



Licensing Board

May 18, 2015 – 7:00 PM – **Agenda**
City Hall, 133 William Street, Room 314

LICENSING BOARD MEETING

-AGENDA-

Monday, May 18, 2015
Room 314 – 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

A/O 05/13/15

MOTION TO ACCEPT THE MEETING MINUTES OF JANUARY 20, 2015

APPROVALS RECEIVED FROM THE ALCOHOLIC BEVERAGES CONTROL COMMISSION

Transfer, Change of Location, & Change of License Type - Trans. # 122 – Plot # 119--13

Casa Chessa Corp. d/b/a Café Balena, Pietro Chessa, President, currently licensed at premises located at 24 North Water Street, who is petitioning to transfer a **Common Victualler (Restaurant) Wine and Malt Only Beverages (7 Day) License** to **Kellie E. Moreau d/b/a Shooter’s Billiards**.

The proposed transferee is also requesting a **Change of Location to 2112 Acushnet Avenue**; as well as a **Change of License Type from a ‘Restaurant Wine & Malt Only’ license to a ‘General on Premise Wine & Malt Only’ license**. Upon approval, **Kellie E. Moreau** will be the **Sole Owner and Manager of the liquor license**.

Upon completion of the renovations, the licensed area will consist of one room approximately 2,895 sq. ft. on the first floor of a two-story building, which will operate as a **Billiard Parlor**. The room will include a twelve seat bar area with nine (9) pool tables, five (5) two (2) seat tables, a storage room for alcohol, and two restrooms. There are two entrances/exits on the east side of the building, along with an additional exit on the north side of the building. The premise is located on the east side of Acushnet Avenue between Harwich and Brewster Streets, and is numbered **2112 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’**.

Approved By ABCC – 04/15/15

Altering of Premises - Trans. # 077 – Plot # 53--195

The Pequod, Inc. d/b/a Rose Alley Ale House, Jason P. Lanagan, President, who is petitioning to **Alter the Premises** to include in the description of the **Common Victualler (Restaurant) All Alcoholic Beverages License**, a raised one-story wooden deck contiguous to the main dining room on the north side of the existing building. The deck will be approximately 20’ x 32’ (640 sq. ft.), and will include eight (8) 36” square tables with seating for four (4) at each table, and an outdoor service bar. The outdoor area will be accessible through the existing dining area, as well as from a rear stairwell located on the street level parking lot on the west side of the building.

The deck will be enclosed by a 42” inch high railing. The licensee is also requesting operating hours of **11:30 a.m. until 2:00 a.m. daily**. The premises will remain numbered **94 Front Street**.

Final approval will require approval from both the Building Department and from the Health Department.

Approved By ABCC – 04/17/15

1. PETITION - Trans. # 229 - Plot # 53--80

Tia Maria’s Café, Inc. d/b/a Tia Maria’s European Cafe., Jessica Coelho, President, who is petitioning for a **New Common Victualler (Restaurant) Wine and Malt Only Beverages License**. Upon approval, **Jessica Coelho** will be the **President, Treasurer, Secretary, Sole Director, Sole Shareholder (100%), and Manager**. The licensed premises will be in an area approximately 1,400 sq. ft., which will include three (3) rooms that will include two rooms for dining with a small service bar, and one room (lounge) with couch seating for patrons; the area also includes a kitchen area, a take-out area,

and two (2) restrooms on the first floor of a three-story building. Alcohol will be stored and served from the kitchen area located in the rear of the building, as well as from the small service bar. The premises is situated on the east side of North Water Street between Centre and Hamilton Streets, and includes one (1) entrance/exit in the front of the building onto North Water Street; as well as an additional emergency exit onto North Water Street, and another emergency exit located in the kitchen area, and will be numbered **42-46 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

2. PETITION - Trans. # 014 - Plot # 53--197

Pier 37, LLC d/b/a Pier 37, Jeremy J. Dias, Manager of LLC, who is petitioning to **Change the Description of the Common Victualler (Restaurant) All Alcoholic Beverages** license to include an outdoor patio area approximately 448 sq. ft. (16' X 28') to be used as a 'Sidewalk Café', which will be enclosed with 21" high planters that will be used to rope off the described area, and will be used for seated dining purposes only. The enclosed area, which will include Five (5) tables for the seating of twelve (12) patrons and two (2) umbrellas for shading, will be located on the south side of the building, which is contiguous to the licensed premises. The proposed outdoor area will only be accessible by way of an entrance/exit on the south side of the enclosed area in the front of the building, and will be accessible by 'Hostess Seating' only; the area will also be monitored by the hostess and wait staff at all times. There will also be an additional exit that leads to the front door of the establishment. The proposed 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). The licensed premises will remain numbered **37 Union Street**.

