



Licensing Board

December 21, 2015 – 7:00 PM – **Agenda**
City Hall, 133 William Street, Room 314

REQUIRED: Steven A. Beaugard, Chairman

Marcelino “Sonny” G. Almeida, Commissioner

Edmund F. Craig, Jr., Commissioner

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

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

Nick Nanopoulos, Director

“FINAL AGENDA”

MOTION TO ACCEPT THE MEETING MINUTES OF NOVEMBER 16, 2015

APPROVALS RECEIVED FROM THE ALCOHOLIC BEVERAGES CONTROL COMMISSION

New ‘Club’ All Alcoholic Beverages License - Trans. # 230– Plot # 116--7

Irmandade do Divino Espirito Santo do Pico, Inc., which is petitioning for a **New Club (Non-Profit) All Alcoholic Beverages** license, under a **Commonwealth of Massachusetts Special Legislation – Chapter 194 of the Acts of 2014**. Upon approval, Manuel Sequeira will be the President and a Co-Director, Manuel G. Dafonte will be the Vice-President and a Co-Director, Lourdes Limos will be the Treasurer and a Co-Director, Joseph Xavier will be the 2nd Treasurer and Co-Director, Fatima T. Dafonte will be the Secretary and a Co-Director; and Margarida Sequeira, Norberto Evangel, and Amerindian Costa will all be Co-Directors. **Ernesto Oliveira** is the **Proposed Manager**. The new licensed premise consists of One (1) room approximately 5,522 sq. ft. on the first floor of a One (1) story building, which will be used as a Function Room and will include seating for approximately 224 patrons, a stage, a service bar, two storage rooms, and two handicapped accessible restrooms; and an additional room approximately 5,522 sq. ft in the basement, which will be used as a ‘Club’ area that will include seating for approximately 144 patrons, a kitchen area with a storage cooler, a service bar, two storage rooms, and three handicapped accessible restrooms.

The main entrance/exit into club is located on the west side of the building onto Acushnet Avenue with an additional entrance/exit on the north side of the building that leads into the parking lot, and an additional emergency exit on the east side of the building. The basement area is accessible through the main entrance, as well as by way of a second stairway from the first floor on the south side of the building, which also includes two additional emergency exits. Premise is located on the east side of Acushnet Avenue between Wood and Sylvia Streets, and will be numbered **2056 Acushnet Avenue**.

(Note: Until such a time as the sprinkler installation project is complete, the applicant will hire details from the N.B. Fire Dept. when the occupancy will exceed 99 individuals, per order of the Commissioner of Buildings.)

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

Approved By ABCC – 11/10/15

Transfer & Pledge - Trans. # 163 – Plot # 110--14

Prutha, Inc. d/b/a Central Liquors, Nileshkumar M. Patel, President, who is petitioning to **transfer a Retail Package Store All Alcoholic Beverages License** to **JALARM, Inc. d/b/a Central Liquors**, who is also requesting approval of a **Pledge of the Retail Package Store All Alcoholic Beverages License** to **Webster**

Bank with an address of 609 West Johnson Avenue, Cheshire, CT. as security to authorize and execute a promissory note in the amount of **Two Hundred & Fifty Thousand Dollars (\$250,000.00)**, pursuant to **Massachusetts General Laws Ch.138 s.23.** **Divyesh Patel** is the President, Treasurer, Clerk, and Sole Shareholder (100%), Sole Director; and the **Proposed New Manager**. Premises will remain the same at **1847 Acushnet Avenue.**

Final approval will require a **‘Change of Tenant’** from the Building Department.

Approved By ABCC – 11/23/15

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

The Edge Hospitality, LLC d/b/a The Edge Seafood Restaurant & Bar, 1480 East Rodney French Boulevard, is requesting the approval of **Margaret Kulpinski**, who resides at 99 Flagg Swamp Road, Dartmouth, MA. **as their new manager.**

Approved By ABCC – 11/25/15

Change of Manager - Trans. # 074– Plot # 12—77

The Edge Hospitality, LLC d/b/a The Edge – Tiki Bar, 1494 East Rodney French Boulevard, is requesting the approval of **Margaret Kulpinski**, who resides at 99 Flagg Swamp Road, Dartmouth, MA. **as their new manager.**

Approved By ABCC – 11/25/15

Change of Manager - Trans. # 116– Plot # 60-26

Route Six Properties, Inc. d/b/a Temptation, 161 Pope’s Island, is requesting the approval of **Kelvin Ortiz**, who resides at 242 Brownell Street, New Bedford, MA., **as their new manager.**

