



Licensing Board

April 22, 2014 – 6:30 PM – **Minutes**
City Hall, 133 William Street, Room 120

****View Agenda****

LICENSING BOARD MEETING -MINUTES- Tuesday, April 22, 2014
“CV WINE & MALT LICENSE LOTTERY” - 6:30 P.M. Ashley Room (120) – 7:00 p.m.

PRESENT: Steven A. Beaugard, Chairman
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

*****CV WINE & MALT LICENSE LOTTERY*****

Notice is hereby given, under Chapter 138 of the Massachusetts General Laws, that an open meeting will be held in **Room 120, City Hall, on Tuesday, April 22, 2014 at 6:30 p.m.** for the purposes of conducting a ‘lottery’ for a ‘New’ Common Victualler (Restaurant) On Premise Wine & Malt Only License, which was not renewed and returned to the City of New Bedford.

Present: *Chairman Beaugard and Nick Nanopoulos, Director; Anthony Mafia Holloway, Jose Borges, Jr., and Mathew Dean, Applicants*

The lottery was conducted by allowing the applicants present to draw out all five (5) sealed envelopes, with the following ‘Lottery Results’:

- 1. World Famous Pizza & Subs, Inc.**
- 2. Tia Maria's European Café**
- 3. Ming's Sushi Park (Yi Yu Chen d/b/a)**
- 4. Wicked Good Chicken**
- 5. Eduard Johnson**

Mr. Nanopoulos informed both Mr. Holloway and Mr. Borges, that per the terms of the lottery, that they must submit a complete new license application to the Office of the Licensing Board within forty - five (45) days of the drawing, and failure to do so would result in their right to apply being forfeited, and the right to apply will be granted to the next person or entity on the list; The applicants were then presented with an application packet, which needed to be submitted complete by June 6th, 2014.

They were also advised by Mr. Nanopoulos that if they had any question regarding the application process, that they should contact him, and he would answer any question they may have.

APPROVALS RECEIVED FROM THE ALCOHOLIC BEVERAGES CONTROL COMMISSION

Transfer & Pledge of License - Trans. # 101 – Plot # 52--286

Columbus Group, LLC d/b/a Columbus Restaurant. Xiaohui Yang (alias Shiawee Yang), Manager of LLC, who is petitioning for a Transfer of a Common Victualler (Restaurant) All Alcoholic Beverages License and a Change of Description to Casa Chessa, Corp. d/b/a Portobello; the applicant is also requesting approval of a Pledge of the Common Victualler (Restaurant) All Alcoholic Beverages License to Columbus Group, LLC, 555 Pleasant Street, N.B., MA. as security to authorize and execute a promissory note in the amount of Sixty-Five Thousand Dollars (\$65,000.00), pursuant to Massachusetts General Laws

Ch.138 s.23. Upon approval, Pietro Chessa will be the President, Treasurer, a Co- Director, and a Co-Shareholder (50%); and **Mairy M. Chessa** will be the Secretary, a Co-Director, a Co-Shareholder (50%), and the **Proposed New Manager of the Liquor License**. The proposed new licensed premises consists of a 3,200 sq. ft. area that is fully sprinklered and which is located on the first floor of a five-story building, and includes Two (2) Dining Areas, a Bar Area, and a Kitchen & Storage Area; and a Private Party Dining Area, which is located four (4) steps down from the main dining area on the same floor. There are Two (2) Handicapped Restrooms located in the common area located off the south side of the restaurant. There is one entrance/exit in the front of the building onto Pleasant Street and two additional exits/entrances on the Market Street side of the building, as well as an entrance/exit in the rear of the building into the rear parking lot on South Sixth Street via the common area in the main lobby of the building, which includes an elevator to the main dining area; and a handicap accessible entrance/exit on the Market Street side of the building. There will be additional storage space in the basement area for alcohol. The premise is situated on the west side of Pleasant Street, between Union and Market Streets, and **will remain numbered 555 Pleasant Street**.

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

Approved By ABCC – 03/19/14

VOTED: To accept the approval from the ABCC. – **Unanimous**

Change of Manager - Trans. # 040 – Plot # 104--64

Whaling City Club, Inc., 447 Belleville Avenue, is requesting the approval of **Carlos Ferreira**, who resides at **79 Charles Street, New Bedford, MA.** as their new manager.

Approved By ABCC – 04/02/14

VOTED: To accept the approval from the ABCC. – **Unanimous**

Change of Manager - Trans. # 077 – Plot # 53--195

The Pequod, Inc. d/b/a Rose Alley ale House, 94 Front Street, is requesting the approval of **Darbie Martins**, who resides at **63 County Street, New Bedford, MA.** as their new manager.

Approved By ABCC – 04/02/14

VOTED: To accept the approval from the ABCC. – **Unanimous**

Change of Manager - Trans. #094 – Plot # 108--8

New Bedford Sports Club, Inc., 1792 Acushnet Avenue, is requesting the approval of **Luis Vieira** who resides at **76 Mt. Pleasant Street, New Bedford, MA.** as their new manager.

Approved By ABCC – 04/03/14

VOTED: To accept the approval from the ABCC. – **Unanimous**

Change of Manager - Trans. # 072 – Plot # 14--198

The Washington Social and Musical Club, Inc., 90 David Street, is requesting the approval of **Fred Caton III**, who resides at **14 Fulton Street, New Bedford, MA.** as their new manager.

Approved By ABCC – 04/07/14

VOTED: To accept the approval from the ABCC. – **Unanimous**

Change of Manager - Trans. #094 – Plot # 106--85

St. Michael Social Club, Inc., 101 Madeira Avenue, is requesting the approval of **Albert Cardoso**, who resides at **1068 Bowles Street, New Bedford, MA.** as their new manager.

Approved By ABCC – 04/07/14

VOTED: To accept the approval from the ABCC. – **Unanimous**

1. PETITION - 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.**

Present: Mark Riley, Owner along with Carlos DaPonte, Proposed New Manager

Responding to Chairman Beauregard, Mr. Daponte stated that he had over 14 years experience in the retail package store industry, and has served as a manager with Douglas Wine & Spirits; and that he was T.I.P.S. Certified.

Voted: Commissioner Almeida made a motion to approve the petition as presented, and to forward the application to the Alcoholic Beverages Control Commission for their approval; with the stipulation that Mr. DaPonte submit a copy of his T.I.P.S. Certification to the Licensing Board office within thirty (30) days of receiving final approval or prior. – **Unanimous**

2. 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.

