



Licensing Board

March 23, 2015 – 7:00 PM – **Minutes**
City Hall, 133 William Street, Room 120

LICENSING BOARD MEETING

-MINUTES-

Monday, March 23, 2015

Room 120 (Ashley Room) – 7:00 p.m.

PRESENT: Steven A. Beauregard, Chairman

Marcelino “Sonny” G. Almeida, Commissioner

Edmund F. Craig, Jr., Commissioner

Atty. John A. Markey, Jr., Asst. City Solicitor – Did Not Attend

Capt. Steven Vicente, Police Department Liaison to the Lic. Bd. – Did Not Attend

Nick Nanopoulos, Director

APPROVALS RECEIVED FROM THE ALCOHOLIC BEVERAGES CONTROL COMMISSION

Transfer of License - Trans. #102 – Plot # 93-180

Gilberto, Inc. d/b/a Atlantis Café & Restaurant, Gilbert M. Ferreira, President, who is petitioning to **transfer a Common Victualler (Restaurant) All Alcoholic Beverages License** to **Rookies Bar & Grill, Inc.** Upon approval, Jacinto (aka Jesse) Camara will be the President, Co-Director, and Co-Shareholder (50% Joint Shares), Ana M. Camara will be the Treasurer, Clerk, Co-Director, and Co-Shareholder (50% Joint Shares), and Jesse Camara, Jr. will be the Vice-President, Co-Director, and Co-Shareholder (50%); and **Jesse Camara, Jr.** is also the **Proposed New Manager**. The previously approved premise consists of two rooms, with a kitchen, bar, and two restrooms on the first floor, with stock in the basement of a four-story building. There are two entrances and exits in the front of the building, which is situated on the east side of Acushnet Avenue between Sawyer and Holly Streets. The premises will remain numbered **1218 Acushnet Avenue**.

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 – 03/09/15

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

Pledge of License - Trans. # 133 – Plot # 106-205

MF-Silva Enterprises, Inc. d/b/a The Roasted Pig Bar & Grill, Mario F. Silva, Director, who is requesting approval of a **Pledge of the Common Victualler (Restaurant) All Alcoholic Beverages License** to **Newtek Small Business Finance, LLC**, with an address of **60 Hempstead Avenue 5th Floor, West Hempstead, New York**, as security to authorize and execute a promissory note in the amount of **Six Hundred Eighty-Six Thousand & Two Hundred Dollars (\$686, 200.00)**, pursuant to Massachusetts General Laws Ch.138 s.23.

Approved By ABCC – 03/17/15

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

DISAPPROVALS RECEIVED FROM THE ALCOHOLIC BEVERAGES CONTROL COMMISSION

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**.

Disapproved By ABCC – 03/06/15 - Failure to Comply With Mass Tax Laws (DUA) – 1st Attempt

VOTED: To accept the application back from the ABCC, and to re-submit application to the ABCC “for reconsideration”, only upon notice from the applicant that all DUA issues have been resolved. – **Unanimous**

1. PETITION - 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.**

Present: Erin Pickup, Proposed New Manager along with Jason Lanagan, Owner

Responding to questions from Chairman Beaugard, Ms. Pickup stated that she been working in liquor business for about 14 years, and that she’s been at “CORK” for just under a year bartending and managing at certain times; and that she was T.I.P.S. Certified.

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

2. PETITION - 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.

Application has been advertised; Abutters have been notified

Present: Jason P. Lanagan, Owner; Sarah and William King, Emily and Horace Field, All spoke in opposition to the petition.

When asked by Chairman Beaugard, as to what his plans were for the requested area, Mr. Lanagan responded, there will be no bar seats and that all the seats will be used for dining purposes only.

When asked by Chairman Beaugard, as to what the means of egress would be, Mr. Lanagan responded, that the set of stairs in the rear of the building will take you up onto the deck, and there would be no means of egress from Front Street; and that the only other means of egress onto to the deck would be from the inside of the restaurant.

When asked by Chairman Beaugard, if he planned on having any entertainment outside, Mr. Lanagan responded, no, I don’t think it’s a large enough space to really accommodate entertainment.

