



Licensing Board

July 28, 2014 – 7:00 PM – **Minutes**
City Hall, 133 William Street, Room 120

LICENSING BOARD MEETING

-MINUTES

Monday, July 28, 2014

Ashley Room (Room 120) – 7:00 p.m.

PRESENT: Steven A. Beauregard, 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

APPROVALS RECEIVED FROM THE ALCOHOLIC BEVERAGES CONTROL COMMISSION

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 **Kara Marie Bergeron** who resides at 18 Kearsarge Street, New Bedford, MA. as their new manager.

Approved By ABCC –07/18/14

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

Change of Manager - Trans. #226 – Plot # 12--287

The Edge Hospitality, LLC d/b/a The Edge – Tiki Bar, 1480-S E. Rodney French Boulevard, is requesting the approval of **Kara Marie Bergeron** who resides at 18 Kearsarge Street, New Bedford, MA. as their new manager.

Approved By ABCC – 07/18/14

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

DISAPPROVALS RECEIVED FROM THE ALCOHOLIC BEVERAGES CONTROL COMMISSION

Change of Officers, Directors, & Manager - 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, 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**.

Disapproved By ABCC – 07/08/14 - Failure to Comply With Mass Tax Laws (DUA) – 1st Attempt

VOTED: To accept the disapproval from the ABCC, and to re-submit application to the ABCC “for reconsideration”, only upon notification from the Applicant or the DUA, that all outstanding issues have been resolved. – **Unanimous**

Change of Officers, Directors, Stockholders, & Transfer of 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.

Application has been advertised.

“Return No Action” By ABCC – 07/18/14 – Applicant’s failure to provide documents on personal information form. - 1st Attempt

Application to be sent back to the ABCC “For Reconsideration”, only upon notification from ABCC or the Applicant, that all outstanding documents have been submitted.

VOTED: To accept the disapproval from the ABCC, and to re-submit application to the ABCC “for reconsideration”, only upon notification from ABCC or the Applicant, that all outstanding documents have been submitted. – **Unanimous**

1. PETITION - Trans. #040 – Plot # 104-164

Whaling City Club, Inc., 447 Belleville Avenue, is requesting the approval of **Carlos Barreira** who resides at 373 Belleville Avenue, New Bedford, MA. as their new manager.

Present: Carlos Barreira, President and Proposed New Manager along with Dennis Paim, Vice-President

Responding to questions from Chairman Beaugard, Mr. Barreira stated that he’s never managed a ‘club’ before but he’s been a member of the club for 37 years, and that he’s currently the President of the club.

When asked by Chairman Beaugard if he had the ability to manage the club, Mr. Paim responded on Mr. Barreira’s behalf by stating that Mr. Barreira’s been involved with the business for a long time and that he knows exactly what’s going on with the club although his English is not too good; he understands what to do to manage the club.

Chairman Beaugard informed Mr. Barreira that there have been some complaints in the past of the ‘club’ opening early on Sundays ... serving to intoxication ... people hanging around outside ... and there have been some other disturbances reported, of which neighbors in the area have called with complaints about.

When asked by Capt. Vicente as to what time they are allowed to open on Sunday morning, Mr. Barreira responded correctly, “11 o’clock”.

Chairman Beaugard instructed Mr. Barreira, if we’re going to make you the manager, you have to make sure that you pay attention to those types of things.

When asked by Commissioner Almeida if he was T.I.P.S. Certified, Mr. Barreira stated that he was not but he would become 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. Barreira, 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. #228 – Plot # 107-179

R. & V. Gas, Inc. d/b/a Joe’s Gas, Rafic Matta, President, who is petitioning for a **New Retail Package Store Wine and Malt Only Beverages License**. Rafic Matta is the President, Secretary, Sole Director, Sole Shareholder (100%), and the **Proposed Manager**.

The proposed licensed premises is a convenience store and gas station located in a street level building in an area approximately 1,332 sq. ft., which includes a walk-in cooler for the storage of alcohol, as well as coolers and shelving for the sale and display of alcohol; the area also includes an office, a storage room, and one (1) restroom. There is one (1) entrance/exit in the front of the building, as well as one (1) additional exit located in the rear of the building. The premise is situated on the north side of Nash Road between Brook Street and Ashley Boulevard, **and numbered 277 Nash Road**.

Application has been advertised; Abutters have been notified.

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

Present: Atty. Joseph P. Fingliss, Jr. along with Rafic Matta, Applicant & Proposed Manager

Responding to questions from Chairman Beaugard, Atty. Fingliss stated that his client, Mr. Rafic Matta, owns the property located at 277 Nash Road, and that it’s a convenience store and gas station, and that he’s submitted a petition for a beer and wine license only.

Atty. Fingliss, continued his comments by stating, I believe when I was before the Board representing another individual before ... they (the Board) were interested in noting what other businesses were within a one mile radius of the subject applicant operate under such a license ... in this case ... there are six other operations within one mile of this location ... of which, five of them are full liquor licenses ... and one is a wine and malt only liquor license ... but what is interesting to point out ... and I have copies map ... which shows that the 496 Ashley Boulevard location is actually nine blocks away ... 1847 Acushnet Avenue is eight blocks away ... 1567 Acushnet Avenue is six blocks away ... and if you go farther out ... 290 North Front Street is fourteen blocks away ... and 500 Kings Highway is over twenty blocks away ... so even though he’s .88 miles away ... he’s actually about twenty blocks away ... in a pretty remote location from him.

Atty. Fingliss continued his comments by referring to a map he prepared and stating, we also put an area map together because we wanted to see them ... relative to my clients property ... this is actually the subjects property ... and you have one that is .88 ... which is way over there on King's Highway ... there are three others that are within a half mile or a little over a half mile ... but only three of them are in that close proximity ... in this area right here ... which is the one mile radius ... in which the Board ... during my previous appearance before the Board ... Mr. Beauregard and the other Board Members mentioned that one mile radius ... these are properties within that one mile radius ... and according to the latest census map ... there are almost five thousand people in this area being serviced by those five or six establishments (package stores) who hold valid liquor licenses in the City of New Bedford.

Atty. Fingliss continued his comments by stating, when I was looking at ... when Mr. Beauregard had asked me the last time I was before the Board about that one mile radius ... it kind of peaked my interest ... I started to at some case law ... and some of the case law states that ... what they're interested in is ... what is actually the wants and needs of the people in the neighborhood ... that's what the case law states in this case here ... which is the most recent case from the ABCC ... this is a case entitled ... Ballarin Incorporated vs. the Licensing Board of Boston.

Chairman Beauregard stated that the Board was very familiar with the Ballarin Decision.

