



Licensing Board

May 19, 2014 – 7:00 PM – **Agenda**
City Hall, 133 William Street, Room 120

****View Minutes****

LICENSING BOARD MEETING

-AGENDA-

Monday, May 19, 2014

Ashley Room (120) – 7:00 p.m.

REQUIRED: Steven A. Beauregard, Chairman

A/O 05/15/14

Marcelino “Sonny” G. Almeida, Commissioner

Edmund F. Craig, Jr., Commissioner

Atty. John A. Markey, Jr., Asst. City Solicitor

Capt. Steven Vicente, Police Department Liaison to the Lic. Bd.

Nick Nanopoulos, Director

APPROVALS RECEIVED FROM THE ALCOHOLIC BEVERAGES CONTROL COMMISSION

‘New’ Retail Package Store Wine & Malt Only License - Trans. #225 – Plot # 35--48

Allen Street Convenience, Inc., Jose M. Raposo, President, who is petitioning for a **New Retail Package Store Wine and Malt Only Beverages License**. **Jose M. Raposo** is the President, Treasurer, Secretary, Sole Director, Sole Shareholder (100%), and **Proposed Manager**. The proposed licensed premises is a convenience store located on the 1st floor of a two-story building in an area approximately 840 sq. ft., which will include a walk-in cooler for the storage of alcohol, as well as coolers (3) and shelving for the sale and display of alcohol; the area also includes an office, a storage room, and one restroom. Alcohol will also be stored in the basement. There is one (1) entrance/exit in the front of the building, as well as one exit located at the rear of the building. The premise is situated on the southeast corner of Allen and Oak Streets, **and numbered 282 Allen Street**. Final approval will require a ‘**Certificate of Inspection**’ from the Building Department.

Approved By ABCC –04/29/14

Change of Manager - Trans. #172 – Plot # 19--9

ICJ Corp. d/b/a Freitas Package Store, 1295 Cove Road, is requesting the approval of **Carlos DaPonte**, who resides at **32 Hollyhock Street, New Bedford, MA.** as their new manager.

Approved By ABCC –005/09/14

Change of Manager - Trans. #074 – Plot # 12--287

The Edge Hospitality, LLC d/b/a The Edge Seafood and Bar, 1480 E. Rodney French Boulevard, is requesting the approval of **Antonio Hernandez, Jr.** who resides at **56 Eastman Street, Warwick, R.I.** as their new manager.

Approved By ABCC –05/09/14

DISAPPROVALS RECEIVED FROM THE ALCOHOLIC BEVERAGES CONTROL COMMISSION

Transfer of License - Trans. #178 – Plot # 97—41

Nelia Cardoso d/b/a Chuck’s Liquors, Nelia Cardoso, Sole Owner, who is petitioning to **transfer a Retail Package Store All Alcoholic Beverages License** to **Hoan Enterprises, Inc. d/b/a Chuck’s Liquors**. Upon approval, **Hoan Minh Le** will be the President, Treasurer, Secretary, Sole Director, and Sole-Shareholder (100%); and **Hoan Minh Le** is also the **Proposed New Manager**. Premises will remain the same at **60 Nauset Street**.

“Return No Action” – 04/24/14

A request to withdraw the pending application was submitted by the buyer on 04/22/14.

Recommendation: Receive & Place On File with “No Further Action”

Change of Officers, Director, Stockholder, & Transfer of Corporate Stock - Trans. # 053 – Plot # 85--62
Endzone Sports Pub, Inc., Manuel R. DeMelo, President, who is requesting a **Change of Officers, Director, (New) Stockholder, and the Transfer of Corporate Stock** of the **Common Victualler (Restaurant) All Alcoholic Beverages License**; and the acceptance of his resignation as the President, Treasurer, and Secretary; and allow the Transfer of all his Corporate Stock (100%). Upon approval, Troy M. DeMelo will be the President, Secretary, Co-Director, and Co-Shareholder (50%), Ryan S. DeMelo will be the Treasurer, Co-Director, and Co-Shareholder (50%), and Manuel R. DeMelo will remain as a Co-Director; and **Troy DeMelo** will remain as the **Manager**. **Premises will remain the same at 218 Coggeshall Street.**

“Return No Action” – 04/28/14

The ABCC is requesting the following documents to complete the application: Cori for Manuel DeMello, Stock Certificates, 3 Months Bank Statements, & Copy of Deed for the Property.

Recommendation: Application to be sent back to the ABCC “For Reconsideration”, only upon receipt of all the documents that have been requested.

Tabled at 04/22/14 Meeting

1. PETITION - Trans. # 226 – Plot # 130A-1

Nar Fuel, Inc. d/b/a Hi Lo Gas, Ghada Hamzeh President, who is petitioning for a **New Retail Package Store Wine and Malt Only Beverages License**. Ghada Hamzeh is the President, Secretary, Co-Director, and Co-Shareholder (50%), and **Adel Eldehni** is the Treasurer, Co-Director, Co-Shareholder (50%), and **Proposed Manager**. The proposed licensed premises is a convenience store located in a street level building in an area approximately 1,400 sq. ft., which will include a walk-in cooler for the storage of alcohol, as well as three (3) coolers and shelving for the sale and display of alcohol; the area also includes an office, two (2) storage rooms, and one (1) restroom. There is one (1) entrance/exit in the front of the building, as well as one (1) additional exit located on the south side of the building.

The premise is situated on the corner of Chaffee Street and Acushnet Avenue, **and numbered 2780 Acushnet Avenue.**

Final approval will require a ‘**Certificate of Inspection**’ from the Building Department and a ‘**Food Permit**’ from the Health Department.

Application has been advertised; Abutters have been notified.

Minutes of 04/22/14 Meeting

Present: Atty. Joseph P. Fingliss along with Adel Eldehni, Proposed New Manager

Atty. Fingliss, speaking on behalf of his client, stated that his client has been told by a number of his customers of their desire to be able to buy beer and wine, if he had it available; and based on those requests, he was requesting approval of a ‘new’ retail package store wine & malt license.