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**

Note: Item #'s 3 & 4 are related items. (1 license transferred out/1 license transferred in)

3. PETITION - Trans. #191 – Plot # 97--175

China Lantern Restaurant, Inc., Wah Fong Leung, President, license formerly exercised on premises located at **116 Nauset Street**, who is petitioning to transfer a Common Victualler (Restaurant) Wine & Malt Only Beverages License to **Izzy's Restaurant, LLC d/b/a Izzy's Restaurant**, who is also requesting approval of a **Pledge of the Common Victualler (Restaurant) Wine & Malt License** to **China Lantern, Inc., 536 Hawthorn Street, Dartmouth, MA.** as security to authorize and execute a promissory note in the amount of **Ten Thousand Dollars (\$10,000.00)**, pursuant to Massachusetts General Laws Ch.138 s.23.

Upon approval, Izidora D. Goncalves will be the Sole Member, Sole Manager, and Sole Interest Holder of the LLC; **Izidora D. Goncalves** is also the **Proposed Manager of the Liquor License**. The new proposed licensed premises consist of an area approximately 1,144 sq. ft. on the first floor of a two-story building, which will include one room for dining (6 tables) with a small bar (4 seats), a kitchen, and one restroom. Alcohol will be stored in the kitchen as well as in the small bar area. The premises is situated on the south side of Spring Street between North Sixth and Pleasant Streets, and a main entrance/exit in the front of the building onto Spring Street, with an emergency exit on the southwest corner of the building onto North Sixth Street; **and numbered 72 Spring Street.**

Final approval will require a signed '**Fire & Building Certificate**' as required under the Chapter 304 Fire Acts Compliance; along with a copy of '**Proof of Liquor Liability**'.

Application has been advertised; Abutters have been notified.

Present: Atty. Nicholas Obolensky along with Izidora Goncalves, Proposed Manager

Responding to questions from Chairman Beauregard, Atty. Obolensky, speaking on behalf of his client, stated that his client currently runs a small 6 table Spanish restaurant that she runs with her daughter; and although she has no prior experience in the service of alcohol, she plans to become T.I.P.S. certified; and that he would ensure that she is aware of all the rules and regulations regarding the service of alcohol.

Voted: Commissioner Almeida made a motion to approve the petition as presented, and to forward the application to the Alcoholic Beverages Control Commission for their approval; with the stipulation that Ms. Goncalves submit a copy of her T.I.P.S. Certification to the Licensing Board office within thirty (30) days of receiving final approval or prior; and that all of her servers be 'certified' as well, with copies of their certifications to be kept on file for review, if needed. – **Unanimous**

4. PETITION - Trans. #100 – Plot # 97--175

Pastime, Inc. d/b/a Continental Tavern, Jose Teixeira, President, for a license formerly exercised on the premises located at **114 Nauset Street**, who is petitioning to **transfer a Common Victualler (Restaurant) All Alcoholic Beverages License** to **Ying Dynasty Nauset, LLC d/b/a Ying Dynasty**, who is also petitioning to **Alter the Premises** to include an additional room; as well as requesting approval of a **Pledge of License and Stock of the Common Victualler (Restaurant) All Alcoholic Beverages License** to **Jose Teixeira, 40 Quakers Lane, Acushnet, MA.** as security to authorize and execute a promissory note in the amount of **Four Hundred and Fifty-Five Thousand Dollars (\$455, 000.00)**, pursuant to Massachusetts General Laws Ch.138 s.23.

Upon approval, Shang Ying Zhao will be the Sole Manager and Sole Interest Holder of the LLC; and Melanie Jiang and Shang Xiong Zhao will be members of the LLC. **Shang Xiong Zhao** is also the **Proposed Manager of the Liquor License**. Upon completion of the renovations, the new proposed licensed premises will consist of two rooms within an area approximately 6,184 sq. ft. on the first floor of a street level building. The first room will have a bar area with seating for 18 people and two restrooms, with an access way into the dining area.

The second room will be a dining area that will include fifteen (15) - four (4) person booths, four (4) - six (6) person booths, and four (4) tables with seating for eight (8) people each; as well as two restrooms and a room for the storage of alcohol. In the middle of the restaurant between the two rooms, there will be an area that will include a kitchen, a storage room, and an office. The premises, which is situated on the south side of Nauset

Street between Mt. Pleasant and Myrtle Streets, will have three (3) entrances/exits in the front of the building onto Nauset Street, and three (3) emergency exits in the rear of the building, and **will be numbered 114-116 Nauset Street.**

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

Application has been advertised; Abutters have been notified.

Present: Atty Christopher M. Markey along with Shang Ying Zhao, Proposed New Owner and Shang Xiong Zhao, Proposed New Manager

Responding to questions from Chairman Beauregard, Atty. Markey, speaking on behalf of his client stated that his client was going to renovate the building, to include the two space currently licensed to the Continental Tavern and the space currently licensed to the China Lantern Restaurant, into one licensed premise; in order to open and operate another location for the Ying Dynasty.

Responding to further questions from Chairman Beauregard, Atty. Markey stated that his client operates three other locations in the area and that Mr. (Shang Xiong) Zhao has been working at another location; and has experience in the service of alcohol, and that he was T.I.P.S. Certified.

Chairman Beauregard concluded his remarks by stating, Mr. Zhao runs a good operation and there haven't been any issues reported with his other location in the city.

When asked by Chairman Beauregard when he planned on opening, Mr. Zhao responded, July 1st.

Voted: Commissioner Almeida made a motion to approve the petition as presented, and to forward the application to the Alcoholic Beverages Control Commission for their approval; with the stipulation that Mr. (Shang Xiong) Zhao submit a copy of his T.I.P.S. Certification to the Licensing Board office within thirty (30) days of receiving final approval or prior; and that all of his servers be 'certified' as well, with copies of their certifications to be kept on file for review, if needed. – **Unanimous**

5. 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

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**

6. 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 both serve as a Vice – President and Co-Director, Manuel Gil will be the Treasurer and a Co-Director, John Santos will be the Secretary and a Co-Director, Ernesto Pimental will serve as Asst. Secretary and 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.

Present: Jack Custodio, President and Current Manager along with Mark Custodio, Proposed New Manager
Mr. Nanopoulos informed the Board that Mr. (Mark) Custodio came by the office earlier in the day and dropped off a letter of resignation of one of the proposed new directors, Ernesto Pimentel, which made the pending application that was before them, null and void; therefore, based on the information received, the Board could not take any action on the petition.

Mr. Nanopoulos recommended that the Board vote to not take any further action regarding the current application; and inform those present that a new application would have to be submitted with any changes required to address Mr. Pimentel's resignation.

