



Licensing Board

April 21, 2015 – 7:00 PM – **Agenda**
City Hall, 133 William Street, Room 120

LICENSING BOARD MEETING

-AGENDA-

Tuesday, April 21, 2015
Room 120 (Ashley Room) – 7:00 p.m.

REQUIRED: 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

MOTION TO ACCEPT THE MEETING MINUTES OF October 20, 2014

APPROVALS RECEIVED FROM THE ALCOHOLIC BEVERAGES CONTROL COMMISSION

New Retail Package Store Wine & Malt Only License - - Trans. # 228 – Plot # 52--289

CUVE Wine, LLC d/b/a Crush New Bedford, which is petitioning for a **New Retail Package Store Wine and Malt Only Beverages License**. Todor Paunov is the Manager of the LLC and Co-Interest Holder (75%), and Kristian Vasilev is a Member of the LLC and Co-Interest Holder (25%); and **Jessica Garrity** is the **Proposed Manager of the Liquor License**. The (previously approved) premises will consist of an area, approximately 1,062 sq. ft., which will be used only for the sale of fine wines and malts only, that will include wine display cabinets and shelving, wine coolers, display tables, a wine accessories sale area, a sale and service desk area, and a limited seating area to be used as a product information center; there will also be an additional cooler room for storage in the rear of the premises, as well as additional storage in the basement. There is only one entrance/exit, which is located in the front of the building and leads onto Purchase Street; as well as a stairwell that leads to the storage area in the basement, which is located within the rear area of the store. The premise is situated on the first floor of a three-story building, which is located on the west side of Purchase Street between Union and William Street, and numbered **801 Purchase Street**.

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

Approved By ABCC – 04/03/15

Transfer & Pledge of License - Trans. # 133 – Plot # 101--77

Zamora and Family, Inc. d/b/a Churrascaria Aveirense at My Place, Alfredo F. Zamora, who is petitioning to transfer a **Common Victualler (Restaurant) Wine & Malt Beverages (7 Day) License** to **CF Nash Restaurant Group, Inc. d/b/a Churrascaria Aveirense at My Place**, who is also requesting approval of a **Pledge of the Common Victualler Wine & Malt Only Beverages License, Stock, and Inventory** to **Zamora & Family, Inc.** with an address of 39 Norwell Street, N.B., MA. as security to authorize and execute a promissory note in the amount of **Ninety Thousand Dollars (\$90,000.00)**, pursuant to **Massachusetts General Laws Ch.138 s.23**. Upon approval, Genevieve Correia will be the President, Treasurer, Clerk, CO- Director, and Co-Shareholder (50%), and Manuel L. Freitas will be the Vice-President, Co- Director, and Co-Shareholder (50%). Genevieve Correia is also the **Proposed Manager**; The previously approved premises consist of one (1) dining room, full kitchen, stockroom, and two (2) restrooms in an area approximately 1,628 sq. ft. of a one-story building. There are two entrances/exits in the front of the building onto Nash Road and two (2) emergency exits in the back of the building. Premises are situated on the north side of Nash Road between Brook Street and Ashley Boulevard, and will remain numbered **291-293 Nash Road**.

Final approval will require a ‘**Change of Tenant**’ from the Building Department, a new ‘**Food Permit**’ from the Health Department, and a copy of ‘**Proof of Liquor Liability**’.

Approved By ABCC – 04/03/15

Change of Manager - Trans. # 070 – Plot # 53-231-A&B

Matterhorn RE, LLC d/b/a Cork Wine & Tapas Bar, 90 Front Street, is requesting the approval of **Erin Pickup**, who resides at **25 Rochambeau Street, New Bedford, MA.** as their new manager.