Application has been advertised; Abutters have been notified

3. PETITION - Trans. # 149 - Plot # 47--39

Cork County, Inc. d/b/a Slainte Irish Pub & Grill, Catherine Carter, President, who is petitioning to **Change the Description of the Common Victualler (Restaurant) All Alcoholic Beverages** license to include an outdoor patio area approximately 378 sq. ft. (28' X 13.5') to be used as a 'Sidewalk Café', which will be enclosed with a black bollard and chain, and will be used for seated dining purposes only. The enclosed area, which will include Eight (8) 36" wrought iron tables and chairs for the seating of Thirty-Two (32) patrons and umbrellas for shading, will be located on the north side (front) of the building, which is contiguous to the licensed premises. The proposed outdoor area will only be accessible by way of an entrance/exit on the south side of the enclosed area in the front of the building, and will be accessible by 'Hostess Seating' only; the area will also be monitored by the hostess and waitstaff at all times. There will also be an additional exit that leads to the front door of the establishment. The proposed 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). The licensee is also requesting that the license be amended to remove the space at 44 Union Street as part of their licensed premise, and to delete the following section from their description: "An additional room with a service bar, approx, 1,900 sq. ft. for a function hall and more dining space, which was approved by the ABCC on 11/19/03." The licensed premises will now be numbered **34 Union Street**.

Application has been advertised; Abutters have been notified

Tabled at 04/21/15

4. 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)

Present: The proposed new manager did not appear as requested.

Mr. Nanopoulos informed the Board that the application was not complete, as a result of the applicant's failure to submit a

Certificate of Good Standing from the DOR; and recommended that the matter be tabled until such a time the DOR Certificate is submitted.

VOTED: On a motion by Commissioner Almeida, the Board **voted unanimously to table the matter until the May 18th meeting**, in order to give the applicant an opportunity to submit the required Certificate of Good Standing from the DOR; and to ensure that the proposed new manager is in attendance at said meeting.

5. PETITION - Trans. # 034 – Plot # 127-D-200 (No Representation Required)

Private A. Poirier Post #3260, Veterans of Foreign Wars of the U.S., Inc., Dennis A. Pelletier, (new) President, who is petitioning for a **Change of Officers and Directors 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, Dennis A. Pelletier will be the President and a Co-Director, Paul N. Guilbeault will be both Treasurer and Secretary; and George Walker and Delfino R. Garcia will be Co-Directors. Premises will remain the same at **281 Appleton Street**.

(No Advertisement nor Abutters Notification Required)

*****05/11/15 – A written request was submitted by Atty. Peabody on behalf of Candleworks Ventures, to withdraw the pending application for transfer; with notice that a new transfer application will be submitted to the Licensing Board by June 5, 2015 for the meeting scheduled for June 22, 2015.**

Tabled at 04/21/15 Meeting

6. 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 the 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.

Minutes of 04/21/15 Meeting

Present: Atty. Tim Wenger, Appearing on behalf of the transferee and the proposed new manager.

Mr. Nanopoulos informed the Board that the applicant had submitted the missing documents to complete the application but he was informed that Mr. Rockett was unable to attend due to health reasons. Mr. Nanopoulos informed the Board that he had conferred with Atty. Markey, Asst. City Solicitor, and he agreed that the hearing should not be opened, and that the application should be re-advertised to be in compliance with the law.

Chairman Beauregard informed Atty. Wenger that the proposed manager is required to appear before the Board for approval, as is the case with all transfers that come before the Board; and even more important with the size of this project; and added that Mr. Rockett would be required to appear at the May 18th meeting, for which the application will have to be re-advertised.

ACTION TAKEN: None

7. Hearing: Young Cape Verdean Athletic Association, Inc.
Mr. Donald Soares, President

418 South Front Street

Your presence and that of **Renee DePina, Treasurer, and Liberio DeMelo, Proposed New Manager** is requested at an emergency hearing to be held in this office to determine whether you have violated certain provisions of Alcoholic Beverages Control Commission (ABCC) Regulations and Licensing Board Rules and Regulations. Based on their findings, the Licensing Board may take action to suspend your license until this matter is resolved.