Voted: Based on the information provided by Mr. Nanopoulos, Commissioner Almeida made a motion not to take any further action on this application. – **Unanimous**

Voted: Commissioner Almeida made motion to remove Item #7 from the table. – **Unanimous**

Tabled at 03/24/14 Meeting

7. 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 providing 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.**

8. PETITION - Trans. #227 – Plot # 12--287

The Edge Hospitality, LLC d/b/a The Edge-Tiki Bar, which is petitioning for a **New 'Seasonal' Common Victualler (Restaurant) All Alcoholic Beverages License** under M.G.L. Chapter 138, sec.12. Margaret Kulpinski is the Sole Member, Sole Manager, and Sole Interest Holder of the LLC. **Antonio E. Hernandez, Jr.** is the **Proposed Manager of the Liquor License**. The proposed licensed premise consists of an area approximately 3,000 sq. ft. which will be enclosed by a 4 ft. high jersey barrier, with breaks in the barrier to allow ingress and egress. The enclosed area will contain a wood 'Tiki' bar structure approximately 150 to 200 sq. ft. (approx. 19' x 8'), which will contain refrigeration, sinks, and a locked storage area to maintain alcohol, and 15 to 17 tables for dining, with a total seating capacity for 75 patrons. The enclosed area, which will be approximately 150 ft. from the existing building, will be located on the east end of the parking lot, and numbered **1480-S East Rodney French Boulevard**.

Final approval will require a **'Certificate of Inspection'** from the Building Department, a **'Food Permit'** from the Health Department, and **'Proof of Liquor Liability'**.

NOTE: The **'previous' Seasonal License for this location was approved with the following terms and**

stipulations:

TERMS AS REQUIRED BY THE M.G.L. AND ABCC

1. Alcohol to be sold in this area must be purchased separately from a distributor, and cannot be taken out of stock of the existing licensed premise (Main Building).
2. All purchases of alcohol must be delivered to and stored in the licensed area.
3. Separate accounting must be maintained for each entity.

STIPULATIONS

1. License valid from May 15th through October 15th, yearly
2. Hours of Operation – 11:00 a.m. until 11:30 p.m.
3. Recorded music will be allowed to a level that will not be disruptive to the neighbors.
4. No live entertainment will be allowed.
5. Occupancy is limited to Seventy-Five (75) patrons within this area
6. Besides the bartender(s) and wait staff, a manager will be on site at all times to monitor the flow of alcohol.
7. Drinks may only be consumed within the licensed area. Alcohol may not be brought out of or into this area from the restaurant (The Edge).

Present: Atty. Emile Morad along with Antonio E. Hernandez, Jr., Proposed Manager; Leonard J. Roche, Nancy Fontaine, Michael Graffeo, and Susan J. & Steven Crook, All Abutters of the Area

Atty. Morad speaking on behalf of his client, informed the Board that they were applying for a ‘Seasonal License’ for the Tiki Bar that was previously issued to the prior owner, but was not part of the transfer of the main building, and was not being renewed by the previous owner; and that Mr. Hernandez would be the manager of the Tiki Bar, as well as for The Edge Seafood and Bar, for which a change of manager was also submitted, and was also on tonight’s agenda.

When asked by Chairman Beauregard if there would be any changes to the layout of the Tiki Hut that was previously approved by the Board, Atty. Morad stated, not at the present time, but that may change in the future when his client may be required to address a mandate by the DEP to install a public access walkway on the site which the Tiki Hut sits; if so, he would file an application to amend the current description.

When asked by Chairman Beauregard, if he planned on offering entertainment out there, Atty. Morad stated that would be up to the Board; to which Chairman Beauregard responded, it was not allowed in the past.

Chairman Beauregard added, I would be of the opinion that if the Board approved the application, it would be approved with the same terms and stipulations that were previously imposed by the Board, which addressed both the concerns of the Board and that of the neighbors that reside in the area.

Atty. Morad stated that his client was aware of those stipulations, and would abide by any stipulations imposed by the Board.

The area residents who were present were each given an opportunity to voice their concerns and ask any question they had of the applicant.

The major concerns that were raised by the neighbors were those same concerns raised in the past regarding parking, traffic, and late night noise. They also wanted assurances that the restaurant and ‘Tiki Hut’ would both be run as a food service operation and not a nightclub.

Atty. Morad assured the neighbors that it would remain a restaurant, and that his client was aware of their concerns, and that they would do everything they could to address those concerns; and added that his clients had recently purchased Smuggler’s Den, which would allow them to offer additional parking for their staff and patrons.

Commissioners Almeida and Craig both stated that they agreed with the Chairman’s opinion, that if approved, those previously imposed terms and stipulations should be imposed once again, in order to address the concerns of the neighbors.

Voted: Commissioner Almeida, based on the information provided by the applicant and Atty. Morad, and citing the concerns raised previously by the neighbors in the past and who were in attendance at this meeting, made a

motion to approve the petition as presented, with the terms and stipulations that were previously imposed for this location, and to forward the application to the Alcoholic Beverages Control Commission for their approval; along with the additional stipulation that Mr. Hernandez submit a copy of his T.I.P.S. Certification to the Licensing Board office within thirty (30) days of receiving final approval or prior; and that all of his servers be ‘certified’ as well, with copies of their certifications to be kept on file for review, if needed. – **Unanimous**

9. PETITION - 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.

Present: Atty. Emile Morad along with Antonio E. Hernandez, Jr., Proposed Manager

Responding to questions from Chairman Beauregard, Atty. Morad stated that his client is currently the executive chef at his client’s other location (Seafire Grillhouse & Bar) and that he would be transferring over to this location, once all the renovations are complete; and that he’s been the manager of two prestigious restaurants (McCormick & Schmick & Providence Oyster House) in Rhode Island.

When asked by Commissioner Almeida if he was T.I.P.S. Certified, Mr. Hernandez stated that he was but he needed to get re-certified.

Mr. Nanopoulos informed the Board that the bar was being moved from the lounge to the existing main dining room and that the lounge would become an additional dining room for small parties; but the changes that were being made did not require a change of description, since the number of rooms is not changing.

Atty. Morad assured the Board, that the change would not change how the business would operate, that it would still be a restaurant.

Atty. Morad also informed the Board that the entrance in the rear of the building, which is located under the upper deck, would be used as the main entrance, although the existing main entrance would remain but would be used as an emergency or secondary entrance/exit.

