

MINUTES  
**SPECIAL LICENSE COMMISSION MEETING**  
**6:00 P.M.**  
**Monday, May 8, 2023**  
**Virtual ZOOM Meeting**

---

The License Commission held a Special Meeting on Monday, May 8, 2023, via ZOOM. Present were, Commissioners Robert P. Simpson, Christina Derome, and Scott D. Uhlman, and Executive Assistant Silvia Carvalho.

1. Hearing on a request from Ann's Palace, LLC, dba Ann's Palace, Manager Jacquicy Calixte makes application for an All Alcoholic Beverages Restaurant, Common Victualer, and Entertainment license at 275-277 Main Street, Brockton, MA.

Present was Attorney Rick Lawton of 157 Belmont Street, Brockton, MA, Rose Andre and Jacquicy Calixte of 134 Candy Lane, Brockton, Mr. Joseph Francois of 541 N. Cary Street, Brockton, MA.

Attorney Lawton informed the board that he submitted application to the board for an All Alcoholic Beverages, and Common Victualer license. He was in Florida, so his brother Mark handled it, he was on the call, but it would not let him in for some reason or another. Mr. Calixte and Rose have put together a magnificent establishment on Main Street, they went through the hearing process and they were approved. At the time there were some matters that were unfinished with regards to the City of Brockton and those were addressed to the Commission in a letter from Deputy Chief Williams that was sent to the Planning Board.

After the application was sent to the ABCC the investigator called him because there was a disparity between the occupancy and the square footage between function room one, two, and the mezzanine. They went back and revised the measurements of both function room, mezzanine, and the cellar. The whole leased area, so he submitted an amendment to the ABCC, through the City of Brockton which was hand delivered to Silvia, that shows that there is an amended lease. The figures that are on the lease match the measurements on the license.

In addition to that there were housekeeping items. There was a finance issue that the ABCC wanted to address regarding the second function room which is yet uncompleted. Mr. Calixte and his wife submitted the financials to the city and the ABCC to their satisfaction. Those numbers were the estimated cost of finishing the second function room, which was in the email/letter from Deputy Chief Williams to everyone on the board. There were a number of items that remained undone, and because the second function room on the north side of the building is incomplete his recommendation it that approval of the license, not apply to the second function room or mezzanine.

There is also a stairway to the mezzanine, and because of the safety rules there has been an application to the state by the architect for a waiver to permit Mr. Calixte three years to put an elevator in from the

first floor to the second floor. This is pending the receipt of that which will be done with the Department of Safety. Deputy Chief Williams will then approve it, so the mezzanine can be accessed. Right now, he made a list of things all of which have been done. The sprinkler head has been installed; the strobe lights have been installed. The Board of Health must go back to do a final inspection.

There was an issue with the police and Lieutenant Bonanca with regard to the window coverings. On Friday Deputy Chief Williams will be back to address that issue. That issue is due to the fact that the windows that are street level from the outside of the building appear to be very darkened and would prevent a person from looking in. If you are on the inside of the building it is designed so that you can look out and still let the sunlight in. One of the reasons for that was privacy, and the other reason is that the function room has a lot of furniture, and the sun would damage that without some sort of filter or screen mechanism.

So, Mr. Calixte, Rose and I spoke to Deputy Chief Williams about it, and he raised the issue that the former George's Café has no windows in that building, it is all brick. Tamboo does not have any windows. The old Pisces Lounge, which he handled the transfer has no windows at all. So, they are going to look into that and Deputy Chief Williams is going to discuss with Lieutenant Bonanca what if anything can be done to rectify the issue with regards to the window covering and they are going to inspect it. So, those are the things that remain, and the things that have been done, and the one issue that is going to be discussed with Deputy Chief Williams when he gets back on Friday.

Commissioner Simpson asked the Attorney if his client had anything else to add and if that covers everything? He stated that he tried to summarily cover things that were brought up by the Deputy Chief and by licensing. He asked Silvia if he addressed all the issues that were brought up by the ABCC? She replied yes, when she spoke to Mr. Sacramone, he wanted the square footage re-advertised, and they have done that. That was what she had spoken to them about.

