

LICENSING BOARD MEETING**-AGENDA-****Monday, November 18, 2019****Ashley Room (Room 120) – 7:00 p.m.****REQUIRED: Steven A. Beaugard, Chairman****Marcelino “Sonny” G. Almeida, Commissioner****Edmund F. Craig, Jr., Commissioner****Atty. Kreg Espinola, Asst. City Solicitor****Capt. Adelino Sousa, Police Department Liaison to the Lic. Bd.****Nick Nanopoulos, Director**

A/O 11/13/19

❖ **VOTE TO ACCEPT THE MEETING MINUTES OF SEPTEMBER 23, 2019**❖ **VOTE TO ACCEPT THE MEETING MINUTES OF OCTOBER 21, 2019**• **APPROVALS RECEIVED FROM THE ABCC (2)****Change of Officers, Directors, Stockholders, & Transfer of Stock - Trans. # 00199-PK-0778 – Plot # 93—24**

Xavier Market, Inc., John (Joao) Leonel de Gouveia, Sole Director, who is requesting a **Change of Officers, Directors, Stockholders, and Transfer (Re-Distribution) a portion of the Corporate Stock of the Retail Package Store Wine & Malt Only Beverages License**. Upon approval, John (Joao) Leonel de Gouveia will be the President, Treasurer, Secretary, Co-Director, and Co-Shareholder (25%); and Henry Arruda will be a Co-Shareholder (75%) as the Personal Representative of the Estate of Rui X. Rodrigues (Deceased 12/01/17); Maria M. De Gouveia will also be a Co-Director (Amended per ABCC). **John (Joao) Leonel de Gouveia** will remain the **Manager of the Liquor License**. Premises will remain the same at **290 North Front Street**.

Approved by the ABCC – 10/25/19**Change of Officers, Directors, & Manager - Trans. # 00109-GP-0778 – Plot # 19—53**

United Fishermen Club, Inc., Francisco J. Dos Santos, (new) President, who is petitioning for a **Change of Officers, Directors, and Manager of the General On Premise (Non-Profit Club) All Alcoholic Beverages license**. The petitioner is requesting that the resignations of the current slate of Officers, Directors, and Manager currently on file with the Alcoholic Beverages Control Commission be accepted. Upon approval, Francisco J. Dos Santos will be the President and a Co-Director, Leo Almeida will be the Vice-President and a Co-Director, Maria Dos Santos will be the Treasurer and a Co-Director, and Manuel Vieira will be the Secretary and a Co-Director; The ‘Club’ is also requesting the approval of **Francisco Dos Santos**, who resides at **53 Calumet Street, New Bedford, MA. as their new Manager**. Premises will remain the same at **639 Orchard Street**.

Approved by the ABCC – 10/31/19**1. Petition - TR. #04888-RS-0778– Plot # 53--68**

Carmine’s, NB, Inc. d/b/a Carmine’s, Albert Santos, President, who is petitioning to **Transfer a Common Victualler (Restaurant) All Alcoholic Beverages License to Carmine’s at Candleworks, Inc.** Upon approval, Albert Santos will be the President, Treasurer, Secretary, Sole Director, and Sole Shareholder (100%); **Jessica Cabral** is the **Proposed Manager**. Premises will remain the same as follows: The 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**.

Application has been advertised; Abutters’ Notification Not Required

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**’.

2. Petition - Tr. #00178-PK-0778– Plot # 97--41

Nelia Cardoso d/b/a Chuck's Liquors, who is petitioning to **transfer a Retail Package Store All Alcoholic Beverages License to Chuck's Liquors New Bedford, LLC d/b/a Chuck's Liquors**. Upon approval, David M. Cardoso will be Sole Manager of the LLC and a Co-Interest Holder (70%) and Nelia Cardoso will be a Member of the LLC and a Co-Interest Holder (30%). **David M. Cardoso** is the **Proposed Manager of the Liquor License**. The licensed premises will remain the same as follows: Two rooms on the first floor of a one-story building with stock on the first floor. The premise is situated on the southwest corner of Nauset and Myrtle Streets and will remain numbered **60 Nauset Street**.

Application has been advertised; Abutters' Notification Not Required

Final approval will require a **'Change of Tenant'** from the Building Department.