When asked by Chairman Beaugard, if there would be any outside speakers, Mr. Lanagan responded, there could be some outside speakers but live entertainment doesn’t work in front of Route 18.

When asked by Chairman Beaugard, as to where the alcohol be served from for the outside patio area, Mr. Lanagan responded, the alcohol would be served from the main bar through their POS System, just as they service the dining room; and added that they would have the proper staff on duty to monitor the area and check I.D.’s.

Commissioner Almeida voiced his concern regarding the requested 2 a.m. closing for the outside deck.

With no further questions from the Board, Chairman Beaugard then asked if there was anyone present who wished to speak or be recorded in favor of the petition, upon hearing and seeing none; Chairman Beaugard then asked if there was anyone present who wanted to speak or be recorded in opposition of the petition.

There were several neighbors present who indicated that they wanted to speak in opposition or voice their concerns to the Board.

All those present who indicated that they wished to be heard, were given an opportunity to address the Board, during which they indicated several concerns, which in turn, were discussed with input from Mr. Lanagan and the Board.

Among the concerns raised, were those regarding late night from music and entertainment after 10 o’clock, increased noise issues, smoking issues, litter issues, and hours of operation.

Upon hearing all the neighbor’s concerns, as well hearing Mr. Lanagan’ response to those concerns; as well as those from

the Board, Chairman Beauregard closed that portion of the hearing and called for a motion.

VOTED: On a motion by Commissioner Almeida, the Board **voted unanimously to approve** the application and to forward it to the ABCC for final approval with the following stipulations:

1. All forms of music (entertainment) will be prohibited at all times.
2. All alcohol (service and consumption) must cease at 11:00 p.m., at which time all areas of the deck must be cleared of all patrons and secured, preventing patrons from loitering on the deck area.
3. The deck occupancy will be limited to 36 patrons and to the best of management's ability; outdoor tables will be filled with patrons engaging in the consumption of food rather than just the consumption of alcohol.
4. Smoking will be prohibited at all times on the deck.
5. Management will ensure that the area between the deck and the neighboring building will be kept clear and clean of all obstructions and debris.

3. PETITION - Trans. # 143 – Plot # 46—86 (No Representation Required)

New Bedford Lodge #73, B.P.O. Elks, Francis E. Wynn, Director, 24 South Sixth Street, 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, Francis E. Wynn will be the President, Treasurer, Secretary, and Sole Director.

Premises will remain the same at **23 South Sixth Street**.

(No Advertisement nor Abutters Notification Required)

Present: *Atty. Joseph Michaud along with Francis E. Wynn, Director and Gerald Wheeler, E. J. Pontiff Real Estate.*

Mr. Nanopoulos informed the Board that this transaction to update their officers and directors was required in order for the 'club' to be able to transfer the license to the Quahog Republic, which is next on the agenda.

Voted: Commissioner Almeida made a motion to approve the petition as presented and to forward the application to the Alcoholic Beverages Control Commission for their approval. – **Unanimous**

4. PETITION - Trans. # 143 – Plot # 46--86

New Bedford Lodge #73, B.P.O. Elks, Francis E. Wynn, Director, (license formerly exercised on premises located at **23 South Sixth Street**), who is petitioning to **Transfer a Club All Alcoholic Beverages License to Quahog Republic, Inc. d/b/a Whaler's Tavern**. The proposed transferee is also requesting a **Change of Location to 24 North Water Street and a Change of License Type from a 'Club All Alcoholic Beverage license to a Common Victualler (Restaurant) All Alcoholic Beverage license**. The proposed transferee is also requesting approval of a **Pledge of the Common Victualler All Alcohol License to Cape & Islands Community Development, Inc.** with an address of **5 Patti Page Way, Centerville, MA.** as security to authorize and execute a promissory note in the amount of **One Hundred & Twenty-Seven Thousand and Five Hundred Dollars (\$127,500.00), pursuant to Massachusetts General Laws Ch.138 s.23**. Upon approval, Erik C. Bevans will be the President, Secretary, a Co-Director and a Co-Shareholder (51%), and **Thomas J. Hughes** will be the Treasurer, a Co-Director, a Co-Shareholder (49%) and the **Proposed Manager**.