They submitted an amendment application with an amended lease that required the approval of the Planning Board. That is one of the reasons they are before the board, with the letter of the Deputy Chief Williams. What they would like the Planning Board to do is approve this with the notation that Mr. Calixte is going to complete the punch list of things, and the license will not be released from Silvia's office until those things are done, and is signed off by the Deputy Chief and Lieutenant Bonanca, as well as the Board of Health.

Attorney Lawton asked Silvia if that is correct? She replied, that is what happens. Commissioner Simpson then opened the hearing 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 speak on the issue? He then closed out the public portion of the hearing and asked the Commissioners if they had any questions. Commissioner Uhlman stated that with regards to the covering on the window the request from Lieutenant Bonanca that it be removed is an ABCC rule, it has nothing to do with furniture and so forth.

He mentioned places like Tamboo which have windows, which they leave open. He also mentioned Pisces Lounge, and if you read the statute, it states that it must be opened up to five feet. So, the first five feet must be opened, after that they can have anything they want. The windows at the Pisces are up at 5 feet, and that goes back to the Commission and the Police Department, so you can look in. He understands where Attorney Lawton is coming from, but on the same token that is not only our rule it is an ABCC, rule and it needs to be removed.

He also has a letter from Amy at the Board of Health that says that they bounced a check for \$500 for their permits, and they have tried to contact them and no one has returned their call, and thinks that is a problem. Attorney Lawton replied that they will take care of the check. They have been writing a lot of checks to a lot of people and it is understandable that the check bounced. He gives his word that Mr. Calixte will take care of it, and as far as Mr. Uhlman's comment he respects that, and he knows the ABCC Rule 21 applies to the coloring of windows down to the ground. That will be removed this week, and he will look at that.

Commissioner Uhlman thanked Attorney Lawton and reiterated that it is not only a local rule, it is an ABCC rule. If there is a problem in there, they cannot see inside before they enter the building. The windows are heavily tinted and dark and you cannot see anything whatsoever. If they want to brick it up, they should brick it up, that is fine. If they have windows they have to be open to the public. Tamboo knows that and it was one of his big concerns with their property, at one point and it has since been resolved.

Commissioner Simpson asked Commissioner Derome if she had anything to add? And she replied it was just the note from Amy. Commissioner Simpson asked Attorney Lawton what the actual square footage was? He stated the first- floor function room is 5,300, function room two is under construction, and is 3,800, The Mezzanine is 5,000 square feet, the basement is 9,500 square feet and is primarily used for storage.

The ABCC inspector did visit the location and these are the totals they have come up with. These are the totals that were submitted to licensing. The figures are from the architectural maps and drawings. They amended the lease with Chris Christakis the owner of the building, to reflect the new measurements. That agreement was signed and executed and is part of the ABCC file. Commissioner Simpson asked the Attorney if the second floor that is under construction is included in the number that was given?

Attorney Lawton stated that the second-floor mezzanine is 5,000 square feet, and is the total square footage of the second floor. That portion is not being used and an artificial wall has been put up covering the stairs until the application from the State Department of Safety deems it safe. Commissioner Simpson stated that the mezzanine area has thrown him off, he was trying to find out the exact amount. Commissioner Simpson stated that he would entertain a motion pending Deputy Chief Williams recommendations, and pending all city requirements are met and they get all the proper sign-offs.

A motion was made by Commissioner Uhlman to approve the licenses and request for updated square footage based on the Deputy Chief, and Lt. Bonanca's request to remove the tinting from the windows. All sign-off's have been turned in, outstanding invoices have been paid, Serve-safe certificates have been obtained, and approval from the Board of Health. The motion was seconded by Commissioner Derome and made unanimous by vote of the members present.

**3-0**

Commissioner Simpson informed them that there has been marketing stating the business has been open without inspections. If there is an event there they are putting their license at risk. He wanted to make sure they were aware of that. Attorney Lawton stated they understand.

2. Hearing on a Late File Renewal of a Class II Used Car Dealers license from Mass Best Motors, Inc., dba Step Van USA Equipment, located at 1854 Main Street, Brockton, MA.

Present was Mr. Ston Sauveur of 1 Luke Drive, W. Bridgewater, MA.