3. Petition – Trans. #242-PK-0778– Plot # 53--182

Archit8 Studio, LLC d/b/a The Drawing Room, who is petitioning for a **New Retail Package Store Wine and Malt Only Beverages License**. **Anthi Frangiadis** is the Sole Manager, Sole Member, Sole Interest Holder (100 %), and the **Proposed Manager of the Liquor License**. The premises consist of both floors of a two-story building with a total area approximately 1,794 sq. ft., which operates as an art and gift shop. The first-floor area includes two rooms which serves as sales and display areas, which includes a service desk area and a limited seating area to be used as a product information center with a small work area, a storage room and one restroom in the rear of the building. The second-floor area includes an office and an additional work area along with an area for additional storage, which is accessible by way of a stairway from inside the first-floor area. There is only one customer entrance/exit, which is located in the front of the building and leads onto North Water Street. There will be additional storage in an area 320 sq. ft. in the basement area, which is only accessible through a trap door within the premises. The two-story building is located on the east side of North Water Street between Hamilton and Centre Streets, and is numbered **36 North Water Street**.

The intended ('restricted') use of the license is for the sale of wines and malts, which will be included in gift baskets and favors, as well as occasional over the counter sale of wine only.

"If Approved, License Will Not Be Transferrable"

Application has been advertised; Abutters Have Been Notified

Final approval will require a **'Certificate of Inspection'** from the Building Department.

4. Petition - TR. #03804-RS-0778– Plot # 15--280

Noodle Bowl New Bedford, Inc. d/b/a The Noodle Bowl, James G. Jezierski, Co-Manager of LLC, for a license currently issued for use at **768 Purchase Street**, who is petitioning to **transfer a Common Victualler (Restaurant) Wine & Malt Only Beverages License and a Change of Location to Cotter Hospitality, LLC d/b/a Dough Company**. Upon approval, **Jillian Cotter and Jason Cotter** will be Co-Managers and Co-Interest Holders (50%) of the LLC and Alia Asher will also be a Co-Manager of the LLC (0%); and **Jason Cotter** is the **Proposed Manager of the Liquor License**. Upon completion of the renovations, the new proposed licensed premise will consist of an area approximately 2,430 sq. ft. located within one room on the first floor of a three-story 'renovated' old mill building, which will include a Kitchen and Prep Area, a Seated Dining Area, a Counter Area, a Walk-In Cooler, a Locked Storage Area, and a Stage Area (15'6" X 5' 6"). There will also be an additional overhead area approximately 546 sq. ft., which will be used as a "loft style" Seated Dining area. There are Two (2) restrooms in an adjacent first floor common area. (No alcohol shall be consumed in this area.) There is one (1) entrance/exit onto West Rodney French Boulevard and two additional exits into the first-floor common area. The building is situated on the west side of West Rodney French Boulevard between George and Woodlawn Streets, and will be numbered **127 West Rodney French Boulevard, Suite S1-055**.

Application has been advertised; Abutters Have Been Notified

Final approval will require a **'Certificate of Inspection'** from the Building Department, a new **'Food Permit'** from the Health Department, **'304 Certificate'** from **Building & Fire**, and a copy of **'Proof of Liquor Liability'**.

5. Petition - TR #00156-RS-0778– Plot # 53--95

Freestone's Restaurant Group, Inc. d/b/a Freestone City Grill, Russell Kandalaft, Co-Director, who is petitioning for a **Change of Officers, Director, Stockholders, Manager and the Transfer of Corporate Stock of the Common Victualler (Restaurant) All Alcoholic Beverages License**; and the acceptance of his resignation as the Vice-President, Treasurer, Co-Director, Co-Shareholder, & Manager; and to allow the transfer of all his Corporate Stock (199 Shares) to John Wetherbee (existing shareholder). Upon approval, John Wetherbee will be the President, Treasurer, Secretary, Sole Director, and Sole Stockholder (100%); and **Tracey Ann Gomes** is the **Proposed New Manager of the Liquor license**. The premises will remain the same at **41 William Street**.

