 North Main Street, dba Brockton Roast Chicken, which he opened in 2021. He believes it is a relatively small restaurant and has approximately twenty-seven seats. He is looking to add malt and wine to this location. His hours will be from 11:00 AM to 10:00 PM,

seven days a week, and does not expect to sell alcohol during the day. It will be mostly during the evening hours when he is much busier. Again, he has run the Peruvian place without any difficulty as far as he knows with no incidences, at that location with his family. He is the manager at both locations and has been since both shops opened. This will not add any further burden to him, he is just adding the beer and wine, If the board were to approve this application, as an additional mix to help boost business. It is a relatively small place it should be easy for crowd control and safety purposes. He knows there are some smaller restaurants that have beer and wine licenses, and he does not expect it to be a burden to this business.

Considering he has experience running a similar location just steps from City Hall the new location would be an appropriate place to add this mix. Chairman Charnel asked if there was anyone in favor or opposition? He then asked if there were any elected officials that would like to be heard? He closed that portion of the hearing and asked the Commissioners if they had any questions. Commissioner McGarry asked if there was a diagram of the location? Attorney Rubin replied yes, there should be one included with their application. He knows that he did provide one. Attorney Rubin stated that there is one entrance and exit in the front and a counter, typical fast-food restaurant.

Commissioner McGarry asked Attorney Rubin if the employees would be TIP Certified? He replied yes Mr. Hinostroza has TIP Certification, but he will have it renewed. He also has Monica's TIP Certification, which he will turn in, that is good for three years. It will ensure that anyone serving alcohol will be TIP Certified. It will mostly be over the counter, so there is a limited number of staff handling and interacting with the customers and handling the alcohol. People are only in there for about 20 minutes at a time. It is not a place where people hang out for an extended period of time. This would be service with dinner essentially. Commissioner McGarry asked if the alcohol would be consumed on site. Attorney Rubin replied yes, there would be no take away service.

Chairman Charnel asked Attorney Rubin if he owns the property? and he replied yes, he does own the property? He purchased the property back in 2014, and it is a single use building. Chairman Charnel stated that he asked Silvia if there were any findings with the location near City Hall? she stated not that she knows of. Chairman Charnel asked Attorney Rubin how many seats? Attorney Rubin stated that he believes that it is twenty-seven. He could not confirm that with the Building Department. But he does not have an occupancy certificate. He looked at his Common Victualer license, but it did not have a number. Mr. Hinostroza thinks that the number is twenty-seven.

Attorney Rubin stated that he was not 100% sure on what the occupancy was for the building. Although he did put a number on the application, he thinks that it is twenty-seven. Commissioner Simpson stated that it says twenty-two seats on the floor plan. Attorney Rubin reiterated that he does not know. Chairman Charnel stated that we would want to identify a number of seats as well. Attorney Rubin stated that he would be happy to go with whatever the building department can certify. The Commissioners went through the numbers and identified twenty-two.

Attorney Rubin stated that there are some seats to the left as they are going to the bathroom, they are not shown on the floor plan. Chairman Charnel asked how many there were? Attorney Rubin replied he thinks there are a couple of tables with two chairs each. So, there is a potential for four additional seats. Deputy Chief Williams stated that the building is a B building, it is what is called the business building it does not have a certificate of inspection. Once the beer and wine license is issued then they are going to have to get a yearly certificate of inspection, and that is when the building department will set a number of occupancy.

They will have to apply for a certificate of inspection prior to the board handing them a physical license. Attorney Rubin stated that he was fine with that. Chairman Charnel stated that he would like to know how many seats are in there. Attorney Rubin stated that he believes there are twenty-seven in total. Lieutenant Bonanca stated that he does not see anything in their records that would disqualify the applicant from obtaining a wine and malt license. He did conduct an inspection and he noticed that they did not have an ADA approved handicap sign on the front of the premises.

He spoke to someone, but he did not recognize either one of the gentlemen. It may have been someone who identified themselves as an employer or a manager and they stated that they were going to obtain a sign. He stated that they could apply it to the building or free-standing sign. He also wants to make sure that the employee entrance/exit which is on the side is not blocked by a parked vehicle. There was a vehicle that was parked there, and if it were parked closer it could have blocked that exit in case of an emergency. There needs to be spacing there. Other than that, they do not have an objection to the approval.

Chairman Charnel asked Deputy Chief Williams if once they get their certificate will we know how many seats they can have in there? Deputy Chief Williams stated that it will list the number of occupants on the certificate of inspection. Chairman Charnel asked him if that were occupants or tables and chairs, and the Deputy replied that it is normally just occupants, which would include kitchen staff. Deputy Chief Williams stated that they can go up and count them. Chairman Charnel asked Lieutenant Bonanca if he had any issues with the parking? Lieutenant Bonanca stated that parking was not an issue, it was just that the exit could have been blocked by a vehicle, which more so is an employee spot.

A motion was made by Commissioner McGarry to approve the license pending receipt of the building certificate prior to issuance of license and appropriate seating capacity has been determined. The motion was seconded by Commissioner Studenski and made unanimous by vote of the members present.