Approved By ABCC – 04/03/15

1. PETITION - Trans. # 094 – Plot # 106--85

St. Michael Social Club, Inc., Joao Medeiros, New President, who is petitioning for a **Change of Officers, Directors, and Manager of the Club All Alcoholic Beverages license**. The petitioner is requesting that the resignations of the current slate of Officers and Directors currently on file with the Alcoholic Beverages Control Commission be accepted, and be updated as follows, per the Commission’s directive of 09/30/14 regarding “Club” licenses. Upon approval, Joao Medeiros will be the President, Adriano Valadao will be the Vice-President, Rodolfo Botelho will be the Treasurer, and Luis Pacheco will be the Secretary; and Jose Soares, Paul Amaral, and Paulo J. Pacheco will all be Co-Directors. **Joao A. Raposo** is the **Proposed New Manager**. Premises will remain the same at **101 Madeira Avenue**.

(No Advertisement nor Abutters Notification Required)

Note: Motion to withdraw the pending Change of Manager Application (Item #2), with no further action to be taken.

2. PETITION - Trans. #141 – Plot # 25-A-25

Young Cape Verdean Athletic Association, Inc., 418 South Front Street, is requesting the approval of **Barry DeMelo**, who resides at **70 Sharp Street, Dartmouth, MA.** as their new manager.

Note: Mr. DeMelo is the current owner of the building who leases the building to the ‘club’.

Disapproved By ABCC – 12/02/14 – The ‘corporate vote’ authorizing said application and appointment was issued (signed) by a corporate officer that has not been approved by this commission (ABCC); The licensee is required to submit an application to change (update) their corporate officers along with the change of manager.

3. PETITION - Trans. # 141 – Plot # 25-A-25

Young Cape Verdean Athletic Association, Inc., Donald S. Soares, New President, who is petitioning for a **Change of Officers, Directors, and Manager of the Club All Alcoholic Beverages license** The petitioner is requesting that the resignations of the current slate of Officers and Directors currently on file with the Alcoholic Beverages Control Commission be accepted, and be updated as follows, per the Commission’s directive of 09/30/14 regarding “Club” licenses. Upon approval, Donald Soares will be the President and Vice President, Renee DePina will be the Treasurer, and Andrea Barrett will be the Clerk; and Bonaventura J. Barboza, III, Paul L. Massey, Jr., and Lasheene R. Shawders will all be Co-Directors. **Liberio R. DeMello** is the **Proposed New Manager**. Premises will remain the same at **418 South Front Street**.

(No Advertisement nor Abutters Notification Required)

4. PETITION - Trans. # 007 – Plot # 103--292

Simba, Inc. d/b/a XS Lounge/Nightclub, Kristina Morrow, President, who is requesting a **Change of Location of the General on Premise All Alcoholic Beverages License**; the licensee is also requesting a **Change of d/b/a to the “Whiskey Lounge”**. The EXISTING new location consists of area approximately 1,650 sq. ft. on the first floor of a four-story building , which includes one room with a bar area, a kitchen, and two restrooms; with additional storage area in the basement. There is one entrance/exit in the front building onto Acushnet Avenue and one in the back of the building onto Tinkham Street. The premise is situated on the northwest corner of Acushnet Avenue and Tinkham Street, and will be numbered **1669 Acushnet Avenue**.

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

Application has been advertised; Abutters have been notified

Tabled at 03/23/15 Meeting

5. Hearing: Simba, Inc. d/b/a XS Lounge/Nightclub

Ms Kristina Morrow, Manager/Co-Owner

226 Union Street

Current Status: Closed 09/25/14

Your presence and that of **Lawrence Bucha, Co-Owner** is respectfully requested at a hearing to determine the status of

your annual liquor license for the year 2015.

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.

Minutes of 10-24-14 Meeting

Present: Kristina Morrow and Larry Bucha, Co-Owners

The Board voted unanimously to table the matter until the Licensing Board’s February 23, 2015 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 February 1, 2015 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 the licensee fails to initiate one of the three options stated above prior to this date, the licensee will be required to appear before this Board once again, at which time the Board may consider revoking the license currently issued for 226 Union Street for non-use.