Application has been advertised; Abutters' Notification Not Required

6. Petition – Trans. #04927-RS-0778– Plot # 103—97 – “NEED DOR & DUA CERTIFICATES”

JME Enterprises, Inc. d/b/a David’s Restaurant Grill and Mix Foods, David Jimon Guarcas, President, who is petitioning for a **Change of d/b/a, Manager, and Co-Director of a Common Victualler (Restaurant) Wine and Malt Only Beverages License**. Upon approval, David Jimon Guarcas will remain as the President, Treasurer, Secretary, Co-Director, and Sole Shareholder (100%); and **Edmundo Amaral** will be a Co-Director and the **Proposed New Manager of the Liquor License**. The “new” d/b/a will be **David’s Restaurant**. The licensed premise will remain the same as follows: The licensed premises consists of an area approximately 4,861 sq. ft., which includes a bar area, dining area, function room, kitchen and kitchen prep area, storage room, office, coolers for alcohol, and two restrooms on the first floor of a three-story building. Alcohol is also to be stored in the basement. The premise is situated on the southeast corner of Church and Earle Streets, and is numbered **70-76 Church Street**.

No Advertisement nor Abutters Notification Required

7. Hearing: JME Enterprises, Inc. d/b/a
David’s Restaurant Grill and Mix Foods
Mr. David Jimon Guarcas, Owner
70-76 Church Street

Approved by the ABCC – 05/24/19

Prior Renewal Hearings: (1)

Your presence is respectfully requested at a hearing to determine the status of your annual liquor license for the year **2019**. Notice is given in accordance with Massachusetts General Laws Chapter 138, section 77.....Cancellation of license upon cessation of licensed business; the hearing is being held at the request of the members of this Board to discuss your plans for your liquor license for the year 2019 prior to this Board considering approval of your 2020 renewal application.

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

Written Decision of 9/26/19 Meeting

As you are aware from the Board’s September 23, 2019 meeting, the Board voted unanimously to grant you until our November 18. 2019 meeting to submit an application for a Change of Manager to Edmundo Amaral and the removal of Ms. Ayala as a Director.

The Board’s decision was based on the information provided by Atty. (Michael) Medeiros on your behalf, in which he stated that the current manager of record (Kathy Ayala) is no longer able to be the manager on a fulltime basis and as a member of the Board of Directors. Therefore, an application must be filed to initiate these changes per M. G. L.

It was also stated at this meeting that it was your intention to be open for business by the end of October.

8. Hearing: Union Flats Seafood, LLC d/b/a Union Flats Seafood Co.

Ms. Amelia Ruvich, Manager/Co-Owner
37 Union Street

Re: Approved 07/01/19

Prior Renewal Hearings: (0)

Your presence is respectfully requested at a hearing to determine the status of your annual liquor license for the year 2019. The hearing is also being held at the request of the members of this Board to discuss your plans for your liquor license for the year 2019 prior to this Board considering approval of your 2020 renewal application.

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.

9. Hearing: El Mexicano, Inc. d/b/a Mi Antojo Mexican Restaurant

Ms. Grisay Rojas, Manager/Owner
95 – 101 Rivet Street

Re: Approved 09/01/19

Prior Renewal Hearings: (2)

Your presence is respectfully requested at a hearing to determine the status of your annual liquor license for the year 2019. The hearing is also being held at the request of the members of this Board to discuss your plans for your liquor license for the year 2019 prior to this Board considering approval of your 2020 renewal application.

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.

Written Decision of 03/25/19 Meeting

As a result of the open hearing held on March 25, 2019 to determine the status of your annual liquor license for the year 2019, **this Board voted to table the matter until the Board’s November 18, 2019 meeting with the following stipulation:**

To notify and put the current Licensee, who is the holder of an inactive license on notice that he has **until November 1, 2019 to initiate one (1) of the following three (3) options prior to this date:**

- 1.) To be open and operating at the current location;
- 2.) Submit paperwork for a Change of Location and a date certain for the opening of premises;
- 3.) Submit paperwork for the Sale and Transfer of the license to a new owner.

If you fail to initiate one of the three options stated above prior to this date, you will be required to appear before this Board once again, at which time the Board may consider revoking your license for non-use.

10. Hearing: The Edge Hospitality, LLC d/b/a The Edge Seafood Restaurant & Bar

Ms. Margaret Kulpinski, Owner
1480 –S East Rodney French Boulevard

Closed/Licensee’s Decision - 09/05/17

Prior Meetings (5)

Your presence is respectfully requested at a hearing to discuss your plans for your liquor license for the year 2019 prior to this Board considering approval of your 2020 renewal application.

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.

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.

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.