Atty. Fingliss continued, what we did is ... in a one week period ... we got 525 signatures of people that want or support a beer and wine only license for this location ... we have over 12% of the population in this one mile area who actually live in that area or actually come by ... who totally support that ... and as you can see ... there's no one here objecting to the issuance of wine and malt license ... he has plenty of space ... he has a clean CORI ... he's never been charged with any type of crime ... he's never had any problem at his place of business any of the licensing boards ... building ... health ... electrical ... plumbing ... any of the city's inspectors ... tobacco control ... he's never had any problem with the City of New Bedford.

Atty. Fingliss continued, and he brings this motion forward based on the fact that ... based on the economics in the industry in itself ... it's very tough to make a living out there now, without increasing the services that you provide to the public at large ... he literally, in speaking to Mr. Matta and others similarly situated ... they're making two cents on a gallon of gas ... I'm mean ... you can sell gas all day long ... but it's really not going to pay the bills ... and I'm not saying that alcohol ... beer and wine ... are going to pay the bills either ... but it's just an added service that public clearly wants in that area ... and that's what he's requesting before the Board here today ... like I said earlier ... you have the 496 Ashley Boulevard ... the other establishment on (1847) Acushnet Avenue ... and the 1567 Acushnet Avenue ... which are in close proximity to him but they're eight ... nine ... and six blocks away ... which are close within the one mile radius ... but they're actually pretty far away from him ... and like I said ... he's never had an issue with any of the Boards ... he runs a top of the line business ... it's immaculate inside and out ... so we're respectfully requesting that based on the wants and the needs of the actual public ... cited in that case decision ... that he be allowed to have this license ... subject to being T.I.P.S Certified.

Chairman Beauregard responded to Atty. Fingliss' presentation by stating, it's no secret as to what my concerns are when I look at map like this when I see six other establishments within what I would consider ... a close proximity to his establishment ... and in the Ballarin Case ... it simply states ... based on public need ... which would be one decision out of the five that we would make ... and I personally, don't see a need for another licensed establishment in that neighborhood ... and if you look further out ... like a mile or a mile and a quarter on the peripheral of that ... you're probably talking about having about eight places that are within a mile and a half ... a mile and a quarter.

Atty. Fingliss responded, but what we did is ... being fully cognizant from being in front of the Board before ... we looked at other areas of New Bedford ... there are far more than six ... seven ... and eight licenses in any one mile geographical area ... if you look at the area towards the waterfront ... Union Street ... right near Route 18 ... along Acushnet Avenue ... there are far more congested liquor licenses ... full liquor licenses ... in those areas ... we are in the lower end, actually ... on any requests for a liquor license ... as regards to ... the amount of liquor licenses within a one mile area ... we are in the lower end of the spectrum, compared to many of the areas in New Bedford.

Commissioner Craig responded, I think the concern is with off premise liquor licenses ... be it all alcohol or just beer and wine ... whatever the case may be ... in this case here ... you have at least seven that are quite close ... and you have another two that are just outside of the area ... that area is pretty well saturated ... I can appreciate this petition that's been signed ... there were a lot of people that signed it ... and it does hold weight.

Atty. Fingliss responded, those are his clients ... they are customers that come into the building ... these are people ... customers ... that would not go to a full service ... hard liquor establishment.

Commissioner Craig responded, as you were giving your clarification ... I had an occasion to look over a lot of these ... over half ... maybe even more than half ... come from areas that are nowhere close to this ... so they have to travel through a lot of different streets ... Purchase Street ... Smith Street ... Davis Street ... there's many ... many ... streets there (on the signed petition) ... that are nowhere near this particular area ... so they're passing by all these other stores ... so ... I don't consider that a (public) need ... for them to go to that store ... when they have other stores along the way.

Atty. Fingliss responded, Mr. Craig, I think the reason why they go to the store for that is for the prices he offers on other products ... specifically, gasoline ... cigarettes ... I think that's why ... believe it or not ... I represent about 100 and something stores in the City of New Bedford ... people will spend fifty cents in gas to save a dime on a pack of cigarettes ... that's what they will do ... I don't think that they understand that it cost them fifty cents in gas to save a dime on a pack of cigarettes ... but these are his customers ... and this is his customer base ... this is what they're looking for as a service that he provides ... and to provide ... and what he was hoping to provide to them in the near future ... and when I read the case ... that I'm sure the Board is familiar with ... "need" ... in the literal sense of applying it ... is not what the statute is about ... rather the test includes an assessment of "public want" ... and that's why we had.

Atty. Fingliss continued, the ABCC and Superior Court said ... it's really not about "need" ... what's needed in the area ... and I found that strange ... because, if I wasn't sitting on this side of the table ... I might be inclined to have the same reasoning as you two are, gentlemen ... especially, when Mr. Beauregard brought that up to me the last time ... I said to myself, that's a pretty darn good question ... I said to myself, I need to be prepared the next time I come to that ... so when I read the Superior Court Case ... It's not about the need of the area ... and surprising to me too ... It's about what the "public wants" in that particular location ... so I think ... based on the research we have done ... he's at the lower spectrum ... when comes down to the available liquor licenses.

When asked by Chairman Beauregard as to what he meant when he said that his client is at the lower spectrum when comes it down to the available liquor licenses, Atty. Fingliss responded, if you look at other areas ... if you go down to the waterfront ... the concentration of liquor licenses is much more substantial per one mile radius.

Chairman Beauregard responded, but those are all "on premise" alcohol licenses ... I think you're arguing apples and oranges ... I think the point Commissioner Craig was trying to get across was with regard to off premise licenses.

Atty. Fingliss responded, I understand what he was trying to say ... we're only looking for take-out only ... but there are other areas where there are a higher concentration of "off" premise liquor licenses ... and I know Mayor Mitchell is trying to work with small businesses in New Bedford ... and he's opened up the amount of liquor licenses that the city is willing to give to people ... and also the same thing with the Governor ... the Governor in a recent article ... they're looking to give out these liquor licenses ... I wouldn't be here unless I knew he ran an outstanding business or company ... I'm not going to come here if he had problems with the police department ... or if he had problems with any of the Boards in New Bedford ... he runs a very good business ... a very strict business ... he willing to get T.I.P.S. Certified ... I wouldn't be here unless I was totally confident that it would be a top of the line operation with regard to safety ... caution ... and following all the state, local, and federal laws as it pertains to a liquor license and the City of New Bedford ... I just wouldn't myself in that position ... I've actually had people come to me ... and I've actually said, no ... because I can do that ... because you know what ... you're not going to get the license and you're going to ask me what happened ... I'm going to tell you that I told you when you came to see me ... I wouldn't of approved it ... and wouldn't expect the gentlemen on the Board to approve it ... this is only the second person out of about fifty people that have come to me that have asked ... that I actually said that I would do it.