Chairman Beauregard informed Atty. Fingliss that the Board applies the 7 Ballarin Factors when considering the granting of a ‘new’ license, of which the first item is the consideration of the number of existing dispensaries in a locality as it relates to “public need”. Chairman Beauregard questioned whether there was a “public need” for another license in that area, and asked Mr. Nanopoulos if he knew how far away the other three (Lyndon’s, Finest, & Trio) retail package stores were from the new location being proposed; Chairman Beauregard was of the opinion that 2 of the 3 (Finest & Trio) were about a mile away.

Mr. Nanopoulos informed the Board that he did not have that information and did not want to speculate on the distance.

Commissioner Craig asked if the Board could table taking any action on the application until they could be provided with that information, to which Mr. Nanopoulos responded, you have that option.

When asked, Atty. Fingliss stated that he did not have that information as well, and added that he would gather that information in time for the next meeting, if it was the Board’s intention to table the matter.

Mr. Nanopoulos informed the Board that he would get the requested information from the Planning Board Office immediately, if they were to vote to table the matter to the next meeting.

The Board was in agreement that they needed to review that additional information prior to making any

decision on the application that was before them.

Voted: Commissioner Almeida made a motion to table the matter to the Board's next meeting (May 19th), with a request that the information relative to the location of the other three retail package stores in the area, be provided to the Board as soon as possible. – **Unanimous**

Tabled at 04/22/14 Meeting

2. PETITION - Trans. #078 – Plot # 52--229

Almost Brothers, Inc. d/b/a Hibernia Pub, Barry (Bartholomew) W. Flynn, President, who is petitioning to transfer a **General on Premise All Alcoholic Beverages License** to **Carrig, Inc. d/b/a Hibernia Brew Pub**, who is also requesting approval of a **Pledge of the General on Premise All Alcoholic License** to the **New Bedford Economic Development Council, 1213 Purchase Street, N.B., MA.** as security to authorize and execute a promissory note in the amount of **One Hundred and Thirty-Five Thousand Dollars (\$135,000.00)**, pursuant to Massachusetts General Laws Ch.138 s.23. **Barry (Bartholomew) W. Flynn** will be the President, Sole Director, a Co-Shareholder (50%), and the **Proposed Manager**; and Catherine Flynn will be the Treasurer, Secretary, and a Co-Shareholder (50%). Premises will remain the same at **109 William Street**.

Final approval will require a '**Change of Tenant**' from the **Building Department**, a new '**Food Permit**' from the **Health Department**, a new signed '**Fire & Building Certificate**' as required under the Chapter 304 Fire Acts Compliance; along with a new copy of '**Proof of Liquor Liability**'.

Application has been advertised

Minutes of 04/22/14 Meeting

Present: *No one was required to appear based on the applicant's failure to complete their application in time for the meeting.*

Mr. Nanopoulos informed the Board that Mr. Flynn failed to submit the following documents that were needed to complete his application:

1. Petition for a Change of License – Pledge of License
2. New Vote Including Pledge of License
3. P & S Agreement
4. Assignment of License
5. Pledge Agreement
6. Promissory Note
7. DOR Certificate of Good Standing from Almost Brothers, Inc.

Mr. Nanopoulos recommended to the Board that they table the matter until its next meeting (May 19th), in order to give Mr. Flynn 30 additional days to submit the missing documents to complete his application; and added, if the applicant fails to submit the missing documents in time for the next meeting, then the applicant would have to re-advertise his application, which would require an additional \$175.00 advertising fee.

Voted: Commissioner Almeida, based on the information provided by Mr. Nanopoulos, made a motion to table the matter to the Board's next meeting (May 19th). – **Unanimous**

Tabled at 05/23/14 Meeting

3. Hearing: United Fisherman's Club, Inc.

Jack Custodio, Manager

639 Orchard Street

You are hereby notified that **your presence** and that of the **Club's Bookkeeper** is required at a hearing to determine whether you have violated certain provisions of M.G.L. Ch. 138, sec. 64-Failure to Comply with the Laws of the Commonwealth, To Wit: M.G.L. Ch. 138, sec. 12 & 26, as follows:

1. An application must be filed to obtain approval from the local licensing authority and the ABCC for a Change (New) of Officers and Directors.

2. Each Corporate Licensee shall appoint a manager (by a properly authorized and executed written delegation) who shall have full authority and control of the premises and who shall be satisfactory to the Board, and who shall be a United States citizen. Immediate notice of the appointment must be made to the Board in writing.

As well as your failure to comply with the requirements set by this Board with regard to hall rentals and special events, which require the filing of a 'Hall Rental Agreement' for all events held in your hall, as well as applying for police details in the club's name; these conditions were reviewed with you at this Board's November 18, 2013 meeting, at which time Atty. (Christopher) Markey stated the following on your behalf:

"He is under the understanding of the probation requirements and the bookkeeper is as well, that they are to notify the Director as to who is renting out the hall ... and provide that information to the Board ... as well as the need to hire a police detail every time it's rented out. Mr. Custodio knows of those conditions ... he understands that he can't have a promoter come in and do that ... so he's fully aware of that ... he's fully aware that he's to put the Director on notice as to who is coming in for what purposes of renting out the facility."

Please be advised that your failure to appear before this Board as requested may result in the suspension of your General on Premise All Alcoholic Beverages License until compliance is met.

Minutes of 03/24/14 Meeting:

Following the public hearing of March 24, 2014, at which time the above stated issues were discussed at length, this Board voted unanimously to table the matter to the Board's April 22, 2014 meeting. The Board also warned the licensee that if a complete application was not submitted to the Office of the Licensing Board for the required changes **by Friday, April 4, 2014**, the Board would vote to suspend their license until an appropriate application was submitted.

Minutes of 04/22/14 Meeting:

Present: Jack Custodio, President and Current Manager along with Mark Custodio, Proposed New Manager
Chairman Beauregard re-opened the hearing by expressing his displeasure and concern that this matter is being delayed once again due to the 11th hour resignation of Mr. Pimentel; as well as the 'club's' failure to secure a DOR Certificate of Good Standing to complete the application.

Chairman Beauregard, stated to both Mr. Custodio and his son, the Board has attempted to work with the 'club' and has made every accommodation possible to resolve this matter since December of 2011; and that the Board has extended a 'courtesy' to this 'club' that no other licensee has received, and we still do not have an application before us that is complete and acceptable to this Board, for their approval.