Voted: Commissioner Almeida made a motion to approve the petition as presented, and to forward the application to the Alcoholic Beverages Control Commission for their approval; with the stipulation that Mr. Hernandez submit a copy of his T.I.P.S. Certification to the Licensing Board office within thirty (30) days of receiving final approval or prior; and that all of his servers be ‘certified’ as well, with copies of their certifications to be kept on file for review, if needed. – **Unanimous**

Voted: Commissioner Almeida made a motion to take item #'s 10 – 15 at one time since they’re all related but for different dates. – **Unanimous**

10. 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 Wine & Malt Only Beverages License** for a ‘Summer Sound Series - Friday Concert on the Pier’, to be held on the **City Pier – Pier 3**; and to be held on **Friday, July 11, 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)**

11. 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 Wine & Malt Only Beverages License** for a ‘Summer Sound Series - Friday Concert on the Pier’, to be held on the **City Pier – Pier 3**; and to be held on **Friday, July 18, 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)**

12. 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 Wine & Malt Only Beverages License** for a ‘Summer Sound Series -

Friday Concert on the Pier', to be held on the **City Pier – Pier 3**; and to be held on **Friday, July 25, 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*)

13. 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 Wine & Malt Only Beverages License** for a ‘Summer Sound Series - Friday Concert on the Pier’, to be held on the **City Pier – Pier 3**; and to be held on **Friday, August 1, 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*)

14. 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 Wine & Malt Only Beverages License** for a ‘Summer Sound Series - Friday Concert on the Pier’, to be held on the **City Pier – Pier 3**; and to be held on **Friday, August 8, 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*)

15. 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 Wine & Malt Only Beverages License** for a ‘Summer Sound Series - Friday Concert on the Pier’, to be held on the **City Pier – Pier 3**; and to be held on **Friday, August 15, 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*)

Note: Concert series will be Friday on July 11th and end August 15th with rain dates of August 22nd & August 29th.

Present: Dagny A. Ashley, Tourism Director

Responding to questions from Chairman Beauregard, Ms. Ashley stated that the City of New Bedford and the New Bedford Harbor Development Commission were continuing their series of Friday Nights on the Pier Summer Concerts, which would be held this year on City Pier – Pier 3.

Ms. Ashley stated that once again on each of the Friday nights noted on the applications, there would be some sort of musical entertainment, and that they would like to offer beer and wine to those attending, which would be provided by Freitas Package Store, who would be providing and serving the alcohol, and who also has a Transportation license and is providing the Liquor Liability. Ms. Ashley then reviewed the ‘Security Plan’ that was submitted to the Board, which stated that Freitas Package Store employees would be doing the I.D. Checks and issuing the wristbands at the point of sale; and that a Police Detail would also be requested.

Ms. Ashley stated they were also requesting that August 22nd & August 29th be approved as rain dates.

Chairman Beauregard voiced his concern of the area being used this year as it relates to the new restaurant (Black Whale) that is being built on the pier with regard to potential parking issues, as well as safety concerns for those attending the concert series.

Ms. Ashley addressed the Chairman’s concerns by stating that she’s already met with Mr. (Luis) DaSilva who is the General Manager of the Black Whale, and he was informed that on the nights that the concert series will be held, his parking would be reduced to accommodate the event and to ensure the safety of those attending the event; she also stated that parking would be restricted only for restaurant patrons, and parking on the pier for event goers would not be allowed.

The matter was discussed at length with Ms. Ashley who ensured the Board that they would have enough staffing to ensure the safety of those attending the concert series.

Chairman Beauregard stated that he was not completely comfortable with the set-up but he was willing to accept what was presented but wanted his concerns noted.

Mr. Nanopoulos informed the Board that he had spoken to Ms. Ashley prior to the meeting of his concern regarding the flow and control of alcohol as it relates to the Black Whale. Mr. Nanopoulos stated that he informed Ms. Ashley that alcohol cannot be permitted out of the enclosed ‘Summer Concert Series Area’, and

that alcohol is also not permitted to be brought into that area as well; and that the Black Whale must take the appropriate steps to ensure that alcohol is not allowed to be taken off their licensed premises, as well as not allowing alcohol to be brought onto their licensed premises.

Mr. Ashley responded that she also discussed that with Mr. DaSilva as well, and stated they would have staff posted to ensure that no alcohol is permitted in or out of the enclosed 'Summer Concert Series Area'.

Mr. Nanopoulos informed the Board and Ms. Ashley that he would send a reminder letter regarding this issue to the Mr. DaSilva at the Black Whale prior to each event.

Voted: Commissioner Almeida made a motion to accept the 'security plan' and approve the applications as presented along with the requested rain dates. – **Unanimous**

16. Meeting: Dia De Portugal Committee **Carlos Pinhancos, President**

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 'Day of Portugal' weekend, the meeting will include Lt. John Chaves, Detail Officer for Special Events.

Also, as agreed to last year, we respectfully request that you submit a 'Security Plan', along with a 'Vendor Map' to this office **by April 18, 2014**, which would address the following issues:

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

With an eye to this year's event, this Board is looking forward to working with you and your committee, and we would hope you would continue the improvements that have been implemented over the past few years, and that you explore ways to improve on that plan with regard to I. D. checks; and to address the issue of how the I.D. bracelets are issued.

We fully anticipate that this year's committee will work with us to help ensure that the 'Day of Portugal' event, which is very important to the Portuguese Community, the City of New Bedford, and to all that travel from afar to enjoy and partake in the celebration of the Portuguese heritage, remains a safe and enjoyable event for all. Also, please be advised that this year's deadline for each individual to file an application and submit the licensing fee of **\$450.00** for a Special Three - Day Liquor license for this year's event, which is scheduled for Fri. – Sun. – June 6th, 7th, & 8th, is **Monday, May 12th**.

As the committee has done in the past, it would be greatly appreciated if you would supply this office with a list of those that will be participating in this year's event ASAP, which should include the organization/ or business name, contact name, and phone #, so that this office can make sure that everyone applies in a timely manner. The requirements will be the same as last year, which included that everyone will be required to apply for an **All-Alcoholic license for each of the days (3) for a total fee of \$450.00 (payment due w/application)**; also, so that there is uniformity among all participants, each license will be issued with the same hours and restrictions as follows:

- FRIDAY, JUNE 6th – 5:00 P.M. UNTIL 11:45 p.m.
- SATURDAY, JUNE 7th – 12:00 P.M. UNTIL 11:45 p.m.
- SUNDAY, JUNE 8th – 12:00 P.M. UNTIL 10:00 p.m.

NOTE: Only holders of Special One Day Licenses are allowed to serve alcohol in plastic cups from either

booths set up along Acushnet Avenue or from inside licensed premises, *which must be consumed within the confined area of the festival* – Steven A. Beauregard, Chairman – N.B. Licensing Board.

NO BOTTLES OR DRINK GLASSES ARE ALLOWED ONTO THE STREET

ALL DRINKS ON THE STREET MUST BE IN PLASTIC CUPS

Present: Armando Pereira, Edward Correia, Maria Tomasia, and Veronica Medeiros, All Board Members; Capt. Steven Vicente, Police Department Liaison to the Lic. Bd. along with Lt. Joao Chaves, Detail Officer for Special Events;

Chairman Beauregard opened the meeting by reading into the record the following letter of support from Steven Martins, Councillor Ward Two: I am writing in support of number 16 on tonight's agenda, which is the Dia De Portugal Event, this Councillor has not received any complaints from the area, and I am in full support of this year's festival.

