



Licensing Board

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

PRESENT: Steven A. Beaugard, Chairman

Marcelino “Sonny” G. Almeida, Commissioner

Edmund F. Craig, Jr., Commissioner

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

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

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 an 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

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

Change Of Manager - Trans. # 070 – Plot # 53—231 A & B – “Late File”

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.

Approved By ABCC – 04/13/16

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

Altering of Premises (Additional Room) - Trans. # 083 – Plot # 53--198A – “Late File”

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**.**

Approved By ABCC – 04/19/16

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

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)****

Present: No one was required to appear

Mr. Nanopoulos informed the Board that the application was submitted to address changes in the corporation, as a result of the most recent club vote.

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**

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.**

Minutes of 03/28/16 Meeting

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

Mr. Nanopoulos informed the Board that Mr. Kulpinski came in to see him, and that he informed him that he was still awaiting on approval from DEP, and that he would be better prepared to give an update to the Board in April. Based on that conversation, he was told that the matter would be tabled to the April meeting, and that he would not have to appear.

VOTED: Commissioner Almeida made a motion **to table the matter until the April 25th Board meeting.** – **Unanimous**

Present: *No one appeared as requested.*

Mr. Nanopoulos stated that he was informed by Mr. Kulpinski that he would be at the meeting earlier in the week.

VOTED: On a motion by Commissioner Almeida, the Board **voted unanimously to table the matter until the May 23rd 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.

Present: *No one was required to appear*

VOTED: On a motion by Commissioner Almeida, the Board **voted unanimously to table the matter until the May 23rd meeting.**

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.

Present: *Leonardo J. Massa, Applicant*

Responding to questions from Chairman Beaugard, Mr. Massa stated he would be selling cars that were not any older than the year 2000 and that he would either take any cars older than the year 2000 that he may take in trade would be sold as scrap or they would be sold at auction; and that's he's worked at this location for the prior owner for 15 years.

When asked by Chairman as to who would be doing the repairs, Mr. Massa stated that he would be doing the repairs in the two-bay garage that is located in the back of the building.

VOTED: Commissioner Almeida made a motion to approve the application as presented for the **display of Twenty (20) cars**, as approved by Inspectional Services; pending receipts of all outstanding documents. – **Unanimous**

5. APPLICATION - 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

Present: *Robert Afonso, Manager along with Emanuel Maciel, Security for Top Shelf*

Responding to questions from Chairman Beaugard, Mr. Afonso stated that they're planning to have a Father's Day event, so families could bring their kids there, and that there would be things for the kids to do including face painting, a balloon artist, and characters for the children.

Mr. Alfonso also stated that there would be a wine and beer outside and a food booth for burgers, hot dogs, and soft drinks; and that there would not be any charge for the food items mentioned; and that all alcohol drinks, as well as their full menu will be served inside the restaurant.

Mr. Maciel stated that ID Checks will be checked and wristbands will be issued; and that he along with two other security personnel would be positioned at the entrance and exit areas; and that the street entrances and exits would be monitored by

2 police detail officers, as well as additional security personnel.

Mr. Afonso stated that they would have an acoustic guitarist/singer inside the facility and a band located outside.

Mr. Afonso and Mr. Maciel reviewed the proposed street closing with Board, to which Chairman Beauregard stated that the entire area would have to be closed somehow with some type of barrier.

Mr. Afonso stated that they would have some type of temporary fencing.

Chairman Beauregard requested that those attending would have to enter through the front door of the restaurant and enter the outside area through the back door exit; and that the rest of the area would be blocked off; to which Mr. Afonso agreed to do.

When asked by Chairman Beauregard as to who would be doing the serving, Mr. Afonso stated that his staff would be doing the serving and that there would only be beer and wine outside; and that there would be 4 security personnel outside at all times.

VOTED: Commissioner Almeida made a motion to approve the application as presented with the stipulations put forth by Chairman Beauregard. – **Unanimous**

6. 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 be included)

Possible playoff dates will be added, if needed.

Present: Patrick M. O'Connor, President, N.B. Bay Sox along with Mark Riley, Owner, Freitas Package Store

Chairman Beauregard opened the hearing on the application by asking Mr. O'Connor to give the Board an overview as to what his intentions are with regard to the application that was submitted.