Chairman Beauregard continued his remarks by stating, you were warned by this Board that if a complete application was not submitted to the Office of the Licensing Board for the required changes by Friday, April 4, 2014, the Board would vote to suspend your license until an appropriate application was submitted; I think this Board has been more than fair with the time they have given the 'club' to resolve this issue, and I think the Board has been put in a position that it does not want to be in, in which it has to take action, based on the matter being delayed once again.

Upon discussing the matter further with those present on behalf of the 'club', as well as listening to input from Atty. Markey, the Board was in agreement that the licensee has been given more than sufficient time to resolve this matter, and that it hadn't met the April 4th deadline that had been set by the Board at its March 24th meeting; Commissioner Almeida stated he was going to make a motion to suspend the license until this matter is resolved.

VOTED: Upon discussing the matter with its legal counsel; a motion **to suspend the General on Premise license effective May 13, 2014, if in fact a completed application is not submitted by May 12, 2014, including a Certificate of Good Standing from the Department of Revenue** was made by Commissioner Almeida and seconded by Commissioner Craig. **It was unanimously approved.**

4. PETITION - Trans. #109 – Plot # 19--53

United Fishermen Club, Inc., Jack Custodio, President, who per a vote taken at the Annual 'Club' Meeting held on December 29, 2013, is petitioning for a **Change of Officers, Directors, and Manager** of the **General**

on Premise All Alcoholic Beverages License. Upon approval, the New Officers and Directors will be as follows: Jack Custodio will remain as the President and a Co-Director, Paulo Vieira and Mark Custodio will serve as Vice – Presidents and Co-Directors, Manuel Gil will be the Treasurer and a Co-Director, John Santos will be the Secretary and a Co-Director, and Antonio Afonso will be a Co-Director, respectively: **Mark Custodio** is the **Proposed New Manager**. Premises will remain the same at **639 Orchard Street**.
Advertisement & Abutters Notification not required.

5. APPLICATION, “Representation Required” - ‘NEW LOCATION’

New Bedford Folk Festival Committee, Jaime Kelly, Event Technical Director, who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for a ‘**New Bedford Folk Festival**’, to be held within the **Bank Five Parking Lot** located off **Spring Street**; and to be held on **Saturday, July 6, 2014 and Sunday, July 7, 2014, from 12:00 p.m. until 7:00 p.m. (Last Call @ 6.30 p.m.)** (*Final approval will require Liquor Liability with the City named as additionally insured and a copy of the Police Detail Contract*)

6. APPLICATION, “Representation Required” – ‘NEW EVENT’

Town Square Media –Fun 107/WBSM, Kristen Pacheco, Events Manager, who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for a ‘**Sun of a Beach Event**’, to be held within **Fort Taber Park**; and to be held on **Saturday, July 26, 2014, from 2:00 p.m. until 8:00 p.m.** (*Final approval will require Liquor Liability with the City named as additionally insured and a copy of the Police Detail Contract*)

7. APPLICATION, “Representation Required” – ‘NEW EVENT’

Shark’s Fund Fishing, Debra Richardson, Representative, who is requesting approval of an application for a **Special One-Day All Alcoholic Beverage License** for an ‘**Awards Banquet/North Atlantic Shark Tournament**’, to be held at **Marine Park on Pope’s Island (under a tent)**; and to be held on **Saturday, July 19, 2014, from 7:00 p.m. until 11:45 p.m.** (*Final approval will require Liquor Liability with the City named as additionally insured - Submitted 05/12/14;and a copy of the Police Detail Contract*)

8. APPLICATION, “Representation Required” – ‘NEW EVENT’

Cape Verdean Association in New Bedford, Inc, Raquel Dias, President who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for a ‘**Open House Fundraiser**’ to be held within the **Cape Verdean Association Cultural Center**, located at **1157 Acushnet Avenue**; and to be held on **Saturday, June 7, 2014 and Sunday, June 8, 2014 11:00 a.m. until 6:00 p.m.**

NOTE: This is being held on the Day of Portugal weekend.

NOTE: Item #'s 9 – 24 to be taken up at one time; waive reading and approve the applications as presented.

9. APPLICATION, (No Representation Required)

JAKIRI, LLC d/b/a Kirby’s Irish Pub, Jason Kirby, Manager, who is requesting approval of an application for a **Special One-Day All Alcoholic Beverage License** for a ‘**Fundraiser for the Key Program**’, to be held within the **Kirby’s Irish Pub Parking Lot**, located at **818 Kempton Street**; and to be held on **Friday, May**

16, 2014, from 7:00 p.m. until 10:00 p.m.

10. APPLICATION, (No Representation Needed)

Gifts to Give, Inc., James P. Stevens, Representative, who is requesting approval of an application for a Special One Day All Alcoholic Beverages License for a ‘Clamboil Fundraiser’ to be held at Gifts to Give, located at 21 Cove Street; and to be held on Saturday, May 17, 2014 from 5:00 p.m. until 8:00 p.m.

11. APPLICATION, (No Representation Needed)

The Azorean Maritime Heritage Society, Rosemary Rebello, Representative, who is requesting approval of an application for a Special One Day Wine & Malt Only Beverages License for a ‘Wine Tasting Fundraiser’ to be held at the N. B. Whaling Museum, located at 18 Johnny Cake Hill; and to be held on Saturday, May 31, 2014 from 6:00 p.m. until 9:00 p.m.

12. APPLICATION, (No Representation Required)

Day of Portugal Committee, Veronica Medeiros, Representative who is requesting approval of an application for a Special One-Day All Alcoholic Beverage License for the ‘Day of Portugal Celebration’ to be held on Acushnet Avenue (from Bullard Street to Beetle Street);); and to be held Friday, June 6, 2014 from 6:00 p.m. until 11:45 p.m., Saturday, June 7, 2014 from 12:00 p.m. until 11:45 p.m., and Sunday, June 8, 2014 from 12:00 p.m. until 10:00 p.m. (Security Plans Previously Approved On 04/22/14)

NOTE: Feast Committee will have two booths within the feast grounds.