Upon completion of the renovations, the licensed premise will consist of an area approximately 1,200 sq. ft. on the first floor of a three - story building, which will include one room with a dining and bar area, and two restrooms; and a kitchen area located in the rear of the building. The licensed premise will also include the entire basement area (1,200 sq. ft.), which will include a walk-in cooler and shelving for the storage of alcohol, and an office.

The premises is situated on the west side of North Water Street between Rose Alley and Center Street, with the main entrance into the dining area located on North Water Street, and an additional exit in the rear of the building; and will be numbered **24 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'**.

Present: *Thomas J. Hughes, Co-Owner and Proposed Manager along with Erik C. Bevans, Co-Owner; Atty. Joseph Michaud and Gerald Wheeler, E. J. Pontiff Real Estate, Recorded in Favor*

Responding to questions from Chairman Beauregard, Mr. Bevans stated that they plan on opening a small New England Style Tavern, which would be consistent with our two other restaurants, with one being in Falmouth and the other in Onset Village. He added that the menu would be focused on typical local fare ... real traditional New England fare ... such as lobster rolls ... fish and chips ... with an emphasis on trying to make it approachable to our neighbors and tourists alike.

When asked by Chairman Beauregard as to how many they were looking to seat in the dining room, Mr. Bevans responded, forty-nine, total.

When asked by Chairman Beauregard if they were putting a bar in and as to how many seats would there be, Mr. Bevans stated that a 14 seat bar would be included.

When asked by Chairman Beauregard if they would be offering live entertainment, Mr. Bevans stated that there would not be any entertainment.

When asked by Chairman Beauregard if all the servers and all the bartenders would be T.I.P.S. Certified, Mr. Bevans stated that they would be.

When asked by Chairman Beauregard as to what the hours of operation would be, Mr. Bevans stated that the kitchen would be open from 11:30 a.m. until 11:00 p.m., and that the bar would stay open until 1:00 a.m.

When asked by Chairman Beauregard if they had any problems at either of their two other locations, Mr. Bevans stated that they did not.

When asked by Chairman Beauregard if there was anyone present who wanted to speak or be recorded in favor of the petition, both Atty. Michaud and Mr. Wheeler asked to speak and be recorded in favor of the petition; both stated that they have worked with both Mr. Bevans and Mr. Hughes during the past months, and have found them both to be very professional; and believe it will be a very sound opportunity for the city to add to the scope of restaurants in the downtown area. Atty. Michaud stated that they've been successful at their two other locations, and they haven't had any issues at any of those locations.

Chairman Beauregard then asked if there was anyone present who wanted to speak or be recorded in opposition, upon hearing and seeing none, the hearing on the petition was closed.

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

5. 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**'.

Present: *No one was required to appear.*

Mr. Nanopoulos informed the Board that Atty. Peabody submitted a request on behalf of his client to table the matter to the Board's next meeting in April, based on the fact that they were unable to complete their application in time as promised, and recommended that the request be approved.

VOTED: Commissioner Almeida made a motion to approve the request and to place it on file (*Tabled to 04/21/15*). – **Unanimous**

VOTED: Commissioner Almeida made a motion to take up **Item #'s 6 - 19** at one time; waive reading; and approve the applications as presented – **Unanimous**

6. 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, March 6, 2015, from 7:00 p.m. until 11:30 p.m.**

7. 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, March 7, 2015, from 7:00 p.m. until 11:30 p.m.**

8. 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 **Wednesday, March 11, 2015, from 7:00 p.m. until 11:30 p.m.**

9. 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, March 14, 2015, from 7:00 p.m. until 11:30 p.m.**