Mr. O'Connor responded, this is my fifth year running the N. B. Bay Sox ... we are a non-profit ... we are part of the part of the N. E. Baseball League ... which is 13 teams across New England ... we bring in top notch college players from around the country to play a 44 game schedule from the beginning of June to early August... and each year we try to do a better job of creating that atmosphere at the ballpark ... so families and friends of the Bay Sox can all come and enjoy the game ... foremost ... we want to do this so we can grow and make a difference in the community ... the teams spend a great bit of time in the summer in the community ... we done reading programs within 30 classrooms across the Southcoast ... we also do other programs like the Brian's Buddies Program ... in which we invite underprivileged kids to the games throughout the summer ... and they get a hot dog and drink to watch the game with a free ticket ... so what we're really about ... is giving back to the community ... that's the mission of the league ... as well as developing the players and the staff ... we have several interns that are now working for major league teams as well as a number of players now playing on major league baseball teams that played here in New Bedford or who are well on their way to the major leagues ... so I think it's a good thing for the community ... the Bay Sox ... but we've learned over the course of the last four years ... that it would be a huge benefit to the team and to the fans ... is that if we could create a section of the park ... where an adult could have a beer or two with a hot dog and enjoy the game... we've heard from sponsors ... we've heard from fans ... who think this would actually enhance the atmosphere ... and the players also like to play in front of big crowds ... our crowds are okay right now ... but we think we could attract more fans to the game and it would be a better atmosphere.

When asked by Chairman Beauregard to explain the layout of what's being proposed, Mr. O'Connor responded, the layout is a 3,000 sq. ft parcel that's being transferred from the School Dept. to the City ... at the which time it would become city property.

Mr. O'Connor continued his presentation by stating, and that would be contingent upon the City Council approving that parcel of land ... and that piece of property is down the first base line ... outside the fence that encloses the baseball diamond ...but inside the fence that encloses the exterior of the property. ***(Mr. O'Connor reviewed the site plan that was submitted, which was received and placed on file by the Board.)***

When asked by Chairman Beauregard as to how would the area be enclosed, Mr. Riley stated, a portion would be enclosed in part by the fencing around the ball field ... in part by the beer truck & trailer that they will be using to serve the beer ... and the rest would be enclosed by a 4ft. snow fence ... and within that area ... there would be some picnic tables and some bleachers ... and there would only be one entrance/exit set up ... and there would be someone posted at the entrance checking I.D.'s to ensure no minors are allowed into that area as stipulated in the agreement with the School Department ... so only people of drinking age can actually go inside this area ... period.

When asked by Chairman Beauregard, so if I was there with a five year old, he's not in?

Mr. Riley responded, No ... that's why I don't think there will be a tremendous amount of traffic with that contingency in there ... I think the idea was that the dad could be in there with his son and watch a half of an inning... have a quick beer ... and the kid could sit in the bleachers and watch ... but they stipulated that no minors could go in there at all ... so there's an ability to offer it there ... but you're not going to see a lot of dads leave their kids in the stands to go down there ... I think this is the first step towards ... does it work? ... And how can it be changed in the future?

When asked by Chairman Beauregard if they had any other questions for either Mr. O'Connor or Mr. Riley, upon hearing and seeing none, Chairman Beauregard stated the following to Mr. O'Connor, my only concern is that ... you and I spoke quite a bit last year in trying to make it work ... I just think that it's kind of circumventing the school policy ... I'm not sure that I'm comfortable in the way it's been designed ... I would have much rather have seen some sort of exemption made from the School Department rather than turning over a piece of land.

Mr. Riley responded to Chairman Beauregard's comments by stating, we had actually talked about that today ... the way it was written ... and the way it was done ... it would have been nice to see it done differently ... I know the fear is ... what kind of can of worms might it open.

Chairman Beauregard agreed with Mr. Riley by stating, that's right ... what happens when the Clippers come in and they want it on their end ... now you have to design something on their end ... and where does it stop from there ... you might as well resolve the whole issue of no drinking on school property ... instead of cutting out little swatches of land ... because once you allow one ... just understand where we're coming from ... once you open up 'Pandora's Box' ... then you have to treat everyone fairly ... then you have to give everyone the same bite from that apple ... that's my only concern.

When asked by Chairman Beauregard once again if anyone had any questions or follow-up question, Commissioner Almeida asked if they planned on having any Police Details, to which Mr. O'Connor replied, we're going to have our own security ... we haven't had any Police Details in the time we've been there ... I hadn't planned on having a Police Detail ... because we were going to manage it ... but if we need a Police Detail ... we'll have to go for it ... but from a cost perspective... it really didn't work for us.

