



Licensing Board

April 25, 2016 – 7:00 PM – **Agenda**
City Hall, 133 William Street, Room 314

LICENSING BOARD MEETING

-AGENDA-

Monday, April 25, 2016

Room 314 – 7:00 p.m.

REQUIRED: Steven A. Beaugard, Chairman

Marcelino “Sonny” G. Almeida, Commissioner

a/o 04/20/16

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 March 28, 2016 - Unanimous

APPROVALS RECEIVED FROM THE ALCOHOLIC BEVERAGES CONTROL COMMISSION

Transfer of License - 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 license 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**.

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

Approved By ABCC – 04/05/16

Transfer & Change of Location - Trans. # 019 - Plot # 53-68

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 **72 North Water Street**. 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 “previously” licensed premise will consist of an area approx. 3,280 sq. ft., on the first floor of a four –story building, which will include a dining area and lounge area with a bar, and a kitchen; with two restrooms in the front foyer and additional area approx. 750 sq. ft. for the storage of alcohol in the sub-basement. There is also an outdoor patio area approx. 870 sq. ft. for dining that is contiguous to the main dining room on the north side of the building that is accessible from the dining room. There is one entrance/exit in the front of the building that leads onto North Water St., along with an additional entrance/exit on the east side of the building that leads into

the parking lot; and an additional entrance/exit from the patio area into the parking lot. Premise is located on the east side of North Water Street between Elm and Rodman Streets, and is numbered **72 North Water Street**. 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 – 04/08/16

1. PETITION - Trans. # 212 – Plot # 37—322 (No Representation Required)

Bisca Tournament Club, Inc., Ayres Gonzales, President, who is petitioning for a **Change of Officers and Directors of the Club All Alcoholic Beverages license**. The petitioner is requesting that the resignations of the current Treasurer and all the 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, Ayres Gonzalez will remain as the President, John Soares will remain as the Vice-President, Susan Santos will be the New Treasurer, and Karen Jackson will remain as the Secretary; and Julia Costa, Cindy Pires, Tony Lopes, Betty Fermino, and, Tony Ferreira will be the ‘new’ Co-Directors. Premises will remain the same at **157-161 Acushnet Avenue. (No Advertisement nor Abutters Notification Required)**

Tabled at 11/16/15 Meeting

2. 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.

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 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.**

Tabled at 03/28/16 Meeting

3. 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 a re-opening date, plans to transfer, a change of location, or your intention to immediately surrender the license back to the City of New Bedford, 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.

Rec’d 04/19/16 – A letter from Atty. Elizabeth A. Lonardo on behalf of TD Bank, N.A., which has an interest in the above stated license, requesting that the matter be continued to the Board’s May 23, 2016 meeting; in order to for the bank to continue investigating whether it will pursue the retention of the liquor license.

4. APPLICATION,

Leonardo J. Massa, who resides at **42 Whitman Street, N.B. MA.**, is requesting approval of an application for a **Motor Vehicle Class II (Used Car Dealer) License** for **Leonardo J. Massa d/b/a Drive Time Auto Sales**, with premises situated at **1680 Purchase Street**. The previously approved location includes an office and a two-bay garage to be used for repairs.

Note: Approved for the display of Twenty (20) cars by the Office of Inspectional Services.

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.

5. APPLICATION, (Representation Required)

New Bedford Bay Sox, Patrick M. O’Connor, President, who is requesting approval of an application for a series of **Special One-Day Wine & Malt Only Beverages Licenses** for ‘Bay Sox Baseball Home Games’ **with alcohol to be served and consumed within a designated area within Paul Walsh Field**, located at **230 Hathaway Boulevard**; and to be held on **23 tentative dates** (See Below) **from 5:00 p.m. until 10:00 p.m.**

(Alcohol Control Policy on File/ Site Plan to be submitted on 04/25/16)

June 2, 4, 11, 12, 15, 18, 21, 26, 28

July 3, 6, 8, 9, 12, 14, 16, 22, 23, 24, 28, 30, 31 & August 1st

(Rainout dates will included)

Possible playoff dates will be added, if needed.