Approved By ABCC – 12/01/15

Transfer, Change of Location, & Change of License Type - Trans. # 194– Plot # 102--128

Ransan Rotisserie, Inc. d/b/a Braza Rotisserie, Randy R. Cardoso, President, license currently issued for use at **566 Pleasant Street,** who is petitioning to transfer a **Common Victualler (Restaurant) Wine and Malt Only Beverages (7 Day) License** to **Portugal Verde Soccer Academy, Inc.** The proposed transferee is also requesting a **Change of Location to 424 Nash Road;** 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, **Isaias M. Furtado** will be the President, Treasurer, Secretary, Sole Director, Sole Shareholder, and **Manager.**

The proposed new licensed premise consists of a 20,000 sq. ft. area within a one-story building, which will operate as an indoor soccer facility. The area will include a snack bar, office, storage room, two restrooms, and an indoor soccer area with bleacher seating for approximately 60 patrons.

Alcohol will be served from the snack bar area. The premises is situated on the south side of Nash Road between Church and Mt. Pleasant Streets, with the main entrance/exit located in the front of the building that leads into the parking lot; with four (4) emergency exits (one (1) each on the north and south side of the building and two (2) in the rear of the building), and is numbered **424 Nash Road.**

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

Approved By ABCC – 12/09/15

1. PETITION - Trans. # 065– Plot # 15--41,

Becky D, Inc. d/b/a Southside Annie’s, Annette Demers, Director, who is petitioning to transfer a **General on Premise All Alcoholic Beverages license** to **114 Cove Street, Inc. d/b/a Southside Annie’s.** Upon approval, Michael Lajoie will be the President, Treasurer, Secretary, Sole Director, and Sole Shareholder (100 %); and **Kimberly Wilson** is the **Proposed New Manager.** The previously approved premise consists of one room on the first floor and one room on the second floor of a three-story building, with stock in the cellar. The

premise is situated on the south side of Cove Street between McGurk Street and Rodney French Boulevard, and is numbered **114 Cove Street**.

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**’.

2. APPLICATION, (No Representation Required)

New Bedford Whaling Museum, Tina Malott, Representative, who is requesting approval of an application for a **Special One-Day Wine & Malt Only Beverages License** for a ‘Members Premiere’ to be held at the **Flagship Cinemas**, located in **500 King’s Highway**; and to be held on **Saturday, December 5, 2015, from 6:00 p.m. until 7:00 p.m.**

3. APPLICATION, (No Representation Required)

New Bedford Whaling Museum, Cassie Poirier, Representative, who is requesting approval of an application for a **Special One-Day All Alcoholic Beverages License** for a ‘New Year’s Eve Bash’ to be held at the **New Bedford Whaling Museum**, located at **18 Johnny Cake Hill**; and to be held on **Thursday, December 31, 2015, from 7:00 p.m. until 10:00 p.m.**

4. APPLICATION, (No Representation Required)

New Bedford Whaling Museum, Robert C. Rocha, Jr. Representative, who is requesting approval of an application for a **Special One-Day All Alcoholic Beverages License** for a ‘Moby Dick Marathon Dinner’ to be held at the **New Bedford Whaling Museum**, located at **18 Johnny Cake Hill**; and to be held on **Friday, January 8, 2016, from 5:00 p.m. until 8:00 p.m.**

5. 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 a ‘Opening Reception’ to be held at the **New Bedford Art Museum**, located in **608 Pleasant Street**; and to be held on **Sunday, January 24, 2016, from 1:00 p.m. until 3:00 p.m.**

6. 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 a ‘Opening Reception’ to be held at the **New Bedford Art Museum**, located in **608 Pleasant Street**; and to be held on **Saturday, February 13, 2016, from 2:00 p.m. until 4:00 p.m.**

Tabled at 07/27/15 Meeting

7. Hearing: The Sky Room, Inc. d/b/a The Sky Room

Ms. Audrey Carter, Manager/Owner

Mello

651 Orchard Street

Closed 12/22/14

Howland Mills Restaurant, Inc.

Atty. Richard J. Manning/Mr. Curtis

651 Orchard Street

Your presence and that of Curtis Mello on behalf of Howland Restaurant, Inc., is respectfully requested at a hearing to determine the status of your annual liquor license for the year 2015. 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 2015 prior to this Board considering approval of your 2016 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.