ABCC Regulation 204 CMR 2.05: (2)-

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

Licensing Board Regulation No. 6,

Each Corporate Licensee shall appoint a Manager who shall have full authority and control of the premises and who shall be satisfactory to the Board; immediate notice of the appointment must be made to the Board in writing.

This hearing will focus on the control and operations of the licensed premises, as well as your failure to secure a Certificate of Good Standing from the Department of Revenue in a timely manner, which is required to complete your application for a Change of Officers, Directors, and Manager, which was returned by the ABCC on 04/28/15. The Board is deeply concerned that you have been operating without an approved manager since December of 2014, as well your failure to resolve your outstanding issues with the DOR in a timely manner.

8. Hearing: Clube Ponta Delgada, Inc.
Walter Gibau, Jr., Manager
61-65 Madeira Avenue

Your presence and that of **Goncalo Santos, Treasurer and Christina Machado, Proposed New Manager**, is requested at a hearing to determine whether you have violated certain provisions of M.G.L., ABCC Regulations, and Licensing Board Rules and Regulations. Based on their findings, the Licensing Board may take action to suspend your license until such a time as this matter is resolved.

This hearing will focus on the control and operations of the licensed premises, and your failure to submit a completed application for a change of officers, directors, and manager, in a timely manner; as a result of your most recent yearly meeting, at which time a new manager was voted in, as well as other changes in club officers. This office was initially notified of the change on December 3, 2014, and you were told later in January of this year that you had to include the required paperwork in your application to update your officers and directors, in order for the change of manager request to be accepted by the ABCC for approval.

The Licensing Board is concerned that after proper notice, you have failed to submit the paperwork required to make the required changes, which must be approved by this Board and the Alcoholic Beverages Control Commission. This is in contravention to your legal duties. By failing to make the required changes in a timely manner, you made a conscious decision to place your license at risk.

The Licensing Board is exceptionally troubled that there is currently not an approved manager handling the day to day operation of the 'club'.

The potential violations are as follows:

Violations: Massachusetts General Laws Chapter 138, section, 12, 12A, & 15A

An application must be filed to obtain approval from the local licensing authority and ABCC for Change of Officers, Directors, and Manager.

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

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. 6-

Each Corporate Licensee shall appoint a manager who shall have full authority and control of the premises, and who shall be satisfactory to the Board, and who shall be a United States citizen.

9. APPLICATION, (No Representation Required)

New Bedford Art Museum, Alicia Moretti, Representative, who is requesting approval of an application for a **Special One-Day Wine & Malt Only Beverages License** for an ‘Opening Reception’ to be held at the **New Bedford Art Museum**, located at **608 Pleasant Street**; and to be held on **Friday, May 8, 2015, from 5:30 p.m. until 7:30 p.m.**

10. APPLICATION, (No Representation Required)

Club SS Sacramento Scholarship Committee, Rosemary Rebello, Representative, who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for a ‘Wine Tasting Fundraiser’ to be held at the **Madeira Field - Main Pavilion**; and to be held on **Saturday, May 9, 2015 from 6:00 p.m. until 9:00 p.m.**

11. APPLICATION, (No Representation Required)

Bristol Community College Foundation, Wayne Wood, Representative, who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for a ‘Business After Hours’ to be held at **Bristol Community College**, located at **800 Purchase Street**; and to be held on **Thursday, May 14, 2015, from 5:00 p.m. until 7:00 p.m.**

12. APPLICATION, (No Representation Required)

Sea Streak, LLC, John Silva, Representative who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for a ‘Season Kick-Off Event’ to be held in **The Ferry Terminal** located on **49 State Pier**; and to be held on **Saturday, May 23, 2015 from 5:00 p.m. until 7:00 p.m.**

13. APPLICATION, (No Representation Required)

The Azorean Maritime Heritage Society, Rosemary Rebello, Representative, who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for a ‘Wine Tasting Fundraiser’ to be held at the **N. B. Whaling Museum**, located at **18 Johnny Cake Hill**; and to be held on **Saturday, May 30, 2015 from 6:00 p.m. until 9:00 p.m.**