Chairman Beauregard responded, I just still think that six, with two on the peripheral, that's more than sufficient for that neighborhood.

Atty. Fingliss responded, when you use 'neighborhood', that term actually encompasses several neighborhoods.

Chairman Beauregard responded, a mile is just a number I took off the top of my head when you were before the Board the last time ... it could have been two miles ... a mile is a generous radius to see how many establishments are in that parameter.

Atty. Fingliss responded, I would agree ... I thought a mile was sufficient ... I wouldn't argue with that point one bit ... when you said it ... I said, that seems fair.

Chairman Beauregard responded, and probably ... I don't know if you have them here ... there are some that are within a half of a mile ... except for the King's Highway one, to which Atty. Fingliss agreed that there were some within a half mile.

When Atty. Fingliss looked at the other establishments and the distances that he had mapped out, he confirmed what Chairman Beauregard had stated, that there were six existing licenses that were roughly within the half mile radius of the proposed new location.

Atty. Fingliss concluded his remarks by stating, I understand your point ... a mile is a mile ... and you're using it as a neighborhood thing ... it actually encompasses many different neighborhoods in this area.

Seeing no further questions from the Board, Chairman Beauregard then asked if there was anyone present who wished to speak or be recorded in favor of the petition, upon hearing and seeing none; Chairman Beauregard then asked if there was anyone present who wished to speak in opposition or be recorded in opposition; upon hearing and seeing none, Chairman Beauregard called for a motion on the petition.

Prior to making his motion, Commissioner Almeida stated that he was in agreement that there were enough licenses to service that area, as evidenced by the already existing six (6) licenses within that area, all of which are located within a ¼

of mile to a ½ mile of the location being proposed for a new wine & malt license; therefore, there wasn't a public need for a new license in that area.

Voted: On a motion by Commissioner Almeida, the Board **voted unanimously not to approve the application**, based on the lack of public need for a new package store license in that area. – **Unanimous**

The Board's written decision, dated 08/05/14, read as follows:

Per your public hearing of July 28, 2014 for a Wine & Malt Only Retail Package Store to be located at 277 Nash Road, this Board voted unanimously not to approve your application based on the lack of public need of a new package store license in the area.

The Board applied the 7 Ballarin factors that are referenced in Ballarin Inc. v. Licensing Board of Boston in making this decision. It was the opinion of the majority that a number of off premise liquor licenses (6) exist within close proximity of your premises and therefore satisfies the public need for that area.

The Board also considered the signed petition that you submitted in support of the petition. It was the Board's opinion that a vast majority of those petitioners reside in areas that are in closer proximity to the already existing off premise liquor license locations and therefore the public need is being met.

3. PETITION - Trans. #189 – Plot # 17A--103

Salty Cod, LLC, Luis Martins, Manager of LLC, license formerly exercised on premises located at **1500 Cove Road**, who is petitioning to **transfer a Common Victualler (Restaurant) Wine and Malt Only Beverages License to DeSouza Enterprises, LLC d/b/a Cove Surf & Turf**, along with a request for a **Change of Description to include an adjacent room; and a Pledge of the Common Victualler (Restaurant) Wine & Malt License to Salty Cod, LLC, 17 Bertrand Way, Acushnet MA.**, as security to authorize and execute **a promissory note in the amount of Forty Thousand Dollars (\$40,000.00), pursuant to Massachusetts General Laws Ch.138 s.23.**

Upon approval, Deborah L. DeSouza will be a Co-Member and the Sole Manager of the LLC, as well as a 50% Interest Holder of the LLC, and Jessie J. DeSouza will be a Co-Member and a 50% Interest Holder of the LLC. Deborah L. DeSouza is also the Proposed Manager of the Liquor License. The new proposed licensed premises consists of one (1) room for dining, with seating for twenty-three (23) patrons, along with a kitchen area, takeout /cashier area, and one (1) restroom in an area approximately 800 sq. ft.. on the first floor of a one-story building, with alcohol being stored and served from two (2) stand alone coolers located in the kitchen area; with additional storage in an adjacent room approximately 1,209 sq. ft. which will be used for storage purposes only. There is also an outside patio area approximately 336 sq. ft., which is contiguous to the dining room and has seating for Sixteen (16) patrons, which is enclosed with a 40" high wooden fence that has an entrance/exit into the main dining area only.

The premise is situated at the intersection of Cove Road and Padanaram Avenue, with One (1) entrance/exit in the front of the building, and two emergency exits located in an adjacent storage area located through the kitchen area, and is **numbered 1500-1502 Cove Road. (License was previously approved with a Midnight (12:00 a.m.) Closing along with the stipulation that only plastic cups are to be used in the outdoor patio area.)**

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

Application has been advertised; Abutters have been notified.

Present: Deborah L. DeSouza, Co-Owner & Proposed Manager and Jessie J. DeSouza, Co-Owner

Responding to questions from Chairman Beauregard, Ms. DeSouza stated that her and her son were formally running the kitchen at the Pub 6 at the Sixth Bristol Club, and that they brought over the same menu to this location, which they are in the process of buying; and that their intention is to run a restaurant.

When asked by Chairman Beauregard if they had any prior experience in the service of alcohol, Ms. DeSouza stated that they served alcohol at Pub 6, as part of their food service; stating that they would buy the alcohol from the bar and serve it in the dining room; and Ms. DeSouza stated that she was S.T.O.P. Certified.

Responding to further questions from Chairman Beauregard, Ms. DeSouza stated that the alcohol would be served by the staff from a cooler within the kitchen area, and that it would not be accessible to the public in any way; with some light entertainment down the road, after they fix up the other side, which was previously run as a fish market but not now.

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. DeSouza 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 her servers be 'certified' as well, with copies of their certifications to be kept on file for review, if needed. – **Unanimous**

4. PETITION - Trans. #031 – Plot # 23—9

Calypso Hospitality, LLC d/b/a Fernando's Grille & Bar, Gregory Kulpinski, Manager of LLC who is petitioning to

transfer a Common Victualler (Restaurant) All Alcoholic Beverages License to 161 Highland Avenue, Inc, d/b/a Trio Restaurant; the applicant is also requesting approval of a **Pledge of the Common Victualler (Restaurant) All Alcoholic Beverages License to Goulart Square Realty, LLC,** as security to authorize and execute a promissory note in the amount of Ninety-Seven Thousand and Nine Hundred Dollars, (\$97,900.00), pursuant to M.G.L. Ch.138 s.23.

