



Licensing Board

March 28, 2016 – 7:00 PM – **Agenda**
City Hall, 133 William Street, Room 314

LICENSING BOARD MEETING

-AGENDA-

Monday, March 28, 2016

Room 314 – 7:00 p.m.

REQUIRED: Steven A. Beauregard, Chairman

Marcelino “Sonny” G. Almeida, Commissioner

“FINAL AGENDA”

Edmund F. Craig, Jr., Commissioner

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

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

Nick Nanopoulos, Director

MOTION TO ACCEPT THE MEETING MINUTES OF February 29, 2016 - Unanimous

DISAPPROVALS RECEIVED FROM THE ALCOHOLIC BEVERAGES CONTROL COMMISSION

Transfer - Trans. # 110 – Plot # 19--48

The Sky Room, Inc. d/b/a The Sky Room, John E. Williams, Pledge Holder, who is petitioning to **transfer a Common Victualler (Restaurant) All Alcoholic Beverages License to Howland Mills Restaurant, Inc. d/b/a The Sky Room**. Upon approval, John E. Williams will be the President, Co-Director, and Co-Shareholder (50%); and **Curtis J. Mello** will be the Treasurer, Secretary, Co-Director, Co-Shareholder (50%), and **Proposed Manager**. The description of the premises will remain the same as follows: The licensed premises consists of five (5) rooms to include one (1) VIP Room w/bar, two (2) Function Rooms w/bars, one (1) Game Room, and one (1) Main Entertainment Room with a bar, DJ Booth, and Stage Area with a Dance Floor; along with a Kitchen and Storage Area on the fourth floor of a commercial building within an area approx. 17,000 Sq. Ft.

There are three (3) entrances/exits in the front of the building and an emergency exit in the back of the building; the area is also accessible by an elevator and escalator. Premise is situated on the west side of Orchard Street and is numbered **651 Orchard Street**.

Disapproved By ABCC – 03/16/16 - Failure to Comply With Mass Tax Laws (DUA) – 1st Attempt

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

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 **Jason P. Lanagan**, who resides at **35A Union Street, New Bedford, MA**. as their new manager.

2. PETITION - Trans. # 083 – Plot # 53--198A

DNB, LLC d/b/a DNB Burgers, Amelia Ruvich, Manager of LLC, who is petitioning to **Change the Description of the Common Victualler (Restaurant) Wine & Malt Only Beverages** license to include an additional room for dining. The room, which will include a bar with seating for seven (7) patrons, five (5) two-top tables, and three (3) six top round tables, will be located in an area approximately 504 sq. ft that is contiguous to the existing licensed premises. The area will be accessible by way of a small step up from the existing area, as well by way of a common area in the rear of the building; and through an entrance/exit on the east side of the building. There will be two additional restrooms in said common area for patron use. (No alcohol

shall be allowed or consumed in this common area.) The premise will remain numbered **22 Elm Street**.
Application has been advertised; Abutters have been notified.

3. PETITION - Trans. # 067 – Plot # 53--198A

Park Restaurant, Inc., Carla Medeiros, President, who is petitioning to transfer a **General on Premise All Alcoholic Beverages License** to **Ambiance Park Café, Restaurant, Inc.** The proposed transferee is also requesting a **Change of License Type from a sec. 12 General on Premise All Alcoholic Beverages License to a sec. 12 Restaurant All Alcoholic Beverages License**. The proposed transferee is also requesting approval of a **Pledge of the Common Victualler All Alcohol License** to **Carla Medeiros** with an address of **42 McCormick Street, Dartmouth, MA.** as security to authorize and execute a promissory note in the amount of **Forty Thousand Dollars (\$40,000.00)**, pursuant to **Massachusetts General Laws Ch.138 s.23**. Upon approval, **Olimpia J. Goncalves** will be the President, Clerk, Co- Director, and Co-Shareholder (50%); and **Lionel Goncalves** will be the Treasurer, Co-Director, and Co-Shareholder (50%). **Olimpia J. Goncalves** is the **Proposed New Manager**.

The previously approved description will remain the same as follows: The licensed premises consist of one room, with seating for thirty (30), kitchen w/ stock area, and two (2) restrooms, on the first floor of a one-story building. There is one (1) entrance/exit in the front and one (1) exit in the back of the building.