6. Hearing on a request from Hyecorp, LLC dba Green4all for a Structural Change on a Retail Marijuana license located at 327 N. Pearl Street, Brockton, MA.

Present was Attorney Scott Rubin of 71 Legion Parkway, Brockton, MA.

Attorney Rubin stated that he is before the board on behalf of the applicant. He stated that he would not so much call this a structural change, although that is the only way to describe it, and for them to obtain approval. What the applicant is planning on doing is adding one door to the sales floor, and what they are planning on doing is moving the product away from the sales floor, so that is behind the counter, and what they will call a fulfillment center. They are going to block off the fulfillment center, and, add a door and an access panel on the door.

It is probably easiest to tell by one of the plans that he provided where you can see where the control access panel is going to be. Right now, there is a point-of-sale counter that you can see here, and all the products are behind that point-of-sale counter, and it is now going to be in the fulfillment center. So, they are going to block off the access shown on the plan. Essentially what that means is that customers will come in through the security, they will order product and then instead of receiving the product over counter, like they are now they will have to go to the counter on the opposite side to the people providing the fulfillment in that area.

What they found is they have better efficiency and accuracy with only a limited amount of people handling the product. There will be a limited amount of people getting product in the vault. Right now, the vault is behind the fulfillment center, and only people that are in the fulfillment center are going to be running down and getting product, as people come in and order. So, with less people involved in the picking and delivering the products to the customer, they can let the sales staff just focus on getting the customers the products that they want.

All they are doing is installing one door and they are going to bring the counter all the way across, so that the consumers will not be able to get behind there. It is not really a structural change; they are just installing some cabinets that are on the wall. The only thing they did structurally was add the door. They have applied to the CCC for this as well, they have been provided with the plans and they are in the process of obtaining those approvals as well. They are currently in the approval and inspection stage with them at this point, and they do not have final approval from them yet, they have to have the work completed and ask for a reinspection.

This would help provide the customer with a better experience and give the applicant better control of their product. And he thinks that everybody can agree diversion can be prevented, there will be less hands on product. Chairman Charnel opened the meeting to the public and asked if there was any one in favor, or opposition? He then asked if there were any elected officials that would like to be heard? He closed that portion of the hearing and asked the Commissioners if they had any questions.

Attorney Rubin stated that he will make sure that with the CCC they will have strict security controls in that particular area, so they will have full compliance with state regulations. Deputy Chief stated that he has no objections. Lieutenant Bonanca stated that he has no objections from the Police Department either.

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

7. Hearing on a request from 65 Court Street, LLC, dba 65 Court Motors for a Transfer of a Class II Used Car Dealers license at 65 Court Street, Brockton, MA.

Present was Attorney Jake Creedon of 71 Legion Parkway, Mr. John O'Connor of 26 E. Water Street, Rockland, MA, Mr. Fredrick Laham of 30 Summerdale Farms Way, Bridgewater, MA.

Attorney Creedon informed the board that with him is Mr. John O'Connor, the owner of 65 Court Street. He has been the owner of 65 Court Street since 1982. With him is his son Brian who works with him constantly, as well as the owner of the present location, Mr. Frederick Laham. All of the parties that are involved in this are present. He would describe the area as a small lot situation that has been historically a used car lot, and quite often as it is presently a motor vehicle repair shop.

If any of the board members have seen that site during your inspections the main door technically was on Court Street, there is a sign there now that prevents people from going in there because it is so dangerous coming down Court Street. They come around through the parking lots that John has owned for years and the city rents from, and you can walk around there through the parking lot into the main entrance which is now on Franklin Street. So, the real customer's entrance for either business would be on the Franklin Street side.

They are only looking for four spaces for this reason. John has been for the last 15 years what he would refer to as a boutique, concierge, red carpet, used car situation. He is totally online, and he is customer appointment only. He generally finds luxury upscale, high-end cars at auctions that he goes to. He then buys it and sells it to the customer after he tells them approximately what the price will be for him to buy it. Attorney Creedon confirmed with Mr. O'Connor if that was the case and he replied yes, they are pretty much presold.

That is why they are only asking for four spaces. It will be rare if there are more than two cars displayed and that would only be temporary. He says he is the only one that he knows in that business, and he has been in the Brockton commercial real estate business for 50 years and has always been in Brockton. In all of those years he has owned or had anything, he has never had any violations from the Brockton police or the Fire Department.

Frederick Laham has sold his place to Perry's Auto. So, if anyone has been there it has been under renovation, and it has been cleared. They are moving his license that is there and transferring it to 65 Court Street. Obviously, with the permission of the License Commission. The diagram shows as many as fifteen spaces any investigative reports might say that is stock full of repair vehicles. That is basically what they are requesting, Mr. O'Connor and his son are always available 24/7 and hopes that the board will consider their transfer.

Chairman Charnel opened the meeting up to the public and asked if there was anyone in favor or Opposition? He then asked if there were any elected officials that would like to be heard? He closed that portion of the hearing, and asked the Commissioners if they had any questions. Commissioner Uhlman asked Attorney Creedon where the license holder is now? Where is the license that he uses now to sell high-end luxury cars? Attorney Creedon stated 770 Main Street. Commissioner Uhlman asked him if he has a sales license at 770 Main Street?

