



Licensing Board

May 23, 2016 – 7:00 PM – **Minutes**
City Hall, 133 William Street, Room 314

PRESENT: Steven A. Beauregard, Chairman (Unable To Attend/Out of State)
Marcelino “Sonny” G. Almeida, Commissioner (Acting Chairman)
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

APPROVALS RECEIVED FROM THE ALCOHOLIC BEVERAGES CONTROL COMMISSION

---NONE---

1. PETITION - Trans. # 209 – Plot # 93—181 (No Representation Required)

Centro Luso Americano Club, Inc., Adriano Carvalho, Jr., 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 slate of Officers and Directors currently on file with the Alcoholic Beverages Control Commission be accepted, and be updated as follows, per the Commission’s directive of 09/30/14 regarding “Club” licenses. Upon approval, Adriano Carvalho, Jr. will remain as the President, Dean Pires will be the ‘new’ Vice-President, Joe Silva will be the ‘new’ Treasurer, and John Tomasia will be the ‘new’ Secretary; and John Gomes, Jim Neville, Edward Roy, and Lucy Carvalho will be the ‘new’ Directors. Premises will remain the same at **34 Beetle Street**.

(No Advertisement nor Abutters Notification Required)

Present: *No one was required to attend.*

Mr. Nanopoulos informed the Board that application was for a Change of Officers and Directors, which will update the current list of officers and directors that are on file with the ABCC, per the Commission’s directive of 09/30/14; and that no representation was required, since the manager was staying the same.

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**

2. Request, (No Representation Required)

New England Fisheries, LLC d/b/a Waterfront Grille, Kevin Santos, is requesting final approval to expand the existing ground floor outdoor patio located on the south side of the building, from 806 sq. ft. to 2,000 sq. ft. Note: A request to be heard was on 02/29/16, at which time the Board gave their initial approval of the proposed plans.

****Board Vote Required****

Present: *Applicant was excused from appearing*

Voted: To allow the expansion of the existing outdoor patio located on the south side of the building, from 806 sq. ft. to 2,000 sq. ft. – **Unanimous**

3. APPLICATION, Representation Required

New Bedford Folk Festival, Inc. Justin LaCroix, Representative, who is requesting approval of an application for a **Special One Day All Alcoholic Beverages License** for a ‘**New Bedford Folk Festival**’, to be

held in an enclosed area in the street, located at 684-686 Purchase Street; and to be held on Saturday, July 9, 2016 and Sunday, July 10, 2016, from 11:00 a.m. until 9 p.m. (Last Call @ 8:30 p.m.) (Final approval will require Liquor Liability with the City named as additionally insured and a copy of the Police Detail Contract)

****NEW LOCATION****

Present: Justin LaCroix, Manager

When asked by Commissioner Almeida to explain to the Board as to where the liquor would be served, Mr. LaCroix stated that it's going to be very similar to other events that have been held in front of the theatre, and then proceeded to review the site plan that he submitted for approval; as well as the security plan he submitted, which were both received and placed on file.

Responding to questions from the Board, Mr. LaCroix stated that the area will be completely secured and that they would be issuing wristbands; and that there would be a Police Officer assigned solely to this area.

VOTED: Commissioner Craig made a motion to approve the security and site plan as presented, and approve the applications as presented – **Unanimous**

VOTED: Commissioner Almeida made a motion to take up **Item #'s 4 - 33** at one time; waive reading; and approve the applications as presented – **Unanimous**

4. APPLICATION, (No Representation Required)

Cape Verdean Association in New Bedford, Inc., Charles Perry, Jr., Representative, who is requesting approval of an application for a **Special One-Day Wine & Malt Only Beverages License** for a 'Fundraiser' to be held at the **Cape Verdean Association Cultural Center**, located at **1157 Acushnet Avenue**; and to be held on **Saturday, May 21, 2016 from 2:00 p.m. until 6:00 p.m.** (EVENT CANCELED 05/20/16 PER CHARLES PERRY)

5. APPLICATION, (No Representation Required)

W.H.A.L.E., Amanda Grace, Representative, who is requesting approval of an application for a **Special One-Day Wine & Malt Only Beverages License** for a 'Historic Preservation Conference' to be held at the **Rotch-Jones-Duff House**, located at **396 County Street**; and to be held on **Saturday, May 21, 2016 from 4:30 p.m. until 5:30 p.m.**