Premise is situated on the north side of Rivet Street between Briggs and Bolton Streets and **numbered 369 Rivet Street**.

Application has been advertised; Abutters been notified.

4. APPLICATION, (No Representation Required)

Club Madeirense-S.S. Sacramento Club, Inc., Edward Camara, Jr., Representative, who is requesting approval of an application for a **Special One Day All Alcoholic Beverages License** for a “St. Patrick’s Day Dinner Fundraiser”, to be held at the **S.S. Sacramento Club**, located at **50 Madeira Avenue**; and to be held on **Saturday, March 19, 2016 from 5:00 p.m. until 10:00 p.m.**

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

5. 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 ‘Rozalia Project for a Clean Ocean Reception’, to be held at the **New Bedford Whaling Museum**, located at **18 Johnny Cake Hill**; and to be held on **Thursday, March 31, 2016 from 6:00 p.m. until 9:00 p.m.**

6. APPLICATION, (No Representation Required) – LATE FILE

Brian Costa, Representative, who is requesting approval of an application for a **Special One Day All Alcoholic Beverages License** for a “Surprise Birthday Party”, to be held at the **Low Tide Yacht Club**, located within **Fort Taber Park**; and to be held on **Saturday, April 2, 2016 from 4:00 p.m. until 11:00 p.m.**
(Liquor Liability with the City named as additional insured on certificate is required)

7. APPLICATION, (No Representation Required) – LATE FILE

New Bedford Art Museum/Artworks!!, Jamie Uretsky, 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, April 2, 2016, from 1:00 p.m. until 3:00 p.m.**

8. APPLICATION, (No Representation Required) – LATE FILE

New Bedford Art Museum/Artworks!!, Jamie Uretsky, 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, April 24, 2016,**

from 3:00 p.m. until 5:00 p.m.

9. 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 ‘**10th Cinco De Mayo Celebration**’, to be held ‘**on Rivet Street**’ between **Acushnet Avenue and South Second Street**; and to be held on **Saturday, May 7, 2016, 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****

10. APPLICATION, (No Representation Required)

Zeiterion Theatre, Inc., Justin LaCroix, Manager, who is requesting approval of an application for a **Special One-Day All Alcoholic Beverages License** for a “**Viva Portugal Fundraiser**”; to be held **in the street under a tent**, located at **684-686 Purchase Street**; and to be held on **Saturday, May 7, 2016, from 8:00 p.m. until 11:45 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****

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 12, 2016, from 5:00 p.m. until 7:00 p.m.**

12. APPLICATION, (No Representation Required) – LATE FILE

Southcoast Media Group, Michelle Coombs, Representative, who is requesting approval of an application for a **Special One Day All Alcoholic Beverages License** for an ‘**Awards Ceremony**’, to be held at the **New Bedford Whaling Museum**, located at **18 Johnny Cake Hill**; and to be held on **Thursday, June 2, 2016 from 5:30 p.m. until 7:30 p.m.**

13. APPLICATION, (No Representation Required)

Irmandade Do Divino Espirito Santo Do Pico, Inc., Manuel Da Fonte, Representative, who is requesting approval of an application for a **Special One-Day All Alcoholic Beverage License** for a ‘**Fundraiser/Summer Festival**’ celebration to be held in the **Association Parking Lot**, located at **2056 Acushnet Avenue**; and to be held **Friday, June 24, 2016, from 5:00 p.m. until 11:00 p.m., Saturday, June 25, 2016, from 4:00 p.m. until 11:00 p.m., and Sunday, June 26, 2016, from 12:00 p.m. until 10:00 p.m. (Final approval will require a copy of the Police Detail Contract)**

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

14. APPLICATION, (No Representation Required)

The Monte Pio Luso Americano Corp., Helder Almeida, Treasurer, requesting approval of an application for a **Special One-Day All Alcoholic Beverage License** for their ‘**Annual Holy Ghost of Acores Feast**’ to be held in the ‘**Club Parking Lot**’, located at **540 Orchard Street**, and to be held on **Friday, July 15, 2016 and Saturday, July 16, 2016, from 6:00 p.m. until 11:45 p.m. each night; and Sunday, July 17, 2016, from 12:00 p.m. until 10:30 p.m.**

(Copy of the Police Detail Contract Required)

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

15. APPLICATION,

Francisco J. Rosales, who resides at **223 State Street, N.B., MA.**, is requesting approval of an application for a

Motor Vehicle Class II (Used Car Dealer) License for Universal Autos Sales & Repairs, Inc., with premises situated at **1519 Purchase Street** The proposed new location consists of a block & wood building, which includes a two (2) bay repair garage, an office, and bathroom. There is an outside display area approximately 4,600 sq. ft., which is blacktopped. All repairs will be done on the premises.