Mr. Sauveur stated that this is the third time he is coming before the board. He was supposed to be at the last meeting, but something happened and he did not get in. The main issue was that he needed to show where the vehicles for sale were going to be located. He met with Deputy Chief Williams, on Friday and he suggested he lessen the number of vehicles on the license to 40, and he agreed. He wanted a plan that shows where the 40 vehicles are going to be located.

Commissioner Simpson asked him if he had anything else to add? He stated that as far as he knows that is the only issue that was raised the last time, that he needed to correct. Commissioner Simpson 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 heard? He closed that portion of the meeting and asked the Commissioners if they had any questions.

Commissioner Uhlman asked Mr. Sauveur if had dealer plates? Mr. Sauveur stated that he did not, but he has not had a license because it expired. He then asked him if he planned on getting them when he renews his license? He replied that he is not sure yet, he would guess it would be a yes. Commissioner Uhlman informed him that he must have a display area dedicated to selling vehicles. If you are sharing a display area there must be a physical separation or cordoned off area. That is right from the Registry of Motor Vehicles. When he looks at the plan he submitted and sees that he has cars for sale in all different places all over the lot, that is unacceptable.

His contention would be that not only does he not have that, he does not see a HP Space listed on the plan. Mr. Sauveur stated that they do have a HP Space. Commissioner Uhlman asked him which number it was? Commissioner Simpson replied it is number fourteen. The Commissioner stated that based on the number of cars, he should have two parking spots. Mr. Sauveur stated that the plan has been approved by everyone, and no one had any issues with it. It has been in front of Zoning and the License Commission.

At the time he was looking for more vehicle, his request was for 100 vehicles, and now he has less he is not understanding why. Commissioner Uhlman stated that if he wants 100 vehicles, he could probably have them. The problem is he needs to separate them from what he is renting. He needs an area that is for selling vehicles and an area that is for leasing and renting vehicles, and that is a Registry rule. If he does not intend to get dealer plates you cannot test drive any of your cars, because you do not have dealer plates. Then he would not have the requirements of having a dealer book.

He is not trying to give him a hard time, he is just looking at his plan and sees vehicles in the front, vehicles in the back. There has to be a delineation between where the vehicles are for sale and where they are for rental. Commissioner Simpson asked Mr. Sauveur if he was still renting the equipment on site? and, he replied yes. Commissioner Simpson asked Commissioner Uhlman if that is what he was getting at? And he replied, absolutely. He is running two businesses there. He cannot mix the two businesses together per RMV rules If he anticipates getting dealer plates.

If he gets dealer plates it will allow people to test drive them with a dealer plate. He needs to separate them. When he looks at the plan and sees vehicles in the front for sale, spots for repair, then spots for sale. He either has to take the lot and split it up and say this side is for sale and this side is for rental of equipment. He knows he is frustrated, but those are the rules and we did not make them, we just enforce them.

Mr. Sauveur stated that if that is the issue and he will be honest, he is tired of coming to the Commission and there is always something he did not do. If that is the issue, he will provide an updated plan. If the board would approve it today, he will provide an updated plan that will show the separation. He understands it is a rule from the state, he just wishes he knew that is what the board wanted him to do, and that would have been what he provided. He will separate the lot in a manner that will make Commissioner Uhlman happy, so he can get his license and start paying his bills.

Commissioner Uhlman stated he is not giving him a hard time those are the rules. He knows he is frustrated and he appreciates that, but on the same token you cannot mix all this stuff together. You have a Used Car Dealership and you rent equipment without delineation. He seemed frustrated at the last meeting, but on the same token he is asking him to do what is required of every dealership or combined dealership in the city. Mr. Sauveur stated that he will provide an updated plan and it should not take long.

All he is asking for in return is that the license be approved pending he provide an updated plan. He does not think he is asking for too much. Commissioner Simpson asked Mr. Sauveur if he planned on putting the equipment in the spaces that are not highlighted? He replied that is correct. Commissioner Simpson stated that should be a simple enough adjustment. The only question he has and it may not have anything to do with this, is when he looked up Mass Best Motors it came up with another location on Montello Street, and asked if it was associated with him? Mr. Sauveur replied that it was his previous location. The license was transferred to 1854 Main Street.