10. APPLICATION, (No Representation Required)

Irmandade Do Divino Espirito Santo Do Pico, Inc., Manuel da Fonte, Vice-President, who is requesting approval of an application for a **Special One-Day All Alcoholic Beverages License** for a ‘Matanca Dinner’; to be held in the ‘**Club Hall**’, located at **2056 Acushnet Avenue**; and to be held on **Saturday, March 14, 2015, from 1:00 p.m. until 11:45 p.m.**

11. APPLICATION, (No Representation Required)

Club Madeirense-S.S, Sacramento Club, Inc., Edward Camara, Jr. who is requesting approval of an application for a **Special One Day All Alcoholic Beverages License** for a “St. Patrick’s Day Dinner”, to be held at the **S.S. Sacramento Club**, located at **50 Madeira Avenue**; and to be held on **Saturday, March 14, 2015 from 5:00 p.m. until 11:30 p.m.**

12. APPLICATION, (No Representation Required)

N.B. Whaling Museum, Lily Benedict, Representative, who is requesting approval of an application for a **Special One-Day Wine & Malt Only Beverages License** for a ‘Ceramics Conference Reception’ to be held at the **New Bedford Whaling Museum**, located at **18 Johnny Cake Hill**; and to be held on **Saturday, March 21, 2015, from 5:00 p.m. until 6:00 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 11, 2015, from 7:00 p.m. until 11:30 p.m.**

14. APPLICATION, (No Representation Required)

New Bedford Port Society, Inc., Timothy J. Nelson, Representative, who is requesting approval of an application for a **Special One-Day All Alcoholic Beverages License** for a ‘Fundraiser’ to be held at the **New Bedford Whaling Museum**, located at **18 Johnny Cake Hill**; and to be held on **Friday, April 24, 2015, from 6:00 p.m. until 10:00 p.m.**

15. APPLICATION, (No Representation Required)

Cinco De Mayo Celebration Committee, Javier Rojas, Representative, who is requesting pre-approval of an application for a **Special One Day All Alcoholic Beverages License**, for their ‘**9th Cinco De Mayo Celebration**’, to be held ‘**on Rivet Street**’ between **Acushnet Avenue and South Second Street**; and to be held on **Saturday, May 2, 2015, from 12:00 p.m. until 11:00 p.m. (Last call at 10:30 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****

16. APPLICATION, (No Representation Required) – “LATE FILE”

Global Learning Charter Public School, Christina Rebello, Development & Communications Coordinator, who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for a ‘**12th Anniversary Global Gala**’ to be held at the **N. B. Whaling Museum**, located at **18 Johnny Cake Hill**; and to be held on **Saturday, May 9, 2015, from 5:00 p.m. until 9:00 p.m.**

17. APPLICATION, (No Representation Required)

Downtown New Bedford, Inc., Diane Arsenault, Executive Director, who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for their **9th Annual Taste of the Southcoast**’, which will be held **under a tent on Pier 3**; and to be held on **Sunday, May 17, 2015 from 12:00 p.m. until 5:00 p.m. (Liquor Liability with the City named as additionally insured and a copy of the Police Detail Contract HAVE BEEN submitted.)**

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

18. APPLICATION, (No Representation Required)

Buttonwood Park Zoological Society, Inc./Fun 107, Kristen Gray, Representative, who is requesting approval of an application for a **Special One-Day Wine & Malt Only Beverages License** for a Red, White, & Brew @ the Zoo Beer Festival', to be held within the **Buttonwood Park Zoo**; and to be held on **Friday, May 22, 2015, from 5:30 p.m. until 8:00 p.m.** (*Liquor Liability with the City named as additional insured on certificate is required/along w/Copy of the Police Detail Contract*)—"21+ Event" ****NO CHANGES, AS PREVIOUSLY APPROVED****

19. APPLICATION, (No Representation Required)

Community Boating Center, Mary Ellen DeFrias, Representative, who is requesting approval of an application for a **Special One Day All Alcoholic Beverages License**, for an **'Opening of the Bay Fundraiser'** to be held in **Fort Taber Park – Under a Tent**; and to be held on **Saturday, May 30, 2015, from 6:00 p.m. until 11:00 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****

VOTED: Commissioner Almeida made a motion to remove Item # 20 from the table and take the matter up at this time. – **Unanimous**

Tabled at 02/23/15 Meeting

20. Hearing: World Famous Pizza & Subs, Inc.

Mr. Mafia A. Holloway, Licensee

1114 Acushnet Avenue

Please be advised that after several attempts by this office to resolve the matter regarding your '2015' renewals (see attached), and as a result of your failure to resolve this matter as promised in your phone conversation with Mr. Nanopoulos several weeks ago, you are hereby requested at a hearing for violations described under Massachusetts General Laws Chapter 140 and City of New Bedford Ordinance S.15-1.2.