Note: Approved for the display of Ten (10) cars by the Office of Inspectional Services. **(New Location)** Final approval of the Motor Vehicle Class II License will require a **‘Certificate of Inspection** from the **Office of Inspectional Services**, a **\$25,000.00 Bond**, and a **Notarized Letter** stating where the repairs will be done.

16. APPLICATION, (No Representation Required)

Cahn Tieu, who resides at **909 Maplewood Street, N.B., MA.** is requesting approval of an application for a **‘New’ Motor Vehicle Auto Body Repair Shop license for Cahn and Joe Corp. d/b/a Autobot. The previously approved** licensed premises consists of a cement building, approximately 76’ x 39’, which has four (4) overhead doors with space to store ten (10) cars, an office, and two restrooms; the building also includes a self contained spray booth, approximately 14’ x 24’, is equipped with a filtration system, The entire 20,000 sq. ft. premises, which includes an area for the storage of towed cars, is enclosed by a chain link fence.

The facility, which **was previously approved for Priming, Painting, and Spaying**, is situated on the west side of Beacon Street, and is numbered **191 Beacon Street**.

Note: Site was previously licensed to **Jose C. Gomes, Inc. d/b/a Joe’s Automotive**, and was previously approved for the storage of **Fifty (50) cars** by the Office of Inspectional Services. **(New Owner Application)**

Final approval of the Motor Vehicle Auto Body Shop License will require a **‘Change of Tenant’** from the **Office of Inspectional Services**, and a **copy of their RS#**.

17. APPLICATION, (No Representation Required)

Cahn Tieu, who resides at **909 Maplewood Street, N.B., MA.**, is requesting approval of an application for a **New’ Motor Vehicle Auto Body Repair Shop “Annex” License for Cahn and Joe Corp. d/b/a Autobot**, with premises situated at **191 Beacon Street**.

Note: Site was previously licensed to **Jose C. Gomes, Inc. d/b/a Joe’s Automotive**, and was previously for the storage of **Fifty (50) cars** by the Office of Inspectional Services. **(New Owner Application)**

18. APPLICATION, (No Representation Required)

Cahn Tieu, who resides at **909 Maplewood Street, N.B., MA.**, is requesting approval of an application for a **Motor Vehicle Class II (Used Car Dealer) License for Cahn and Joe Corp. d/b/a Autobot**, with premises situated at **191 Beacon Street**

Note: Site was previously licensed to **Jose C. Gomes, Inc. d/b/a Joe’s Automotive**, and was previously for the display of **Twenty (20) cars** by the Office of Inspectional Services. **(New Owner Application)**

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

(Tabled at 02/29/16 Meeting)

19. Hearing: Columbus Group, LLC d/b/a Columbus Restaurant

Ms. Xiaohui Yang, Owner

218 Union Street

Approved 12/09/14 – License for Sale

Your presence is respectfully requested at a hearing to discuss your plans for your liquor license for the year 2016.

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.

02/29/16 Decision

Present: Atty. Christopher M. Markey along with Arthur DeMello, Property Manager for the Columbus Group

Relative to the proposed project at 218-226 Union Street, Atty. Markey updated the Board as to where his client currently stood in the process of receiving the required approvals from the city in order to submit a transfer application, which would allow his client to start the renovations of the proposed new location; as well as informing them that certain agreements regarding financing and a possible tenant were close to being finalized, and once those were in place, an announcement on the project would be made, which he believed would occur within a week. Atty. Markey stated that his client had a meeting scheduled with city department heads on March 4th.

Atty. Markey asked if the matter could be tabled until the Board's next meeting, at which time he would be in a better position to give the Board a more accurate timeline and information with regard to the project, after having that meeting with the department heads.