Mr. Riley also responded by stating, the biggest thing you see is ... just because in the way it was carved out ... it's not like you're going to serve a couple of hundred beers in game ... you may have some games that you sell 20 to 30 beers ... you may have some that you sell 50 to 60 ... I think time will tell ... but ... just like you said ... you're not seeing a bunch of guys sitting down and having a bunch of drinks ... it's just a small section of bleachers here to accommodate 15 to 20 people ... the main bleachers are further out where people can't take the drinks.

When asked by Chairman Beauregard if there would be any food served in this area, Mr. O'Connor stated that no food would be served in that area and that people would have to purchase their food from the concession; but they would be allowed to bring the food into that area.

Commissioner Almeida voiced his concern that there would not be a Police Detail present by stating, I would rather be proactive by having something in place ... I know you're going to have some kind security there ... but when it comes to liquor ... it's a different kind of ball game.

Chairman Beauregard followed up on Commissioner Almeida's comments by asking, what is your intention regarding security?

Mr. O'Connor responded, we were going to have a manager ... a member of the Board who's there... there's always someone there monitoring that location ... making sure no one jumps over the fence or anything like that. Chairman Beauregard also raised the issue of handoffs of alcohol around the perimeter of the non-field sides of the enclosed area by stating that they have to be constantly aware, as well as being vigilant in monitoring those

areas.

Mr. Riley responded by stating, we mapped it out using the whole space ... but logistically ... if it's only a dozen people coming out or 20 people coming out ... we're going to drastically reduce this space down ... because we're not going to want to occupy all this space ... and have to monitor that entire space ... so if it does become that the traffic is that little ... then we're just going to shrink it down from its existing footprint ... so it becomes more manageable ... more than likely ... we're probably going to end up occupying less space than that.

Mr. Riley then addressed the Police Detail issue by stating, just from their standpoint ... it's not going to be a lot ... if the Board would consider ... we would rather have more of a restriction on how much beer can be served ... in that a person can only have two beers or whatever it is ... right now it's 4 ... if that's a concern ... we'd be willing to bring that number down to something to work with ... we don't in any way want this to be a drinking event ... we just want it to be a valued added ... so if somebody says ... you know what ... I will go to the ballgame with my kid.

Chairman Beaugard responded, I would hate to put that restriction on you ... because I'm not certain that it's enforceable ... if you had sixty people on a good night... a corporate night ... that you could monitor whether somebody had 4 or 5 ... or 5 or 7.

Mr. Riley responded, we could tag up their bracelets ... if it really becomes those kind of numbers ... then we'd be the first one to say ... you know what ... we should just get a police detail ... then we wouldn't have to babysit ... the concern is ... that they're not going backwards ... and it's costing them more money than what they're actually generating to do this.

Commissioner Craig responded, I tend to agree that they should manage it themselves ... and we'll see how this goes ... and if it becomes a problem in any way ... or if they get those types of numbers that warrant a police detail ... we can look at that in the future ... and we can make that a stipulation ... but for the time being ... I'm comfortable that they can manage it themselves and we'll see how it goes.

When asked by Mr. Riley if they would have to come back before the Board if they were to shrink the area down in size, Chairman Beaugard responded, because you've applied for a Special One Day license, you would not have to come back before us.

Mr. Riley stated that all his servers were at least 18 years old (allowed by law) and that they were all T.I.P.S. certified.

VOTED: On a motion by Commissioner Craig and on second by Commissioner Almeida, the Board voted in the majority with one abstention (Chairman Beaugard), to approve the application as presented; along with the Bay Sox Alcohol Control Policy, and the site plan specifications for the sale of beer and wine at this year's home games, **contingent upon the City Council's approval of the land transfer.**

VOTED: Commissioner Almeida made a motion to take up **Item #'s 7 - 20** at one time; waive reading; and approve the applications as presented – **Unanimous**

7. 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.**

8. 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.**

9. APPLICATION, (No Representation Required)

New Bedford Art Museum, Alicia Moretti, Representative, who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for 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.**

10. 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.**

11. 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.**

12. 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.**

13. 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.**

14. 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****

15. 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 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)

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 an “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.**

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

Ribeiro Brothers, LLC d/b/a Pour Farm Tavern, Noah Griffith, Manager, who is requesting approval of an application for a **Special One Day All Alcoholic Beverages License** for a ‘5th Annual Whaling City motorcycle Club Ride Fundraiser’, to be held **within Wing’s Court**; and to be held on **Saturday, June 18, 2016, from**

11:00 a.m. until 6:00 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))

18. 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****

19. 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****

20. 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.**

21. 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.