Written Decision of 11/19/18 Meeting

As a result of the open hearing held on Monday, November 19, 2018 to determine the status of your annual liquor license for the year 2018, the **Board voted unanimously to approve your 2019 renewal and to table the matter until this Board’s March 25, 2019 meeting.**

The Board’s decision was based on the information you provided to the Board in which you stated that you had signed a P & S Agreement with Servedwell New Bedford, LLC to purchase the liquor license, which was presented to the Board. The Board has given you the additional time in order for you to finalize the transaction and to give the buyer sufficient time to submit an application for transfer.

The Board also received and placed on file the Purchase and Sale Agreement signed by both you and Mr. Silverstein for the sale of the liquor license which you submitted to the Board.

The Board is hopeful that an application for transfer is submitted by March 1, 2019, so that it may be placed on the March 25, 2019 Agenda.

11. Hearing: Ying Dynasty Nauset, LLC d/b/a Ying Dynasty
Mr. Shang Ying Zhao, Manager of LLC
114-116 Nauset Street

Approved 06/03/14 – Renovations

Prior Renewal Hearings: (11)

Your presence is respectfully requested at a hearing to discuss your plans for your liquor license for the year 2019 prior to this Board considering approval of your 2020 renewal application.

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.

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.

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.

Written Decision of 03/25/19 Meeting

As a result of the open hearing held on Monday, March 25, 2019 to determine the status of your annual liquor license for the year 2019, the **Board voted unanimously to table the matter until this Board’s November 18, 2019 meeting.**

The Board’s decision was based on your intention to open as soon as the ongoing renovations are complete.

The Board has the expectation that you will be operational by this date, if so, you will not be required to attend the November 18, 2019 meeting.

*** Special One-Day Licenses **(3)** ***

12. APPLICATION, (No Representation Required)

W.H.A.L.E., Teresa Willander, Representative, who is requesting approval of an application for a **Special One Day All Alcoholic Beverages License** for a ‘Donor’s Ball’ to be held at **148 Hawthorne Street**; and to be held on **Friday, December 13, 2019 from 6:00 p.m. until 9:00 p.m.**

13. APPLICATION, (No Representation Required)

UMass Dartmouth, Jessica Fernandes, Representative, who is requesting approval of an application for a **Special One-Day Wine & Malt Only Beverages License** for a “Business After Hours Event”; to be held at the **UMass Dartmouth Star Store Campus**, located at **715 Purchase Street**; and to be held on **Thursday, November 21, 2019, from 5:00 p.m. until 7:00 p.m.**

14. Petition - Tr. #LHL– Plot # 46-69

YWCA Southeastern Massachusetts, Inc., Gail Fortes, Executive Director, who is petitioning for a license to keep a **Lodging House** under **Massachusetts General Laws, Chapter 140**, said license to apply to the building known as **YWCA Southeastern Massachusetts, Inc.**, situated at **20 South Sixth Street**. Premises consists of a one-story brick building, which will include **eight lodgers (rooms)** on the first floor. **There will be no lodgers above the first floor.**

Application has been advertised; Abutters’ Notification Not Required

Final approval will require a **Lodging House Permit** the **Health Department** along with a **Certificate of Inspection** from the **Office of Inspectional Services** along with approvals from the **Police Chief and Fire Chief.**

Tabled at 10/21/19 Meeting

15. APPLICATION,

Orlando G. DaSilva, who resides at **9 Yale Street, New Bedford, MA.** is requesting approval of an application for a ‘**New’ Motor Vehicle Class II Used Car Dealer license** for **Orlando’s Auto Repair & Sales** located at **513-515 South Second Street**. The previously approved licensed premise consists of a cement block building (58' X 32'), which includes an office and two (2) restrooms; with an outside blacktopped display area for the display of thirteen (13) cars.

Note: Site was previously licensed to Fernando Rascao d/b/a Fernando’s Auto Sales & Service; and was previously for the display of **Thirteen (13) cars** per the Office of Inspectional Services – 12/30/13. **(New Owner Application)**

Final Approval of the Motor Vehicle Class II License will require a **Business Certificate** registering the name of the business from the office of the City Clerk, a **‘current’ Certificate of Inspection** from the office of **Inspectional Services**, a **\$25,000.00 Bond** and a **Notarized Letter** stating where repairs will be done.