VOTED: Commissioner Almeida made a motion **to table the matter until the March 28th Board meeting.** - **Unanimous**

(Tabled at 02/29/16 Meeting)

20. Hearing: Lobo's Lounge, Inc. d/b/a Washington Square Package Store

Mr. Jose A. Lobo, Owner

281 County Street

Closed 10/26/15 – Licensee Decision

Your presence is respectfully requested at a hearing to determine the status of your annual liquor license for the year 2016. 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 2016.

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

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

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

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

Minutes of 02/29/16 Meeting:

Present: Mr. Lobo was excused from appearing.

VOTED: Commissioner Almeida made a motion **to accept Mr. Lobo's letter and to place it on file; and approve his written request to table the matter until the Board's July 25th meeting.** - **Unanimous**

(Tabled at 02/29/16 Meeting)

21. Hearing: Sapatinha's Café, Inc. d/b/a Euphoria Lounge

Mr. Jose G. Borges, Jr., Owner
289 Acushnet Avenue
New Bedford, MA. 02740

Closed/Fire 01/26/15 – Ongoing Renovations

Your presence is respectfully requested at a hearing to determine the status of your annual liquor license for the year 2016.

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 the ‘current’ status of your renovations, which should include a proposed opening date.

Minutes of 09/21/15 Meeting:

The Board’s decision to renew your 2016 application and to table the matter to January was made in order to give you ample time to resolve all outstanding issues regarding the changes you’ve made to your establishment, as a result of a fire in January of this year.

As stated at the meeting, it’s imperative that you resolve all outstanding issues in a timely manner, in order for you to submit an application to alter the premises based on the renovations you have made.

Based on the information you provided to this office, an application must be submitted that addresses the following:

1. Change of Corporate Name
2. Change of License Type (From a Sec. 12 General on Premise to a Sec. 12 Restaurant)
3. Change (Altering) of Premises
4. Change of Officer (Treasurer)
5. Change of d/b/a?

As well as any other changes you wish to make.

I would strongly suggest that you prepare an application addressing any changes you wish to make, and submit it to me as soon as possible in order for me to review it to a point where we are just awaiting the final approved plans; once I receive the final approved plans, I will prepare the description, which will be the final piece of the application.

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.

The following update was submitted by Atty Edward J. Sylvia on behalf of the Euphoria Lounge on 12/21/15:

1. “Sitec” was retained to complete a detailed survey of the property to exactly determine where the property boundary lines are located.
2. As a result of the survey, it was determined that the property has 37 inches beyond the west boundary of the building (slightly more property than previously determined).
3. “Sitec”, after an engineering determination, is planning to remove enough of the rear of the building (west end) to properly contract a code compliant exit.
4. I have been advised that “Sitec” and its engineers are designing the building and handicap access to be completely code compliant.
5. “Sitec” is designing the removal of the existing sidewalk and installing a new, fenced, code compliant, handicap ramp to empty onto the north boundary of the building, rather than the south side of the building into the neighboring parking lot.

Present: Jose G. Borges, Jr., Owner

When asked by Chairman Beauregard to update the Board as to where he was in the process, Mr. Borges

reviewed the letter that was submitted on 12/21/15 by Atty. Sylvia on his behalf and stated that a plan regarding the handicap ramp, which is currently pending with the ADA Board in Boston; and that the engineer was awaiting that approval in order to formalize the renovation plans, in order to submit them to Mr. Romanowicz and the Board for approval.

VOTED: On a motion by Commissioner Almeida, the Board **voted unanimously to table the matter until the February meeting.**

Minutes of 02/29/16 Meeting:

Present: *Mr. Borges was excused from appearing.*

Mr. Nanopoulos informed the Board that Mr. Borges came in and stated that he had nothing new to report, since his application had not gone before the ADA Board in Boston as of yet, but it was scheduled to be heard in the next two weeks; and that he would be in a better position after that hearing to give the Board a better update.

Mr. Nanopoulos informed the Board that he made an administrative decision to excuse him from appearing tonight, since he had nothing new to submit to the Board; and recommended that the matter be tabled to the next meeting.

VOTED: Commissioner Almeida made a motion **to table the matter until the March 28th Board meeting. - Unanimous**

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 2016. 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.