Mr. O'Connor stated that he works under Mr. Laham's license, Commissioner Uhlman replied, OK he understands he works under his license. So, all of the cars are run through his books? Including the inspections, and he replied yes. Attorney Creedon stated that this is very different, he has never seen anything like it. You would ask for a certain Lexus or Mercedes, and he goes and scoops it up with his son. Mr. O'Connor stated that these are businesspeople that he has been dealing with for many years.

Commissioner McGarry asked Attorney Creedon if the transfer of the license is coming from Main Street? And he replied 770 Main St, and if Mr. Laham was giving up his license? He then asked if there were only going to be two to three vehicles on the property. Attorney Creedon stated that they put in for four, but Mr. O'Connor stated that at the most it would be two. He brings the purchase right to the person who is buying the vehicle from him because it is a special order. Thus, there is very little traffic coming in or out of Franklin or Court St.

Commissioner Uhlman asked Attorney Creedon and Mr. O'Connor if they were aware that there is already a vehicle on the property for sale? Attorney Creedon replied, no. He informed them that he toured the location today and it was jam packed. Chairman Charnel asked Mr. O'Connor if he is the person who currently does the auto body and repairs at the facility? Attorney Creedon stated that he was not aware that they did auto body and Mr. O'Connor stated that he believes they do repair and auto body. Chairman Charnel asked who they are? And Attorney Creedon replied, Ze & D.

Chairman Charnel asked if they lease the building from Mr. O'Connor and he stated that is correct. And asked if he has a lease with them that allows them to do repairs and auto body at that location and Mr.

O'Connor replied yes. Chairman Charnel asked again if they do auto body work and they replied they believed that they do. Chairman Charnel asked Commissioner Uhlman about the delineation between the two businesses. Commissioner Uhlman stated that because there are two separate businesses there this new business of four cars would have to be completely separated with their own entrance in order to get dealer plates, he cannot commingle cars. He would have to provide a plan specifically telling the board where the cars are that he is going to have for sale and if he does not, he will not pass inspection for the registry to get his dealer plates.

He is not going to pass through the registry. Commissioner Uhlman informed the Chairman that he cannot sell cars without a dealer plate, they have to be able to test drive the vehicles. There are repair plates at that property and then you are going to have dealer plates for Mr. O'Connor. They have to separate the lot in order to combine the two businesses. Attorney Creedon stated that Ze & D auto repair is there, and they are listed on their application as their repair facility. Chairman Charnel informed them that it is a very small place to put a dealership.

We could say luxury cars, boutiques, and stuff like that, but if he was just doing that, he wouldn't have an issue, but historically there has been issues with cars being crammed in there, they are taking on a lot of work, the owners of that business are driving cars without license plates around. Attorney Creedon stated that he did look up Mr. Monteiro's situation and the City Council has approved all kinds of indoor space and outdoor space and that is an existing situation. He does not believe that Mr. Monteiro is going to be there much longer.

Chairman Charnel informed them that he was on the board when they denied them a dealer license when the Commission had one available. At this location for the reason that they thought it was too small to put a car dealership. Mr. O'Connor stated that historically and for the past 40 years, there has generally been a used car license there and a repair license. The current repair person during his tenure has not had a dealer's license. Prior to him and for many years prior to him, there has been a used car license there. And he has held a license there in the past.

Deputy Chief Williams stated that he looked up the license and it is just a mechanical license. They should not be doing bodywork and they will have to investigate if they are. Deputy Chief Williams stated that he does see fenders and things like that outside. Ze & D does have a repair license and there are stipulations by which they are not abiding. The parking plan includes the entire lot. He remembers working with Attorney Creedon on it when they first got their license. So, in his opinion before the board issues the license, they would have to go to the City Council and amend their other license.

You cannot say that Ze & D is parking their car there and Mr. O'Connor is parking his cars there. There has to be some give and take. And they also do not comply with the requirements of their license. They are not supposed to have any junk cars there, and they have them there all the time. They have more cars out there than they are supposed to have. One company is licensed there for the motor vehicle repair license, he is not sure that you can have another place move in. The question is where would the office be? because that has to be delineated.

It looks more like a junkyard right now, and that's not Mr. O'Connor's issue because he is not there right now, but he does not think this is a good idea. Lieutenant Bonanca concurs with the Deputy Chief he has done a lot of research, and with the business already being rented to another business. The entire lot is supposedly for this other business, and until that matter gets resolved they are opposed to the transfer, which is their recommendation.

Chairman Charnel asked Attorney Creedon how many spaces they are allowed in the building, and if the fifteen spaces include spaces in the building? Chairman Charnel stated that there is an abundance of junk cars, and the applicant is the owner of the property, correct? Attorney Creedon stated that the present owner does not speak English very well at all maybe. Chairman Charnel stated that he spoke enough English to enter into an agreement with Mr. O'Connor. Chairman Charnel stated that he has been there three or four years now, and Attorney Creedon replied yes, he has. He was the one that helped them get the license. Chairman Charnel stated he remembers because he was on the board.