13. APPLICATION, (No Representation Required)

European Café, Inc. d/b/a Café Europa, Pedro Ferreira, Manager who is requesting approval of an application for a Special One-Day All Alcoholic Beverage License for the ‘Day of Portugal Celebration’ to be held on Acushnet Avenue (from Bullard Street to Beetle Street);); and to be held Friday, June 6, 2014 from 6:00 p.m. until 11:45 p.m., Saturday, June 7, 2014 from 12:00 p.m. until 11:45 p.m., and Sunday, June 8, 2014 from 12:00 p.m. until 10:00 p.m. (Security Plans Previously Approved On 04/22/14)

14. APPLICATION, (No Representation Required)

Calderon & Calderon, Inc. d/b/a Café Portugal, Roberto Calderon, Treasurer who is requesting approval of an application for a Special One-Day All Alcoholic Beverage License for the ‘Day of Portugal Celebration’ to be held on Acushnet Avenue (from Bullard Street to Beetle Street);); and to be held Friday, June 6, 2014 from 6:00 p.m. until 11:45 p.m., Saturday, June 7, 2014 from 12:00 p.m. until 11:45 p.m., and Sunday, June 8, 2014 from 12:00 p.m. until 10:00 p.m. (Security Plans Previously Approved On 04/22/14)

15. APPLICATION, (No Representation Required)

El Mexicano, Inc. d/b/a Mi Antojito Mexican Restaurant, Grisay Rojas, Manager who is requesting approval of an application for a Special One-Day All Alcoholic Beverage License for the ‘Day of Portugal Celebration’ to be held on Acushnet Avenue (from Bullard Street to Beetle Street);); and to be held Friday, June 6, 2014 from 6:00 p.m. until 11:45 p.m., Saturday, June 7, 2014 from 12:00 p.m. until 11:45 p.m., and Sunday, June 8, 2014 from 12:00 p.m. until 10:00 p.m. (Security Plans Previously Approved On 04/22/14)

16. APPLICATION, (No Representation Needed)

Coco Bongos, John Abee, Representative who is requesting approval of an application for a Special One-Day All Alcoholic Beverage License for the ‘Day of Portugal Celebration’ to be held on Acushnet Avenue (from Bullard Street to Beetle Street); and to be held Friday, June 6, 2014 from 6:00 p.m. until 11:45 p.m., Saturday, June 7, 2014 from 12:00 p.m. until 11:45 p.m., and Sunday, June 8, 2014 from 12:00 p.m. until 10:00 p.m. (Security Plans Previously Approved On 04/22/14)

17. APPLICATION, (No Representation Required)

Irmandade Do Divino Espirito Santo Do Pico Club, Jose Matos, Treasurer requesting approval of an application for a **Special One-Day All Alcoholic Beverage License** for a ‘Feast Fundraiser’, to be held at the **Irmandade Do Divino Espirito Santo Do Pico Club**, located at **2056 Acushnet Avenue**; and to be held on **Saturday, June 7, 2014, from 6:00 p.m. until 11:00 p.m.**

18. APPLICATION, (No Representation Required)

Prince Henry Society, Dan Costa, Vice-President, who is requesting approval of an application for a **Special One-Day Wine & Malt Only Beverages License** for their ‘General Meeting Event’ to be held within the **Madeira Field Pavilion Area**, located at **50 Madeira Avenue**; and to be held on **Tuesday, June 10, 2014, from 6:00 p.m. until 9:00 p.m.**

19. APPLICATION, (No Representation Needed)

Knucklehead’s, LLC d/b/a Knucklehead’s Restaurant, John Stone, Manager, who is requesting approval of an application for a **Special One Day All Alcoholic Beverages License** for an ‘Annual Benefit/American Cancer Society’ to be held in the **Knucklehead’s Parking Lot**, located at **85 MacArthur Drive**; and to be held on **Saturday, July 19, 2014 from 11:00 a.m. until 11:00 p.m.**

20. APPLICATION, (No Representation Needed)

Low tide Yacht Club/ Buzzard’s Bay Rowing Club, Edward Lobo, Representative, who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for a ‘Light Up the Bay Medley Regatta Fundraiser’, to be held inside the Low Tide Yacht Club, located within **Fort Taber Park**; and to be held on **Saturday, July 19, 2014, from 2:00 p.m. until 7:00 p.m. (Final approval will require Liquor Liability with the City named as additionally insured and a copy of the Police Detail Contract)**

21. APPLICATION, (No Representation Needed)

Knucklehead’s, LLC d/b/a Knucklehead’s Restaurant, John Stone, Manager, who is requesting approval of an application for a **Special One Day All Alcoholic Beverages License** for an ‘Annual Benefit/American Cancer Society’ to be held in the **Knucklehead’s Parking Lot**, located at **85 MacArthur Drive**; and to be held on **Sunday, August 17, 2014 from 11:00 a.m. until 11:00 p.m.**

22. APPLICATION, (No Representation Required)

Committee to Benefit Adam Taylor Foundation, Kelly Morgado, Representative, who is requesting approval of an application for a **Special One-Day Wine & Malt Only Beverages License** for a ‘Adam Taylor Foundation Fundraiser’ to be held within the **Madeira Field Pavilion Area**, located at **50 Madeira Avenue**; and to be held on **Sunday, September 14, 2014, from 2:00 p.m. until 8:00 p.m.**

23. APPLICATION, (No Representation Needed)

Knucklehead’s, LLC d/b/a Knucklehead’s Restaurant, John Stone, Manager, who is requesting approval of an application for a **Special One Day All Alcoholic Beverages License** for a ‘Dan Festival Fundraiser’ to be held in the **Knucklehead’s Parking Lot**, located at **85 MacArthur Drive**; and to be held on **Sunday, September 14, 2014 from 11:00 a.m. until 11:00 p.m.**

24. APPLICATION, (No Representation Required)

Downtown New Bedford, Inc., Diane Arsenault, Executive Director, who is requesting approval of an application for a **Special One Day All Alcoholic Beverages License** for their ‘9th Annual New Bedford Seaport Chowder Festival’, to be held on **Pier 3**; and to be held on **Sunday, October 5, 2014, from 12:00 p.m. until 5:00 p.m.**

(Final approval will require Liquor Liability with the City named as additionally insured and a copy of the Police Detail Contract)

25. Request for Approval of a Special Event – “Block Party”

A written request was submitted by The Royal Front & Union Neighborhood Association, Jason P. Lanagan, Representative, who's requesting to hold a "Block Party" within a closed portion of Union and Front Streets. The event is scheduled for June 21st & 22nd from 2 p.m. until 6 p.m., with last call at 5:30 p.m. Those participating will be the Rose Alley Ale House, Cork, Slainte, & Pier 37, who will be setting up satellite Beer and Wine stations on the street. There will also be entertainment offered on a stage at the bottom of Union Street, which will include local jazz, rock & roll, and a DJ. They plan on having six (6) detail officers on site, as well as other staff present to check I.D.'s. There will be a \$10.00 cover charge with a portion of the proceeds to benefit the Jacob's Foundation.