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Minutes of 11/16/15 Meeting

Present: *Manuel De Abreu Dos Reis, Owner along with Maria G. DeAbreu, Treasurer*

When asked by Chairman Beauregard as to what his plans were for the liquor license, Ms. DeAbreu stated, we’re actively trying to sell the license through a broker ... we did have a buyer for the license and the business but they backed out ... so we are back looking for a buyer ... and we’ve already signed the paperwork to renew the license, and were prepared to pay the renewal fee.

When asked by Chairman Beauregard if she’s aware that’s it’s been over a year since they closed the restaurant, to which Ms. DeAbreu said yes, that’s correct.

Chairman Beauregard responded to Ms. DeAbreu’s comments by stating, I can’t tell you how to market your license but maybe you have to re-price it, to which Ms. DeAbreu responded, yeah, we’re already thinking about lowering the price ... that’s something we’ll definitely be doing at this point.

Chairman Beauregard responded, you definitely need to do something to move this license, it’s been inactive for over a year and a half ... your license has been inactive since July 1, 2014 and you have been afforded ample opportunity to take action ... I would strongly advise that you make every attempt possible to sell or activate this license to avoid our having to take revocation action.

VOTED: Commissioner Almeida made a motion **to renew the existing liquor license with the following stipulations:**

Effective March 1, 2016, you must take action with your license by either:

- Opening and operating at the existing location as stated on your license;
- Submitted paperwork for a change of location and a date certain for the opening at the new location;

- To have submitted an application for the sale and transfer of the license to a new owner. – **Unanimous**

23. Hearing: Royal Food & Beverage Co. d/b/a Royal II
Mr. Manuel Escobar, Co-Owner/President
123 MacArthur Drive

Closed 09/08/15

Your presence is respectfully requested at a hearing to determine the status of your annual liquor license for the year 2016.

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.

24. Hearing: VVK Realty, LLC

Mr. Gregory Kulpinski, Owner
1494-F East Rodney French Boulevard

Transfer Approved 08/28/15/Renovations

Your presence is respectfully requested at a hearing to determine the status of your annual liquor license for the year 2016.

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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 11/16/15 Meeting

Present: Mr. Kulpinski was excused from appearing.

Mr. Nanopoulos informed the Board that Mr. Kulpinski was in the process of securing financing and permits in order for him to start the renovations of the premises.

Based on that information, Mr. Nanopoulos suggested that the Board table any action until the March 2016 meeting.

VOTED: On a motion by Commissioner Almeida, the Board **voted unanimously to table the matter until the March 2016 meeting.**

25. Hearing: Vallas Enterprises, Inc. d/b/a Premium Liquors
Mr. Sakellarios Vallas, Co-Owner/President
1926 Purchase Street

Closed 02/22/16

Your presence is respectfully requested at a hearing to determine the status of your annual liquor license for the year 2016.

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.

(Tabled at 12/21/15 Meeting)

26. 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 be held in this office to discuss your plans for your liquor license for the year 2016.

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 12/21/15 Meeting

Present: Nabih Moujabber, Licensee

The Board once again listened to Mr. Moujabber’s concerns regarding the issues that have delayed his renovation project from moving towards completion.

Based on Mr. Moujabber’s stated concerns, Chairman Beauregard asked Mr. Nanopoulos to contact Mr. Romanowicz, the Commissioner of Buildings, in an attempt to set up a meeting with Mr. Moujabber to help resolve any issues that may be delaying his renovations at his current location or his attempt to build out a new location near the Car Barn on Purchase St.

Voted: On a motion by Commissioner Almeida, the Board voted unanimously to table the matter to the March Board meeting.

27. Hearing: Dublin’s Sports Bar N Grille, LLC d/b/a Dublin’s Sports Bar N Grille

Mr. Mario Gomes, Owner/Manager

1686 Acushnet Avenue

Your presence and that of **Peter DaSilva, Bartender and Sean Brine, Security/ Bouncer** is requested at a

hearing to determine whether you have violated certain provisions of M.G. L., Alcoholic Beverages Control Commission Regulations, and Licensing Board Rules and Regulations as reported by the City of New Bedford Police Department; the Board will also review the calls to service by the N. B. 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. They are as follows:

Violations: Massachusetts General Laws Chapter 138, sections 34, 34b, 34c, 64-

It is illegal for anyone under the age of twenty-one years to purchase or be in possession of an alcoholic beverage; identification must be checked on the day of service; The licensing authorities, after notice to the licensee and a reasonable opportunity to be heard, may modify, suspend, revoke or cancel said license upon satisfactory proof that the licensee has violated or permitted any condition thereof (Chapter 138), or any law of the commonwealth.