6. APPLICATION, (No Representation Required)

Bay Coast Bank, Cassie Poirier, Representative, who is requesting approval of an application for a **Special One Day All Alcoholic Beverages License** for a “N. B. Area Chamber of Commerce Business After Hours”, to be held at the New Bedford Whaling Museum, located at **18 Johnny Cake Hill**; and to be held on **Wednesday, April 13, 2016 from 5:00 p.m. until 7:00 p.m.**

7. APPLICATION, (No Representation Required)

New Bedford Whaling Museum, Cassie Poirier, Representative, who is requesting approval of an application for a **Special One-Day Wine & Malt Only Beverages License** for a ‘Road Show Reception’ to be held at the **New Bedford Whaling Museum**, located at **18 Johnny Cake Hill**; and to be held on **Monday, April 25, 2016, from 6:00 p.m. until 7:00 p.m.**

8. 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 ‘Museum Fundraiser’, to be held at the **New Bedford Art Museum**, located at **608 Pleasant Street**; and to be held on **Friday, April 29, 2016 from 6:00 p.m. until 8:00 p.m.**

9. APPLICATION, (No Representation Required)

Hatch Street Studios, Adrian R. Tio, Representative, who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for a ‘Hatch Street Studio’s Reception’, to be held at the **Hatch Street Studios**, located at **88 Hatch Street**; and to be held on **Friday, April 29, 2016 from 5:00 p.m. until 7:00 p.m.**

10. APPLICATION, (No Representation Required)

Club SS Sacramento Scholarship Committee, Rosemary Rebello, Representative, who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for a ‘Wine Tasting Fundraiser’ to be held at the **Madeira Field - Main Pavilion**; and to be held on **Saturday, May 14, 2016 from 6:00 p.m. until 9:00 p.m.**

11. APPLICATION, (No Representation Required)

The Azorean Maritime Heritage Society, Rosemary Rebello, Representative, who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for a ‘Wine Tasting Fundraiser’ to be held at the **N. B. Whaling Museum**, located at **18 Johnny Cake Hill**; and to be held on **Saturday, May 21, 2016 from 6:00 p.m. until 9:00 p.m.**

12. APPLICATION, (No Representation Required)

New Bedford Art Museum, Alicia Moretti, Representative, who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for an ‘Opening Reception’, to be held at the **New Bedford Art Museum**, located at **608 Pleasant Street**; and to be held on **Friday, June 3, 2016 from 6:00 p.m. until 8:00 p.m.**

13. APPLICATION, (No Representation Required)

United Way of Greater New Bedford, Victoria Grasela, Representative, who is requesting approval of an application for a **Special One Day All Alcoholic Beverages License** for a ‘Clambake Fundraiser’ to be held on **Pier 3 – Under a Tent**, and to be held on **Friday, June 10, 2016, from 5:00 p.m. until 11:00 p.m.**

(Final approval will require Liquor Liability with the City of New Bedford named as additionally insured and a copy of their Police Detail Contract)

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

13. APPLICATION, (No Representation Required)

Your Theatre, Inc., Eric Paradis, Representative who is requesting approval of an application for a **Special One Day All Alcoholic Beverages License** for a ‘New Bedford Jazz Fest 2014’ to be held on **Pier 3**, and to be held on **Saturday, June 11, 2016 from 2:00 p.m. until 7:00 p.m.** *(Final approval will require Liquor Liability along with endorsement page naming the City of New Bedford as additionally insured as well as a copy of the Police Detail Contract)*

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

14. APPLICATION, (No Representation Required)

W.H.A.L.E (Waterfront Historic Area League, Inc.), Diane M. Brodeur, Membership and Events Manager, who is requesting approval of an application for a **Special One Day All Alcoholic Beverages License** for a “Urban Soiree Fundraiser”, to be held at the **139 Union Street (W.H.A.L.E. property)**; and to be held on **Friday, June 17, 2016 from 6:00 p.m. until 9:00 p.m.**

15. APPLICATION, (No Representation Required)

Society of Senhor da Pedra/Holy Ghost Society, Megan DaRosa, Representative, who is requesting approval of an application for a **Special One-Day All Alcoholic Beverages License** for a 'Fundraiser/Holy Ghost Society Feast', to be held in **Webster Court (Senhor da Pedra Parking Lot)**, located at **81 Tinkham Street**; and to be held on **Saturday, June 18, 2016, from 6:00 p.m. until 11:45 p.m. and Sunday, June 19, 2016 from 6:00 p.m. until 11:00 p.m.** *(Final approval will require Liquor Liability naming the City of New Bedford as additionally insured as well as a copy of the Police Detail Contract)* ****NO CHANGES, AS PREVIOUSLY APPROVED****

16. APPLICATION, (No Representation Required)

RJ's Corp. d/b/a Top Shelf Bar & Grille, Sandra Arribada, Representative, who is requesting approval of an application for a **Special One Day All Alcoholic Beverages License** for a 'Family Appreciation Event' to be held within the **Top Shelf Parking Lot**, located at **1825 Acushnet Avenue**; and to be held on **Sunday, June 19, 2016, from 12:00 p.m. until 4:00 p.m.**

(Final approval will require Liquor Liability with the City of New Bedford named as additionally insured and a copy of their Police Detail Contract)