His issue is that he is the owner of the property, and the property is in relatively poor condition right now, and the owner is trying to bring another business into the location. Attorney Creedon stated that if he thought it was going to be a full display used car situation, he would agree but again the type of business that he has been running for 15 years is not going to have a display area of more than two cars at a time, if at all. There will be no customers coming there to cause any further problems with traffic or parking.

Commissioner Uhlman stated that he has a pocket license, which is not allowed in the City of Brockton. You have to have a retail location to have a sales license. Deputy Chief Williams stated that just as an example the diagram shows eleven spots outside and the license for Ze & D allows him to park ten cars outside overnight, so he has a license for ten cars. There is not enough room for four cars or extra cars for Mr. O'Connor. Something needs to give, either the City Council amends their license and cuts it back to a proper number or something needs to be figured out.

As of now you would allow more cars, if you gave him four cars and the City Council gave Ze & D 10 cars that would be fourteen cars, and they do not have the room for that right now. Chairman Charnel stated yes, it is a tight space. Deputy Chief Williams stated that this is the type of blight that they are trying to cure in the city. Attorney Creedon stated that he understands that, but it has historically been a place for used car dealer and or motor vehicle repair together.

Commissioner Studenski asked Lieutenant Bonanca if they still do code enforcement in the city? Lieutenant Bonanca replied yes. Commissioner Studenski asked him how many cars they have towed from this location? Lieutenant Bonanca stated that he would have to research that. He does know that code enforcement has looked at it and the Deputy Fire Chief has been down there. They will concentrate on that, but there is an issue with the location and adding additional cars to it is an issue. Attorney Creedon stated that they would be willing to continue it until they straighten out the issue.

A motion was made by Commissioner Studenski to postpone the agenda item to the July 20, 2023, meeting. The motion was seconded by Commissioner McGarry and made unanimous by vote of the members present.

8. Hearing on a request from DJT Restaurant Corporation, dba Oak Lounge for a Change of Manager on an All Alcoholic Beverages Restaurant license located at 810 North Montello Street, Brockton, MA.

Present was Mr. David Teixeira of 115 Goldfinch Drive, Brockton, MA, and Mr. Salomao Afonseca of 9 Granville Place, Malden, MA.

Mr. Teixeira stated that he is before the board to transfer the management to Mr. Afonseca. He is going to be taking over. Chairman Charnel asked, so he is going to be the manager and he replied yes. Mr. Afonseca stated that he is looking forward to opening that place that has been closed for a while.

Mr. Afonseca informed the board that he does have a background in the restaurant business. He currently opened and Co-owned a restaurant a couple of years ago in New Bedford MA. He has eighteen years of experience in the manufacturing and food background. He is excited for the opportunity.

Chairman Charnel opened up the meeting to the public and asked if there was anyone in favor or opposition? He asked if there were any elected officials that would like to be heard? He closed that portion of the hearing, and asked the Commissioners if they had any questions. Commissioner McGarry asked him the name of the restaurant in New Bedford and Mr. Afonseca replied that it is fairly new, it is on Acushnet Avenue. It is called Morna Lounge and Grill, on 1623 Acushnet Avenue. It used to be Teilers cafe for 34 years.

Commissioner McGarry stated that is where he started as a bartender back in the day, and it is a great area, they have a lot of good restaurants and bars. Commissioner McGarry asked Mr. Teixeira how long it has been closed and he replied approximately 4 years. He stated that he bought it before the pandemic. Commissioner Studenski stated that it is good to see somebody coming in and opening the business, and they have the background to do it. He welcomed him to town. Deputy Chief Williams had no comment and Lieutenant Bonanca had no objections from the Police Department. Chairman Charnel stated that this gentleman is a fine cook, and he will bring very good food to the area.

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

9. Hearing on a request from George's Northern Lights, Inc., dba George's for permission to host Outdoor Day Parrrty's on the first and last Saturday's of June, July, August, September of 2023, to be held at 220-228 ½ Rear Belmont Street, from 12:00 p.m. to 8:30 p.m., on the following dates:

June 3 & 24, rainy day: 4 & 25
July 8 & 29, rainy day 9 & 30
August 5 & 26, rainy day 6 & 27
September 2 & 30, rainy day 3 & October 1

Present was Mr. Hamilton Rodrigues of 17 Chamberlain Court, Brockton, MA.

Chairman Charnel asked Mr. Rodrigues if the people he brought with him would be speaking? and he stated no they are his entourage. Chairman Charnel asked Mr. Rodrigues what he had going on? And Mr. Rodrigues stated that it is all in the proposal that he submitted. He would not like to repeat himself for the sake of time. Everything is written in black and white; it is the same thing that they did last year, it was successful. They had no trouble, it went smoothly, it started on time and ended before the time requested. The police detail could tell you what happened because nothing did, it was smooth and fruitful.