If said licenses are renewed and all outstanding debt issues are resolved **within five (5) days of receipt of this notice** with the requested paperwork submitted, then there will be no need for you to appear, otherwise your presence will be required. ***Your failure once again to appear as requested will result in appropriate actions by this Board.***

Present: Mafia A. Holloway, Licensee

When asked by Chairman Beauregard as to why he hadn't renewed his Common Victualler (Restaurant) license that expired in December, and one that should have been renewed in December, Mr. Holloway stated that it was due to the money he owed for Police Details.

Mr. Holloway stated, we paid half of them but they say we still owe \$1,300.00 ... and I've been trying to resolve that ... we also closed for the month of January due to a death in the family ... so I was in New York for a period of time ... so basically, I'm waiting to resolve the police detail issue.

Chairman Beauregard interrupted Mr. Holloway, and asked, are you open now?

Mr. Holloway responded, yes we are, to which Chairman Beauregard responded, you're open but you don't have your Common Victualler (Restaurant) license, which you need to operate in the City of New Bedford.

Chairman Beauregard continued, we cannot allow you to continue to operate without a license, so we're going to shut you down immediately, until you resolve the police detail issue, and apply for your restaurant license, and any other licenses and permits that may be required for you to operate your restaurant.

Chairman Beauregard re-emphasized to Mr. Holloway, "You cannot be open without a license, this is March already, this office has given you plenty of time to resolve your issue and apply for your license.

When the issue of money was raised by Chairman Beauregard and his pending application with the ABCC for a new Common Victualler Wine and Malt license, Mr. Holloway stated that they were no longer pursuing that and his Attorney should have notified the office already.

Mr. Nanopoulos informed the Board that hadn't received any sort of notification that Mr. Holloway was no longer interested in appealing the Board's decision to deny the application.

When asked by Mr. Nanopoulos as to whom his Attorney was, Mr. Holloway responded, "Mike Lopes".

Mr. Nanopoulos instructed Mr. Holloway that he needed to contact his Attorney, and have him submit a copy of the letter to the office, which he sent to the ABCC withdrawing the appeal or to have him call the office.

Chairman Beauregard forewarned Mr. Holloway that he would have problems if Mr. Nanopoulos is not contacted tomorrow, and added, we're intrusting you now that you will have your Attorney call Mr. Nanopoulos notifying this office of your intention to withdraw your appeal, preferably tomorrow

Chairman Beauregard concluded his remarks by stating, you need to get that resolved, and you cannot be open until this office issues you your 2015 Common Victualler (Restaurant) license; to which Mr. Holloway responded that he

understood.

VOTED: Commissioner Almeida made a motion **to order the immediate closing of the restaurant**, until such a time that all police detail issues are resolved, and the Board issues a 2015 Common Victualler (Restaurant) license for 1114 Acushnet Avenue. - **Unanimous**

VOTED: Commissioner Almeida made a motion to remove Item # 21 from the table and take the matter up at this time. – **Unanimous**

Tabled at 02/23/15 Meeting

21. 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 Beaugard, 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 Beaugard if Mr. Castelo understood the importance of the sale of this license, Mr. Bucha stated that he did.

Chairman Beaugard 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 Beaugard 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 Beaugard 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 Beauregard 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 Beauregard 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 Beauregard's suggestion, to **table the matter to the Board's March meeting.** – **Unanimous**

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

Mr. Bucha informed the Board that he had found a new location to which he wants to move his license, and that it's located at 1669 Acushnet Avenue (Former site of Ecco Lounge).