14. APPLICATION, (No Representation Required)

Prince Henry Society, Dan Costa, Vice-President, who is requesting approval of an application for a **Special One-Day Wine & Malt Only Beverages License** for their ‘General Meeting Event’ to be held within the **Madeira Field Pavilion Area**, located at **50 Madeira Avenue**; and to be held on **Tuesday, June 2, 2015, from 6:00 p.m. until 9:00 p.m.**

15. APPLICATION, (No Representation Required)

New Bedford Art Museum, Alicia Moretti, Representative, who is requesting approval of an application for a **Special One-Day Wine & Malt Only Beverages License** for an ‘Opening Reception’ to be held at the **New Bedford Art Museum**, located at **608 Pleasant Street**; and to be held on **Wednesday, June 3, 2015, from 5:30 p.m. until 7:30 p.m.**

16. APPLICATION, (No Representation Required)

Cape Verdean Association In New Bedford, Inc, Raquel Dias, President who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for a ‘Open House Fundraiser’ to be held within the **Cape Verdean Association Cultural Center**, located at **1157 Acushnet Avenue**; and to be held on **Saturday, June 13, 2015 and Sunday, June 14, 2015 11:00 a.m. until 6:00 p.m.** **NOTE:** This event is being held on the Day of Portugal weekend.

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

17. APPLICATION, (No Representation Required)

Society of Senhor da Pedra/Holy Ghost Society, Brian Da Rosa, Sr., Representative, who is requesting approval of an application for a **Special One-Day All Alcoholic Beverages License** for a ‘Fundraiser/Holy Ghost Society Feast’, to be held in **Webster Court (Senhor da Pedra Parking Lot)**, located at **81 Tinkham Street**; and to be held on **Saturday, June 20, 2015, from 6:00 p.m. until 11:45 p.m. and Sunday, June 21, 2015 from 6:00 p.m. until 11:00 p.m.** *(Final approval will require Liquor Liability naming the City of New Bedford as additionally insured as well as a copy of the Police Detail Contract) - “No Changes As Previously Approved”*

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

18. 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 ‘Rocker’s Against Bullying Event Fundraiser’ to be held in the **Knucklehead’s Parking Lot**, located at **85 MacArthur Drive**; and to be held on **Saturday, June 27,**

2015 from 11:00 a.m. until 11:00 p.m.

19. 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 'Children's Hospital Fundraiser' to be held in the **Knucklehead's Parking Lot**, located at **85 MacArthur Drive**; and to be held on **Sunday, June 28, 2015 from 11:00 a.m. until 11:00 p.m.**

20. APPLICATION, (No Representation Required)

New Bedford Folk Festival Committee, Jaime Kelly, Event Technical Director, who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for a '**New Bedford Folk Festival**', to be held within the **Bank Five Parking Lot** located off **Spring Street**; and to be held on **Saturday, July 4, 2015 and Sunday, July 5, 2015, from 12:00 p.m. until 7:00 p.m. (Last Call @ 6.30 p.m.) (Final approval will require Liquor Liability with the City named as additionally insured and a copy of the Police Detail Contract)**

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

21. 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 '**Omega Reign Festival Fundraiser**' to be held in the **Knucklehead's Parking Lot**, located at **85 MacArthur Drive**; and to be held on **Sunday, July 12, 2015 from 11:00 a.m. until 11:00 p.m.**

22. 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 '**Steak Cookout**', to be held inside the **Low Tide Yacht Club**, located within **Fort Taber Park**; and to be held on **Saturday, July 18, 2015, from 6:00 p.m. until 10:00 p.m. (Final approval will require Liquor Liability with the City named as additionally insured)**

23. 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 their "**Light The Bay**" Medley Regatta, to be held inside the **Low Tide Yacht Club & Tent**, located within **Fort Taber Park**; and to be held on **Saturday, July 25, 2015, from 5:00 p.m. until 7:00 p.m. (Final approval will require Liquor Liability with the City named as additionally insured)**

24. APPLICATION, (No Representation Required)

St. Michael Social Club, Inc. Valdir Araujo, Representative requesting approval of an application for a **Special One Day All Alcoholic Beverage License** for a '**Fundraiser/Fiesta Do Chicharro**' to be held on **Madeira Avenue**, located at **101 Madeira Avenue (On Street)**, to be held on **Friday, July 24, 2015 from 6:00 p.m. until 11:45 p.m. and on Saturday, July 25, 2015 from 12:00 p.m. until 11:45 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****