Responding to questions from Chairman Beauregard, Mr. Pereira responded, there are no new proposed changes relative to this year's event ... everything is still the same ... same hours ... and area (venue) being used is still the same ... we're not looking to change anything ... and all the security measures and procedures that are in place will remain and be implemented ... and we're still in the process of finalizing who will be participating in this year's event.

When asked by Chairman Beauregard if there would be any consideration or changes in light of what occurred in Boston last year, Mr. Pereira stated that he hasn't sat down with the police department as of yet, but he presumed that they would do sweeps before the event starts each day.

Capt. Vicente stated that the Police Department has developed a plan as a result of the bombings last year for events like this, which would be implemented.

Mr. Nanopoulos reminded Mr. Pereira that the final day to file applications for liquor licenses was May 12th this year, and requested that a list of those that would be applying for a liquor license be submitted as soon as possible, so that he could follow up if needed, to ensure that no one would be missed.

When asked by Mr. Nanopoulos if he knew who would be participating and applying for a liquor license, Mr. Pereira stated that as of this moment, the following entities intended to apply:

1. Cafe Europa
2. Cafe Portugal
3. Freddie's Cafe
4. Inner Bay Café & Grill
5. Coco Bongos
6. Mi Antojito Mexican Restaurant
7. Day of Portugal

When asked by Mr. Nanopoulos, if the feast area would end at Sawyer Street, Mr. Pereira responded, we end at Beetle Street, but all the feast activities start at Sawyer Street and continue northerly; and the area from Sawyer to Beetle Streets is used for emergency vehicles and for use by the feast committee.

Action Taken: The Board accepted the Committee's security plan, and approved this year's event.

17. APPLICATION, Representation Required

Ribeiro Brothers, LLC d/b/a Pour Farm Tavern & Grille, Noah Griffith, Manager who is requesting approval of an application for a **Special One Day All Alcoholic Beverages License** for a '2nd Annual Whaling City Memorial Day Charity Ride' to be held in **Wing's Court**, and to be held on **Sunday, May 25, 2014 from 1:00 p.m. until 6:00 p.m.**

(Final approval will require Liquor Liability with the City of New Bedford named as additionally insured and a copy of their Police Detail Contract---Submitted 04/22/14)

Present: Craig Ribeiro, Owner along with Noah Griffith, Manager

Responding to questions from Chairman Beauregard, Mr. Ribeiro stated, that the event is the same event that they held last year, and that it's a Charity Motorcycle Run that will go from Ft. Taber ... out into Dartmouth ... then back around ... ending in downtown New Bedford in front of the Pour Farm ... which will raise funds for

the Women's Center of New Bedford ... and the Massachusetts Iraqis and Afghanistan Volunteer Fund. Responding further, Mr. Ribeiro stated that the motorcycles would be parked on Purchase Street and Union Street only ... and there would not be any bikes in Wing's Court ... and we'll also have security stationed at both gates to ensure that no alcohol leaves the Wing's Court area ... as well as having a Police Detail present. When asked by Chairman Beauregard if there would be entertainment, Mr. Ribeiro responded, that they had four (4) bands scheduled to play, which would end at 6:00 p.m.; and that last call for outside beverages would be at 5:30 p.m.

Voted: Commissioner Almeida made a motion to approve the application as presented. - **Unanimous**

18. Meeting: Irmandade Do Divino Espirito Santo Do Pico Club, Inc.

Jose Matos, Treasurer
2056 Acushnet Avenue

Your presence is requested at a meeting to discuss any concerns the Board may have regarding security and enforcement of Licensing Board & ABCC Rules & Regulations with regard to your annual event, which is scheduled this year on June 27th, 28th, & 29th.

As is done with other outdoor events, it is required that you appear before the Board and outline your planned activities, and that you must submit a '**Security Plan**', which addresses the following issues, along with a '**Venue Map**':

- 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

Present: Jose Matos, Treasurer

Responding to questions from Chairman Beauregard, Mr. Matos stated that there would be no changes to the procedures that have been in place over the past few years including having the stage face out onto Acushnet Avenue, as the Board has requested; and that I.D. Checks would be done by members of the club, who would also be issuing wristbands.

Action Taken: The Board accepted the Committee's security plan, and approved this year's event.

19. APPLICATION, Representation Required – 'NEW OFFICER'

Irmandade Do Divino Espirito Santo Do Pico, Inc., Jose Matos, Treasurer who is requesting approval of an application for a **Special One-Day All Alcoholic Beverage License** for a 'Fundraiser/Summer Festival' celebration to be held in the **Association Parking Lot**, located at **2056 Acushnet Avenue**; and to be held **Friday, June 27, 2014, from 5:00 p.m. until 11:00 p.m., Saturday, June 28, 2014, from 4:00 p.m. until 11:00 p.m., and Sunday, June 29, 2014, from 12:00 p.m. until 10:00 p.m. (Final approval will require a copy of the Police Detail Contract)**

Note: There have been 13 Applications for 2014 as of this date. / 45 Day Notice Required for All Future Events.

Voted: Commissioner Almeida made a motion to approve the applications as presented. – **Unanimous**

Note: Mr. Nanopoulos informed the Board that he had previously reviewed and had given Mr. Matos copies of the procedure manuals for 'Special One Day Licenses' and Charity Wine Tastings, but wanted to once again issue that information to him for the official record; and added, as stated in the manuals, all applications for special one day licenses should be applied for at least 45 days prior to each event to ensure proper approval, and that applications for charity wine tastings require 60 day notice for approval (Per the ABCC). Accommodations within those time frames can and will be made but it shouldn't become the norm.

Mr. Nanopoulos concluded his remarks by stating, the required lead time is required due to the fact that certain

events require additional information or verification, or require the applicant to appear before the Board; therefore, if the application is not submitted within the parameters noted and with the information required, it may not give the Board ample time to review and approve the request. When asked by Chairman Beauregard if he understood, Mr. Matos acknowledged that he did.