Please Be Advised that failure to appear before this Board as requested will result in “Automatic Revocation” of your ‘General on Premise’ All Alcoholic Beverages License.

Request To Be Heard (02/09/15) – Representatives from Parker Investments, LLC

Minutes of 02/23/15 Meeting

Present: Kristina Morrow and Larry Bucha, Co-Owners; Arthur DeMello, Parker Investments, LLC

Responding to questions from Chairman Beauregard, Mr. Bucha stated that they’ve been trying to find a new location but they recently made a decision to put it on the market, and that they’ve put the license in the hands of Castelo Real Estate to help find a buyer.

When asked by Chairman Beauregard if Mr. Castelo understood the importance of the sale of this license, Mr. Bucha stated that he did.

Chairman Beauregard informed Mr. Bucha of the importance of moving the license due to the fact that there was another party now interested in moving into the space located at 226 Union Street, and that they would not be able to put another license in there, until such a time that the current license issued for the location is transferred out of there.

Mr. Bucha stated that they were offering the license for sale at a price they felt was market value (\$42,000.00 to \$55,000.00).

Chairman Beauregard offered his opinion that the higher amount was a little high, and informed Mr. Bucha that if it doesn’t sell, the Board has the right to revoke the license in order for these people (Parker Investments, LLC) to get in there and do their work.

Chairman Beauregard once again informed Mr. Bucha of the importance of conveying to Mr. Castelo the importance of pricing that license, so that it becomes very quickly marketable in the city.

Mr. Bucha responded, ‘correct’.

Chairman Beauregard informed Mr. Bucha that he was not telling him what the worth of the license is but only that he now needs to do his due diligence because he now has these guys looking to get into the property that they own; and that it’s costing them a lot of money by not being able to get in there and operate that building.

When asked by Chairman Beauregard as to what the time frame was that they were looking at to get in and get going with their project, Mr. DeMello stated that they were currently in negotiations with the owner of the Back Eddy’s, and that they were looking to get in there immediately; but we can’t enter into a contract or lease until we know where we stand, and that they were looking to put the new restaurant in 226 Union Street, since they’ve already purchased the assets at that location. Mr. DeMello continued his comments by stating that there may be a couple of other ways to approach this, and that he had already spoken to Ms. Morrow and Mr. Bucha about it.

He went on to state that one way would be to do a change of location on both licenses, if it was acceptable to them; they would go into 218 Union Street, and we would go into 226 Union Street; and added, we don’t care how long they’re at 218 Union Street, we just need to have 226 Union Street available.

When asked by Chairman Beauregard, aren’t you going to make 218 and 226 Union Street into one big restaurant, with the existing equipment in 226 Union Street, Mr. DeMello responded, we are, but we can do it in phases.

Mr. DeMello also suggested that the law as it currently stands, which does not allow for a license to be moved into a

location that currently has a license, needs to be changed to allow for some type of relief when this type of situation arises; and asked the Board to speak to members of the state delegation about changing the law based on the fact that it's holding up economic development.

Chairman Beaugard suggested that the matter be tabled until the next meeting to give all parties an opportunity to find a solution to this situation, and consider the suggestions put forth by Mr. DeMello.

Chairman Beaugard once again instructed Mr. Bucha to convey his earlier message to Mr. Castelo with regard to the importance of aggressively trying to move the license.

Voted: Commissioner Almeida made a motion to follow Chairman Beaugard's suggestion, to **table the matter to the Board's March meeting.** – **Unanimous**

Minutes of 03/23/15 Meeting

Present: *Kristina Morrow and Larry Bucha, Co-Owners; Arthur DeMello, Parker Investments, LLC*

Mr. Bucha informed the Board that he found a location in the north end of the city at 1669 Acushnet Avenue, which was formerly licensed to Ecco Lounge; which recently moved to Dartmouth Street.