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

TJA Foundation, John Saunders, Representative, who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for a 'Bike Run to Benefit Trevor & Jordan Alves' to be held at the **Madeira Field – Main Pavilion Area**, located on **Madeira Avenue**; and to be held on **Saturday, June 4, 2016 from 12:00 p.m. until 6:00 p.m.**

7. APPLICATION, (No Representation Required)

Prince Henry Society, William Viveiros, Representative, who is requesting approval of an application for a **Special One-Day Wine & Malt Only Beverages License** for their 'General Meeting Event' to be held within the **Madeira Field Pavilion Area**, located at **50 Madeira Avenue**; and to be held on **Tuesday, June 7, 2016, from 6:00 p.m. until 9:00 p.m.**

8. APPLICATION, (No Representation Required)

Craig DeMelo, Representative, who is requesting approval of an application for a **Special One-Day All Alcoholic Beverages License** for a 'Craig DeMelo Music Fundraiser' to be held at the **New Bedford Whaling Museum**, located at **18 Johnny Cake Hill**; and to be held on **Friday, June 10, 2016, from 8:00 p.m. until 11:00 p.m.**

9. APPLICATION, (No Representation Required)

Cape Verdean Association in New Bedford, Inc, Emanuel Dias, Representative, who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for a 'Open House Fundraiser'

to be held within the Cape Verdean Association Cultural Center, located at 1157 Acushnet Avenue; and to be held on Saturday, June 11, 2016 and Sunday, June 12, 2016, from 5 p.m. until 7:00 p.m. **NOTE: This event is being held on the Day of Portugal weekend. **NO CHANGES, AS PREVIOUSLY APPROVED****

10. APPLICATION, (No Representation Required)

Club Madeirense – S.S. Sacramento, Edward Camara, Jr., Representative, who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for their ‘2016 Night of St. John Clamboil’ to be held at the **Madeira Field – Main Pavilion Area**, located on **Madeira Avenue**; and to be held on **Sunday, June 12, 2016 from 12:00 p.m. until 5:00 p.m.**

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

New Bedford Art Museum, Margaret Albert, Representative, who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for a ‘Friends of the Library Fundraiser’, to be held at the **New Bedford Art Museum**, located at **608 Pleasant Street**; and to be held on **Friday, June 24, 2016 from 6:00 p.m. until 8:00 p.m.**

12. APPLICATION, (No Representation Required)

Maria Lim who is requesting approval of an application for a **Special One-Day Wine & Malt Only Beverages License** for a ‘50th Birthday Party’ to be held at the **Fort Taber Community Center**, located at within **Fort Taber**; and to be held on **Saturday, June 25, 2016 from 3:00 p.m. until 6:00 p.m.**

13. APPLICATION, (No Representation Required)

Centro – Luso American Club, Inc., John Tomasia, Manager, who is requesting approval of an application for a **Special One-Day All Alcoholic Beverage License** for a ‘4th of July Cookout’, to be held in the ‘**Club Parking Lot**’, located at **34 Beetle Street**; and to be held on **Monday, July 4, 2016, from 12:00 p.m. until 8:00 p.m.**

14. APPLICATION, (No Representation Required)

Shark’s Fund Fisheries Corp., Matthew F. Philips, Representative, who is requesting approval of an application for a **Special One-Day All Alcoholic Beverage License** for an ‘Awards Banquet/North Atlantic Shark Tournament’, to be held at **Marine Park on Pope’s Island (under a tent)**; and to be held on **Saturday, July 16, 2016, from 7:00 p.m. until 11:45 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****

15. APPLICATION, (No Representation Required)

First Citizens’ Federal Credit Union, Leslie Poulin, Representative, who is requesting approval of an application for a **Special One-Day Wine & Malt Only Beverages License** for a ‘N. B. Chamber of Commerce Business After Hours’ to be held at the **First Citizens’ Federal Credit Union**, located at **271 Union Street**; and to be held on **Wednesday, July 27, 2016 from 5:00 p.m. until 7:00 p.m.**