Note: The following 'Stipulations & Guidelines' were provided by the Executive Director of the ABCC: The New Bedford Local licensing Authority can issue a Chapter 138 Section 14 "Special One Day License" to any individual for this event. Please refer to the guidelines stated below.

- 1.) The applicant for a special one day license must state the area that the alcohol will be served in and be limited to that area only, once approved by the LLA.
- 2.) If the applicant is a "for-profit", entity they are limited to beer and wine only (Only non-profit applicants can be issued an all alcohol one day license.).
- 3.) All alcohol for this event must be purchased directly from an approved source "Wholesalers, etc." and not from a section 15 "package stores" or a section 12 "restaurants" (Alcohol from restaurant stock cannot be used).
- 4.) If an applicant for a one day license is presently a section 12 or 15 license holder all alcohol (beer and wine only) must be purchased from a wholesaler and handled individually from their present alcohol.
- 5.) Any existing licensed premises in the block party "one day licensed area", cannot allow any alcohol that is purchased on the street, to be brought into their existing licensed premises and the same goes for alcohol that is purchased in a section 12 or 15 license (on) premise, it cannot allow any alcohol to leave the premises and be brought onto the "one day license area".

NOTE: Item #'s 26 - 33 to be taken up at one time – "Same Venue"

26. APPLICATION, "Representation Required"

N. B. Harbor Development Commission, Jeffrey D. Stieb, Executive Director, who is requesting approval of an application for a **Special One Day All Alcoholic Beverages License** for a 'Charles W. Morgan Sponsored Event/Gala Dinner', to be held on **State Pier, Dockside to the Morgan**; and to be held on **Saturday, June 28, 2014, from 6:00 p.m. until 10:00 p.m.** (*Final approval will require Liquor Liability with the City named as additionally insured and a copy of the Police Detail Contract*)

27. APPLICATION, "Representation Required"

N. B. Harbor Development Commission, Jeffrey D. Stieb, Executive Director, who is requesting approval of an application for a **Special One Day All Alcoholic Beverages License** for a 'Charles W. Morgan Sponsored Event/Private Sponsor Event', to be held on **State Pier, Dockside to the Morgan**; and to be held on **Sunday, June 29, 2014, from 6:00 p.m. until 8:00 p.m.** (*Final approval will require Liquor Liability with the City named as additionally insured and a copy of the Police Detail Contract*)

28. APPLICATION, "Representation Required"

N. B. Harbor Development Commission, Jeffrey D. Stieb, Executive Director, who is requesting approval

of an application for a **Special One Day All Alcoholic Beverages License** for a ‘Charles W. Morgan Sponsored Event/Donor Event’, to be held on **State Pier, Dockside to the Morgan**; and to be held on **Monday, June 30, 2014, from 6:00 p.m. until 8:00 p.m.** (*Final approval will require Liquor Liability with the City named as additionally insured and a copy of the Police Detail Contract*)

29. APPLICATION, “Representation Required”

N. B. Harbor Development Commission, Jeffrey D. Stieb, Executive Director, who is requesting approval of an application for a **Special One Day All Alcoholic Beverages License** for a ‘Charles W. Morgan Sponsored Event, to be held on **State Pier, Dockside to the Morgan**; and to be held on **Wednesday, July 2, 2014, from 6:00 p.m. until 8:00 p.m.** (*Final approval will require Liquor Liability with the City named as additionally insured and a copy of the Police Detail Contract*)

30. APPLICATION, “Representation Required”

N. B. Harbor Development Commission, Jeffrey D. Stieb, Executive Director, who is requesting approval of an application for a **Special One Day All Alcoholic Beverages License** for a ‘Charles W. Morgan Sponsored Event/Donor Event’, to be held on **State Pier, Dockside to the Morgan**; and to be held on **Thursday, July 3, 2014, from 6:00 p.m. until 8:00 p.m.** (*Final approval will require Liquor Liability with the City named as additionally insured and a copy of the Police Detail Contract*)

31. APPLICATION, “Representation Required”

N. B. Harbor Development Commission, Jeffrey D. Stieb, Executive Director, who is requesting approval of an application for a **Special One Day All Alcoholic Beverages License** for a ‘Charles W. Morgan Sponsored Event/City of New Bedford Event’, to be held on **State Pier, Dockside to the Morgan**; and to be held on **Friday, July 4, 2014, from 6:00 p.m. until 9:00 p.m.** (*Final approval will require Liquor Liability with the City named as additionally insured and a copy of the Police Detail Contract*)

32. APPLICATION, “Representation Required”

N. B. Harbor Development Commission, Jeffrey D. Stieb, Executive Director, who is requesting approval of an application for a **Special One Day All Alcoholic Beverages License** for a ‘Charles W. Morgan Sponsored Event/Private Sponsor Event’, to be held on **State Pier, Dockside to the Morgan**; and to be held on **Saturday, July 5, 2014, from 6:00 p.m. until 8:00 p.m.** (*Final approval will require Liquor Liability with the City named as additionally insured and a copy of the Police Detail Contract*)

33. APPLICATION, “Representation Required”

N. B. Harbor Development Commission, Jeffrey D. Stieb, Executive Director, who is requesting approval of an application for a **Special One Day All Alcoholic Beverages License** for a ‘Charles W. Morgan Sponsored Event/Closing Event’, to be held on **State Pier, Dockside to the Morgan**; and to be held on **Sunday, July 6, 2014, from 5:00 p.m. until 7:00 p.m.** (*Final approval will require Liquor Liability with the City named as additionally insured and a copy of the Police Detail Contract*)

34. Meeting: Cape Verdean Recognition Day Committee

Mary Ann Rogers

Your presence is requested at a meeting to be held in this office to discuss any concerns the Board may have regarding security and enforcement of Licensing Board & ABCC Rules & Regulations concerning the **Cape Verdean Day Parade on Saturday, July 5, 2014**; the meeting will include Lt. John Chaves, Detail Officer for Special Events.