17. APPLICATION, (No Representation Required)

The Schwartz Center for Children, Beatrice Oliveira, Representative, who is requesting approval of an application for a **Special One Day All Alcoholic Beverages License** for a 'Fishing for a Cause Tournament Fundraiser' to be held at **Marine Park on Pope's Island (under a tent)**; and to be held on **Saturday, June 25, 2016, from 5:00 p.m. until 10:00 p.m.** *(Final approval will require Liquor Liability with the City named as additionally insured and a copy of the Police Detail Contract)* ****NO CHANGES, AS PREVIOUSLY APPROVED****

18. APPLICATION, (No Representation Required)

W.H.A.L.E (Waterfront Historic Area League, Inc.), Diane M. Brodeur, Membership and Events Manager, who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for a 'Wine Festival & Auction Fundraiser' to be held at the **Allen C. Haskell Public Gardens**, located at **787 Shawmut Avenue**; and to be held on **Friday, September 16, 2016 from 5:30 p.m. until 9:00 p.m.**

19. Hearing: Pub 6 Social Corp. d/b/a Pub 6 at the Sixth Bristol

Mr. James F. Pettijean, Manager
736 Ashley Boulevard

Your presence is requested at a hearing of the New Bedford Licensing Board to determine whether you have violated certain provisions of ABCC Regulations, Licensing Board Rules & Regulations, and City of New Bedford Ordinances. This hearing will focus on the continued complaints lodged by a resident of the area regarding extremely loud music, which is vibrating into their bedrooms.

Our records indicate that you were warned on two prior occasions that the Licensing Board takes the complaints and concerns of residents of any neighborhood very seriously; along with a request that you monitor your music and noise levels on or about your premises to ensure that it's not at a level that may be a disturbance to your neighbors; as well as a request that you post a sign asking your patrons that when leaving your establishment, that they do so in a manner as not to cause a disturbance to your neighbors.

Based on their findings, the Licensing Board may take action to modify, suspend, revoke, or cancel your license. If warranted, a roll back of hours may also be considered

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. 11, 38, 41--

Excessive Hilarity, Noise, Crowds, and Objectionable Persons shall not be permitted on or about the premises. It is the responsibility of the Licensee to enforce this rule; all entertainment shall be so conducted that no noise shall be audible upon any abutting property; the type and hours of entertainment shall be subject to reasonable regulations by the Licensing Board.

New Bedford Code of Ordinances, Ch. 15, sec. 1.2

Any business operating under a Common Victualler license which abuts a residential property shall be subject to a restriction after hearing before the City of New Bedford Licensing Board, **which may restrict the overnight or late night operating hours between the hours of 10:00 p.m. and 7:00 a.m.**, so as not to menace the health or interrupt or disturb the sleep of residents, and said City of New Bedford Licensing Board may restrict or prohibit or otherwise regulate said establishment between said hours. Any residential abutter may request a hearing before said City of New Bedford Licensing Board to seek such a restriction.

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

20. Hearing: Pub 6 Social Corp. d/b/a Pub 6 at the Sixth Bristol

Mr. James F. Pettijean, Manager
736 Ashley Boulevard

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 ABCC Regulations, Licensing Board Rules and Regulations, and City Ordinances, as a result of continued complaints lodged by a resident of the area regarding extremely loud music and late night noise issues. This roll back (decrease) of hours could affect the hours in which you will be allowed to be open.

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

• **CORRESPONDENCE**

From: Kim S. Gainsboro, ABCC Chairman
- 04/04/16

Dated – 04/01/16 Received

Re: Expedito Duarte d/b/a Expo’s II
Dartmouth Street

309

Hearing Date – Wednesday, May 18, 2016 @ 1:30 p.m.; an appeal hearing will be held on the action of the New Bedford Licensing Board in denying the application for a New Wine & Malt License for the above referenced applicant.

• **COMPLAINTS RECEIVED:**

04/07/16 – Pub 6 at the Sixth Bristol, 736 Ashley Boulevard – This office received a complaint with regard to overcrowding between 12 a.m. and Closing on Tuesday nights. (Premise does not have sprinklers and has a capacity of 99)

Action Taken - (10/24/12): The complaint was forwarded to the Fire Chief, Commissioner of Buildings, and Capt. Steven Vicente, Liaison to the Licensing Board, with a request to have an inspection conducted on the day and hours stated, with a report forwarded to this office of their findings

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

<u>NAME</u>	<u>POLICE REPORT#</u>	<u>DATE</u>	<u>VIOLATION</u>
1. Redwood Saloon Alcohol	#16-954-AR	04/10/16	Serving & Consuming After Hours; Disorderly Person (Approximate Time of Violation 2:39 a.m.)

- **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”
- United Way of Greater N. B. Clambake – June 10th - “Applied/“No Changes”
- New Bedford Jazz Fest “2016” – June 11th - “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?)

- **NEXT TWO MEETING DATES:** May 23rd & June 27th both on Mondays in Room 314

- **MEETING ADJOURNED:**