VOTED: Commissioner Almeida made a motion to take up **Item #'s 20- 40** at one time; waive reading; and approve the applications as presented – **Unanimous**

20. APPLICATION, (No Representation Required)

Southcoast Media Group, Amy Tolivaisa, Representative, requesting approval of an application for a **Special One-Day All Alcoholic Beverage License** for a 'Awards Banquet', to be held at the **New Bedford Whaling Museum**, located at **18 Johnny Cake Hill**; and to be held on **Wednesday, April 23, 2014, from 5:30 p.m. until 7:30 p.m.**

21. APPLICATION, (No Representation Required)

Gallery X, Brett Sylvia, Representative, who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for a 'Performance Fundraiser' to be held at **Gallery X**, located at **169 William Street**; and to be held on **Saturday, May 3, 2014, from 6:00 p.m. until 10:00 p.m.**

22. APPLICATION, (No Representation Required)

Chartwell's/UMass Dartmouth, JoAnn Woodis, Representative, who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for a 'UMass Dartmouth Alumni Event' to be held at the **Star Store –Dartmouth Campus**, located at **715 Purchase Street**; and to be held on **Saturday, May 3, 2014, from 4:30 p.m. until 6:30 p.m.**

23. APPLICATION, (No Representation Required)

Centro – Luzo American Club, Inc., John Tomasia, Manager, who is requesting approval of an application for a **Special One Day All Alcoholic Beverages License** for a 'Papa John Bike Run/Kennedy Donovan Center Fundraiser', to be held in the 'Club Parking Lot,' located at **34 Beetle Street**; and to be held on **Saturday, May 3, 2014, from 11:00 p.m. until 7:00 p.m.**

24. APPLICATION, (No Representation Required)

New Bedford ICES 2014 Organizing Committee, Michael Pol, Representative, who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for a 'Clambake Banquet for a Scientific Meeting' to be held at the **Fort Taber Community Center**, located **within Fort Taber Park**; and to be held on **Thursday, May 8, 2014, from 5:45 p.m. until 10:30 p.m.**

25. APPLICATION, (No Representation Required)

New Bedford Whaling Museum, Sarah Budlong, Representative, who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for a 'Lecture & Reception ' to be held at the **New Bedford Whaling Museum** , located at **18 Johnny Cake Hill**; and to be held on **Wednesday, May 14, 2014, from 6:00 p.m. until 7:00 p.m.**

26. APPLICATION, (No Representation Required)

Bristol Community College Foundation, Wayne Wood, Representative, who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for a 'Business After Hours' to be held at **Bristol Community College**, located at **800 Purchase Street**; and to be held on **Thursday, May 15, 2014, from 5:00 p.m. until 7:00 p.m.**

27. 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 'Fado Dinner 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, May 17, 2014, from 6:00 p.m. until 11:00 p.m.**

28. APPLICATION, (No Representation Required)

New Bedford Whaling Museum, Sarah Budlong, Representative, who is requesting approval of an application for a **Special One Day All Alcoholic Beverages License** for a 'Lecture & Dinner' to be held at the **First Unitarian Church**, located at **71 Eighth Street**; and to be held on **Saturday, May 17, 2014, from 6:30 p.m. until 10:00 p.m.**

29. APPLICATION, (No Representation Required)

New Bedford Whaling Museum, Sarah Budlong, Representative, who is requesting approval of an application for a **Special One Day All Alcoholic Beverages License** for a 'Ground Breaking Ceremony' to be held at the **N.B. Whaling Museum**, located at **18 Johnny Cake Hill**; and to be held on **Monday, May 19, 2014, from 5:00 p.m. until 9:00 p.m.**

30. APPLICATION, (No Representation Required)

New Bedford Whaling Museum, Sarah Budlong, Representative, who is requesting approval of an application for a **Special One Day All Alcoholic Beverages License** for an 'Annual Meeting' to be held at the **New Bedford Whaling Museum**, located at **18 Johnny Cake Hill**; and to be held on **Friday, May 30, 2014, from 5:30 p.m. until 7:30 p.m.**

31. APPLICATION, (No Representation Required)

New Bedford Whaling Museum, Sarah Budlong, Representative, who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for a 'Lecture & Reception' to be held at the **New Bedford Whaling Museum**, located at **18 Johnny Cake Hill**; and to be held on **Friday, June 6, 2014, from 6:00 p.m. until 7:00 p.m.**

32. 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 'Soccer Banquet', 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 14, 2014, from 6:00 p.m. until 11:00 p.m.**

33. APPLICATION, (No Representation Needed)

Your Theatre, Inc., Eric Paradis, Representative who is requesting approval of an application for a **Special One Day All Alcoholic Beverages License** for a 'New Bedford Jazz Fest 2014' to be held on **Pier 3**, and to be held on **Saturday, June 14, 2014 from 2:00 p.m. until 7:00 p.m.**

Note: The 'Special Event Permit Application' lists the anticipated number of attendees to be **250 - 500**. *(Final approval will require Liquor Liability along with endorsement page naming the City of New Bedford as additionally insured as well as a copy of the Police Detail Contract) - "No Changes As Previously Approved"*

34. APPLICATION, (No Representation Required)

Society of Senhor da Pedra/Holy Ghost Society, Helder Camara, Representative who is requesting approval of an application for a **Special One-Day All Alcoholic Beverages License** for a 'Fundraiser/Holy Ghost Society Feast', to be held in **Webster Court (Senhor da Pedra Parking Lot)**, located at **81 Tinkham Street**; and to be held on **Saturday, June 14, 2014, from 6:00 p.m. until 11:45 p.m. and Sunday, June 15, 2014 from 6:00 p.m. until 11:00 p.m.** *(Final approval will require Liquor Liability naming the City of New Bedford as additionally insured as well as a copy of the Police Detail Contract) - "No Changes As Previously Approved"*

35. APPLICATION, (No Representation Required)

New Bedford Whaling Museum, Sarah Budlong, Representative, who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for an ‘Exhibit Opening’ to be held at the **N.B. Whaling Museum**, located at **18 Johnny Cake Hill**; and to be held on **Thursday, June 19, 2014**, from **6:00 p.m. until 8:00 p.m.**

36. APPLICATION, (No Representation Needed)

The Schwartz Center for Children, Beatrice Oliveira, Representative, who is requesting approval of an application for a **Special One Day All Alcoholic Beverages License** for a ‘Fishing for a Cause Tournament Fundraiser’ to be held at **Marine Park on Pope’s Island (under a tent)**; and to be held on **Friday, June 20, 2014**, from **4:00 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*) - **“No Changes As Previously Approved”**

37. APPLICATION, (No Representation Needed)

The Schwartz Center for Children, Beatrice Oliveira, Representative, who is requesting approval of an application for a **Special One Day All Alcoholic Beverages License** for a ‘Fishing for a Cause Tournament Fundraiser’ to be held at **Marine Park on Pope’s Island (under a tent)**; and to be held on **Saturday, June 21, 2014**, from **5:00 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*) - **“No Changes As Previously Approved”**

38. 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 ‘Club Appreciation Dinner’, to be held at the **Irmandade Do Divino Espirito Santo Do Pico Club**, located at **2056 Acushnet Avenue**; and to be held on **Sunday, June 22, 2014**, from **1:00 p.m. until 6:00 p.m.**

39. APPLICATION, (No Representation Required)

New Bedford Whaling Museum, Sarah Budlong, Representative, who is requesting approval of an application for a **Special One Day All Alcoholic Beverages License** for an ‘Exhibit Opening’ to be held at the **New Bedford Whaling Museum**, located at **18 Johnny Cake Hill**; and to be held on **Tuesday, July 1, 2014**, from **6:00 p.m. until 8:00 p.m.**