Upon approval, Sandra S. Rodrigues will be the President, Treasurer, Secretary, Sole Director, and Sole-Shareholder (100%); and **Katie C. Stephenson** is the **Proposed Manager**. The previously approved premises is located on the street level of a Three (3) story building, which includes One (1) dining room approximately 2,000 sq. ft. with a bar, Two (2) Handicapped Restrooms, and seating for approximately Eighty (80) people, a pastry shop, approximately 350 sq. ft., with seating for approximately Ten (10) people; there is also a full kitchen, approximately 650 sq. ft., with the storage of liquor in the basement. There are two (2) main entrances/exits; one (1) into the dining room from Rivet St. and one(1) into the Pastry Shop/Kitchen from Bolton St., and two (2) additional rear exits. The licensed premises also includes a 'Seasonal Outdoor Patio Area' approximately 430 sq. ft. (10' x 43') to be used as a 'Sidewalk Café', which is enclosed by a 4 ft. high resin fence with a decorative lattice panel design, and is to be used for seated dining purposes only. The enclosed area includes Ten (10) tables for the seating of Thirty – Two (32) patrons for dining only, as well as a Hostess Station; and is located on the east side of the building, which is contiguous to the licensed premises. The outdoor area is only accessible by way of an entrance/exit off the main entrance ramp located in the front of the building, and is accessible by 'Hostess Seating' only; the area will also be monitored by the hostess and waitstaff at all times.

The hours of operation are **daily from 11:00 a.m. until 10:00 p.m., at which time all outdoor activity must cease, and shall be in effect from May 1ST through October 30th,** in accordance, and as specified in the City of New Bedford Sidewalk Café Permit Ordinance.

(Ord. Ch. 15, Article VI, sec. 15-100 (B) (Item #'s 8 & 15), and requires yearly approval from the City of New Bedford.

The premise is situated on the corner of Rivet & Bolton Streets **and will remain the same at 418-420 Rivet 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**'.

Application has been advertised; Abutters have been notified.

Present: Sandra S. Rodrigues, Sole Officer and Sole Interest Holder along with Tony Rodrigues (Husband), and Katie C. Stephenson, the Proposed Manager; Atty. Michael Kehoe (Representing the Seller)

Mr. Nanopoulos informed the Board that a 'Certificate of Good Standing' from the DOR has not yet been submitted, but they could still take action on the application but it could not be sent up until one had been submitted.

In response to Mr. Nanopoulos's comments, Atty. Kehoe stated, that he represents the holder of the pledge, Goulart Square Realty, LLC, and that he's been in contact with Atty. Morad who represents Mr. Kulpinski and Calypso Hospitality, LLC, and that he informed him that he had applied for a 'new' certificate, and that he was expecting that shortly.

Responding to questions from Chairman Beauregard, Ms. Rodrigues stated that their plan was to run a restaurant as they have in Fall River for about 10 years, and as they have done in Dartmouth for about 6 years.

When asked by Chairman Beauregard if they planned any changes to the current layout of the restaurant, and if they planned on having any entertainment, Ms Rodrigues stated that they only planned some minor changes but nothing major, and maybe some acoustic music.

When asked by Chairman Beauregard as to how late they would be open until, and if the kitchen would be open during the entire time, Ms. Rodrigues stated that they would be open until 1:00 a.m. on Fridays, and until 11:00 o'clock on the other nights; and that food would always be available, if not the entire menu then appetizers after 10:00 p.m., as they do in their other restaurants.

When asked by Commissioner Almeida if she was T.I.P.S. Certified, Ms. Stephenson stated that she was, and that the entire staff would be as well.

When asked by Chairman Beauregard as to what their plans were for the previously approved "sidewalk seating", Mr. Rodrigues responded, obviously this year we're getting in late but we will probably use it in the future weather permitting.

When asked by Chairman Beauregard as to what their plans were for the room, which was previously a pastry room, Mr. Rodrigues stated that it could be used for a small waiting room based on how many reservations they had or it could be used as a private dining area.

When asked by Chairman Beauregard as to what qualifications or prior experience Ms. Stephenson may have to be the bar manager, Mr. Rodrigues stated that Ms. Stephenson has been his Assistant Manager in Dartmouth for six years, and that she actually worked at that location when it was 'Adega', and that she was a local New Bedford girl and that she was T.I.P.S Certified; he also stated that it was their plan to open soon after they're approved by the ABCC.)

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, upon receipt of the Certificate of Good Standing from the DOR (Seller); with the stipulation that Ms. Stephenson submit a copy of her T.I.P.S. Certification to the Licensing Board office within forty-five (45) days of receiving final approval or prior; and that all her servers be 'certified' as well, with copies of their certifications to be kept on file for review, if needed. – **Unanimous**

5. PETITION - Trans. #025 – Plot # 28--140

Olivia Anne, Inc. d/b/a The Bar, 1669 Acushnet Avenue, Robert A. Faria, Jr, President, who is petitioning for a **Change of Location of a Common Victualler (Restaurant) All Alcoholic Beverages License**. The applicant is requesting a **Change of Location from 1669 Acushnet Avenue to 266-268 Dartmouth Street** the applicant is also requesting approval of a **Pledge of the Common Victualler (Restaurant) All Alcoholic Beverages License to Bristol County Savings Bank as security to authorize and execute a promissory note in the amount of One Hundred and Thirty Thousand Dollars, (\$130,000.00), pursuant to Massachusetts General Laws Ch.138 s.23.**The description of the proposed new location, which was previously licensed as an all alcohol restaurant until the license was transferred to a new location, will be as follows: The new licensed premises consists of an area approximately 4,800 sq. ft., which will consist of two rooms with a bar area and dining area, a kitchen, and two (2) restrooms on the first floor of a two-story building; with stock on the first floor and in the basement. There is a main entrance/exit onto Dartmouth Street, and two emergency exits onto Rivet Street, and is **numbered 266-268 Dartmouth 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'**.

Application has been advertised; Abutters have been notified.

Present: Robert Faria, Co-Owner and Edward Williams, Manager and Co-Owner

Responding to questions from Chairman Beaugard, Mr. Williams stated, we are renting at the location we're currently at, and this would afford us an opportunity to own our own place, which would allow us to expand our business with a kitchen, based on the fact that it's a larger building than what we have; and we'll be able to expand our number of employees with two or three people cooking, as well as with additional waitresses and bar staff; and we'll also be able to do live music due to the size of the venue; so basically what it's going to do, is allow us to expand our business ... buy our own business, so it can be permanently attached here in New Bedford.