When asked by Mr. Bucha as to how much time he would have to submit his application, Chairman Beaugard instructed Mr. Bucha that he needed to have his application submitted in time to be considered at the Board's April meeting.

Mr. Nanopoulos informed Mr. Bucha that he would have to submit the application by April 3rd in order for it to be advertised in time for the April 21st meeting.

Voted: Commissioner Almeida made a motion to follow Chairman Beaugard's suggestion, to table the matter to the Board's April meeting. – **Unanimous**

6. PETITION - Trans. # 226 – Plot #12--287

The Edge Hospitality, LLC d/b/a The Edge-Tiki Bar, Margaret Kulpinski, Manager of LLC, 1480-S East Rodney French Boulevard, who is requesting a Change of Location of the 'Seasonal' Common Victualler All Alcoholic Beverages licensed premises to 1494 E. Rodney French Boulevard. The New Description of the licensed premise shall consist of an area 2,500 sq. ft., which will be enclosed by a 4 ft. high, roped in wood post fence, with one break 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, a locked storage area to maintain alcohol, and have seating for eleven (11) patrons; and sixteen (16) tables for dining (seating for 64). The enclosed area, which will be approximately 150 ft. from the existing building, will be located on the adjacent pier, and will be numbered **1494 East Rodney French Boulevard**. The license was previously approved with the following conditions: 1.) Recorded music would only be allowed at a level that will not be a disruption to the neighbors; 2.) No Live Entertainment; 3.) Drinks may only be consumed within the licensed area, drinks may not be brought out of or into The Edge Seafood & Bar; 4.) A Manager will be on site at all times to monitor the flow & control of alcohol. Capacity limited to 75 patrons with an 11:30 p.m. closing daily.

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

Application has been advertised; Abutters have been notified; Neighbors have been notified

Tabled at 03/23/15 Meeting

7. PETITION - Trans. # 019 – Plot # 99-29

Tane Corporation d/b/a Octane Sports Bar, Fernanda Carvalho, President, (license formerly exercised on premises located at 1430 Acushnet Avenue), who is petitioning to **Transfer a Common Victualler (Restaurant) All Alcoholic Beverages License to Candleworks Ventures, LLC**. The proposed transferee is also requesting a **Change of Location to 72N North Water Street and a Change of License Type from a Common Victualler (Restaurant) All Alcoholic Beverage license to a Hotel (Innholder) All Alcoholic Beverages license**. Upon approval, **Andrew F. Rockett** will be the Sole Manager/Member and Interest Holder (100%) of the LLC, and the **Proposed Manager of the liquor license**. The 'current' proposed plans call for a Five – Story (141 room) hotel facility with a ground floor bar and restaurant, first floor conference center and meeting area, function/banquet room (s), restaurant and terrace, temporary and permanent lounge area (s), and kitchen (the "Hotel").

The hotel will be situated on the east side of North Water Street, between Elm and Rodman Streets, and will be numbered **72N North Water Street**.

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

Application has been advertised; Abutters have been notified

Minutes of 03/25/15 Meeting

A written request was submitted by Atty. Peabody on behalf of Candleworks Ventures, to table matter to the Board's April 21st meeting, due to the fact that they were unable to complete the application in time.

VOTED:, The Board voted unanimously to receive the letter and place it on file; and approved the request to table the matter to the Board's next meeting on 04/21/15, on a motion by Commissioner Almeida.

Tabled at 03/23/15 Meeting

8. Hearing: Tane Corporation d/b/a Octane Sports Bar

Ms. Fernanda Carvalho, Owner

1430 Acushnet Avenue

Closed 10/31/13 – License for Sale

Your presence (Seller) and that of Atty. Jay Peabody (Buyer) is respectfully requested at a hearing to determine the status of your annual liquor license for the year 2015.

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.