25. APPLICATION, (No Representation Required)

Stephanie Moran, Representative, who is requesting approval of an application for a **Special One Day All Alcoholic Beverages License** for a '**Wedding Reception**' to be held at the **Fort Taber Community Center**, located within **Fort Taber Park**; and to be held on **Saturday, August 8, 2015 from 6:00 p.m. until 11:00 p.m.**

26. 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 15, 2015 from 11:00 a.m. until 11:00 p.m.**

27. 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 an '**Annual Benefit/American Cancer Society**' to

be held in the **Knucklehead's Parking Lot**, located at **85 MacArthur Drive**; and to be held on **Sunday, August 16, 2015** from **11:00 a.m. until 11:00 p.m.**

28. 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 'Dan Festival Fundraiser' to be held in the **Knucklehead's Parking Lot**, located at **85 MacArthur Drive**; and to be held on **Sunday, September 20, 2015** from **11:00 a.m. until 11:00 p.m.**

- **Day of Portugal Event - Special One-Day Licenses (5) "No Representation Required"**
*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*****

29. APPLICATION, (No Representation Required)

Day of Portugal Committee, Veronica Medeiros, Representative who is requesting approval of an application for a **Special One-Day All Alcoholic Beverage License** for the 'Day of Portugal Celebration' to be held on **Acushnet Avenue (from Bullard Street to Beetle Street);**) and to be held **Friday, June 12, 2015 from 6:00 p.m. until 11:45 p.m., Saturday, June 13, 2015 from 12:00 p.m. until 11:45 p.m., and Sunday, June 14, 2015 from 12:00 p.m. until 10:00 p.m.** (Security Plans Previously Approved On 04/22/14)

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

30. APPLICATION, (No Representation Required)

European Café, Inc. d/b/a Café Europa, Pedro Ferreira, Manager, who is requesting approval of an application for a **Special One-Day All Alcoholic Beverage License** for the 'Day of Portugal Celebration' to be held on **Acushnet Avenue (from Bullard Street to Beetle Street);**) and to be held **Friday, June 12, 2015 from 6:00 p.m. until 11:45 p.m., Saturday, June 13, 2015 from 12:00 p.m. until 11:45 p.m., and Sunday, June 14, 2015 from 12:00 p.m. until 10:00 p.m.**

31. APPLICATION, (No Representation Required)

Giraldo's Restaurant, Inc. d/b/a Adriana's Mexican Restaurant, Martha Gonzalez, Manager, who is requesting approval of an application for a **Special One-Day All Alcoholic Beverage License** for the 'Day of Portugal Celebration' to be held on **Acushnet Avenue (from Bullard Street to Beetle Street);**) and to be held **Friday, June 12, 2015 from 6:00 p.m. until 11:45 p.m., Saturday, June 13, 2015 from 12:00 p.m. until 11:45 p.m., and Sunday, June 14, 2015 from 12:00 p.m. until 10:00 p.m.**

32. APPLICATION, (No Representation Required)

Calderon & Calderon, Inc. d/b/a Café Portugal, Roberto Calderon, Treasurer, who is requesting approval of an application for a **Special One-Day All Alcoholic Beverage License** for the 'Day of Portugal Celebration' to be held on **Acushnet Avenue (from Bullard Street to Beetle Street);**) and to be held **Friday, June 12, 2015 from 6:00 p.m. until 11:45 p.m., Saturday, June 13, 2015 from 12:00 p.m. until 11:45 p.m., and Sunday, June 14, 2015 from 12:00 p.m. until 10:00 p.m.**

33. APPLICATION, (No Representation Required)

El Mexicano, Inc. d/b/a Mi Antojo Mexican Restaurant, Grisay Rojas, Manager, who is requesting approval of an application for a **Special One-Day All Alcoholic Beverage License** for the 'Day of Portugal Celebration' to be held on **Acushnet Avenue (from Bullard Street to Beetle Street);**) and to be held **Friday, June 12, 2015 from 6:00 p.m. until 11:45 p.m., Saturday, June 13, 2015 from 12:00 p.m. until 11:45 p.m., and Sunday, June 14, 2015 from 12:00 p.m. until 10:00 p.m.**