16. APPLICATION, (No Representation Required)

St. Michael Social Club, Inc. Valdir Araujo, Representative requesting approval of an application for a **Special One Day All Alcoholic Beverage License** for a ‘Fundraiser/Fiesta Do Chicharro’ to be held on **Madeira Avenue**, located at **101 Madeira Avenue (On Street)**, to be held on **Friday, July 29, 2016 from 6:00 p.m. until 11:45 p.m. and on Saturday, July 30, 2016 from 12:00 p.m. until 11:45 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****

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

Knucklehead’s, LLC d/b/a Knucklehead’s Restaurant, John Stone, Manager, who is requesting approval of

an application for a **Special One Day All Alcoholic Beverages License** for a ‘Shenanigan’s Reunion in Memory of Mae Boise’ to be held in the **Knucklehead’s Parking Lot**, located at **85 MacArthur Drive**; and to be held on **Sunday, August 21, 2016 from 11:00 a.m. until 11:00 p.m.**

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

Knucklehead’s, LLC d/b/a Knucklehead’s Restaurant, John Stone, Manager, who is requesting approval of an application for a **Special One Day All Alcoholic Beverages License** for an ‘Annual Benefit/American Cancer Society’ to be held in the **Knucklehead’s Parking Lot**, located at **85 MacArthur Drive**; and to be held on **Sunday, September 4, 2016 from 11:00 a.m. until 11:00 p.m.**

- **Day of Portugal Event - Special One-Day Licenses (5)**

*Final approval will require Liquor Liability with the City named as additionally insured and a copy of their Police Detail Contract. ****NO CHANGES, AS PREVIOUSLY APPROVED*****

19. APPLICATION, (No Representation Required)

Day of Portugal Committee, Veronica Medeiros, Representative who is requesting approval of an application for a **Special One-Day All Alcoholic Beverage License** for the ‘Day of Portugal Celebration’ to be held on **Acushnet Avenue (from Bullard Street to Beetle Street)**; and to be held **Friday, June 10, 2016 from 6:00 p.m. until 11:45 p.m., Saturday, June 11, 2016 from 12:00 p.m. until 11:45 p.m., and Sunday, June 12, 2016 from 12:00 p.m. until 10:00 p.m.** **NOTE:** Feast Committee will have two booths within the feast grounds.

20. APPLICATION, (No Representation Required)

European Café, Inc. d/b/a Café Europa, Pedro Ferreira, Manager, who is requesting approval of an application for a **Special One-Day All Alcoholic Beverage License** for the ‘Day of Portugal Celebration’ to be held on **Acushnet Avenue (from Bullard Street to Beetle Street)**; and to be held **Friday, June 10, 2016 from 6:00 p.m. until 11:45 p.m., Saturday, June 11, 2016 from 12:00 p.m. until 11:45 p.m., and Sunday, June 12, 2016 from 12:00 p.m. until 10:00 p.m.**

21. APPLICATION, (No Representation Required)

Giraldo’s Restaurant, Inc. d/b/a Adriana’s Mexican Restaurant, Martha Gonzalez, Manager, who is requesting approval of an application for a **Special One-Day All Alcoholic Beverage License** for the ‘Day of Portugal Celebration’ to be held on **Acushnet Avenue (from Bullard Street to Beetle Street)**; and to be held **Friday, June 10, 2016 from 6:00 p.m. until 11:45 p.m., Saturday, June 11, 2016 from 12:00 p.m. until 11:45 p.m., and Sunday, June 12, 2016 from 12:00 p.m. until 10:00 p.m.**

22. APPLICATION, (No Representation Required)

Calderon & Calderon, Inc. d/b/a Café Portugal, Roberto Calderon, Treasurer, who is requesting approval of an application for a **Special One-Day All Alcoholic Beverage License** for the ‘Day of Portugal Celebration’ to be held on **Acushnet Avenue (from Bullard Street to Beetle Street)**; and to be held **Friday, June 10, 2016 from 6:00 p.m. until 11:45 p.m., Saturday, June 11, 2016 from 12:00 p.m. until 11:45 p.m., and Sunday, June 12, 2016 from 12:00 p.m. until 10:00 p.m.**