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

Minutes of 12/22/14 Meeting

Present: Fernanda Carvalho and Claudio Cabral, Co-Owners; Atty. Jay Peabody, Representative, Candleworks Ventures, LLC

As a result of the open hearing held on December 22, 2014 to determine the status of your annual liquor license for the year 2015, this Board voted unanimously to once again table the matter until the Licensing Board's February 23, 2015 Meeting, in order to give Atty. Peabody the time he requested to prepare and submit a transfer application for said meeting.

Minutes of 03/23/15 Meeting

Present: Fernanda Carvalho and Claudio Cabral, Co-Owners

Chairman Beauregard informed Ms, Carvalho and Mr. Cabral that the application for transfer submitted by Candleworks Ventures, LLC could not move forward until such a time they submit a Certificate of Good Standing (DOR).

VOTED:, Commissioner Almeida made a motion to table the matter until the Board's next meeting on 04/21/15, in order to give the seller an opportunity to secure a Certificate of Good Standing from the DOR, which must be submitted to the seller to complete the application. - **Unanimous**

9. APPLICATION, (No Representation Required)

New Bedford Whaling Museum, Melanie Correia, 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 , April 8, 2015, from 6:00 p.m. until 7:00 p.m.**

10. APPLICATION, (No Representation Required)

Zeiterion Theatre, Inc., Justin LaCroix, Manager, who is requesting approval of an application for a **Special One-Day All Alcoholic Beverages License** for a "VIP Membership Lounge Fundraiser"; to be held in the "**Penler Space**", located at **686 Purchase Street**; and to be held on **Sunday, April 12, 2015, from 7:00 p.m. until 11:30 p.m.**

11. APPLICATION, (No Representation Required)

New Bedford Whaling Museum, Melanie Correia, Representative, who is requesting approval of an application for a **Special One-Day All Alcoholic Beverages License** for an 'Exhibit Opening Reception' to be held at the **New Bedford Whaling Museum**, located at **18 Johnny Cake Hill**; and to be held on **Thursday, April 16, 2015, from 6:00 p.m. until 8:00 p.m.**

12. APPLICATION, (No Representation Required)

Irmandade Do Divino Espirito Santo Do Pico Club, Fatima Almeida, Representative requesting approval of an application for a **Special One-Day All Alcoholic Beverage License** for a 'Sopas Dinner', to be held at the **Irmandade Do Divino Espirito Santo Do Pico Club**, located at **2056 Acushnet Avenue**; and to be held on **Saturday, April 18, 2015, from 1:00 p.m. until 11:45 p.m.**

13. APPLICATION, (No Representation Required)

Zeiterion Theatre, Inc., Justin LaCroix, Manager, who is requesting approval of an application for a **Special One-Day All Alcoholic Beverages License** for a “VIP Membership Lounge Fundraiser”; to be held in the “**Penler Space**”, located at **686 Purchase Street**; and to be held on **Saturday, April 25, 2015, from 5:00 p.m. until 11:30 p.m.**

14. APPLICATION, (No Representation Required)

Zeiterion Theatre, Inc., Justin LaCroix, Manager, who is requesting approval of an application for a **Special One-Day All Alcoholic Beverages License** for a “VIP Membership Lounge Fundraiser”; to be held in the “**Penler Space**”, located at **686 Purchase Street**; and to be held on **Friday, May 1, 2015, from 7:00 p.m. until 11:30 p.m.**

15. APPLICATION, (No Representation Required)

Fort Taber/Fort Rodman Historical Association, Joseph Langlois, Representative, who is requesting approval of an application for a **Special One-Day All Alcoholic Beverages License** for a ‘Pirate Dance Fundraiser’ to be held at the **First Unitarian Church**, located at **62 Eighth Street**; and to be held on **Friday, May 1, 2015, from 7:00 p.m. until 11:45 p.m.**