Everyone had a good time and there were no problems. There were also a lot of elected officials that showed up, a lot of politicians, a lot of candidates, and they are going to do the same thing this year. Chairman Charnel stated that he is going to stop Mr. Rodrigues and asked him to tell them about the event. The board is not going to read it, he wants him to tell the board. Mr. Rodrigues stated that he is not going to, he has to read it. Chairman Charnel stated that everyone does this, please tell the board about the event. Mr. Rodrigues stated that the board is supposed to read things before they call

someone up. You are supposed to read documents, you cannot vote on something without reading it. You have to read what is going on. That is insane, you have to read before you make a decision. He can elaborate after it has been read. Chairman Charnel then opened the meeting to the public and asked if there was anyone in favor or opposition? He then asked if there were any elected officials that would like to be heard, he closed that portion of the hearing and asked the commissioners if they had any questions?

Commissioner McGarry stated that he was not on the board the last time that he hosted these events and asked if he held the same thing last year? Is it the same number of nights, has anything changed? Mr. Rodrigues stated it is the same template that he used; he just changed the dates. Chairman Charnel stated he does not remember approving it or at least it was not as many days. Chairman Charnel asked Silvia if she had last year's application? And she did not.

Mr. Rodrigues stated that he held it in August last year, and it was one or two dates. Chairman Charnel stated, so that it is not the same. Mr. Rodrigues stated that the only thing that is different are the dates, it is the same proposal. Commissioner McGarry stated that the diagram that was provided prior to coming to the meeting just shows one square. Mr. Rodrigues stated that they measured it, and based on the square footage per person, it comes out to 1,000 people. They measured it within the diagram that they have there. They are expecting between 500 and 600 people. They measured the square footage based on the code, and they could fit 1,000 people in that parking lot.

And that is going off the code, square footage rule of thumb they are not even going halfway to 1,000. It is all written in the proposal, and they will have security. Commissioner McGarry informed Mr. Rodrigues that it is the first time he has seen him come before the board and the board usually asks for diagrams and asked what he was going to be using as fencing or jersey barrier? Usually, the board gets a more detailed plan than what they have received. Mr. Rodrigues stated that it has already been done, he met with the Fire Chief this morning and went over everything, so he understands what he is going to do, and he is going to propose it to the group and that's going to be the stipulation that he has to follow once it gets approved.

They have already worked out that situation, how many police and security guards they are going to have. Commissioner McGarry stated that his concern is that he noticed that it went into September and October, and it gets darker earlier at that time. And you are talking about lighting, so he has concerns about the later dates more than the early dates. Mr. Rodrigues stated that in his parking lot if you were to go there at 3:00 in the morning it would look like it is daylight. He has so much lighting in the parking lot. He is asking for 8:30 PM but last year they were done around 7:30 PM.

The only reason he is asking for 8:30 PM closing is to disperse the crowd and crowd control. You need one-half an hour to an hour to clear out the place and to clean up. It takes time to get people out when people are out at a function, you cannot tell them they have to leave in 5 minutes, or a fight breaks out. You have to kind of ease these people off the premise. It takes half an hour to an hour to get these people off the premises peacefully. When you try to push people off the premise they start to resist. Last year people started to disperse at 6:30-7:00 PM and by 8:00 o'clock it was clear.

He has the most secure nightlife in Brockton. You cannot get in without an ID, he has a no-nonsense policy you get kicked out if you start acting like a fool. He does not play around, he is well secured with tight security, they follow the rules, and they do not go over capacity. People break their glass to get in because they will not let them in. When it is 1:00 o'clock on a two o'clock night they shut the doors, then

people start fighting to get in like there's gold inside. He runs a top-notch facility, and he knows how to do these events properly. Commissioner McGarry asked him if they are going till 8:30 PM what time will they stop serving outside? Mr. Rodrigues replied 6:30-7:00 p.m. He is asking for 12:00 PM, but realistically people are not going to get there till 3-4 o'clock. The band's going to play, they will eat and usually at 6:30 PM they will stop serving, and they will open up inside to get their regular night going. They need that hour window to prepare for the inside. Commissioner McGarry stated that he understands the need for time to get people out.

Mr. Rodrigues stated everything is in detail in the proposal. Commissioner Studenski asked Mr. Rodrigues about parking. Mr. Rodrigues stated that he has plenty of parking on the lot and there's public parking in Brockton. Wherever it does not say no parking or where no resident or permit parking. If it is a public parking space, it is open game which is legal. He has about 75-80 parking spots when he occupies the space for the event. He will still have those parking spaces and they will encourage people to Uber in, however if he does have an overflow people are allowed to park in public spaces. Commissioner Studenski replied yes, they are, and informed him that he does want to operate in favor of the neighbors. It is important.

Commissioner Studenski stated that he was not on when he came last year and asked him if he got a lot of foot traffic? From what he stated he could fit 1,000 people out there and have no cars at all. He stated that last year off the top of his head there were not a lot of cars coming in, they had a lot of people uber in. They had told them all ahead of time. So, they did have a lot of people walking in from the neighborhood, they did have a lot of foot traffic as well as Uber and Lyft. He observed that. Deputy Chief Williams stated that the Fire Department is not really for or against these events. But they are present to make sure that it is done safely, that is the key.