Minutes of 07/27/15 Meeting

As a result of the open hearing held on July 27, 2015 to determine the status of your client's annual liquor license for the year 2015, and to discuss his plans for his liquor license for the year 2015 prior to this Board considering approval of his 2016 renewal application; **this Board voted to table the matter until the Board's November 16, 2015 meeting with the following stipulation:**

To notify and put the current Licensee, who is the holder of an inactive license on notice that he has **until November 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 your client fails to initiate one of the three options stated above prior to this date, he will be required to appear before this Board once again, at which time the Board may consider revoking his license for non-use.

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.

Tabled at 08/24/15 Meeting

8. Hearing: Nabih Moujabber d/b/a Lebanese Kitchen

Mr. Nabih Moujabber, Licensee
1487-1489 Purchase Street

Closed 07/12/14 – Renovations (Fire)

Your presence is respectfully requested at a hearing to determine the status of your annual liquor license for the year 2015. 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 2015 prior to this Board considering approval of your 2016 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.

Minutes of 08/24/15 Meeting

As a result of the open hearing held on August 24, 2015 to determine the status of your annual liquor license for the year 2015, and to discuss your plans for your liquor license for the year 2015 prior to this Board considering approval of your 2016 renewal application; **this Board voted unanimously to table the matter until this Board's November 16, 2015 meeting with the following stipulation:**

To notify and put the current Licensee, who is the holder of an inactive license on notice that he has **until November 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.

Notes: Mr. Moujabber stated that he was prepared to renew and pay for his license for 2016; Chairman Beauregard instructed Mr. Moujabber to contact Mr. Romanowicz in order to get the approvals he needs to move forward on whichever site he chooses to re-open at. (Original Site or Car Barn site); Mr. Nanopoulos also reminded Mr. Moujabber that he would be required to submit an application for a change of location, if he were to choose to re-locate to the Car Barn location, and that process could take 6-8 to weeks.

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.

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.

Tabled at 11/16/15 Meeting

9. Hearing: Young Cape Verdean Athletic Association, Inc.

Mr. Donald Soares, Proposed New President

418 South Front Street

Your presence is requested at a hearing 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 Unemployment Assistance (DUA) in a timely manner, which is required to complete your application for a Change of Officers, Directors, and Manager, which was returned once again by the ABCC on 10/08/15. The Board is deeply concerned that you have been operating without an approved manager since December of 2014, as well as your failure to resolve your outstanding issues with the DUA in a timely manner.

You have until November 12, 2015 to submit the requested documents.

As a result of your failure to comply in a timely manner, the Board will entertain testimony as to the actions of the Young Cape Verdean Athletic Association. Short of full compliance, the Board must take action and **as such, you are hereby ordered to bring with you your 2015 Liquor License.** Depending on the Board’s findings, you may be required to surrender your license until this matter is resolved.

Decision of Board of 11/16/15 Meeting

Based on the club’s failure to secure a Certificate of Good Standing from the Department of Unemployment Assistance (DUA) and the Department of Revenue (DOR), as well as the recent resignations of the proposed treasurer and manager; the Board voted unanimously to suspend your license effective immediately until such time as we are provided with a certificate of good standing from the DUA and DOR and that a revised application is submitted and approved by this Board and the ABCC.

You will have until December 14, 2015 to submit the required documents; short of full compliance, the Board may take action to revoke your license.

The Board is deeply concerned that you have been operating without an approved manager since December of 2014, as well as your inability to resolve your outstanding issues with the DUA and DOR in a timely manner. You have the right to appeal this decision to the Alcoholic Beverages Control Commission under the provisions of Ch. 138 of M.G. L. within five (5) days of receipt of this notice with a copy submitted to this office.

---NOTICE TO APPEAR---

You are also hereby notified that your presence is also required at a meeting to be held in **City Hall, Room 314 on Monday, December 21, 2015 at 7:00 p.m.** and **you are hereby instructed to bring with you your 2015 Liquor License.**

- **CORRESPONDENCE**

From: Kim S. Gainsboro, ABCC Chairman **Dated -11/10/15** **Received -11/18/15**

Re: Swamini, LLC d/b/a Zully's Wine & Spirits **1240** **Kempton Street**

Notice of Hearing Date: Tuesday, December 15, 2015 @ 10:00 a.m. for a hearing to determine whether you have violated certain provisions of Massachusetts General Laws Chapter (M.G.L.) OR Code of Massachusetts Regulations (CMR) as follows: **M.G.L. CH. 138, sec. 34 – Sale of Delivery of an alcoholic beverages to a person under twenty-one (21) years of age.**