As is the policy for all outdoor events, those participating, are ****required** to appear before the Board and outline their planned activities and they must also submit a ‘**Security Plan**’ and ‘**Venue Map**’, which addresses the following issues:

- Hours of Operation - Starting Times/Closing Times/Last Call/etc.
- I.D. Checks and the Issuance of Wristbands

- Flow and Control of Alcohol
- # Of Police Officers

****Your failure to submit the requested information in writing will result in your request being denied.**

****NOTE** - If approved, the license must be applied and paid for by June 16, 2014. (\$150.00)**

Minutes of 05/20/13 Meeting

Present: Charles Perry, Jr., Applicant along with Mary Ann Rogers and Peter Silva, Cape Verdean Recognition Day Committee; Det. Sgt Dean Fredericks, Acting Police Department Liaison to the Lic. Bd.

When asked by Chairman Beauregard to give the Board an overview of the event, Mr. Perry responded, Initially, I put my name down as the applicant to apply for this one-day permit ... but since then ... we had a meeting in the past week and it was decided that we go forward and request the permit through the Cape Verdean Recognition Committee ... so we would like to request that the application be amended to reflect that change.

Mr. Perry continued his presentation by stating, I don't know if you're familiar with it ... it's the old Morse Cutting Tools lot ... and the area we are looking to use is on the Pleasant Street side of that lot between Wing and Bedford Streets ... and we're requesting to serve beer and wine in that area ... we will have a Police Detail in that area ... there are two entrances/exits on each end of Pleasant Street ... we will also intend to put barrels with signs ... and there's a fence along the backside of the drinking area, which will serve to enclose the backside of the area ... and the street will be closed and blocked off on each end to enclose the entire area ... and we will also have another barrier, which will enclose the area in approximately 150' x 20' in which the alcohol will be served and consumed ... and the area will be staffed with 5-10 members along with the Detail Officer ... it's going to be a tightly enclosed area, so we can monitor the serving of the alcohol.

The site plan was then reviewed with the Board in detail.

Chairman Beauregard voiced his concern that those purchasing alcohol could walk up into the carnival area, and requested that some type of orange snow fencing be used to somehow delineate that area.

Ms. Rogers stated that they had orange fencing, and it was agreed that it would be used.

Chairman Beauregard also suggested, I think that you should use one color cups for the drinks you're serving ... so if someone is outside that area ... the Police Officers will know ... and they can tell them to move back into the allowed area or have them pour out the drinks on the grass.

Mr. Perry also stated that they will be issuing wristbands, and that all their servers are S.T.O.P. and T.I.P.S. Certified.

Chairman Beauregard also suggested that there will be a lot of people walking around, and they should be mindful not to allow anyone into that area with alcohol.

When asked by Chairman Beauregard as to who would be serving the alcohol, Mr. Perry stated that employees from different bars in the area would be serving the alcohol.

Chairman Beauregard requested that a list of the servers be submitted to Mr. Nanopoulos.

Mr. Perry stated that liquor liability would be purchased with the City of New Bedford named as additionally insured.

When asked by Chairman Beauregard as to the number of police officers that would be assigned to that area, Mr. Perry stated there would be one (1) Detail Officer hired and assigned to the area in which the alcohol will be served, and that he would be there as well; and added that they didn't want to hinder the security of the area.

When asked by Commissioner Almeida as to where the alcohol would be purchased, Mr. Perry responded, 'Quality Beverage'.

The Board instructed Mr. Perry that everything needed to be served in cups, and made a point to say, "No cans or bottles".

Mr. Nanopoulos instructed Ms. Rogers, when you order your alcohol from Quality Beverage, it should be ordered under the name of the Cape Verdean Recognition Day Committee; and you should receive an invoice that you should keep on file for review by this office, if requested.

Voted: Commissioner Almeida made a motion to approve the request as presented with the amended name change, to the Cape Verdean Recognition Day Committee. – Unanimous

35. Meeting: The Bisca Tournament Club, Inc.

Jose S. Duarte, Manager
157-161 Acushnet Avenue

Your presence is requested at a meeting to be held in this office to discuss any concerns the Board may have regarding security and enforcement of Licensing Board & ABCC Rules & Regulations concerning the **Cape Verdean Day Parade on Saturday, July 5, 2014**; the meeting will include Lt. John Chaves, Detail Officer for Special Events.

As is the policy for all outdoor events, those participating, are ****required** to appear before the Board and outline their planned activities and they must also submit a **‘Security Plan’ and ‘Venue Map’**, which addresses the following issues:

- Hours of Operation - Starting Times/Closing Times/Last Call/etc.
- I.D. Checks and the Issuance of Wristbands
- Flow and Control of Alcohol
- # Of Police Officers

*****Your failure to submit the requested information in writing will result in your request being denied.***

*****NOTE** - If Approved, all licenses must be applied and paid for by June 16 2014. (\$150.00)***

Minutes of 05/20/13 Meeting

Present: John Soares, Vice –President, along with Ayres Gonzales, along with Jose S. Duarte, Manager and Gabriel DaRosa; Det. Sgt Dean Fredericks, Acting Police Department Liaison to the Lic. Bd.

Responding to questions from Chairman Beauregard, Mr. DaRosa stated that there would not be any changes in plans to what they have done in the past, which included having a Police Detail from 4:00 p.m. until 8 p.m.shutting down the music at 8 o'clock outside ... posting signage in multiple languages informing those attending that there's 'No Alcohol Beyond This Point'and that wristbands will be issued after checking everyone's I.D.