Chairman Beauregard instructed Mr. Bucha that he wanted an application submitted in time for the next meeting.

Mr. Nanopoulos informed Mr. Bucha that the application would have to be submitted by April 3rd, since it would have to be advertised, and abutters would have to be notified for a meeting on April 23rd.

When asked by Chairman Beauregard if he would have that done by April 3rd, Mr. Bucha responded that he would.

VOTED: Commissioner Almeida made a motion to table the matter to the Board's April 23rd meeting, with no further action taken to be taken if Mr. Bucha files his application in a time for said meeting. – **Unanimous**

VOTED: Commissioner Almeida made a motion to remove Item # 22 from the table and take the matter up at this time. – **Unanimous**

Tabled at 11/17/14 Meeting

22. Hearing: De Abreu & Sons, Inc. d/b/a Fortuna Grill

Mr. Manuel De Abreu Dos Reis, Owner/Manager

288 Union Street

Closed 07/01/14 – License for Sale

Your presence 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 11/17/14 Meeting

As a result of the open hearing held on November 17, 2014, at which time this Board considered the approval of the licensees 2015 renewal application; this Board voted unanimously to approve the 2015 renewal and to table the matter until the Licensing Board's March 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 he has **until March 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 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.

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

Upon discussing the matter with the licensee and his son, the Board reviewed the following with the licensee, to which the licensee acknowledged to the Board that he understood, when asked by Chairman Beauregard.

Licensing Board's Written Decision dated March 26, 2015.

As a result of the hearing held on March 23, 2015 to determine the status of your liquor license, **this Board voted unanimously to put you on notice of the following:**

That as the holder of an inactive license, you are hereby notified that you have until September 1, 2015 to initiate one of the following three options:

- 1.) To be open and operating at the approved location as stated on your license;
- 2.) Submit paperwork for a change of location and a date certain for the opening at the new restaurant;
- 3.) Submit paperwork for the sale and transfer of the license to a new owner.

As discussed, your failure to initiate one of these three options will require you to appear before this Board at our September meeting at which time the Board will take action to cancel (revoke) your license for non-use as allowed under Ch. 138, sec. 77. *(The licensing authorities may, after hearing or reasonable opportunity there-for, cancel any license issued under the chapter (138) if the licensee ceases to conduct the licensed business, that is, any license holder who closes the business or stops doing business.)*

It is the opinion of the Board that we have accorded you sufficient time to either be open and operational or locate an acceptable buyer. The fact remains, this license has not been active since it was returned to this office on July 1, 2014 and it's now considered to be a pocket license, which is prohibited per the Alcoholic Beverages Control Commission's directive dated October 1, 2004.

VOTED: Commissioner Almeida made a motion to remove Item # 23 from the table and take the matter up at this time. – **Unanimous**

Tabled at 11/17/14 Meeting

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

Ms. Jane A. Magan-Askew, Owner

914 Mt. Pleasant Street

Approved 11/25/13 – “Never Operational”

Your presence 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 11/17/14 Meeting

As a result of the open hearing held on November 17, 2014, at which time this Board considered the approval of the licensees 2015 renewal application; this Board voted unanimously to approve the 2015 renewal and to table the matter until the Licensing Board's March 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 March 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 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.

Present: Atty. Greg Koldys, Representing JAMA, LLC along with Ms. Jane A. Magan-Askew, Owner

Atty. Koldys requested some additional time stating that they were now looking to open at the assigned location, and that they would be open by July 1st.

Upon discussing the matter with Atty. Koldys and Ms. Magan-Askew, the Board reviewed the following with the licensee, to which the licensee and Atty. Koldys acknowledged to the Board that they understood, when asked by Chairman Beauregard.

Licensing Board's Written Decision dated March 26, 2015.