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. 5, 10, 11, 12-

Sale of alcoholic beverages, wine and malt beverages to persons under twenty-one years of age is prohibited; Alcoholic Beverages shall not be served to a person who is or appears to be intoxicated; Excessive Crowds and Objectionable persons shall not be permitted on or about the premises, and it is the responsibility of the Licensee to enforce this rule; Premises must at all times be kept safe.

Summary of Incident Reports

Police Department Incident Report states that officers were dispatched to a report of a stabbing at Dublin's Sports Bar. Upon arrival, the officers saw a group of people in the parking lot, when asked if anyone had been stabbed, several people replied no; at which point the officers went inside the bar and observed a 20 year old male sitting on a seat bleeding heavily from multiple stab wounds.

The officers observed a crime scene outside of the building on the south side (parking lot) as well as inside to the rear of the bar. A large amount of blood was located inside and outside as well as a red pocket knife in the parking lot.

The officers then spoke to the bartender who stated that he did not see what happened because when the fight broke out, he took the money from the draw and went to the basement, as instructed in the past by the owner. The officers asked the bartender to contact the owner to ask him to come to the bar so they could review the security footage. The bartender stated that he spoke with the owner but due to the owner living in Norwood, he would not be coming to the bar. The officers then attempted to view the security footage however employees could not access the footage. The bartender once again called the owner to ask how to view the footage but was told by the owner that he did not know the password, thus the officers were unable to view any footage of the incident.

The officers then spoke with a security/bouncer for Dublin's, who stated that he wasn't working and was only a patron that evening. He stated that he witnessed the fight involving several males including the victim and that he attempted to break it up; and that the victim started the fight. He stated that these males, who were both patrons of Dublin's, were using bar stools to hit each other and that he witnessed one male with a knife. He also stated that he knew both of the males fighting with the stabbing victim, adding that the male holding the knife during this incident has been a patron of this bar and has caused problems for him in the past.

It was also noted in the report that one of the assailants and the victim were both 20 years of age; and that one female witness was highly intoxicated.

Date and time of alleged violations: Wednesday, February 17, 2016 @ approx. 2:03 a.m.

Police Report # 16-1804-OF

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

until this matter is resolved.

28. Hearing: Dublin’s Sports Bar N Grille, LLC d/b/a Dublin’s Sports Bar N Grille

Mr. Mario Gomes, Owner/Manager

1686 Acushnet Avenue

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. This roll back (decrease) of hours could affect the hours in which you will be allowed to be open.

The local licensing authority, may after proper notice, hold a hearing to determine whether a roll back of hours is warranted, on the basis of frequency of arrests, disturbances, and incidents requiring police involvement inside or outside the licensed premises; this decision is one that is not appealable to the Alcoholic Beverages Control Commission or to the superior court. (As noted in Chapter 138, sec. 12 -)

• **CORRESPONDENCE**

GRANTED

Received

03//01/16

The undersigned, **Balmore Javel Resales d/b/a Universal Auto Sales, 1519 Purchase Street** petitions the City Council to grant a **SPECIAL PERMIT** to allow **Auto Sales & Repairs**.

IN CITY COUNCIL, February 11, 2016

Rule 42 Waived – Yeas 10, Nays 0

SPECIAL PERMIT GRANTED

Dennis Farias, City

Clerk

Presented to the Mayor for approval February 16, 2016

Dennis Farias, City

Clerk

Approved on February 25, 2016

Jonathan F. Mitchell,

Mayor

GRANTED

Received

03//01/16

The undersigned, **Leonardo Massa d/b/a Drive Time, 1680 Purchase Street** petitions the City Council to grant a **SPECIAL PERMIT** to allow **Auto Sales**.