23. APPLICATION, (No Representation Required)

El Mexicano, Inc. d/b/a Mi Antojo Mexican Restaurant, Grisay Rojas, Manager, who is requesting approval of an application for a **Special One-Day All Alcoholic Beverage License** for the ‘Day of Portugal Celebration’ to be held on **Acushnet Avenue (from Bullard Street to Beetle Street)**; and to be held **Friday, June 10, 2016 from 6:00 p.m. until 11:45 p.m., Saturday, June 11, 2016 from 12:00 p.m. until 11:45 p.m., and**

Sunday, June 12, 2016 from 12:00 p.m. until 10:00 p.m.

- **Friday Nights on the Summer Concert Series - Special One-Day Licenses (6)**

Final approval will require Liquor Liability with the City named as additionally insured and a copy of the

*Police Detail Contract; Concert series will begin on Friday on July 8th and end August 12th with rain dates of August 19th & August 26th ****NO CHANGES, AS PREVIOUSLY APPROVED*****

24. APPLICATION, (No Representation Required)

N. B. Harbor Development Commission, Edward Anthes-Washburn, Executive Director, who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for a ‘Summer Sound Series - Friday Concert on the Pier’, to be held on the **City Pier – Pier 3**; and to be held on **Friday, July 8, 2016, from 6:00 p.m. until 8:00 p.m.**

25. APPLICATION, (No Representation Required)

N. B. Harbor Development Commission, Edward Anthes-Washburn, Executive Director, who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for a ‘Summer Sound Series - Friday Concert on the Pier’, to be held on the **City Pier – Pier 3**; and to be held on **Friday, July 15, 2016, from 6:00 p.m. until 8:00 p.m.**

26. APPLICATION, (No Representation Required)

N. B. Harbor Development Commission, Edward Anthes-Washburn, Executive Director, who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for a ‘Summer Sound Series - Friday Concert on the Pier’, to be held on the **City Pier – Pier 3**; and to be held on **Friday, July 22, 2016, from 6:00 p.m. until 8:00 p.m.**

27. APPLICATION, (No Representation Required)

N. B. Harbor Development Commission, Edward Anthes-Washburn, Executive Director, who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for a ‘Summer Sound Series - Friday Concert on the Pier’, to be held on the **City Pier – Pier 3**; and to be held on **Friday, July 29, 2016, from 6:00 p.m. until 8:00 p.m.**

28. APPLICATION, (No Representation Required)

N. B. Harbor Development Commission, Edward Anthes-Washburn, Executive Director, who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for a ‘Summer Sound Series - Friday Concert on the Pier’, to be held on the **City Pier – Pier 3**; and to be held on **Friday, August 5, 2016, from 6:00 p.m. until 8:00 p.m.**

29. APPLICATION, (No Representation Required)

N. B. Harbor Development Commission, Edward Anthes-Washburn, Executive Director, who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for a ‘Summer Sound Series - Friday Concert on the Pier’, to be held on the **City Pier – Pier 3**; and to be held on **Friday, August 12, 2016, from 6:00 p.m. until 8:00 p.m.**

- **Cape Verdean Day Parade - Special One-Day Licenses (4)**

*Final approval will require Liquor Liability with the City named as additionally insured and/or a copy of their Police Detail Contract. ****NO CHANGES, AS PREVIOUSLY APPROVED*****

30. APPLICATION, (No Representation Required)

Cape Verdean Recognition Day Committee, Julio Barbosa, Representative, who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for a 'Fundraiser/Cape Verdean Day Parade Festival', to be held in the Morse Twist Drill Parking Lot; and to be held on **Saturday, July 2, 2016, from 11:00 a.m. until 7:00 p.m.** *(Final approval will require Liquor Liability with the City named as additionally insured and a copy of the Police Detail Contract)*

31. APPLICATION, (No Representation Required)

The Bisca Tournament Club, Jose Duarte, Manager, who is requesting approval of an application for a **Special One Day All Alcoholic Beverages License** for a 'Fundraiser/Cape Verdean Day Parade', to be held in the **Club - Parking Lot**, located at **161 Acushnet Avenue**; and to be held on **Saturday, July 2, 2016, from 11:00 a.m. until 8:00 p.m.**