- **Friday Nights on the Summer Concert Series - Special One-Day Licenses (6) "No Representation Required"**
*Final approval will require Liquor Liability with the City named as additionally insured and a copy of the Police Detail Contract; Concert series will begin on Friday on July 10th and end August 14th with rain dates of August 21st & August 28th. ****NO CHANGES, AS PREVIOUSLY APPROVED*****

34. APPLICATION,

N. B. Harbor Development Commission, Jeffrey D. Stieb, Executive Director, who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for a 'Summer Sound Series - Friday Concert on the Pier', to be held on the **City Pier – Pier 3**; and to be held on **Friday, July 10, 2015, from 6:00 p.m. until 8:00 p.m.**

35. APPLICATION,

N. B. Harbor Development Commission, Jeffrey D. Stieb, Executive Director, who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for a ‘Summer Sound Series - Friday Concert on the Pier’, to be held on the **City Pier – Pier 3**; and to be held on **Friday, July 17, 2015, from 6:00 p.m. until 8:00 p.m.**

36. APPLICATION,

N. B. Harbor Development Commission, Jeffrey D. Stieb, Executive Director, who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for a ‘Summer Sound Series - Friday Concert on the Pier’, to be held on the **City Pier – Pier 3**; and to be held on **Friday, July 24, 2015, from 6:00 p.m. until 8:00 p.m.**

37. APPLICATION,

N. B. Harbor Development Commission, Jeffrey D. Stieb, Executive Director, who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for a ‘Summer Sound Series - Friday Concert on the Pier’, to be held on the **City Pier – Pier 3**; and to be held on **Friday, July 31, 2015, from 6:00 p.m. until 8:00 p.m.**

38. APPLICATION,

N. B. Harbor Development Commission, Jeffrey D. Stieb, Executive Director, who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for a ‘Summer Sound Series - Friday Concert on the Pier’, to be held on the **City Pier – Pier 3**; and to be held on **Friday, August 7, 2015, from 6:00 p.m. until 8:00 p.m.**

39. APPLICATION,

N. B. Harbor Development Commission, Jeffrey D. Stieb, Executive Director, who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for a ‘Summer Sound Series - Friday Concert on the Pier’, to be held on the **City Pier – Pier 3**; and to be held on **Friday, August 14, 2015, from 6:00 p.m. until 8:00 p.m.**

40. Hearing: Joe’s Auto Mall, Inc.

Mr. Jose Adao, President
547 Belleville Avenue

Your presence is requested at a hearing in accordance with Massachusetts General Laws Chapter 140, section 59 in that all licenses granted under this section shall be revoked by the licensing board or officer if it appears, after the hearing, that the licensee is not complying with sections fifty-seven to sixty-nine, inclusive, or the rules and regulations made thereunder. Based on the evidence presented, the Board may take action to revoke your 2015 MV Class II license.

This hearing is being held because of your continued practice of storing and displaying vehicles for sale in an area for which you have not been approved as well as your failure to apply for a MV Class II Annex license for the area in question. This matter was discussed with your legal counsel at the Board’s meeting of November 17, 2014, and you continue to defy the Board’s request for compliance.

This office has been notified by the Planning Board Office that your plan was approved by Site Plan Review on December 10, 2014.

Decision of 11/17/14 Hearing

At the Board’s hearing of November 17, 2014, your attorney presented documentation that indicated that an application has been submitted to the Planning Board Office for a ‘Site Plan Review’ hearing on December 10, 2014, with regard to parcel 105—167, which is located on Belleville Avenue.

Upon discussing the matter with Atty. Williams, and also taking into consideration that you had taken the first step in getting properly licensed (annex) to store and display cars for sale across the street from your current location, **the Board voted unanimously to approve the renewal of your 2015 MV Class II license with the following stipulation:**

That You have ninety (90) days from the receipt of this notice to complete the ‘Site Plan Review’ process; and once approved, submit an application to this office for a MV Class II Annex license.

Please be advised once again, that cars **are not to be stored or displayed for sale** at the proposed location, until such a time as you’ve been approved for the required annex license. You are requested to submit your application immediately upon approval from the Planning Board.

41. Hearing: Carreiro’s Pub 126 Bar & Grill, Inc.

Mr. Carlos Carreiro, Owner/Manager
126 Dartmouth Street

Your presence and that of **Marissa Despres, (Barmaid)** 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. Based on their findings, the Licensing Board may take action to suspend your license. This hearing will focus on the control and operation of the licensed premises, and the facts surrounding an incident that resulted in a patron being assaulted by another patron (s); as well as on the confirmed action of ownership in allowing a female patron to step behind the bar to pour herself a drink, as well as one for two other patrons, after the bartender left the bar unattended when she went outside to have a cigarette.