He did meet with Mr. Rodrigues today and they went through the entire thing, and he supplied Silvia with a copy, and he emailed a copy earlier to the board and Hamilton. To quickly recap the event is going to be behind the building from the kitchen stairs easterly jersey barriers will block both ends to prevent pedestrians from getting hit if a car goes awry. There will be an entrance on the Brook Street side and an entrance on the West side that is going to have security. There is approximately 92 x 97 feet. They did a rough calculation, and it was over 1,000 people. That was a rough calculation, right now they are not 100% sure because of the size of the stage or the bar and the tables.

So, they came up with six hundred as a comfortable number to go for. There would have to be a temporary fence, or a permanent fence installed on the South border of the property. Because right now you can basically step over a retaining wall into the next yard. He knows from past experience, which is something you need to secure when there is alcohol involved. They talked about paying for temporary fencing or installing one permanently. There used to be a barrier there, but the next-door neighbor cut it all down. Cooking will take place inside and we will be served outside. The Board of Health has to be consulted about food and drink outside.

They counted seventy-eight parking spots available on the property, after taking these spaces away. He had a plan for cars to park on city streets in spaces that were available. He will have 6 to 8 security guards, and they may allow the restaurant to be open at the same time as his event outside. His only stipulation would be that he maintains a proper account for who is in the building and who was outside. The building has an occupancy of 375 people roughly. The stage will be set up on the Brook Street side and will be facing westerly. So, the music will be going away from the houses right across from them on Brook Street.

The stage would be powered from the building. There is already a trash dumpster on site to take care of that. He will provide adequate porta potties and they will be made available. It would be an acceptable number given the figure of six hundred based on the plumbing codes. He can open the building for people to go in and that is kind of negotiable. The bar is going to be set up against the north side of the building and that way the alcohol will be coming from the building right out of the bar. And he plans on high top tables with commercial umbrellas. This is basically subject to modifications and additional changes.

It is a vision right now, but as things happen it may change a little and they may have to tweak the plan but as long as they get the cooperation, they will make sure that it is safe. Lieutenant Bonanca stated that he noticed in his proposal that he stated live bands and DJs perform outside like the Brockton Beer Company and several other local businesses have done in the past. So consistent with the Brockton Beer Company and their event, and in that case in terms of police details, one detail officer per hundred. Mr. Rodrigues stated that that is not a problem.

He stated that he put a request in last year with Lieutenant Barry and he only sent him one. So, he is going to put the request in for the amount that he wants. Lieutenant Bonanca stated that it will be one per one hundred just like the Brockton Beer Company. And he will check with the detail office to make sure that the request has been made. Chairman Charnel stated that he has an issue with this hearing and the applicant. He does not have a problem with the event, but cooperation from the applicant is a little scary and sanctioning this event for what could be 1,000 people.

He does not have an issue with the event, but he does think that the applicant can work on coming to these meetings and being more... Mr. Rodrigues asked the Chairman to elaborate on what he means? Chairman Charnel informed Mr. Rodrigues that this is not his back and forth with the Commission. Mr. Rodrigues stated that he would like to know what the cooperation problem is and if this is a personal vendetta. Chairman Charnel informed Mr. Rodrigues that the public portion of the meeting is closed, and he is going to ask him to stop talking altogether.

Chairman Charnel stated that the cooperation with the applicant and this Commission is an issue for him. He does not have an issue with the event. He does not have an issue with what the Deputy Chief or the Lieutenant said, but he thinks when they are sanctioning events of this size, we should have very good cooperation with the people that are sanctioning the event. The other issue he has is the September and October dates, he has an issue with those. The Commission speaks on public safety, and they want to ensure that people are safe in an environment where there is alcohol where people can get hurt.

So more of October and not September being outdoors with that many people. Mr. Rodrigues asked the board if he could say something, and the Chairman stated that the board is deliberating, and the public portion has been closed. Commissioner McGarry asked the Chairman to ask Silvia about the one-day verbiage that was used in the proposal. And he remembers that another function person came before the board, and they were not allowed to get a one-day license. Silvia stated that is correct he is not really getting a one day, this is the city allowing him to serve alcohol outside. Right now, he can only serve inside. Commissioner McGarry stated that he just wanted clarification.

Commissioner McGarry stated that they would have to vote no, immediately because they are not allowed to get one day licenses. As Silvia stated, yes that is correct. Commissioner McGarry stated that he is being allowed to extend the walls of his building to serve alcohol outside. Chairman Charnel stated

that if there is an issue and he means something serious. The Commission reserves the right to cancel all events going forward. For example, if there is an issue from June 3rd to the 24th something serious, the corresponding dates, then be cancelled until they can get the applicant in front of the board to explain what happened. Commissioner McGarry stated that is understood, and he thinks that any applicant that came before the board and asked for multiple dates and a change in their business structure, if there is a serious liquor violation then it would be understood regardless. He as a businessman would expect to be called in and his future plans would be in jeopardy.