Present: James F. Pettijean, Manager along with Donna Finni, Treasurer and Robert Morris, Finance Committee

Upon being asked by Mr. Nanopoulos if he had received a copy of the 'Hearing Notice', and if he had read the summary contained in the notice, and if he understood why he was before the Board based on the summary and the list of alleged violations contained in the 'Notice', Mr. Pettijean stated that he received the notice and was fully aware of why he was before the Board here tonight.

When asked by Chairman Beauregard to give the Board the lay of the land as to what's happening at the 'club' right now, Mr. Pettijean responded, I can't speak on behalf of the club right now because I'm no longer employed there, I haven't been for three (3) months.

Chairman Beauregard responded by asking, so if you haven't been there for 3 months, then who's been managing it?

Mr. Pettijean responded, it's been kind of a collaborative of people ... Donna Finni ... and a gentleman by the name of Corey Gordon ... they've been taking care of it ... I walked away as the general manager and quit as of January.

Chairman Beauregard responded by asking, you never thought of coming in and notifying us of that fact ... do you understand that you are responsible for anything that goes on up there that it's your responsibility ... so technically, you're it.

Mr. Pettijean responded, yes sir.

When asked by Chairman Beauregard as to what was the reason that caused him to quit and walk away, Mr. Pettijean responded, personal reasons ... one was my health ... and the other one was ... I didn't like the direction the club was going in ... so I decided to quit as the president and general manager.

Chairman Beauregard responded, quite honestly, I don't think we like the direction the club is going in either, we're getting an awful lot of complaints regarding activities that are taking place up there; and we're going to address those here tonight.

When asked by Chairman Beauregard as to what his role is with the club, Mr. Morris stated, I'm on the finance committee but I'm not involved in the day to day activities of the club ... I go to the club every Monday night for a meeting and we discuss the finances at our meeting.

When asked by Chairman Beauregard, and the finances aren't good? Mr. Morris responded, no they are not.

When asked by Chairman Beauregard as to what her role is with the club, Ms. Finni responded, I'm the Treasurer, as well as being on the finance committee.

In response to the previous statements made by Mr. Pettijean, Mr. Morris, and Ms. Finni, Chairman Beauregard asked, so we have nobody here that is involved specifically with the day to day operation of the premises?

Mr. Morris responded, well, Donna has been handling the payment of bills and other activity to keep the place going ... but as far as having another manager on board ... we do not ... because we couldn't pay him ... we wanted to hire a manager ... but we just couldn't afford it ... nobody is going to work for what we could pay ... especially an operation like that.

Mr. Pettijean stated that he made a phone call to Corey Gordon and that he left a message on his phone to be here today but he's not.

Chairman Beauregard responded, so without proper management in place ... we're going to be hard pressed to sit here and allow the place to continue running as is.

Mr. Morris responded to Chairman Beauregard's comments by stating, we are in the process of listing the 'club' for sale ... so that's what we're going to do ... we're currently running the club on a very limited basis ... we want to sell the club ... pay off our debts ... and let it go at that ... we met tonight ... the Monday night Finance Committee meeting ... and we've contacted the person that's going to list it... which is Jeff Pontiff. ... and we're going forward with that ... so for all intents and purposes ... we're going to sell the club ... we'd like to continue to have the license ... because it will be a lot easier to sell with the license.

Chairman Beauregard responded, we're not looking to revoke the license ... we're looking to ... and I'm speaking for myself first ... my thought process is not to revoke your license ... which would allow you to sell the license ... but the day to day operations cannot continue without proper management in place ... so you'll need to see Mr. Nanopoulos ... if in fact the Board decides with what we're discussing tonight ... that you would have to find a manager ... sooner than later ... you're probably down to 30 days at the minimum ... to get it approved here and submit it to Boston ... if you have any outstanding DUA or DOR issues ... those will come back to bite you when the application is submitted to the ABCC for approval ... which in that case ... you'll never get a manager approved until those issues are resolved ... and I would suspect that you have some outstanding debts.