40. APPLICATION, (No Representation Required)

New Bedford Whaling Museum, Sarah Budlong, Representative, who is requesting approval of an application for a **Special One Day All Alcoholic Beverages License** for a ‘Fundraising Gala’ to be held at the **New Bedford Whaling Museum**, located at **18 Johnny Cake Hill**; and to be held on **Saturday, August 2, 2014**, from **5:30 p.m. until 10:00 p.m.**

Voted: Commissioner Almeida made a motion to remove Items 41 & 42 from the table. – **Unanimous**

Tabled at 03/24/14 Meeting

41. Hearing: Tropicana Bar & Grille, Inc.

Maria Barbosa, Manager/Co-Owner
1700 Purchase Street

Your presence and that of **Miguel Barbosa, Co-Owner**, is requested at a hearing to determine whether you have violated certain provisions of Alcoholic Beverages Control Commission Regulations, and Licensing Board Rules and Regulations, as reported to the N. B. Police Department. Based on their findings, the Licensing Board may take action to modify, suspend, revoke, or cancel your license; and if warranted, a roll back of hours may be considered. They are as follows:

ABCC 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 Nos. 11 & 12-

Excessive Noise, Crowds and Objectionable persons shall not be permitted on or about the premises, and it is the responsibility of the Licensee to enforce this rule; Premises must at all times be kept safe.

Summary of Incident Reports

Police Department Incident Report states that officers responded to two separate incidents on the same night at the Tropicana Bar and Grill, located at 1700 Purchase Street.

The first incident, which occurred at approximately 12:21 a.m., resulted in two patrons being placed in protective custody, as a result of an incident involving a fight in progress from inside the bar itself.

The second incident, which occurred at approximately 2:10 a.m., at which officers were dispatched once again to this location on a call of a disturbance involving a large crowd.

The Reporting Officer who had responded to the earlier call and who had just finished booking the two males arrested earlier into protective custody, once again responded to the call to show a presence at the bar's location and try to prevent any further issues; and as a result of noting earlier that the amount of vehicles parked outside of this bar on a Sunday night was more than the usual crowd he would see on these nights.

Upon arriving back into the area, he was immediately flagged down by a female who was yelling and screaming in the middle of the road stating, "The owner hit me and pushed me!" As he spoke to the female who continued to rant and scream about her alleged incident with the club owner, he noticed a significant crowd of 40-50 plus patrons who were making their way out of the bar, and were now dressing the street and the sidewalks.

The officer stated that he was then approached by another female and her mother, who stated that she had been pushed to the ground by a club worker inside the bar and had injured her knee, at which point she pointed to small spots of blood noticeable through her pants and left knee area.

As the officer attempted to secure the area, all three women became more irate and started yelling and screaming more excessively; the situation required the officer to call for assistance to assist with the control and dispersion of the crowd.

Upon entering the bar, the officers spoke to Mr. (Miguel) Barbosa who stated that he was clearing out the crowd for the night when these incidents took place. The bartender (name unknown) stated that she did see a male, (who did not work there) "hit a female" but that she didn't know who he was, and that it was her first night working as a bartender there.

The officers then brought in both females to see if they could identify the person who hit them, one of the females could not identify anyone as a suspect inside the bar; but the other women, after more than five minutes with the officers in the bar, identified the owner of the bar as the person who assaulted her. When asked if this occurred while attempting to clear the bar, she did not respond.

A male patron was also placed into protective custody, after being hit with a taser by one of the officers, as a result of becoming objectionable and refusing to obey police, as they attempted to clear the area.

Date and time of alleged violations: Monday, February 17, 2014 @ approx. 2:10 a.m. - Police Report #'s 14-1911-OF

Present: Miguel Barbosa, Co-Owner; Capt. Steven Vicente, Police Department Liaison to the Lic. Bd. along with Officer Abraham Nazario, the Reporting Officer

Upon being asked by Mr. Nanopoulos if he had received a copy of the 'Hearing Notice', and if he had read the summary contained in the notice, and if he understood why he was requested to appear before the Board based on the summary, and the list of alleged violations contained in the 'Notice', Mr. Barbosa stated that he did.

When asked by Mr. Nanopoulos if he wanted him to read the written incident summary contained in the 'Hearing Notice', Mr. Barbosa stated that would not be necessary, and waived the reading of the summary.

Chairman Beauregard informed the licensee that the reporting officer was present to read, summarize, or give testimony to what was contained in his report; and at the conclusion of his testimony, the Board would then ask any questions they may have, and then he would be given an opportunity to respond to the testimony presented,

and address the Board before they make their decision.

Chairman Beaugard opened the hearing by asking Officer Nazario to either summarize or read his report regarding the incident that occurred on 02/17/14.

Officer Branagan proceeded to give his testimony to what was documented in his Police Report regarding this incident, as noted and summarized in the 'Incident Summary', and added that his main concern was that Mr. Barbosa did not call the police when the incident occurred.

Upon questioning and discussing the matter with Mr. Barbosa, and listening to additional testimony from Officer Nazario, the Board was in agreement with Officer Nazario, that although an incident did occur, the issue that concerned them was that Mr. Barbosa did not call the police to assist him.

Prior to making his motion, Commissioner Almeida reminded the licensee once again that it's a violation to permit any illegality on or about his premises, and that if his staff feels that they or any of their patrons may be in any danger, they should contact the police immediately.

The Board also reminded the licensee of the following regulations:

- Alcoholic Beverages shall not be served to a person who is or appears to be intoxicated;
- Excessive Crowds and Objectionable persons shall not be permitted on or about the premises, and that it's his responsibility to enforce this rule;
- Premises must at all times be kept safe.

VOTED: Upon hearing the testimony presented, Commissioner Almeida made a motion to receive the reports and place them on file with no further action at this time; along with a written warning. - **Unanimous**

42. Hearing: Tropicana Bar & Grille, Inc.

Maria Barbosa, Manager/Co-Owner
1700 Purchase Street

Your presence and that of **Miguel Barbosa, Co-Owner**, is requested at a 'Public Hearing' to determine whether a roll back (decrease) of hours is warranted as a result of violations of certain provisions of M.G.L., ABCC Regulations, and Licensing Board Rules and Regulations, as a result of incidents reported by the New Bedford Police Department. This roll back (decrease) of hours could affect the hours in which you will be allowed to be open.