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

32. APPLICATION, (No Representation Required)

The New Cape Verdean Ultramarine Band Club, Inc., Kenneth Silva, Manager, who is requesting approval of an application for a **Special One Day All Alcoholic Beverages License** for a 'Fundraiser/Cape Verdean Day Parade', to be held in the **Club - Parking Lot**, located at **185 Acushnet Avenue**; and to be held on **Saturday, July 2, 2016, from 11:00 a.m. until 11:45 p.m.**

33. APPLICATION, (No Representation Required)

Verdean Veteran's Memorial Foundation, Kim Watkins, Manager, who is requesting approval of an application for a **Special One Day All Alcoholic Beverages License** for a 'Fundraiser/Cape Verdean Day Parade', to be held in the **Club - Parking Lot**, located at **561 Purchase Street**; and to be held on **Saturday, July 2, 2016, from 10:00 a.m. until 7:00 p.m.**

(Final approval will require a copy of the Police Detail Contract)

Tabled at 03/28/16 Meeting

34. 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.

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

Minutes 03/28/16 Meeting

Present: Manuel De Abreu Dos Reis, Owner along with George DeAbreu

Responding to questions from Chairman Beauregard, Mr. (George) DeAbreu stated on behalf of his father that they've agreed to sell the license who planned to transfer the license to the old "Puzzles/Rainbow Lounge" location on North Front Street; but they hadn't signed a P & S as of yet because the buyer first had to set up a corporation for himself.

When asked by Chairman Beauregard as to what the time frame would be for an application to be submitted for transfer, Mr. DeAbreu responded, as soon as he establishes a corporation ... we'll sign a P & S ... he has the

money ... he has the funds.

VOTED: Commissioner Almeida made a motion to table the matter until the May 23rd Board meeting. –

Unanimous

Upon taking the vote, Chairman Beauregard advised Mr. DeAbreu once again, that the Board had afforded him ample opportunity to take action, and that the Board would strongly advise that he makes every attempt possible to activate this license to avoid having the Board to take revocation action.

Please Be Advised that failure to appear before this Board as requested will result in “Automatic Revocation” of your Common Victualler Wine & Malt Only Beverages License.

Minutes of 05/23/16 Meeting

Present: Licensee did not appear as requested.

ACTION TAKEN: None

Tabled at 04/25/16 Meeting

35. 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 03/28/16 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 April 2016 meeting.

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

Minutes of 04/25/16 Meeting

Present: Licensee did not appear as requested.

Minutes of 05/23/16 Meeting

Present: Licensee did not appear as requested.

ACTION TAKEN: None

Tabled at 03/28/16 Meeting

36. 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 for the bank to continue investigating whether it will pursue the retention of the liquor license.

VOTED: On a motion by Commissioner Almeida, the Board **voted unanimously to table the matter until the May 23, 2016 meeting.**

Minutes of 05/23/16 Meeting

Present: *All parties were excused from appearing.*

Mr. Nanopoulos informed the Board that documentation was received on 05/20/16, which stated that TD Bank filed a Complaint for Declaratory Relief in the Bristol County Superior Court on 05/20/16; along with a request that the May 23, 2016 hearing be cancelled until such a time that the court has rendered its decision regarding the complaint.

Mr. Nanopoulos also informed the Board that it was in the city’s best interest not to take any action to revoke the license due to the fact that the city was over quota by 1 in that category, so if it was revoked, the city would lose the license; so it would be best if the Board gave the bank as much time as they would need prior to the end of the year to try to sell the license, which would keep the license active.

ACTION TAKEN: None

VOTED:, The Board **voted unanimously to take items 37 & 38 at one time**, on a motion by Commissioner Craig.

37. 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 of 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 -)

Written Decision of 04/25/16 Hearing

Per a hearing of Monday, April 25, 2016, it was the Board's decision to decrease the hours of operation for the 6th Bristol by amending their General on Premise All Alcoholic Beverages License **to reflect a 12:00 a.m. closing**. This decrease in hours will remain until such time as an application for a change of manager is approved by the Alcoholic Beverage Control Commission.