IN CITY COUNCIL, February 11, 2016

Rule 42 Waived – Yeas 10, Nays 0

SPECIAL PERMIT GRANTED

Dennis Farias, City

Clerk

Presented to the Mayor for approval February 16, 2016

Dennis Farias, City

Clerk

Approved on February 25, 2016

Jonathan F. Mitchell,

Mayor

From: Kim S. Gainsboro, ABCC Chairman

Dated -02/29/16 Received

-03/03/16

Re: Candleworks Ventures, LLC s

72 North Water

Street

Notice of Hearing Date: Tuesday, March 29, 2016 @ 1:30 p.m. for a hearing to determine whether your application under M.G.L. Chapter 138 should be approved or disapproved.

Continued from 02/23/16

From: Bristol County Deputy Sheriff
- 03/08/16

Dated - 02/12/16 Received

Re: The Sky Room, Inc. d/b/a The Sky Room

651

Orchard Street

Notice of Writ of Attachment - On behalf of Martignetti Grocery Co. of Braintree, Ma., in the amount of \$7,000.00

Note: Application for transfer was sent to the ABCC on 03/01/16 and is pending with ABCC.

From: Atty. Walter Fraze, Jr.
- 03/14/16

Dated - 03/10/16 Received

Re: Expedito Duarte d/b/a Expo's II

309

Dartmouth Street

Please accept this correspondence as our client's NOTICE OF APPEAL from the decision of the New Bedford Licensing Board dated March 7, 2016, based on the Appellant's opinion that the Board considered irrelevant factors in making its decision.

• **COMPLAINTS RECEIVED:**

03/06/16 - St. Michael's Social Club, 101 Madeira Avenue - Several noise complaints were made by neighbors that were forwarded to this office from the City Council office with regard to the club doors being left open when the club is having functions; resulting in music being heard throughout the neighborhood. The neighbors stated that they have addressed this issue with the bartender to express their frustration to no avail. They understand people come in and out for whatever reason, but they believe the door should not be left open. **Action Taken - (03/07/16):** A written Notice of Complaint was sent to the club with a copy forwarded to Capt. Steven Vicente, Liaison to the Licensing Board.

03/14/16 - Panther's Athletic & Social Club, 43-45 Madeira Avenue - An anonymous letter was received, which stated that the club was purchasing alcohol from a package store, and that there may be health issues that need to be resolved. **Action Taken - (03/14/16):** A copy of the complaint was sent to the Health Department with a request that they conduct an inspection of the premises with regard to health issues; a letter was also sent to the club reminding them that alcohol cannot be purchased from a package store for use at the club.

03/28/16 - Pub 6 at the Sixth Bristol, 736 Ashley Boulevard (LATE FILE) - This office has once again received a complaint (3rd Complaint) lodged by a resident of the area regarding extremely loud music, which is vibrating into their bedrooms. **Action Taken - (10/24/12):** The complaint was forwarded to Capt. Steven Vicente, Liaison to the Licensing Board, with a request to have patrols in the area monitor the noise situation, and submit any pertinent Police Reports to this office; a 'Notice of Complaint & Hearing Notice' was also sent to the licensee on 03/28/16.

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

<u>NAME</u>	<u>POLICE REPORT#</u>	<u>DATE</u>
<u>VIOLATION</u>		

--NONE--

- **Upcoming Summer Events & Festivals**
 - **10th Annual Cinco De Mayo Celebration – May 7th - “Applied/“No Changes”**
 - **9th Annual Taste of the South Coast (Pier 3) – May 15th - “Applied/“No Changes”**
 - **Irmandade Do Divino Espirito Santo Do Pico – June 24th, 25th, & 26th - “Applied/“No Changes”**
 - **Day of Portugal – June 9th, 10th, 11th, & 12th
(April Meeting?)**
 - **Cape Verdean Day Parade – July 2nd
(May Meeting?)**
 - **New Bedford Folk Festival – July 9th & 10th
(May Meeting?)**
 - **Summer Concert Series – July thru Sept.
(April Meeting?)**
 - **Feast of the Blessed Sacrament (Madeira Feast) – Aug. 4th, 5th, 6th, & 7th
(June Meeting?)**
- **YEARLY REVIEW OF LICENSING BOARD LICENSE FEES**
- **NEXT TWO MEETING DATES: April 25th & May 23rd both on Mondays in Room 314**
- **MEETING ADJOURNED:**