Date of Alleged Violation: Thursday, September 10, 2015 at approx. 4:34 p.m. **(ABCC Investigation & Hearing)**

From: City Council Agenda **Dated -**
12/17/15

WRITTEN MOTION, Councilor Rebeiro, requesting, that the City Council approve Adoption of a Home Rule Petition – AN ACT authorizing the City of New Bedford to issue an additional license for the sale of all alcoholic beverages not to be drunk on the premises pursuant to Section 15, Chapter 138 of Massachusetts General Laws, to the establishment located at 801 Purchase Street, in the City of New Bedford, known as Crush Beverage Company, Inc., the licensing authority shall not approve the transfer of the license to any other locations; and further, that this matter also be referred to Representative Cabral for processing.
L3a. AN ACT,

- **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--

- **2016 Liquor license Renewals**

There were a total of **184** liquor licenses granted as renewals for the year **2016**.

There was **1** **Retail Package Store Wine & Malt Only Beverage License**, which was not signed by the licensee

during the month of November as required by law; therefore, the license was not renewed for '2016'.

The license reverted back to the city. (Under Quota)

Abracadabra Flower & Gift Services, Inc. – Lic. # 07780223

There was **1 Veterans Club All Alcohol Beverages License**, which were not signed by the licensee during the month of November as required by law; therefore, the license was not renewed for '2016'.

The license was a non- quota license.

Andrews Dahill Post #1531, Veterans of Foreign Wars of the U.S., Inc. – Lic. # 07780111

There was **1 Club All Alcohol Beverage License**, which was not signed by the licensee during the month of November as required by law; therefore, the license was not renewed for '2016'.

As a result, the total number of On Premise All Alcohol Beverages licenses issued by the City of New Bedford is reduced by one (1). (Over Quota).

Whaling City Club, Inc. – Lic. # 07780040

******Motion to approve the 184 liquor license renewals that were signed in November.******

- **NEXT TWO MEETING DATES:** Monday, January 25, **2016** & Monday, February 29, **2016**, both in Room 314
- **MEETING ADJOURNED:**

- **HOLIDAY HOURS**

The New Bedford Licensing Board has set the hours for the sale of Alcoholic Beverages for Christmas Eve, Christmas Day, New Years Eve, and New Years Day as follows:

“CHRISTMAS EVE DAY” THURSDAY, DECEMBER 24, 2015

Hotels, Restaurants, Taverns, and Clubs: Normal Business Hours 8:00 A.M. until 2:00 A.M.

Retail Package Good Stores: May Sell or Deliver Alcoholic Beverages From 8:00 A.M. until 11:30 P.M.

“CHRISTMAS DAY” FRIDAY, DECEMBER 25, 2015

Hotels, Restaurants, Taverns, and Clubs: May Open After 11:00 A.M. until 2:00 A.M.

Retail Package Good Stores: May Not Sell or Deliver Alcoholic Beverages On This Day

“NEW YEAR’S EVE DAY” THURSDAY, DECEMBER 31, 2015

Hotels, Restaurants, Taverns, and Clubs: Normal Business Hours 8:00 A.M. until 2:00 A.M

Sale of alcohol **MUST END** at 2:00 A.M.

“NO OPEN BAR FUNCTIONS ARE ALLOWED”

N. B. Licensing Board Rule #19 – WITHIN FIFTEEN MINUTES AFTER CLOSING (2:00 A.M.) all glasses, bottles, or containers used for drinking purposes must be cleared off the tables and bar, and **no alcoholic beverage shall be consumed at the expiration of fifteen minutes (2:15 A.M.) after closing. All CUSTOMERS must leave the premises no later than 30 minutes (2:30 A.M.) after closing.**

Retail Package Goods Stores: May Sell or Deliver Alcoholic Beverages From 8:00 A.M. until 11:30 P.M.

“NEW YEAR’S DAY” FRIDAY, JANUARY 1, 2016

Hotels, Restaurants, Taverns, and Clubs: Normal Business Hours 8:00 A.M. until 2:00 A.M.

Retail Package Good Stores: Normal Business Hours 8:00 A.M. until 11:00 P.M.

The Members and Staff of the New Bedford Licensing Board Would Like To Wish You & Yours A Safe and Happy Holiday Season!!!!!!!