Mr. Williams continued his comments by stating that he lives about three blocks away from this new location on Hemlock Street, and that he knows the area very well.

Responding to further questions from Chairman Beaugard, Mr. Williams stated that he was on site daily including mornings and evenings on an in and out basis.

When asked by Chairman Beaugard as to who would be in charge at 10 ... 11 ... 12 ... 1 to 2 in the morning, Mr. Williams responded, we currently have a doorman along with our bartenders ... the place we have now runs pretty efficiently ... and we don't put up with any baloney ... if you look at the police record ... we have very few incidents for that neighborhood ... and now that I'm living only three blocks away from this new location ... if there are any problems ... they can call me and I'll be right there immediately.

When asked by Chairman Beaugard as to what type of entertainment they planned on having, Mr. Williams responded, rock and roll possibly on Saturday night ... the same type of thing possibly on Friday nights ... maybe a guitar player on Sunday afternoons with a brunch possibly ... everything is so new to us ... with this building ... we have a lot of different options ... so there's a lot of different directions we can go in.

Chairman Beaugard responded, that's what concerns us, to which Mr. Williams responded, but I think in a good way ... because the girl that's going to cook for us ... is a recent graduate of Johnson & Wales ... she's also Bobby's niece ... we'll have a decent menu ... we want to attract a lunchtime crowd ... and when we do have bands ... we'll definitely have security.

Mr. Williams continued his comments by stating, presently, I manage the Portuguese American Club in Dartmouth ... and there we attract an older crowd ... 30 something's ... 40 something's ... and we probably look to attract that same crowd ... I would expect some of the people there to follow me to this place also ... we would be very respectful to our neighbors ... as I say ... I've lived in that neighborhood for 30 something years.

Chairman Beaugard responded, you know parking is very difficult in the area, to which Mr. Williams responded, we're currently in negotiations to lease the garage next door that has a parking lot ... with an option to buy in a couple of years ... also at night ... there's really not a lot of residential parking on that street, especially when you go down towards Rural Cemetery ... there's really nothing there.

When asked by Chairman Beaugard about the hours of operation of the kitchen, Mr. Williams responded, like I said before ... everything is preliminary right now ... but we're probably thinking about ... probably 11 a.m. to 7 p.m. ... or 12 p.m. to 8 p.m. ... something like that.

Chairman Beaugard responded, closing at 7 ... you're really not a restaurant!

Mr. Williams responded, after that ... we'd be more towards the bar ... lounge side.

When asked by Chairman Beauregard, what if the restaurant doesn't take off?

Mr. Williams responded, then we'd have to re-evaluate, to which Chairman Beauregard responded, that's our concern ... it's a big place ... it's a big bar area ... poorly designed.

Mr. Williams responded, if you look at our record ... like I said ... we don't put up with any baloney ... I want a place where you and your wife ... or you and your girlfriend can come ... and sit there and relax ... and enjoy yourself ... and have peace of mind ... I'm not going to deal with any kind of illegal activity ... I don't deal with it now in a hot spot ... I'm certainly not going to deal with that in my own neighborhood ... like I said ... I live three blocks away ... I know many of the residents in that area ... it's not going to be a loud rock and roll ... bang out ... biker type bar ... there will be signs posted regarding proper dress and conduct.

When asked by Commissioner Almeida as to what time the entertainment would cease, Mr. Williams responded, about 1 o'clock ... again we'll be cognizant of the neighbors ... but again, there's only one abutter behind the gas station garage ... there's a commercial building across the street ... to the south and to the west ... there are two residential houses ... we will definitely take into consideration any concerns the neighbors may have ... like I said, that's my neighborhood ... that's where I live ... I have to show my face in the neighborhood.

Responding to Commissioner Almeida's concerns regarding late night noise emanating from the music, Mr. Williams said he would take every precaution to ensure that there's no disturbance to the neighbors, including facing the music away from any residential properties; as well as ensuring that all the doors remain closed at all times.

Commissioner Almeida suggested that all entertainment should end at midnight to start out, to which Mr. Williams responded, the thing is ... it would make it hard to compete with the other places that have music in the city ... and it has been a music venue in past.

Mr. Faria responded as well by stating, I've been in the bar business for over 21 years ... I run the Redwood Saloon and the place on Acushnet Avenue ... and I've never had a problem with the neighbors ... we've probably had less problems than any other bar around ... especially on Acushnet Avenue.

There was further discussion regarding the entertainment issue, which resulted in the Board agreeing that they would be allowed to offer entertainment until 1:00 a.m., and if it became a problem, the licensee could get called in, and his hours of entertainment could be reduced after proper notice.

The licensee was also informed that he was not allowed to open before 11 a.m. on Sundays, which was discussed because of his tentative plans to offer a brunch on Sundays.

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; the Board also voted to allow 'entertainment' to be offered until 1 a.m. only. Commissioner Almeida also forewarned the licensee, that if the Board received any complaints from their neighbors, he could get called in and his hours of entertainment could be reduced even further after proper notice. It was also stipulated that Mr. Williams and all his servers must be T.I.P.S. Certified within forty-five (45) days of receiving final approval or prior, with copies of their certifications to be kept on file for review, if needed. – **Unanimous**

6. APPLICATION, – “DID NOT APPLY FOR 2014” (No Action Required, Informational Only)

Club Sports Madeirense, Inc., Serafim J. Correia, Treasurer, who is requesting approval of an application for a **Special One Day All Alcoholic Beverage License** for a 'Fundraiser' to be held in the 'Club – Parking Lot', located at **1626 Acushnet Avenue**; and to be held **Thursday, July 31, 2014 from 6:00 p.m. until 11:45 p.m., Friday, August 1, 2014 from 6:00 p.m. until 11:45 p.m. and Saturday & Sunday, August 2rd & 3rd, 2014 from 12:00 p.m. until 11:45 p.m.**

VOTED: Commissioner Almeida made a motion to take up **Item #'s 7 - 14** at one time; waive reading; and approve the applications as presented – **Unanimous**

7. APPLICATION, (No Representation Required)

New Bedford Festival Theatre, Inc., Armand R. Marchand, Representative, who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for an 'After Show Opening Night Reception' to be held at the **UMD Star Store Gallery**, located at **800 Purchase Street**; and to be held on **Friday, July 25, 2014 from 10:00 p.m. until 11:45 p.m.**

8. APPLICATION, (No Representation Required)

Fathoms Bar & Grille, Inc., Christopher Bentley, Manager, who is requesting approval of an application for a **Special One-Day All Alcoholic Beverage License** for a 'Captain's Dinner/ Shark Tournament', to be held **on the outdoor grass area, which is contiguous to the outdoor patio area of the licensed establishment**, located at **255 Pope's Island**; and to be held on **Thursday, July 17, 2014, from 5:00 p.m. until 9:00 p.m.**