Responding to further questions from Chairman Beauregard, Mr. DaRosa stated that they had also requested a street closing as they have done in the past , which would be completely closed off to ensure that no alcohol leaves that area until 8 p.m., when everything is shut down outside, and everybody moves inside.

Chairman Beauregard reminded them that they have to make sure that no alcohol leaves that enclosed area.

Responding to questions from Chairman Beauregard, Det. Sgt Dean Fredericks stated that everything ran smoothly last year, and that he would ensure that they applied for their Police Detail.

Action Taken: Approved the plans that were discussed with the members of the Bisca Tournament Club, and instructed them that they needed to apply for their license by June 14th.

36. Meeting: Verdean Veterans' Memorial Foundation, Inc.

Kim M. Watkins, Manager
561 Purchase Street

Your presence is requested at a meeting to be held in this office to discuss any concerns the Board may have regarding security and enforcement of Licensing Board & ABCC Rules & Regulations concerning the **Cape Verdean Day Parade on Saturday, July 5, 2014**; the meeting will include Lt. John Chaves, Detail Officer for Special Events.

As is the policy for all outdoor events, those participating, are ****required** to appear before the Board and outline their planned activities and they must also submit a **‘Security Plan’ and ‘Venue Map’**, which addresses the following issues:

- Hours of Operation - Starting Times/Closing Times/Last Call/etc.
- I.D. Checks and the Issuance of Wristbands
- Flow and Control of Alcohol
- # Of Police Officers

*****Your failure to submit the requested information in writing will result in your request being denied.***

*****NOTE** - If Approved, the license must be applied and paid for by June 16, 2014. (\$150.00)***

Minutes of 05/20/13 Meeting

Present: Dennis Mendes, President along with Kenneth Gilbert, Treasurer; Det. Sgt Dean Fredericks, Acting Police Department Liaison to the Lic. Bd.

Mr. Nanopoulos noted that Ms. Watkins, the Manager of Record was not present, and informed the Board that he had a discussion with Mr. Mendes regarding a change of manager; when asked why Ms. Watkins was not present as requested, Mr. Mendes stated that she was sick.

When asked if they still planned on doing a change of manager, Mr. Gilbert responded, "not at this time ... later on".

When asked by Chairman Beauregard when that would be, Mr. Gilbert responded, "not until June".

When asked by Chairman Beauregard if she was still working, and in charge of the organization, Mr. Gilbert responded, "oh yeah".

Responding to questions from Chairman Beauregard, Mr. Mendes stated that they didn't plan any changes for this year, ... and as they did last year ... two (2) Police Detail would be hired ... and that all the alcohol would be confined to the club parking lot ... and that they planned to serve from 10:00 a.m. until 6:00 p.m., and that they would adhere to the plan that was submitted last year on behalf of all the clubs with regard to I.D. checks, wristbands, signage, etc.

He also stated that this year they would also be serving mixed drinks out of the stand in back, as they did last year.

Responding to further questions from Chairman Beauregard, Mr. Mendes stated that the parking lot would be blocked off with one entrance/exit into the parking lot, which would be blocked off by the stage and rope surrounding the perimeter of the lot; and that they would be selling tickets which would be used to purchase drinks, and that when someone purchases tickets, they will be carded and issued a wristband; she went on to state that the booth which would be used to sell tickets and check I.D.'s would be located in the enclosed parking lot; and that outdoor sales will cease at 6 p.m. but the entertainment would continue until 7:00 p.m.; and that no alcohol would be allowed outside after 7 p.m.

Mr. Mendes stated that they would also be using the tickets for the sale of alcohol within the premises also, and that either wristbands will be issued or the bar staff will check I.D.'s before serving anyone.

Action Taken: Approved the plan that was discussed with the members of the Verdean Veterans' Memorial Foundation Club, and instructed them that they needed to apply for their license by June 14th.

37. Meeting: The New Cape Verdean Ultramarine Band Club, Inc.

Kenneth Silva, Manager
185 Acushnet Avenue

Your presence is requested at a meeting to be held in this office to discuss any concerns the Board may have regarding security and enforcement of Licensing Board & ABCC Rules & Regulations concerning the **Cape Verdean Day Parade on Saturday, July 5, 2014**; the meeting will include Lt. John Chaves, Detail Officer for Special Events.

As is the policy for all outdoor events, those participating, are ****required** to appear before the Board and outline their planned activities and they must also submit a **'Security Plan' and 'Venue Map'**, which addresses the following issues:

- Hours of Operation - Starting Times/Closing Times/Last Call/etc.
- I.D. Checks and the Issuance of Wristbands
- Flow and Control of Alcohol
- # Of Police Officers

****Your failure to submit the requested information in writing will result in your request being denied.**

****NOTE** - If Approved, the license must be applied and paid for by June 16, 2014. (\$150.00)**

Minutes of 05/20/13 Meeting

Present: Ramona Silva, President; Det. Sgt Dean Fredericks, Acting Police Department Liaison to the Lic. Bd.

Ms. Silva stated as they have in the past that everything would be as it was last year, and that all the alcohol would be confined to the club parking lot, and that they planned to serve until 11:45 p.m., and that they would adhere to the plan that was submitted last year on behalf of all the clubs with regard to I.D. checks, wristbands, signage, etc.

When asked by Chairman Beauregard if there would be food served outside, Ms. Silva stated that there would be tables and chairs available for seating.

When asked by Commissioner Almeida if they planned on having any police officers present, Ms. Silva stated that they did not.

Prior to the vote, Ms. Silva confirmed that the hours would be from 11:00 a.m. until 11:45 p.m., at which time the outside would be shut down, and everyone would go into the club.

Action Taken: Approved the plan that was discussed with Ms. Silva who was present representing the New Cape Verdean Ultramarine Band Club, and instructed her that they needed to apply for their license by June 14th.

38. Hearing: Pub 6 Social Corp. d/b/a

Pub 6 at the Sixth Bristol

James F. Petitjean, Manager

736 Ashley Boulevard

Your presence and that of **Jonathan Sylvia, Bouncer** is requested at a hearing to determine whether you have violated certain provisions of Massachusetts General Laws, the Alcoholic Beverages Control Commission (ABCC) Regulations, and Licensing Board Rules and Regulations as reported by City of New Bedford Police Department. Based on their findings, the Licensing Board may take action to modify, suspend, revoke, or cancel your license.