The local licensing authority, may after proper notice, hold a hearing to determine whether a roll back of hours is warranted, on the basis of frequency of arrests, disturbances, and incidents requiring police involvement inside or outside the licensed premises; this decision is one that is not appealable to the Alcoholic Beverages Control Commission or to the superior court. (As noted in Chapter 138, sec. 12 -)

ACTION TAKEN: --NONE--

43. PETITION - Trans. #124 – Plot # 78—98) (No Representation Required)---“LATE FILE”

1846 Bar & Grille, Inc., Manuel D. McLean, President, license formerly exercised on premises located at **1846 Purchase Street**, who is petitioning to transfer a **Common Victualler (Restaurant) All Alcoholic Beverages License** to **Black Whale, LLC d/b/a Black Whale, which was acquired through a Public Auction Sale on 10/30/12**. Upon approval, Alberto J. Santos will be the Sole Member, Sole Manager, and Sole Interest Holder of the LLC; **Albert J. Santos** is also the **Proposed Manager of the Liquor License**. The new proposed licensed premises consist of an area approximately 4,266 sq. ft. on the first floor of a one-story building, which will include a dining area and bar area, which will have an occupancy of 150, and a kitchen, and two handicapped restrooms; which will have one main entrance/exit on the north side of the building onto Co-Op Wharf, and an emergency exit located on the northwest corner of the building. The licensed premises will also include a raised outdoor patio area approximately 3,280 sq. ft., which will be contiguous to the main dining area on the east side of the building; which will include a dining area and bar area with an occupancy of 180, and will be located on the east side of the building with two entrances/exits into the main restaurant area, along with a handicap ramp adjacent to the main entrance. There will also be an area for the storage of alcohol

in the basement. The premises is situated on Co-Op Wharf, and **numbered 104-106 Co-Op Wharf.**
Application has been advertised; Abutters have been notified.

Minutes of 03/24/14 Meeting

Present: *Atty. Walter Faria along with Albert J. Santos, Applicant and Proposed New Manager*

Voted: Commissioner Almeida made a motion to approve the petition as presented, and to forward the application to the Alcoholic Beverages Control Commission for their approval pending receipt of the required DOR Certificate from the seller to complete the application, with the following stipulation that the licensee completes an Alcohol ‘Server Certification’ course within thirty days after final approval is received or prior; and proof of that certification be provided to this office; and that all employees are ‘certified’ as well, with copies of their certifications kept on file for review, if needed.

Minutes of 04/22/14 Meeting

Mr. Nanopoulos informed the Board that he had contacted Atty. Faria on several occasions in attempt to check on the status of the DOR Certificate, and each time Atty. Faria informed him that he was attempting to contact the seller in order to get the document that was required but he was having a difficult time getting in contact with him; Mr. Nanopoulos added that he provided Atty. Faria with all the contact phone numbers and addresses he had on file to help assist him; but he was of the opinion that this issue would not be resolved in the near future, after speaking with Ed Smith, who was auctioneer for the sale of the license. Chairman Beauregard also spoke to Mr. Smith and he came away with the same impression that it would probably take some time for this issue to be resolved, if at all.

Mr. Nanopoulos informed the Board that the ABCC regulations state, if approved by the local licensing authority, applications shall be forwarded to the ABCC no later than three (3) days following such approval; and that this application was approved on March 24th, and that a DOR Certificate hadn’t been submitted as of yet., and that he didn’t feel comfortable holding the application any longer; Mr. Nanopoulos added that he had spoken with an investigator at the ABCC, and that he informed him that he was holding an application that was approved on March 24th, and the investigator suggested that the Board may take action on the application in one of the following two ways:

1. Either to vote to withdraw their approval of the application based on the applicant’s failure to submit a DOR Certificate of Good Standing from the seller to complete the application, which would require the application to be re-submitted and re-advertised once the DOR Certificate was submitted to complete the application; or
2. To vote to send up the application to the ABCC without the DOR Certificate, at which point, whoever the investigator is that gets the application will contact the applicant requesting the DOR Certificate; the applicant will be given a reasonable amount of time (ABCC’s Discretion) to submit the DOR Certificate, if the certificate is not submitted as requested to the ABCC, the application will be sent back to the local authority, and may not be submitted back for reconsideration, until such a time as a DOR Certificate is submitted to the local licensing authority.

VOTED: Upon discussing the matter with its legal counsel; **a motion to send up the application that was previously approved to the ABCC without the required DOR Certificate** was made by Commissioner Almeida and seconded by Commissioner Craig. **It was unanimously approved.**

• **CORRESPONDENCE,**

WRITTEN MOTION

--LATE FILE

Received 04/17/14

Requesting, that the City Council approve Adoption of a Home Rule Petition – AN Act authorizing the City of New Bedford to issue an additional license for the sale of all alcoholic beverages to be drunk on the

premises pursuant to Section 12, Chapter 138 of Massachusetts General Laws, to the establishment located at **2056 Acushnet Avenue** in the City of New Bedford, known as **the Irmandade do Divino Espirito Santo Do Pico, Inc.** the licensing authority shall not approve the transfer of the liquor license to any other locations: and further, that this matter also be referred to Representative Antonio Cabral for processing.

IN CITY COUNCIL, February 13, 2014

Rule 42 Waived – Yeas11, Nays 0

ADOPTED

Presented to the Mayor for Approval February 18, 2014

Approved, February 26, 2014

Rita D. Arruda, City Clerk

Rita D. Arruda, City Clerk

Jonathan F. Mitchell, Mayor

Note: The approved petition was sent State Representative Cabral on 02/26/14.

ACTION TAKEN: Received & Placed on File.

• COMPLAINTS RECEIVED:

--NONE--

• REVIEW POLICE DEPARTMENT INCIDENT REPORTS/ COMPLAINTS

<u>NAME</u>	<u>POLICE REPORT#</u>	<u>DATE</u>	<u>VIOLATION</u>
1. Pub 6 at the Sixth Bristol	#14-3428-OF	03/28/14	Disturbance/Serving a Minor (Approximate Time of Violation 1:48 a.m.)

Decision: Bring In For a Hearing – 05/19/14

2. REVIEW OF LIQUOR FEES FOR 2015

ACTION TAKEN: None, It was the consensus of the Board that a fee increase was not warranted this year.

• Upcoming Summer Events & Festivals

- Charles W. Morgan New Bedford Homecoming – 06/28/14 – 07/06/14
(May Meeting)
- Cape Verdean Day Parade – July 5th
(May Meeting)
- New Bedford Summerfest – July 4th, 5th, & 6th
(May Meeting)
- Sun of a Beach Festival – Fort Taber Park – July 26th
(May Meeting)
- Feast of the Blessed Sacrament (Madeira Feast) – July 31st, Aug. 1st,
2nd & 3rd
(June Meeting)

- NEXT TWO MEETING DATES: May 19th & June 23rd both in the Ashley Room – 120 @7:00 p.m.)
- Approved

- **MEETING ADJOURNED: 8:45 p.m.**