16. APPLICATION, (No Representation Required)

Zeiterion Theatre, Inc., Justin LaCroix, Manager, who is requesting approval of an application for a **Special One-Day All Alcoholic Beverages License** for a “VIP Membership Lounge Fundraiser”; to be held in the “**Penler Space**”, located at **686 Purchase Street**; and to be held on **Saturday, May 2, 2015, from 7:00 p.m. until 11:30 p.m.**

17. APPLICATION, (No Representation Required)

New Bedford Whaling Museum, Melanie Correia, Representative, who is requesting approval of an application for a **Special One-Day All Alcoholic Beverages License** for a ‘Dinner/Symposium Weekend’ to be held at the **New Bedford Whaling Museum**, located at **18 Johnny Cake Hill**; and to be held on **Saturday, May 16, 2015, from 5:00 p.m. until 9:00 p.m.**

18. APPLICATION, (No Representation Required)

United Way of Greater New Bedford, Victoria Grabela, Representative, who is requesting approval of an application for a **Special One Day All Alcoholic Beverages License** for a ‘Clambake Fundraiser’ to be held on **Pier 3 – Under a Tent**, and to be held on **Friday, June 12, 2015, from 5:00 p.m. until 11:00 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)

****NO CHANGES, AS PREVIOUSLY APPROVED****

19. APPLICATION, (No Representation Required)

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 13, 2015 from 1:30 p.m. until 7:00 p.m.**

(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****

20. APPLICATION, (No Representation Required)

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 26, 2015, from 5:00 p.m. until 11:00 p.m., Saturday, June 27, 2015, from 4:00 p.m. until 11:00 p.m., and Sunday, June 28, 2015, from 12:00 p.m. until 10:00 p.m.** *(Final approval will require a copy of the Police Detail Contract)*

****NO CHANGES, AS PREVIOUSLY APPROVED****

21. APPLICATION, (No Representation Required)

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 27, 2015, 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****

22. APPLICATION, (No Representation Required)

Town Square Media –Fun 107/WBSM, Kristen Pacheco, Events Manager, who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for a ‘Sun of a Beach Event’, to be held within **Fort Taber Park**; and to be held on **Saturday, July 18, 2015, from 2:00 p.m. until 8:00 p.m. (Last Call at 7:00p.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****

23. 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 Food Tasting Fundraiser’, to be held within the **Buttonwood Park Zoo**; and to be held on **Thursday, August 13, 2015, from 6:00 p.m. until 10:00 p.m.** *((Liquor Liability with the City named as additional insured on certificate is required/along w/Copy of the Police Detail Contract)*

****NO CHANGES, AS PREVIOUSLY APPROVED****

24. Hearing: Barbosa and Raposo, Inc. d/b/a Tilia’s Café & Restaurant

Mr. Jose Barbosa, Manager/Co-Owner

1615-1623 Acushnet Avenue

Your presence is requested at a hearing to determine whether you have violated certain provisions of ABCC Regulations and Licensing Board Rules and Regulations as reported by the City of New Bedford Police Department. The Board will also review its concerns regarding the day to day management of the premises with regard to public safety and that of your employees and the increase in incidents taking place at your establishment. 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.

This hearing will focus on the control and operations of the licensed premises and the facts surrounding an incident that occurred within your licensed premises on March 7, 2015 during which one of your employees was assaulted.

The Licensing Board is concerned that this incident occurred less than six months after a previous hearing of two reported incidents in which patrons were assaulted. This is in contravention to your legal duties. By failing to maintain the licensed premises in a safe manner and by failing to maintain complete control of the licensed premises, you made a conscious decision to place your license at risk.

The potential violations 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 Regulations No. 11, 12-

Objectionable persons shall not be permitted on or about the premises, it’s the responsibility of the licensee to enforce this rule; Premises must at all times be kept safe.