9. APPLICATION, (No Representation Required)

Panthers Athletic and Social Club, Inc. Jose ‘Zack’ DaSilva, President, who is requesting approval of an application for a **Special One Day All Alcoholic Beverage License** for a “Fundraiser” to be held in the **Club – Parking Lot**, located at **43 Madeira Avenue**; and to be held **Thursday, July 31, 2014 from 6:00 p.m. until 11:45 p.m., Friday, August 1, 2014 from 6:00 p.m. until 11:45 p.m. and Saturday & Sunday, August 2rd & 3rd, 2014 from 12:00 p.m. until 11:45 p.m.**

(‘Security Plan’ was approved at 06/30/14 meeting)

10. APPLICATION, (No Representation Required)

Immigrants’ Assistance Center, Inc., Helena S. Martins, Executive Director, who is requesting approval of an application for a **Special One Day Wine & Malt Only Alcoholic Beverages License** for a ‘Fundraiser’ to be held at the **Museum of Madeira Heritage**, located at **1 Funchal Place**; and to be held on **Thursday Aug. 7, 2014, from 7:00 p.m. until 10:00 p.m.**

11. APPLICATION, (No Representation Required)

Buttonwood Park Zoological Society, Inc., Kristen Gray, Representative, who is requesting approval of an application for a **Special One-Day All Alcoholic Beverage License** for a ‘Feast in the Wild Fundraiser’, to be held within the **Buttonwood Park Zoo**; and to be held on **Thursday, August 14, 2014, from 6:00 p.m. until 10:00 p.m.**

(Rain Date – 08/15/14) (Final approval will require Liquor Liability with the City named as additionally insured.)

12. APPLICATION, (No Representation Required)

Renaissance Community School for the Arts, Inc., Jennifer C. Clune, Director, who is requesting approval of an application for a **Special One-Day All Alcoholic Beverage License** for a ‘School Fundraiser’, to be held at **Gallery X**, located at **169 William Street**; and to be held on **Friday, August 15, 2014, from 6:00 p.m. until 10:00 p.m.**

13. APPLICATION, (No Representation Required)

Low Tide Yacht Club, Edward Lobo, Representative, who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for a ‘Clamboil’, to be held inside the **Low Tide Yacht Club**, located within **Fort Taber Park**; and to be held on **Saturday, August 16, 2014, from 6:00 p.m. until 10:00 p.m. (Final approval will require Liquor Liability with the City named as additionally insured.)**

14. APPLICATION, (No Representation Required)

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 ‘Police Appreciation Day’ to be held in the **Knucklehead’s Parking Lot**, located at **85 MacArthur Drive**; and to be held on **Saturday, August 16, 2014 from 11:00 a.m. until 11:00 p.m.**

15. APPLICATION,

Omar Halabi, who resides at **4 Newton Street, Fairhaven, MA.**, is requesting approval of an application for a **Motor Vehicle Class II (Used Car Dealer) License** for **B2B Auto, Inc.**, with premises situated at **319 Belleville Avenue**.

Note: Site is currently licensed to **Carlos Manuel Torres d/b/a Belleville Auto Sales**, and has been approved for the display of **Twenty (20) cars** by the Office of Inspectional Services; **if approved, the current license issued would have to be surrendered prior to the issuance of the new license.**

Final approval of the Motor Vehicle Class II License will require a **‘Change of Tenant’** from the **Office of Inspectional Services**, a **\$25,000.00 Bond**, and a **Notarized Letter** stating where the repairs will be done.

Present: Omar Halabi. Applicant along with Salam Kalife

Responding to questions from Chairman Beauregard, Mr. Halabi stated that he would only be selling used cars and that the warranty repairs would be performed by **A & A Auto Service** in Fairhaven, and that there would not be any junk cars kept on the lot; and that he would be selling cars from **2003 – 2007**, in that range. Mr. Halabi also state that he owns **New Bedford Tire** on Belleville Avenue.

Mr. Nanopoulos informed Mr. Halabi that the current license issued for that location would have to be surrendered prior to the issuance of the new license.

VOTED: Commissioner Almeida made a motion to approve the application as presented, pending receipts of all necessary documents; and to approve the license for the display of **Twenty (20) cars**, as previously approved –

Unanimous

16. Hearing: Me & Ed’s Restaurant, Inc.

Mr. John M. Stellato, Jr., Owner/Manager
30 Brock Avenue

Subject: Non-Payment of Local Taxes - City of New Bedford Ordinance, Section 10 – 45.

Please be advised that your presence is required at a hearing to determine whether you have violated certain provisions of City of New Bedford Ordinance Sec.10 – 45 with regard to outstanding personal property tax owed to the City of New Bedford. Based on their findings, the Board may take action to revoke, modify, or suspend your license based on the recommendation of the City's Tax Title Attorney.

The City of New Bedford Treasurer/Collector of Taxes has requested that the Licensing Board hold a hearing due to non-payment of personal property taxes, based on your neglect or refusal to pay your local property tax to the City of New Bedford, as agreed to in your most recent 'Memorandum of Agreement' of December of 2013.

Please be advised that you are currently in default of this agreement.

NOTE; A Memorandum of Agreement on Commercial Tax Title was signed on 07/25/14; no further action required at this time.

Present: Mr. Stellato was excused from appearing.

Mr. Nanopoulos informed the Board that Mr. Stellato paid a lump sum payment of \$15,000.00 on his tax title amount, and that a new Tax Title Agreement was signed on 07/25/14; therefore, Mr. Stellato was now in 'good standing' with the City of New Bedford, and recommended that no further action be taken at this time.

VOTED: Commissioner Almeida made a motion to take no further action at this time based on the information provided – **Unanimous.**

VOTED: Commissioner Almeida made a motion to remove item #17 from the table and to take up the matter at this time – **Unanimous.**

Tabled at 06/30/14 Meeting

17. Hearing: JAMA, LLC d/b/a Major League Burgers

Ms. Jane A. Magan-Askew, Owner

914 Mt. Pleasant Street

Approved 11/25/13 – Renovations

Your presence is respectfully requested at a hearing to determine the status of your annual liquor license for the year 2014. The hearing is also being held at the request of the members of this Board to discuss your plans for your liquor license for the year 2014 prior to this Board considering approval of your 2015 renewal application.