Per M.G.L. Ch. 138, sec.12, this reduction in hours is non-appealable.

The Board took into consideration that your organization has not had a manager in place for the past three (3) months and no one in the organization thought to notify our office. Additionally, we have received repeated complaints regarding disturbances in and around the establishment which may be partially attributable to lack of management on site. Chairman Beauregard expressed additional concern that lack of management and inadequate finances were serious factors for future potential problems and therefore the business should be closed until such a time that these matters were resolved.

You are hereby required to surrender your license immediately upon receipt of this notice, at which time you will be issued an amended license reflecting the 12:00 a.m. closing. **The establishment will also be restricted to opening on Tuesdays, Thursdays, Fridays and Saturdays only.**

Please note that your application for a change of manager must be submitted to this office by **May 16, 2016**.

Failure to submit said application will result in the immediate suspension of your license until such a time as a new manager is approved by the Alcoholic Beverages Control Commission.

---NOTICE TO APPEAR---

You are also hereby notified that your presence and that of the proposed new manager are requested at a hearing to be held to discuss the approval of a new manager.

Minutes of 05/23/16 Meeting

Mr. Nanopoulos informed the Board that item #37 was placed on the agenda as a reminder of the action the Board took at its last meeting; and that based on the Board's decision regarding item #38, it could, if it so chose, amend its decision of 04/25/16.

After the Board's vote to approve Mr. Sylvia as the new manager, Mr. Nanopoulos asked the Board if they wished to amend their 04/25/16 decision to decrease the hours, which would remain until such time as an application for a change of manager is approved by the Alcoholic Beverage Control Commission.

The Board was unanimous in its decision not to reconsider their decision of 04/25/16.

ACTION TAKEN: None

38. PETITION - Trans. # 174 – Plot # 12--165

Pub 6 Social Corp. d/b/a Pub 6 at the Sixth Bristol, 736 Ashley Boulevard, is requesting the approval of Jonathan Sylvia, who resides at 304 Rockdale Avenue, New Bedford, MA. as their new manager.

Present: Jonathan Sylvia, Proposed New Manager, along with Donna Finni, Treasurer and Robert Morris, Member of the Finance Committee

When asked by Commissioner Almeida if he had any experience as a bar manager, Mr. Sylvia stated, I've been a manager for about 15 years for various big box stores ... such as Dollar Tree ... Public Supermarkets in Florida ... and I've been with the Sixth Bristol for about 6 years ... I've learned a lot there ... I've watched others manage ... I've taken from that ... and not in some instances ... but I think I have enough background with the other stores and the Sixth Bristol ... to go ahead and give it a run.

When asked by Commissioner Almeida if he was T.I.P.S. Certified, Mr. Sylvia stated that he was.

When asked by Commissioner Craig as to what his current function is with the Sixth Bristol, Mr. Sylvia stated, I started off as a doorman ... which I did for about 4 or 5 years ... and now I'm a bartender ... so I'm kind of moving up through the ranks.

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**

39. Hearing: Cassandra, Inc. d/b/a Redwood Saloon

Robert A. Faria, Jr., Manager
1566 Cove Road

Your presence is requested at a hearing to determine whether you have violated certain provisions of Alcoholic Beverages Control Commission Regulations and Licensing Board Rules and Regulations as reported by the N. B. Police Department. Based on their findings, the Licensing Board may take action to modify, suspend, revoke, or cancel your license.

They are as follows:

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 # 10, & 19-

Alcoholic beverages shall not be served to a person who is or appears to be intoxicated; Within 15 minutes after closing, all glasses, bottles or containers used for drinking purposes shall be cleaned of the tables & bar, no alcoholic beverages shall be consumed at the expiration of 15 minutes after closing (2:15 a.m.). All Customers must leave the premises no later than 30 minutes after closing (2:30 a.m.).

Summary of Incident Reports

Police Department Incident Report states that officers were dispatched to the Redwood Saloon regarding a vehicle parked outside that was playing loud music. Upon arrival, the officers were informed by the complainant that the individuals who were inside the vehicle, had exited and walked into the bar. While on scene, the Officers observed several vehicles in the parking lot. The officers then attempted to enter the building, and after several attempts to enter the locked premises, a male answered the door while holding a beverage in his hand; the officers also observed several individuals still inside the drinking establishment.