They are as follows:

Violations: Massachusetts General Laws Chapter 138, sections 34, 34b, 34c-

It is illegal for anyone under the age of twenty-one years to purchase or be in possession of an alcoholic beverage; identification must be checked on the day of service.

Alcoholic Beverages Control Commission Regulation 204 CMR 2.05: (2)-

States no licensee shall permit any illegality to occur on the licensed premises. The licensee is responsible, whether present or not, for ensuring that no disorder, disturbance, or illegality takes place in or on a licensed premises.

Licensing Board Regulation No. 5, 10, & 12-

Sale of alcoholic beverages, wine and malt beverages to persons under twenty-one years of age is prohibited; Alcoholic beverages shall not be served to a person who is or appears to be intoxicated; Premises must at all times be kept safe.

Summary of Incident

Police Department Incident Report states that units were dispatched to Pub 6 located at 736 Ashley Boulevard, on the report of a fight in progress. Upon arrival, there were two individuals outside of the bar, who, according to the bouncer were the males that were causing a disturbance inside of the bar. The bouncer stated that one of their female friends was highly intoxicated and she was told that they wouldn't serve her; the two males then asked the bartender to give her one more drink and the bartender refused. At this point, the males started to yell and they were told to leave, when they refused, the bouncer stated that he had the bartender call the police. One of the males then picked up a pool cue and the bouncer became concerned that he was going to use it as a weapon, at which point the police arrived.

The bartender stated that he wanted both males barred from coming back, and one of the Officers on the scene printed up a 'No Trespassing' form on both.

Upon getting one of the male's information, it was found that he was underage (19 Yrs. Old); when the bouncer was asked if he had checked the male's I.D., he stated that he did not have an I.D.

Date and time of alleged violations: Friday, March 28, 2014 @ approximately 1:48 a.m. – Police Report #14-3428-OF

Please be advised, failure to appear at this meeting will result in immediate suspension of your liquor license until this matter is resolved.

- **CORRESPONDENCE**

From: Municipal Licensing Corporation

Dated 05/01/14

Re: Meeting of Municipal Licensing Group

Brockton, MA.

An invitation to attend a meeting with other representatives of city and town licensing departments, boards, and commissions, who want to share information and learn from each other's experiences for the application, processing, and investigation of alcohol licenses, as well as other licenses, for our cities and towns. -**RSVP by 05/22/14**

Date & Time: Wednesday, June 3, 2014, 11:45 a.m. to 3:00 p.m. @ Lake Pearl Luciano's, 299 Creek St., Wrentham Ma.

- **COMPLAINTS RECEIVED:**

05/12/14 – United Fishermen Club, Inc., 639 Orchard Street - A verbal complaint was received from a neighbor, who stated that the United Fishermen Club is serving on Sunday mornings prior to 11:00 a.m.

Action Taken - (05/12/14): The complaint was forwarded to Capt. Steven Vicente, Liaison to the Licensing Board, with a request that patrols in the area monitor the club to determine if there's any validity to the complaint: and if there's evidence that the club is in violation, that a Police Report be forwarded to the Licensing Board.

- **REVIEW POLICE DEPARTMENT INCIDENT REPORTS/ COMPLAINTS**

NAME

POLICE REPORT#

DATE

VIOLATION

--NONE--

- **Upcoming Summer Events & Festivals**

- **Feast of the Blessed Sacrament (Madeira Feast) – July 31st, Aug. 1st, 2nd & 3rd (June Meeting)**

- **Review Inactive License for June Meeting – “Informational Only”**

The following Fifteen (15) licenses are currently inactive:

1. **1846 Bar & Grille, Inc. – CV W & M – Transfer Pending to the Black Whale**

2. **Adriana’s Mexican Restaurant (Giraldo’s Restaurant, Inc. d/b/a) - CVAA –Transfer Approved on 02/07/12 - Ongoing Renovations**

Note: Applicant requested 3 month extension until May19th to complete renovations

3. **Braza Rotisserie (Ransan Rotisserie d/b/a) – CV W & M – Closed on 12/31/13 – For Sale**

4. **China Lantern Restaurant, Inc. – CV W & M – Transfer Pending to Izzy’s Restaurant**

5. **Continental Tavern (Pastime, Inc. d/b/a) – CVAA – Transfer Pending to Ying Dynasty**

6. **Fernando’s Grille & Bar (Calypso Hospitality, LLC d/b/a) – CVAA – Closed on 10/01/13 – For Sale**

7. **Major League Burgers (JAMA, LLC d/b/a) – CVAA – Transfer Approved on 11/25/13 – Ongoing Renovations**

Note: Applicant stated that the hope was to be open by the beginning of December, but the build out is going to take some time.

8. **New Bedford Lodge No. 73---BPO Elks – CLUBAA – Closed on 01/01/14 – For Sale**

9. **Octane Sports Bar (Tane Corporation d/b/a) – CVAA – Closed 10/31/13 – For Sale**

10. **Pi-Zans, Inc. – CV W& M – Closed 07/01/12 - Ongoing Renovations**

11. **Portobello (Casa Chessa Corp. LLC d/b/a) – CVAA – Transfer Approved on 03/19/14 – Ongoing Renovations**

12. **Salty Cod (Salty Cod, LLC d/b/a) – CV W & M – Closed 12/31/13 – For Sale**

13. **Sugar Daddy’s Campino Lounge (Sugar & Pico, Inc. d/b/a) – GOP – Transfer Approved on 01/21/14 – Ongoing Renovations**

Note: Applicant indicated on several occasions to Mr. Nanopoulos, that he would be open after tax season

14. **The Edge Seafood & Bar (The Edge Hospitality, LLC d/b/a) – CVAA – Transfer Approved on 01/15/14 – Ongoing Renovations**

Note: Applicant stated that the hope was to be open by the beginning or the end of June.

15. **Wharf Tavern & Deli (Trans-City, Inc. d/b/a) – CVAA – Closed 03/04/14 – For Sale**

• **NEXT TWO MEETING DATES: June 23rd & July 28th both on Mondays in the Ashley Room – 120 @7:00 p.m.**

• **MEETING ADJOURNED:**