If warranted, the Board may cancel the license of any license holder who "ceases to conduct the licensed business" that is, *any license holder who closes the business or stops doing business*. Licensees should be conducting the licensed business on all days authorized by the license. Any licensee that does not comply with its obligation to conduct the licensed business and holds a so-called "pocket License" is subject to possible action by the Board.

Notice is given in accordance with Massachusetts General Laws Chapter 138, section 77, which states that the licensing authorities may, after hearing or reasonable opportunity therefore, cancel any license issued under this chapter if the licensee ceases to conduct the licensed business.

You **must submit** to the Board that evening, a letter stating your intentions regarding the license that has been issued to you detailing either an opening date, plans to transfer, or change of location, as it applies to your situation.

Please Be Advised that failure to appear before this Board as requested will result in "Automatic Revocation" of your Common Victualler All Alcoholic Beverages License.

Minutes of 10/21/13

Present: Atty. Greg Koldys along with Jane A. Magan-Askew, Sole Manager of LLC and Proposed New Manager.

When asked by Mr. Nanopoulos as to when they planned to open, Atty. Koldys responded, it's a build out ... but the hope was to open by the beginning of December ... but obviously the build out is going to take some time ... so we're not actually sure at this time; the plans had been submitted to the Building Department and approved.

Note: When informed of the date change, Atty. Koldys stated that he would be on vacation and would be unavailable on June 23rd, he was informed that they would have to appear at the Board's July 28th meeting, to which he agreed to.

Present: Atty. Greg Koldys, Representing JAMA, LLC

When asked by Chairman Beauregard as to the current status of the proposed licensed premises, Atty. Koldys stated Ms. Magan was unable to attend tonight's meeting, and that he had a letter stating what Ms. Magan's current position is.

Atty. Koldys stated that he may have misspoke at the prior hearing when he stated that hoped to be open by the beginning of December (2013), and that he didn't realize that the approval process would take as long as it did; noting that the transfer was not approved until the end of November.

Atty. Koldys referred to the letter in which Ms. Magan states, that they have experienced some delays in the build out of the proposed premises and the layout of the equipment , which required a new set of plans to be submitted to the Health Department for review; and that they now anticipate a November (2014) opening.

A copy of the letter and the new set of plans were submitted to the Board by Atty. Koldys, and unanimously received and placed on file.

The 'new' plans were reviewed with the Board, and it was determined that there was no difference in the basic layout of the premises, therefore, the Licensing Board would not be required to approve the new plans.

When asked by Chairman Beauregard as to where they were with regard to the renovations, Atty. Koldys stated that the new plans were now before the Board of Health, once they're all set with it and how it fits; and that she (Ms. Magan) anticipates opening by November, and that she's very aware that she needs to get open.

VOTED: On a motion by Commissioner Almeida, the Board voted unanimously to table the matter until the Licensing Board's November 17th meeting with the following stipulation:

To notify and put the current Licensee, who is the holder of an inactive license on notice that she has until November 1, 2014 to initiate one (1) of the following three (3) options prior to this date:

- 1.) To be open and operating at the current location;
- 2.) Submit paperwork for a Change of Location and a date certain for the opening of premises;
- 3.) Submit paperwork for the Sale and Transfer of the license to a new owner.

If you fail to initiate one of the three options stated above prior to this date, you will be required to appear before this Board once again, at which time the Board may consider revoking your license for non-use.

18. Hearing: De Abreu & Sons, Inc.

d/b/a Fortuna Grill

Mr. Manuel De Abreu Dos Reis, Owner/Manager

288 Union Street

It has come to the attention of this office that you have closed your business located at **288 Union Street**; therefore, your presence is respectfully requested at a hearing to determine the status of your annual liquor license for the year 2014. The hearing is also being held at the request of the members of this Board to discuss your plans for your liquor license for the year 2014 prior to this Board considering approval of your 2015 renewal application.

If warranted, the Board may cancel the license of any license holder who "ceases to conduct the licensed business" that is, *any license holder who closes the business or stops doing business*. Licensees should be conducting the licensed business on all days authorized by the license. Any licensee that does not comply with its obligation to conduct the licensed business and holds a so-called "pocket License" is subject to possible action by the Board.

Notice is given in accordance with Massachusetts General Laws Chapter 138, section 77, which states that the licensing authorities may, after hearing or reasonable opportunity therefore, cancel any license issued under this chapter if the licensee ceases to conduct the licensed business.

You **must submit** to the Board that evening, a letter stating your intentions regarding the license that has been issued to you detailing either an opening date, plans to transfer, or change of location, as it applies to your situation.

Please Be Advised that failure to appear before this Board as requested will result in "Automatic Revocation" of your Common Victualler Wine & Malt Only Beverages License.

You are also required to deliver your liquor license to this office within Five (5) days from the date of receipt of this notice, where it will be held until this matter is resolved.

Licensing Board Regulation No.20-

Any licensee intending to close his place of business for any period of time exceeding Seven (7) days must notify the Licensing Board in writing before closing and shall give reason and length of time. **On the first day of closing the licensee shall deliver his license to the Licensing Board.**

Present: Manuel De Abreu Dos Reis, Owner/Manager, along with George De Abreu Dos Reis (Son)

Mr. Nanopoulos informed the Board that the liquor license was surrendered to him on July 1st

When asked by Chairman Beauregard to give the Board an update as to their plans for the liquor license, Mr. (George) Dos Reis stated that his father, who is the owner of the building, has put the business in the hands of Pontiff Real Estate in hopes of finding someone to either lease the business and the rent the space, or to find someone to buy the business and the building, and then transfer the license to that individual; and that it was their intent to keep the liquor license with the business in that building. Mr. Dos Reis stated that they hoped that would occur before December, hopefully before the renewal period.

VOTED: On a motion by Commissioner Almeida, the Board voted unanimously to table the matter until the Licensing

Board's November 17th meeting with the following stipulation:

To notify and put the current Licensee, who is the holder of an inactive license on notice that she has until November 1, 2014 to initiate one (1) of the following three (3) options prior to this date:

- 4.) To be open and operating at the current location;
- 5.) Submit paperwork for a Change of Location and a date certain for the opening of premises;
- 6.) Submit paperwork for the Sale and Transfer of the license to a new owner.

If you fail to initiate one of the three options stated above prior to this date, you will be required to appear before this Board once again, at which time the Board may consider revoking your license for non-use.

19. Meeting: Dublin's Sports Bar N Grille, LLC /b/a Dublin's Sports Bar N Grille

Mr. Mario Gomes, Owner/Manager
1686 Acushnet Avenue

You are hereby notified that your presence is required at a hearing to discuss any concerns the Board may have regarding security and enforcement of Licensing Board & ABCC Rules & Regulations concerning the weekend of the **Feast of the Blessed Sacrament (July 31st, August 1st, 2nd & 3rd)** the meeting will include Capt. Steven Vicente, Liaison to the Licensing Board.