The Licensing Board is exceptionally troubled that the incident occurred after the bartender quit and walked out, as a result of being told by the owner, "If you don't like it you can leave"; after she told him that he was not supposed to have people serving alcohol that weren't permitted to do so.

Alcoholic Beverages Control Commission Regulation 204CMR2.05:(2)-

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

Licensing Board Regulation No. 12-

Premises must at all times be kept safe.

Date and time of alleged violations: Sunday, April 5, 2015 @ approx. 2:08 a.m. – Police Report # 15 – 3772 - OF

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

42. Hearing: Tony's Café & Bar, Inc.

Mr. Antonio M. Raposo, Owner/Manager

118 County Street

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. 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 both inside and outside of your establishment on Saturday, April 18, 2015, which resulted in a fight during which an intoxicated patron was assaulted with a knife within your licensed premises by another patron; the fight then continued outside after another patron who was also assaulted inside the bar was kicked out of the bar and was assaulted once again by a second patron, as he attempted to make his way home.

The Licensing Board is troubled that according to the testimony included in the Police Report, one of the victims was kicked out of the bar and was again assaulted outside. 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:

M.G.L. Chapter 138, sections 69-

No alcoholic beverages shall be sold or delivered to an intoxicated person on any licensed premise.

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. 10, 11, 12-

Alcoholic beverages shall not be served to a person who is or appears to be intoxicated; 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, April 18, 2015 @ approximately 1:46 a.m. - Police Report #15-4381-OF

Please be advised, failure to appear at this meeting will result in immediate suspension of your liquor license

until this matter is resolved.

43. Hearing: Tony's Café & Bar, Inc.

Mr. Antonio M. Raposo, Owner/Manager

118 County Street

Your presence is requested at a 'Public Hearing' to determine whether a roll back (decrease) of hours is warranted as a result of violations of certain provisions of M.G.L., ABCC Regulations, and Licensing Board Rules and Regulations, as a result of 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.. 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 -)

44. Hearing: Route Six Properties, Inc.

d/b/a Temptation

Mr. Steven M. Camara, Owner/Manager

161 Pope's Island

Your presence and that of **Paul Vasconcelos** and **Steven Barreira** 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. 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 three separate incidents that occurred on Saturday, April 11, 2015, Monday, April 13, 2015, and Sunday, April 19, 2015, respectively; and the management that was in place on each of those occasions.

The Licensing Board is concerned that these incidents occurred less than six months after a previous hearing of a reported incident in which a patron was 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 Licensing Board is exceptionally troubled that there was a lack of approved management on site at the time of each of these incidents.

The potential violations are as follows:

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

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.1, 6, 10, 11, & 12,-

Licenses may not be transferred or surrendered without permission of the Board; each Corporate Licensee shall appoint a manager who shall have full authority and control of the premises and who shall be satisfactory to the Board, and who shall be a United States citizen; Alcoholic Beverages shall not be served to a person who is or appears to be intoxicated; Objectionable persons shall not be permitted on or about the premises; Premises must at all times be kept safe.

Summary of Incident #1

Police Department Incident Report states that officers were dispatched to 161 Pope's Island in regards to a disturbance. Upon arrival, the officers were met by a highly intoxicated female in distress, who stated that her car was just stolen. The female stated that she came out of Temptation and while doing so, she observed a white male exposing himself by urinating in the lot; and that's when she got out of her car to tell him to stop whatever he was doing, the male started to argue with her. As a result, her husband also got out of the car and got involved in the argument, during which the female's car was stolen.

Note: The female stated that Temptations management and security did call the police right away, and that it took management approximately 20 minutes to make a call because they did not want to get the police involved.

Date and time of alleged violations: Saturday, April 11, 2015 @ approx. 2:18 a.m...