Chairman Charnel stated just like they did with the axe throwing if they throw an axe and something happens, they shut them down and they come before the board. Other than that, he is cool with it. The board is here to keep business going.

A motion was made by Commissioner McGarry to approve the events contingent on fulfilling the plans worked out with the Fire Department and the Police Department and if anything does occur future permission will not be honored by the Commission until they have met with the proponent. The motion was seconded by Commissioner Studenski and made unanimous by vote of the members present with Chairman Charnel voting in the negative.

There was a verbal altercation by Mr. Hamilton Rodrigues where he called the Chairman a jealous piece of expletive, and when he is Mayor, he is the first one that will be out the expletive door. Lieutenant Bonanca and Deputy Chief Williams had to escort Mr. Rodrigues out of the building. The Chairman recessed the meeting, and the meeting was restarted at 7:32 p.m.

10. Hearing on a request from Danielyan Autoservice, Inc., dba V and A Motors, for a Transfer of a Class II Used Car Dealers license at 8 Montello Street, Brockton, MA.

Present was Mr. Dana Nessen of 24 Marshall Lane, N. Easton, MA., Mr. Tigran Danielyan of 100 Bright Street, Waltham, MA, and Vahe Danielyan of 100 Bright Street, Waltham, MA.

Mr. Danielyan informed the board that they are just trying to reopen the dealership that Dana used to have at 8 Montello Street. It is currently shut down and they are looking to rent out the space. This should be a pretty easy-going situation. They are trying to get everything situated and get the building ready and hopefully start working as soon as possible. Mr. Nessen informed the board that he is trying to transfer his Class II Dealers license to Mr. Danielyan's name, so he can operate a business at that location. If the board has questions for them, they would be glad to answer them.

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 would like to be heard, he closed that portion of the hearing and asked the Commissioners if they had any questions? Commissioner Uhlman asked Mr. Nessen when he stopped operating at that location? He said probably a year ago. Commissioner Uhlman stated that the board has been approving a license to an empty lot, which makes it a pocket license. His question is that license should technically become available for a license and not necessarily a transfer. It should not have been approved in January for an empty lot.

Deputy Chief stated that he went down with one of his inspectors and the diagram was not to scale they said that they could have nineteen cars across the front plus the entrance, the front only has 197-foot frontage so mathematically it would not work. They did indicate that they would have 10-foot-wide spaces. The sketch that they gave us had too many and they needed a new sketch that would fit. With the exception of five spots that they have currently as it is already striped would work. But there are five

spots adjacent to the second row in front of the building that have to disappear. And there are two spots at the corner of the building. Mr. Nessen stated that they could block those out. Deputy Chief Williams stated that they submit a document that is adjusted to scale, and engineered so that they know that it fits.

Commissioner Uhlman stated that he has a diagram that he and Mr. Nessen worked on in 2012, and it is similar. Spots 50, 51 and 52 are the same on the new one. They are designated as handicap parking spots. This was an inspection done by the honorable Captain William Conlon, at his request because he and Mr. Nessen had been going back and forth over the years. In his files from 2012 he found this document. Mr. Nessen stated that he and Scott go back a long time. Deputy Chief Williams has been to this spot on a few occasions.

Deputy Chief Williams stated that he sent out an e-mail with the photo of what the spots look like and he showed the board the five spots that needed to be eliminated. Mr. Nessen asked to look at his photo. Commissioner Uhlman stated that space 50- 51-52 where the two handicap spots were, are no longer there. They would have to be ADA handicap signs and they would have to be on the ground as well. Commissioner Uhlman asked Mr. Nessen if he was transferring the license to them and if they are renting the lot to them, and asked if they decided they no longer wanted to be in business does the license go back to him? Mr. Nessen replied, yes it goes back to him. His attorney had that put into the lease agreement.

Commissioner Uhlman stated that it is a lot of cars. Lieutenant Bonanca stated that Deputy Fire Chief Williams has addressed the concerns that the Police Department had. Deputy Chief Williams stated that he would like to add that with fifty something cars there should be two spaces for employees, two spaces for customers. They can put them wherever they want when they do the new diagram, please mark them out. Deputy Chief William stated that they should not change the parking plan, they should just remove the spots indicated.

Chairman Charnel asked them how many spaces they are going to have? Deputy Chief Williams stated that once they submit their engineered plans, they can number the spaces and we can come up with our number when the spaces are numbered. Commissioner Uhlman stated that the spots have to be 9 x 20, Deputy Chief Williams stated that right now they are at 10-foot-wide spots. Mr. Nessen stated that he had them professionally done. Deputy Chief Williams stated that he can go with what he has. Eliminate the five spots designate two as customers, two as employees and it is good.

Mr. Nessen stated that they know how to keep it clean, no junk cars. Chairman Charnel stated that he wanted to state a couple of things. He has forty-one spaces for cars for sale, no junk cars and asked if they listed their repair facility? And they replied Sunny's, no junk cars, no disabled vehicles, he then asked them what the hours of operation were. Mr. Danielyan stated that they are going to remain the same as is marked on the building, Monday through Thursday 9:00 to 6:00, Friday and Saturday, 9:00 to 5:00 PM, Sundays are closed but could possibly look at doing appointment only.