We fully anticipate that you will work with us to help ensure that the Feast of the Blessed Sacrament, 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 Madeira heritage, remains a safe and enjoyable event for all.

Present: Mario Gomes, Manager/Owner

When asked by Chairman Beaugard as to what his plans were this year for the weekend of the Feast of the Blessed Sacrament, as well as to what his hour of operation would be, Mr. Gomes responded, I haven't really decided on what to do, but I wasn't planning on having any entertainment.

Chairman Beaugard responded by asking, it's a week out, do you have anybody booked for the weekend, to which Mr. Gomes responded, No ... due to the situation that happened last year of which I feel I was wrongfully penalized for things that didn't happen inside my building ... I think I'm just going to close down this year ... because truthfully, I destroyed my business because of what happened ... so I think I'm just going to shut it down.

Responding, Chairman Beaugard asked, for the entire weekend ... Thursday ... Friday ... Saturday ... and Sunday, to which Mr. Gomes responded, I haven't decided yet ... but for the nights ... I don't think I'm going to open.

Chairman Beaugard responded, all the other places that are in close proximity of the feast shut down voluntarily at 11:45 p.m., because they don't want to get all those people that have been at the feast all night.

Capt. Vicente confirmed that this was the case with all the clubs in the area, because ... 10 or 15 years ago when they didn't ... they also learned their lesson ... just like what happened to you ... and one of the problems you had is ... when you advertise and invite thousands of people to come to your place for an "after feast party" ... you inherited their problems ... but that's something you brought upon yourself.

Responding to Capt. Vicente's comments, Chairman Beaugard stated, so they made the money for the night and you paid the price, and that's why a lot of the places down there have come to the conclusion, you know what ... it's not worth taking the risk ... and for the past ten years, they've all agreed to close at 11:45 p.m. ... when the feast closes ... we close.

Mr. Gomes responded, the ones you're talking about are almost touching the feast grounds, to which Capt. Vicente responded, we have some on Acushnet Avenue that voluntarily close.

Chairman Beaugard also responded, we have places downtown that close because they don't want to deal with the feast crowd.

The matter was discussed at length with Mr. Gomes, who was instructed by Chairman Beaugard to think about what he wanted to do overnight, and once he decided what he planned to do, he was further instructed to call Mr. Nanopoulos (Director), and inform him as to what his exact hours of operation would be on Thursday, Friday, Saturday, and Sunday night on the 'feast weekend'.

Mr. Gomes indicated that he would provide the information that was being requested but he felt that it was not even worth being open, if he were to close at 11:45 p.m.

Action Taken: The Board took no formal action regarding this matter, except to request that the licensee inform the Licensing Board Office, as to what his hours of operation would be on Thursday, Friday, Saturday, and Sunday nights on the 'feast weekend'.

- **CORRESPONDENCE**

Re: Ferdade, Inc. d/b/a The Pub

317 North Front Street

Pursuant to the authority of Section 56 of Chapter 62 of the General Laws and by virtue of a levy placed in my hands for execution by the Department of Revenue, I have seized the following described property for non-payment of delinquent Massachusetts taxes due from Ferdade, Inc., in the amount of \$104,118.78.

Description of Property: The rights, title, and interest in the City of New Bedford of an all alcoholic beverage pouring license.

ACTION TAKEN: Received & Placed on File.

From: Kim S. Gainsboro, ABCC Chairman

Dated -06/18/14 Received - 06/18/14

Re: Ferdade, Inc. d/b/a The Pub

317 North Front Street

Hearing Date – Tuesday, July 29, 2014 @ 10:00 a.m.; a hearing will be held by the Alcoholic Beverages Control Commission to determine whether the licensee violated certain provisions of M.G.L. or Code of Massachusetts Regulations (CMR) as follows: **204 CMR 2.05 (2) – Permitting an Illegality on the Licensed Premises, to wit: M.G.L. Ch. 138, sec. 23 – Sale of alcoholic beverages other than those purchased from a licensee under sec. 18 or sec. 19 or from a holder of a special license under sec. 22a;**

204 CMR 2.05 (2) – Permitting an Illegality on the Licensed Premises, to wit: M.G.L. Ch. 94, sec. 186 – Falling below the Standard of Purity (24 Counts).

Rec'd 07/23/14 – Based on the seizure of the liquor license by the DOR, the ABCC is postponing the hearings which were scheduled for Tuesday, July 29, 2014.

ACTION TAKEN: Received & Placed on File.

From: Kim S. Gainsboro, ABCC Chairman

Dated -06/18/14 Received - 06/18/14

Re: Ferdade, Inc. d/b/a The Pub (Time Amended)

317 North Front Street

Hearing Date – Tuesday, July 29, 2014 @ 10:30 a.m.; a hearing will be held by the Alcoholic Beverages Control Commission to determine whether the licensee violated certain provisions of M.G.L. or Code of Massachusetts Regulations (CMR) as follows: **204 CMR 2.05 (2) – Permitting an Illegality on the Licensed Premises, to wit: M.G.L. Ch. 94C Violations of the Controlled Substances Act (7 Counts).**

Rec'd 07/23/14 – Based on the seizure of the liquor license by the DOR, the ABCC is postponing the hearings which were scheduled for Tuesday, July 29, 2014.

ACTION TAKEN: Received & Placed on File.

• **COMPLAINTS RECEIVED:**

07/14/14 – Andrews Dahill Post #1531, 477 Park Street – A phone complaint regarding the VFW on Park Street. The basis of the complaint was once again of loud music and late night disturbances, with patrons remaining in the parking lot until 2:45 a.m. with yelling and screaming; she says they're having DJ's in the hall on weekends. She stated that there have been numerous complaints called in but the situation remains the same.

Action Taken - (03/10/14): Complaint was forwarded to Capt. Steven Vicente, Liaison to the Licensing Board, with a request to have patrols in the area monitor this location on Friday & Saturday nights between Midnight and 3 a.m.; along with a request for a Police Log.

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

<u>NAME</u>	<u>POLICE REPORT#</u>	<u>DATE</u>	<u>VIOLATION</u>
1. Club Uniao Faialense	#14-8435-OF	07/08/14	Serving To Intoxication (Family Member Complaint)

Decision: Receive & Place on File with a Warning Letter

- **NEXT TWO MEETING DATES:** August 25th & September 22nd both in the Ashley Room – 120 @7:00 p.m.
- **Approved**

- **MEETING ADJOURNED:** 8:20 P.M.