Mr. Morris responded, we do have some outstanding debts ... and Atty. Michaud ... who is our attorney ... he's handling any negotiations ... and we're directing any inquires to his office ... again ... our plan is when we sell the place ... is to pay off all our creditors and our mortgage ... and we want to do that as soon as possible.

Ms. Finni also responded, which we feel we will be able to do ... that isn't going to be a problem ... and there have already been a few people that been making some contacts ... showing interest in it ... we have already limited our hours that we are open ... we're only open now ... on Tuesdays, Thursdays, Fridays, and Saturdays ... all at 4 o'clock.

When asked by Chairman Beauregard if they were open until 2 a.m., Ms. Finni responded, most of the nights we're not open until 2 a.m.

Chairman Beauregard informed Ms. Finni that the Board is continuing to get complaints regarding late night disturbances and voiced his concern that summer is coming, and there's nobody there to handle these problems.

Ms. Finni responded, I know that when they've had a problem ... that they've gotten a hold of Corey ... and he has gone down there ... but there haven't been any complaints from the police or anything.

Chairman Beauregard responded by reading the numerous calls to service off the Police Log, which included numerous complaints of late night disturbances.

When asked by Commissioner Almeida do they still have bands there on weekends? Ms. Finni stated that they were switching over to a DJ or an open jukebox on the weekends, and that was just decided upon tonight as well; so the live bands will be stopping on the weekends; and we're roughly closing around 12 a.m.

When asked by Chairman Beauregard if the restaurant was closed, Ms. Finni stated that it was closed.

Chairman Beauregard voiced his concern that they were operating without an approved manager, and that he was of the opinion that they should not be allowed to remain open without an approved manager in place.

Commissioner Almeida stated, they're just about out of business now.

Ms. Finni responded, we just want to keep it open until we get this sold ... we don't want the place foreclosed ... that would be an entirely different thing then ... we want to keep ... sell it ... and pay off all our creditors.

Chairman Beauregard responded, without a manager ... our hands are pretty much tied.

Ms. Finni responded, we have a very tight finance committee that is overseeing everything.

When asked by Mr. Morris if it was his recommendation that the club can no longer operate at all, Chairman Beauregard responded, not without a manager in place.

Mr. Morris stated, we have two tenants that live above the club ... I guess we can ask them to move ... we can't have them living up there, if we can't provide them with utilities.

Ms. Finni stated that they provide them with gas and electric.

When asked by Chairman Beauregard as to why they would shut down the gas and electric, Ms. Finni responded, because we wouldn't have the revenue to pay for it ... this is what we're doing ... we're keeping it open so we can keep the lights on ... so we can end up paying off everyone.

Chairman Beauregard responded our concern is that we're getting a number of complaints that are coming

through ... some of which I just read off ... and we don't have the management in place.

Ms. Finni responded, we've gone through ... we've made sure that we've shut all the doors and everything ... we've talked to a number of the bands ... we sent a letter to the woman that has made some complaints ... none of the other neighbors have complained to us ... I know the police have spoken with Paul Ventura ... and he said that they have not had any problems with them from the North End Station ... the only one I knew about was the last one from the same women.

Chairman Beauregard responded, I don't think it's the same person calling in on all these complaints regarding disturbances that are taking place up there ... and the club was in before us on October 19th for the same thing.

Ms. Finni responded, it's the same women ... we worked extremely hard with her.

Chairman Beauregard reviewed their prior violations with them with regard to late night disturbances, to which those present stipulated to be true.

Mr. Nanopoulos offered the following to the Board, from an administrative standpoint ... to get a new manager in place ... the place is going to be up for sale ... to get a manager's application in ... would have to make the next meeting ... which would be in May ... it would then have to go up to Boston ... which could take up to 5 to 6 weeks to be approved by the ABCC ... the question is ... when it goes up to Boston ... if the club has any DOR or DUA issues ... it won't get approved ... it will get bounced back ... so you're talking for a period of time ... so the issue is ... what we've seen in other cases ... that when somebody is looking to sell a place ... everything goes out the window ... because there is no one in charge ... and things get worse than what they are ... so I think the Board has two choices ... either bring the license in ... or reduce the hours where it won't be an inconvenience to the neighbors after a certain hour ... but that's up to the Board.

Chairman Beauregard responded, I think the hours are already reduced.