Commissioner Uhlman stated that he does not want to set him up for failure, he wants him to survive. If he applies for a state license, they are going to check him, so why not correct him here, so he is in compliance.

A motion was made by Commissioner Uhlman to approve the license renewal pending a new plot plan showing where he is going to put the cars. It must be separate from the rental area. The motion was seconded by Commissioner Derome and made unanimous by vote if the members present.

**3-0**

3. Hearing on a request from Greater Brockton Young Professionals for a Special One Day Permit to Sell Wine and Malt Beverages for Networking Events to be held at Gallery @ Enso Flats- 86 Centre Street, on the following dates;

**May 10, 2023, from 4:30 p.m. to 7:30 p.m.**

**July 12, 2023, from 4:30 p.m. to 7:30 p.m.**

Present was Mr. Jack Riley of 422 Reading Street, Fall River, MA.

Mr. Riley stated that they are a networking organization and they provide networking opportunities for business owners, entrepreneurs, and young professionals in the area. They try and connect resources and individuals. They are hosting a series of networking after work events, two of which will be held at the galleries on the dates stated. They will be providing beer and wine for sale throughout the networking events. It will be served by Brockton Beer Company.

Commissioner Simpson opened the meeting to the public and asked if anyone was 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 Uhlman asked Mr. Riley if Brockton Beer would be donating the beer and wine? He replied, no it will be bar service. The Commissioner wanted to know how Brockton Beer Company can move their service from Main Street all the way downtown to this location, without they license they have.

They only have a license to serve at their facility. He also received an email from the Fire Department that says they did not have enough time to inspect. He is not looking to stifle this, but on the same token Brockton Beer Company seems to be moving around Brockton wherever they want to go without the proper licenses. They have two licenses. A liquor license, and a tap license. Mr. Riley stated that it is his understanding that with a maker license, they can serve sample sizes. They are not going to serve full cans, it will be partial pours, which are smaller servings.

Commissioner Simpson asked Commissioner Derome if she had anything to add? She replied, just the comment from Deputy Chief Williams regarding the inspection prior to the event, and it is on Wednesday night. Mr. Riley stated that they have had an event there before, last summer and he apologizes he submitted the application at the beginning of April, but the application online is not the complete application. So, Silvia had to email him the full application. The one online has the first two pages, and that is what he originally submitted. So, Silvia had to provide the complete application including the Police and Fire forms.

Commissioner Simpson stated that he also shares Commissioner Derome's concern. He would not be comfortable approving it without Deputy Chief's sign-offs. There is potential that maybe someone will get there tomorrow, he has no idea if they will be able to pull it off, if they can inspect because they have one day. He does not know what has been scheduled with their networking events, and that is a concern. He stated that he does have Lt. Bonanca's approval, but not the Fire Department at this time.

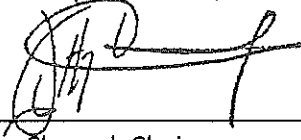
A motion was made by Commissioner Derome to approve the permits if they are able to get an inspection before the event. The motion was seconded by Commissioner Uhlman and made unanimous by vote of the members present.

**3-0**

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

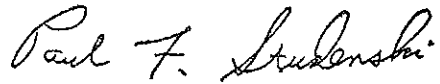
**3-0**

Respectfully Submitted,

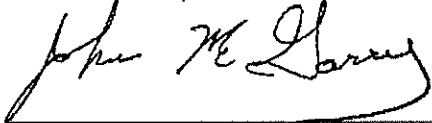


Jeffrey Charnel, Chairman

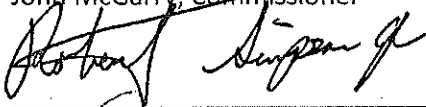
APPROVED



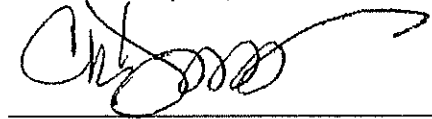
Paul Studenski, Commissioner



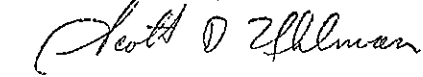
John McGarry, Commissioner



Robert P. Simpson, Commissioner



Christina Derome, Commissioner



Scott D. Uhlman, Commissioner