The officers informed the male that all patrons had to leave the business because it was well after closing time. The officers then drove their cruisers across the street in the parking lot and waited inside them to make sure everyone left the bar.

At approx. 2:40 a.m., a male walked out of the bar and crossed the street, and walked over to a white pick-up truck that was parked adjacent to one of the cruisers.

The male then walked over to the driver's side window, and began to yell at the officers, and stated that he was the owner of the bar. When asked for his information, the male walked away towards the bar. He was followed to the front of the bar by several officers who were going in to gather information on anyone that was not working staff at the time. Once they reached the sidewalk in front of the business, the male became more vocal towards the officers by yelling out profanities. Upon being told by one of the officers to lower his voice or he would be arrested for disorderly conduct and disturbing, the male continued to be belligerent and defiant towards the officers. As a result, the officers attempted to place the male under arrest, to which, the male resisted and continued his defiant tone; including at one point threatening bodily harm towards one of the officers. The male was finally transported to Headquarters for booking.

Date and time of alleged violations: Sunday, April 10, 2016 @ approximately 2:39 a.m.

Police Report # 16 – 954 - AR

Present: Atty. Christopher Saunders along with Robert A. Faria, Jr., Owner/Manager; Capt. Steven Vicente, Liaison to the Licensing Board along with Officer Jason Vieira, Reporting Officer

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', Atty. Saunders stated on behalf of his client that he received the notice and was fully aware of why he was before the Board here tonight, and waived the reading of the summary.

Commissioner Almeida informed Atty. Saunders and his client that the reporting officer was present to read,

summarize, or give testimony to what was contained in his report; and at the conclusion of their testimony, the Board would then ask any questions they may have, and then he would be given an opportunity to respond to the testimony presented, and address the Board before they make their decision.

Commissioner Almeida opened the hearing by asking Officer Vieira to either summarize or read his report regarding the incident that occurred on April 10, 2016.

Officer Vieira proceeded to give his testimony as to what was documented in his Police Report regarding this incident, as noted and summarized in the 'Hearing Notice'; including testimony that Mr. Faria was belligerent and defiant towards the Police Officers; and as a result, the officers attempted to place the male under arrest, to which, the male resisted and continued his defiant tone; including at one point threatening bodily harm towards one of the Police Officers.

As a result of the hearing, of which an audio version is on file; the Board, on a motion by Commissioner Craig, **voted unanimously to suspend the General On Premise All Alcoholic Beverages license for a period of two (2) days, with both days to be held in abeyance for one (1) year, as long as there are no other violations of M.G.L., ABCC Regulations, or New Bedford Licensing Board Rules & Regulations. The Board also voted to place the licensee on probation for a year commencing on May 23, 2016.**

The following written decision in part was issued to the licensee on 03/31/16:

Per the public hearing of May 23, 2016, this Board found you in violation of ABCC Regulation 204 CMR 2.05 (2), specifically permitting an illegality to occur on the licensed premises, as a result of your actions and that of your staff after the allowed closing time; as well as your failure to act in an appropriate manner when questioned by the investigating officers of the New Bedford Police Department.

The Board also heard testimony and concurred that you also violated the following local Licensing Board Regulation:

#19 - Within 15 minutes after closing, all glasses, bottles or containers used for drinking purposes shall be cleaned of the tables & bar, and no alcoholic beverages shall be consumed at the expiration of 15 minutes after closing (2:15 a.m.). All Customers must leave the premises no later than 30 minutes after closing (2:30 a.m.).

The decision of the Board was based on testimony of the reporting officer and that of the information contained in the Police Report, which weighed heavily in the Board's decision; the Board also took into consideration your record which indicated that you had no prior violations with this office.

Although the Board considered the remorse you displayed at the meeting regarding your actions that evening, the Board cannot condone that type of behavior by any licensee towards any agent of the New Bedford Licensing Board.

You have the right to appeal this decision to the Alcoholic Beverages Control Commission under the provisions of M.G. L. Ch. 138 within five (5) days of receipt of this decision. A copy of said appeal must be submitted to this office as well.