Ms. Finni responded, we'd like to keep the license and remain open because we're also working with Linda Morad at the bank (St. Anne's Credit Union), that's who we have our mortgage with.

Chairman Beauregard then called for a motion.

Commissioner Almeida suggested that the Board reduces the hours until 12:00 a.m., and to table the matter for a couple of months, which would allow them to remain open and maybe something will happen (sale of license) with the license.

Chairman Beauregard responded by asking, why didn't Cory show up this evening?

Ms. Finni responded he wasn't feeling good at all; he's been feeling sick lately, adding, everyone has been under a great deal of stress over this.

Chairman Beauregard responded, he questioned Corey's dedication by not appearing, knowing the importance of tonight's meeting.

When asked by Chairman Beauregard, what experience does Corey have in running a liquor establishment?

Mr. Morris responded, he came in and we put him in certain positions he could handle.

Ms. Finni responded he was available at night.

Mr. Pettijean responded he was also brought in to help George when he got sick, so Corey kind of stepped in to help George at the time; and when George died, Corey kind of stepped in with us.

Responding to questions from Chairman Beauregard, Ms. Finni stated that he was either 34 or 3; and that he works for Prime Fire Suppressants during the day.

Chairman Beauregard then addressed Mr. Pettijean by stating, I wish you would have come in 3 months ago when you walked away as the manager and told us about it, we probably could have avoided this discussion that we're having here tonight; we could have the paperwork processed, but now you've kind of handcuffed us tonight with regard to what we can do for you.

Chairman Beauregard once again called for a motion from the floor.

Commissioner Almeida responded I make a motion that we table the matter for 30 days and that we reduce the hours based on the complaints that have been received; adding, without having a manager in place ... we shouldn't even be talking about this.

When asked by Commissioner Almeida if he was willing to step back into the picture, Mr. Pettijean responded, "No".

Commissioner Craig added, the police have been there 8 times in 2016 ... 7 out of the 8 times have been midnight or later ... usually around closing time ... so this seems to be the time that there are complaints ... who's making the complaints ... I can't tell you ... but it's between midnight and closing time ... that's when

you're having your troubles ... so this makes sense ... when you don't have someone that's there really paying attention ... there's a problem of some sort ... but this does make sense ... in that it's allowing you to stay open ... it may be beneficial to you as you attempt to sell the place ... so I second that motion.

Chairman Beauregard stated that he was of the opinion that without approved management in place and knowing that everyone will know very shortly that the place will be up for sale, I'm very concerned with what's going on up there.

Chairman Beauregard stated that his vote will be a no based on public safety concerns; adding I don't think 30 days is going to buy you anything, and I would suspect that you have DUA and DOR issues, therefore, you're not going to get a manager approved anytime soon; and I think it's dangerous to let you operate the way you are now but the Board has voted.

When asked by Mr. Nanopoulos if they were still purchasing their alcohol from distributors, Ms. Finni responded, "Yes".

VOTED: On a motion by Commissioner Almeida and on second by Commissioner Craig, the Board voted 2-1 to decrease the hours of operation by amending their General on Premise All Alcoholic Beverages License to reflect a 12:00 a.m. closing immediately; the early closing, which will remain until such time an application for a change of manager is approved by the Alcoholic Beverage Control Commission; and the establishment will also be restricted to opening on Tuesdays, Thursdays, Fridays and Saturdays. - **Unanimous**

NOTE: The licensee was also instructed that an application for a change of manager must be submitted to this office by **May 16, 2016**; and warned that their failure to submit said application will result in the immediate suspension of their license until such a time as a new manager is approved by the Alcoholic Beverages Control Commission.

22. 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 -)

Present: James F. Pettijean, Manager along with Donna Finni, Treasurer and Robert Morris, Finance Committee

ACTION TAKEN: NONE

- **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.

ACTION TAKEN: Received & Placed on File.

From: Bristol County Superior Court
- 04/22/16

Dated – 04/21/16 **Received**

Re: Route Six Properties, Inc. d/b/a Temptation
Island

161 **Pope's**

Notice of Writ of Attachment – On behalf of Steven Barreira, Fall River, MA. in the amount of \$28,248.07

ACTION TAKEN: Received & Placed on File.

• **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.)

Decision: Bring In For a Hearing – 05/23/16

• **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

(May 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 -
APPROVED**
- **MEETING ADJOURNED: 7:49 p.m.**