Police Report # 15-4014-OF

Summary of Incident #2

Police Department Incident Report states that officers were dispatched to 161 Pope's Island in regards to a fight in

progress. Upon arrival, the officers observed two males shouting and waving their hands, and noticed that their clothing was stained with fresh blood; their faces also bore signs of physical assault. When speaking with both males, it was clearly visible that they were highly intoxicated, and were unable to follow simple instructions, as well as being unable to clearly articulate their thoughts. When asked, both males stated that they got jumped but were unable to provide any details as to who assaulted them or how it happened. The two victims were cleared to leave with friends who were going to give them a ride home after refusing treatment, at which time one of the victims became extremely agitated, and started to yell expletives, waving his arms in the air, and kicking an object on the ground and stomping on it; which led to him being PCd for his own safety.

As a result of additional investigation, and questioning of Temptation's security personnel, it was revealed that both assault victims were patrons of the establishment, and at some point, they became abusive and disorderly in general, and were asked to leave the premises, at which time they became combative and were physically removed from the establishment out to the parking lot where they continued their aggressive behavior.

Note: When the Police asked to see the surveillance cameras, the manager of the establishment (Mr. Vasconcelos) stated that the cameras have been malfunctioning for some time and they had been disabled a few weeks ago

Date and time of alleged violations: Monday, April 13, 2015 @ approx. 1:02 a.m. - Police Report # 15-1055-AR

Summary of Incident #3

Police Department Incident Report states that while on patrol in the Temptations parking lot, officers observed a male urinating on the ground in a public area, where customers to this establishment could see him in plain view.

Upon being questioned by the officer, the male became loud and uncooperative, and was placed under arrest when the male refused to follow orders making the incident more dangerous than it needed to be. The male stated that he was there to see or meet his cousin, but when the officer questioned the staff, they stated he never made it into the club but was parked there for a while.

Date and time of alleged violations: Sunday, April 19, 2015 @ approx. 1:45 a.m.

Police Report # 15-1133-AR

45. Hearing: Route Six Properties, Inc. d/b/a Temptation

Mr. Steven M. Camara, Owner/Manager

161 Pope's Island

Your presence and that of **Paul Vasconcelos** and **Steven Barreira** is requested at a 'Public Hearing' to determine whether a roll back (decrease) of hours is warranted as a result of violations of certain provisions of M.G.L., ABCC Regulations, and Licensing Board Rules and Regulations, as a result of an incident reported by the New Bedford Police Department; as well as a result of certain changes in the day to day operation of the premises. This rollback (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 -)

46. PETITION - Trans. # 116 - Plot # 60--26

Route Six Properties, Inc. d/b/a Temptation, 161 Pope's Island, is requesting the approval of **Paul Vasconcelos**, who resides at **485 Whetstone Hill Road, Somerset, MA. as their new manager.**

- **CORRESPONDENCE**

From: Municipal Licensing Corporation

Dated 04/28/15

Re: Meeting of Municipal Licensing Group

Brockton,

MA.

An invitation to attend a meeting with other representatives of city and town licensing departments, boards, and commissions, who want to share information and learn from each other's experiences for the application, processing, and investigation of alcohol licenses, as well as other licenses, for our cities and towns. -**RSVP by 05/26/15**

Date & Time: Tuesday, June 9, 2015, 11:45 a.m. to 3:00 p.m. @ Lombardo's 6 Billings Street, Randolph, Ma.

- **COMPLAINTS RECEIVED:**

---NONE--

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

<u>NAME</u>	<u>POLICE REPORT#</u>	<u>DATE</u>	<u>VIOLATION</u>
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---NONE--

- **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. - “Applied/“No Changes”
4. Day of Portugal (Acushnet Avenue) – June 12th, 13th, & 14th - “Applied/“No Changes”
5. 21st Annual United Way Clambake (Pier 3) – June 12th - “Applied/“No Changes”
6. Cape Verdean Day Parade (Club Property) – July 5th
(June Meeting)
7. Opening of the Bay (Fort Taber) – May 30th – “Applied/“No Changes”
8. New Bedford Summerfest – July 4th, 5th, & 6th-- “Applied/“No Changes”
9. Irmandade Do Divino Espirito Santo Do Pico (Club Grounds) – July 10th, 11th, 12th, & 13th - “Applied/“No Changes”
10. Sun of a Beach Festival (Ft. Taber) – July 18th – “Applied/“No Changes”
11. Feast of the Blessed Sacrament (Madeira Field) – July 31st, Aug. 1st, 2nd & 3rd
(June Meeting)

- **NEXT TWO MEETING DATES: Monday, June 22nd & Monday, July 27th both in Room 314**

- **MEETING ADJOURNED:**