- **CORRESPONDENCE**

---NONE---

- **COMPLAINTS RECEIVED:**

04/29/16 – The Monte Pio Club, 540 Orchard Street – The office received a complaint from a parent who stated that there was a party at the Monte Pio Club this past weekend and they were serving alcohol to minors without checking I.D.'s . The person stated that their child came home intoxicated.

Action Taken - (04/29/16): The complaint was forwarded to Capt. Steven Vicente, Liaison to the Licensing Board, with a request to have Officers do a walk through this weekend if the parking lot is full and conduct some I.D. Checks

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

NAME

POLICE REPORT#

DATE

VIOLATION

1. Slainte
To

#16-4693-OF

04/24/16

Disturbance' Failure

Co-operate With Police
(Approximate Time of Violation 1:35

a.m.)

Decision: Receive & Place on File with a Warning Letter

- **Review Inactive License for July Meeting** – *“Informational Only”*
- 1. **Bar 908 (Times Square Restaurant, Inc. d/b/a)** – CVAA – License Only For Sale – Closed 07/01/15
- 2. **Candleworks Ventures, LLC** – CVAA – Sale Pending - Approved 04/08/16
- 3. **Columbus Group (Columbus Group, LLC d/b/a)** – CVAA – Renovations – Approved 12/09/14
- 4. **Cultivator (Cultivator Shoals, Inc. d/b/a)** – CVAA – Renovations – Approved 12/27/15
- 5. **Euphoria Lounge (Sapatinha Café, Inc. d/b/a)** – CVAA – Fire/Renovations – 01/26/15
- 6. **Fortuna Grill (DeAbreu & Sons, Inc. d/b/a)** – CV W & M – License/And Or Business For Sale – Closed 07/01/14
- 7. **Kirby’s Irish Pub (JAKIBRI, LLC d/b/a)** – CVAA - License/And Or Business For Sale – Closed 09/21/15
- 8. **Lebanese Kitchen (Nabih Moujabber d/b/a)** – CV W & M – Fire/Renovations – Closed 07/12/14
- 9. **Premium Liquors (Vallas Enterprises, Inc. d/b/a)** – RPSAA – License/And Or Business For Sale – Closed 02/22/16
- 10. **Portugal Verde Soccer Academy, Inc.** – GOP W & M – Renovations – Approved – 12/09/15
- 11. **Royal II (Royal Food & Beverage Comp., Inc. d/b/a)** – GOP – Sale Pending – Closed 09/08/15
- 12. **The Sky Room (Howland Mills Restaurant, Inc. d/b/a)** – CVAA –Approved 04/05/16
- 13. **Union City (Ramon D. Silva Enterprises d/b/a)** – CVAA – License/And Or Business For Sale – Closed 11/16/15
- 14. **Vila Franca Rest. & Café (Vila Franca Do Campo, Inc. d/b/a)** - CVAA– License/And Or Business For Sale – Closed 08/28/15
- 15. **VVK Realty, LLC (Smuggler’s Den Location)** – CVAA – Renovations – Approved 03/13/15
- 16. **Washington Sq. Package Store (Lobo’s Lounge, Inc. d/b/a)** – RPSAA – Closed Licensee Decision 10/26/15
- 17. **Ying Dynasty (Ying Dynasty Nauset, LLC d/b/a)** – CVAA – Renovations – Approved 06/03/14

ACTION TAKEN: NONE AT THIS TIME/TO BE REVIEWED AT JUNE 27TH MEETING

- **Upcoming Summer Events & Festivals**

- 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 - “Applied/“No Changes”
- Cape Verdean Day Parade – July 2nd - “Applied/“No Changes”
- New Bedford Folk Festival – July 9th & 10th - “Applied/“New Venue” – *On 05/23/16 Agenda*
- Summer Concert Series – July thru August. - “Applied/“No Changes”
- Feast of the Blessed Sacrament (Madeira Feast) – Aug. 4th, 5th, 6th, & 7th - *Must Appear on 06/27/16*

- **NEXT TWO MEETING DATES:** June 27th & July 25th both on Mondays in Room 314 - **Approved**

- **MEETING ADJOURNED:** 7:45 P.M.