Chairman Charnel informed him that they should give the board a time because it has to be listed and Mr. Danielyan stated no, they are just going to close. Commissioner Uhlman informed him that they must be closed all legal holidays. Chairman Charnel stated forty-one cars for sale, two spaces for customers, two spaces for employees, two handicap spaces and they eliminated some spaces. And they will submit a new plan. Commissioner Uhlman asked Mr. Nessen if he had a dumpster and he stated that there was one against the building and they can reserve one spot for the dumpster. Commissioner

Uhlman asked him to place it over with the handicap spaces and asked the Chairman to change the for-sale cars to forty spaces. Deputy Chief Williams informed them that the rocks that go up the hill should not be touched or the MBTA will be on top of them in a heartbeat. Commissioner Uhlman asked them to make sure that it is clean back there. If not the MBTA will make them pick it up.

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

11. Hearing on a request from La Loft Venue, for a Special One Day Permit to Sell Wine and Malt Beverages for a Nursing Graduation Dinner to be held at 1340 Belmont Street, on May 27, 2023, from 7:00 p.m. to 11:00 p.m.

Present was Ms. Yolanda Medina of 80 Thayer Circle, Randolph, MA.

Ms. Medina informed the board that they will not be selling the alcohol, they will be serving beer and wine. The capacity is forty-nine people. The reason she put nursing graduation is that it is not a high school graduation. Chairman Charnel opened the meeting up to the public and asked if there was anyone in favor or opposition? He then asked if there were any elected officials that would like to be heard, he closed that portion of the hearing and asked the Commissioners if they had any questions? Commissioner Uhlman asked Ms. Medina if they will be serving any food. She replied that they will be bringing food from home.

Commissioner Uhlman asked if the person is a caterer? And asked if they submitted their paperwork to the License Commission and the Police Department. She stated that she believes she gave a copy to the Commission back in September. Deputy Chief Williams stated that Commissioner Uhlman is getting confused she is only asking for a one-day liquor license, not a caterer license.

Deputy Chief Williams asked Ms. Medina who the person is and if she is a bartender? And Ms. Medina stated that she is licensed, and she brings beer and wine. Deputy Chief Williams asked her to define a license to serve. And asked if she was TIP Certified and she replied yes. Chairman Charnel stated that you do not need a license to pour alcohol and Deputy Chief Williams stated that he is just trying to clarify that liquor has to be bought from a distributor. Commissioner Uhlman stated that her friend cannot bring alcohol unless it is bought from a wholesaler, and she replied yes, she is.

Chairman Charnel stated that if the person is TIP Certified that would be satisfactory, and he does not think there is an issue here. As long as they are buying it from the proper party. Commissioner Uhlman stated that she needs to send the certificate to Silvia and to Lieutenant Bonanca per each event. Chairman Charnel asked Ms. Medina if it is someone that is working for her that will be pouring the alcohol and she said yes. And Silvia stated she does not believe that they have a caterer's license. Chairman Charnel asked Ms. Medina if she would be pouring the alcohol or if it is the person working for her?

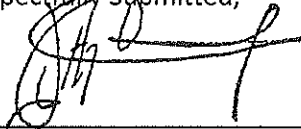
Ms. Medina informed the Chairman that she will not be pouring the alcohol, the bartender would. Chairman Charnel stated that we should get her TIP Certification. Ms. Medina informed the board that she had submitted that the first time she applied, and does she have to do that every time she applies for a license? Chairman Charnel stated that we should have it for the person that is pouring the alcohol.

It is her one-day license and if something happens that day, something that she did not plan who would they hold responsible. So, if she is going to team up with someone that is fine, but they need that person present to inform them that these are the rules. You need TIP Certification; you need crowd control management. Chairman Charnel informed Ms. Medina that going forward the Commission as a whole has made a requirement that the deadline date for applying is 14 days before the meeting. He added her as a courtesy and would like to inform her that if she does not meet the deadline date, they will not be holding special meetings anymore.

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

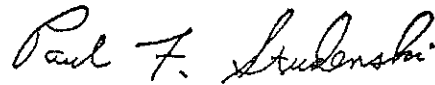
A motion was made by Commissioner Studenski to adjourn the meeting. The motion was seconded by Commissioner McGarry and made unanimous by vote of the members present.

Respectfully Submitted,

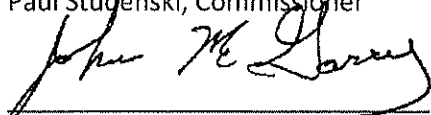


Jeffrey Charnel, Chairman

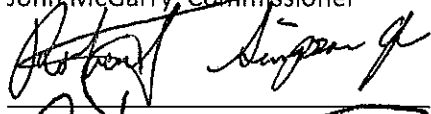
APPROVED



Paul Studenski, Commissioner

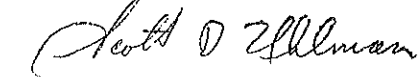


John McGarry, Commissioner



Robert P. Simpson

Christina Derome



Scott D. Uhlman