As a result of the hearing held on March 23, 2015 to determine the status of your liquor license, **this Board voted unanimously to put you on notice of the following:**

That as the holder of an inactive license, you are hereby notified that you have until September 1, 2015 to initiate one of the following three options:

- 1.) To be open and operating at the approved location as stated on your license;
- 2.) Submit paperwork for a change of location and a date certain for the opening at the new restaurant;
- 3.) Submit paperwork for the sale and transfer of the license to a new owner.

As discussed, your failure to initiate one of these three options will require you to appear before this Board at our September meeting at which time the Board will take action to cancel (revoke) your license for non-use as allowed under Ch. 138, sec. 77. *(The licensing authorities may, after hearing or reasonable opportunity there-for cancel any license issued under the chapter (138) if the licensee ceases to conduct the licensed business, that is, any license holder who closes the business or stops doing business.)*

It is the opinion of the Board that we have accorded you sufficient time to either be open and operational or locate an acceptable buyer. The fact remains, this license has not been active since it was approved by the ABCC on November 25, 2013 and it's now considered to be a pocket license which is prohibited per the Alcoholic Beverages Control Commission's directive dated October 1, 2004.

Tabled at 12/22/14 Meeting

24. 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.

Minutes of 12/22/14 Meeting

Present: Fernanda Carvalho & 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.

Present: Fernanda Carvalho and Claudio Cabral, Co-Owners

ACTION TAKEN: None, matter remained on table.

- **CORRESPONDENCE**

From: Atty. Emile E. Morad, Jr.

Dated – 03/10/15

Received – 03/3/15

Re: Calypso Hospitality, LLC d/b/a Seafire Grillhouse & Bar

72 North Water Street

Please be advised that my client closed her business at 72 North Water Street, therefore, we are hereby turning the license into the Board to be held pending approval of a petition for a Change of Location to 1494 E. Rodney French Boulevard (Smuggler's Den Property), which will be submitted once the plans have been approved.

ACTION TAKEN: Received & Placed on File.

From: Renata Thomas, ABCC

Received on 03/18/15 via E-Mail

Re: Club Officers and Directors (Updates & Changes)

Please remind all holders of CLUB licenses that they **are required** to complete an application to update their officers and directors, as well as *every time* their officers and directors change. Most clubs in the state have not done so since they initially opened (many of them in the 1960's). The annual reports that clubs provide yearly are not a sufficient substitution for the full New Officer/Director application

ACTION TAKEN: Received & Placed on File.

• **COMPLAINTS RECEIVED:**

---NONE--

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

<u>NAME</u>	<u>POLICE REPORT#</u>	<u>DATE</u>	<u>VIOLATION</u>
1. Tilia's Café & Restaurant (Approximate Time of Violation 12:16 a.m.)	#15-2489-OF	03/07/15	Unsafe Premises (Stabbing)

Decision: Bring In For a Hearing – 04/21/15

• **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”
(March Meeting)
3. Summer Concert Series – July thru Sept.
(April Meeting)
4. Day of Portugal – June 6th, 7th, & 8th
(April Meeting)
5. Cape Verdean Day Parade – July 5th
(May Meeting)
6. Opening of the Bay (Fort Taber) – May 30th – “Applied/“No Changes”
7. New Bedford Summerfest – July 4th, 5th, & 6th
(May Meeting)
8. Irmandade Do Divino Espirito Santo Do Pico – July 10th, 11th, 12th, & 13th
(May Meeting)
9. Feast of the Blessed Sacrament (Madeira Feast) – July 31st, Aug. 1st, 2nd & 3rd
(June Meeting)

• **“INFORMATIONAL ONLY”**

From: Kim S. Gainsboro, ABCC Chairman

Dated –12/15/14 Received –12/15/14

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.)

From: Kim S. Gainsboro, ABCC Chairman

Dated –12/15/14 Received –12/15/14

Re: R.V. GAS, Inc. d/b/a Joe's Gas

277 Nash Road

Re-Scheduled Hearing Date: Wednesday, April 8, 2015 @ 10:00 a.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.

- **NEXT TWO MEETING DATES:** *Tuesday*, April 21st & Monday, May 18th both in Room 314 - **Approved**
- **MEETING ADJOURNED:** 8:20 p.m.