Date and time of alleged violations: Saturday, March 7, 2015 @ approximately 12:16 a.m. - Police Report #15-2489-OF

25. Hearing: Barbosa and Raposo, Inc. d/b/a Tilia’s Café & Restaurant

Mr. Jose Barbosa, Manager/Co-Owner

1615-1623 Acushnet Avenue

Your presence is requested at a 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 an incident reported by the New Bedford Police Department; as well as concerns regarding the day to day management of the premises with regard to public safety and that of your employees, and the increase in incidents taking place at your establishment. 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 -)

- **CORRESPONDENCE**

From: Kim S. Gainsboro, ABCC Chairman **Dated -04/07/15** **Received -04/07/15**
Re: R.V. GAS, Inc. d/b/a Joe's Gas **277 Nash Road**
Re-Scheduled Hearing Date: Wednesday, April 22, 2015 @ 12:30 p.m.; an appeal of the action of the City of New Bedford Licensing Board for denying the Sec. 15 Wines & Malt Beverages License Application to be exercised at 277 Nash Road.

From: Kim S. Gainsboro, ABCC Chairman **Dated -04/01/15** **Received -04/13/15**
Re: World Famous Pizza & Subs, Inc. **1114 Acushnet Avenue**
Re-Scheduled Hearing Date: Wednesday, April 1, 2015 @ 10:00 a.m.; an appeal of the action of the City of New Bedford Licensing Board for denying the Sec. 12 Wines & Malt Beverages License Application to be exercised at 1114 Acushnet Avenue.)

DECISION: The applicant or an authorized representative failed to appear and pursue this appeal. Therefore, this matter is **Dismissed Without Prejudice For Failure Of The Applicant To Appear.**

Note : As a result of this decision, the opportunity to apply for this license was offered to **Tia Maria's Restaurant located at 42 North Water Street** as a result of finishing 2nd in the lottery that was held for this license. (**Accepted**)

- **COMPLAINTS RECEIVED:**

---NONE--

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

<u>NAME</u>	<u>POLICE REPORT#</u>	<u>DATE</u>	<u>VIOLATION</u>
1. Pub 126	#15-3772 – OF	04/05/15	Fight/Patron Assaulted/Patron Allowed to Make Their Own Drink (Approximate Time of Violation 02:08 a.m.)
2. Temptations	#15 - 4014 – OF	04/11/15	Possible Management Change Intoxicated Patron/Failure to Notify Police in a Timely Manner (Approximate Time of Violation 02:18 a.m.)
3. Temptations	#15 – 1055 - AR	04/11/15	Possible Management Change Intoxicated Patron/Patron Assaulted (Approximate Time of Violation 01:02 a.m.)

- **Upcoming Outdoor Summer Events & Festivals (Informational Only)**

1. 9th Annual Taste of the South Coast (Pier 3) – May 17th - “**Applied/“No Changes”**”
2. Cinco De Mayo Celebration (Rivet St.) – May 2nd - “**Applied/“No Changes”**”
3. Summer Concert Series (Pier 3) – July thru Sept.
(May Meeting)
4. Day of Portugal (Acushnet Avenue) – June 5th, 6th, & 7th
(May Meeting)
5. 21st Annual United Way Clambake (Pier 3) – June 12th
6. Cape Verdean Day Parade (Club Property) – July 5th
(May Meeting)
7. Opening of the Bay (Fort Taber) – May 30th – “**Applied/“No Changes”**”
8. New Bedford Summerfest – July 4th, 5th, & 6th
(May Meeting)
9. Irmandade Do Divino Espirito Santo Do Pico (Club Grounds) – July 10th, 11th, 12th, & 13th - “**Applied/“No Changes”**”
(May Meeting)

10. Sun of a Beach Festival (Ft. Taber) – July 18th – “**Applied/“No Changes”**”
(May Meeting)

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

- **REVIEW OF LIQUOR FEES FOR 2016**
- **NEXT TWO MEETING DATES: Monday, May 18th & Monday, June 22nd both in Room 314**
- **MEETING ADJOURNED:**