***** Special Permit Required*****

Present: Applicant Did Not Appear

16. APPLICATION,

Saed Dib, who resides at **14 Birchwood Drive, North Providence, R.I.** is requesting approval of an application for a **‘New’ Motor Vehicle Class II Used Car Dealer license for Clear Auto Sales 2, Inc. to be located at 470 Dartmouth Street.** The new location is a Commercial Garage style brick building (45’ x 28’), which includes an office and one (1) restroom; with an outside blacktopped display area for the display of cars, with the amount to be determined by Inspectional Services. Repairs will be done on the premises. ****Change of Location from 832 Rockdale Avenue****

Final Approval of the Motor Vehicle Class II License will require a **‘current’ Certificate of Inspection** from the office of **Inspectional Services** stating the approved allowed number of cars for display, a **\$25,000.00 Bond** and a **Notarized Letter** stating where repairs will be done.

***** Special Permit Required*****

• **CORRESPONDENCE**

--NONE--

• **COMPLAINTS RECEIVED:**

--NONE--

• **DOWNTOWN DISTURBANCES**

Saturday, 10/12/19 - #19-110600 - 1:59 a.m. – Disturbance suppressed at **Greasy Luck.**

Sunday, 10/13/19 - #19-110984 - 1:42 a.m. – Male charged with disorderly conduct and resisting arrest after disturbance at **Greasy Luck.**

Saturday, 10/19/19 - #19-113457 - 1:22 a.m. – Disturbance suppressed at **Greasy Luck.**

Saturday, 10/19/19 - #19-113463 - 1:46 a.m. – Female charged with assault & battery with a dangerous weapon (thrown bottle) after fight at **Cork.**

Sunday, 10/20/19 - #19-113798 - 12:48 a.m. – Disturbance suppressed at **Greasy Luck**

Friday, 11/1/19 - #19-118644 - 1:50 a.m.– Disturbance suppressed at **Greasy Luck.**

Friday, 11/1/19 - #118972 - 6:13 p.m. - Disturbance suppressed at **Greasy Luck** – couple locked in women’s bathroom possibly engaging in sexual activity, refusing to come out.

Saturday, 11/2/19 - #19-119116 - 1:47 a.m. – Disturbance suppressed at **Greasy Luck.**

Sunday, 11/3/19 - #19-119522 - 1:14 a.m. – Disturbance suppressed at **Last Round.**

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

<u>NAME</u>	<u>POLICE REPORT#</u>	<u>DATE</u>	<u>VIOLATION</u>
1. Freddie’s Café	#19-12878-OF	10/31/19	Patron Assaulted (Approximate Time of Violation 11:52 p.m.)

#19-12932-OF

11/02/19

Intoxicated Person/Injuries Sustained
Resulting/ Failure To Comply
(Approximate Time of Violation 12:39 a.m.)

- **NEXT TWO MEETING DATES:** December 16th (Monday) and January 21st (Tuesday) in the Ashley Room (120)
- **MEETING ADJOURNED:**

- **HOLIDAY HOURS**

The Alcoholic Beverages Control Commission has set the hours for the sale of Alcoholic Beverages for Thanksgiving Day, Thursday, November 28, 2019, as follows:

- Hotels, Restaurants, Taverns, and Clubs may sell Alcoholic Beverages during the usual hours. (8:00 a.m. until 2:00 a.m.)
- “Package Goods” Stores may not sell or deliver Alcoholic Beverages at any time on that day; *but they may sell or deliver such beverages until 11:30 p.m. on Wednesday, the night before.*
- Manufacturers and Wholesalers and Importers shall make no sales or deliveries at any time during the day.
- **NEXT TWO MEETING DATES:** December 17, 2018 & January 28, 2019, both on Mondays, in Room 314
- **MEETING ADJOURNED:**

The members and staff of the Licensing Board would like to take this opportunity to wish everyone a Happy Thanksgiving!!!!!!



In accordance with the Americans with Disabilities Act (ADA), if any accommodations are needed, please contact Nick Nanopoulos at 508-979-1457 (Nicholas.Nanopoulos@newbedford-ma.gov) or Mass Relay 711. Requests should be made as soon as possible but at least 48 hours prior to the scheduled meeting.

The matters listed are those reasonably anticipated by the Chair to be discussed at the meeting. Not all items listed may, in fact, be discussed. Other items not listed may be brought up for discussion to the extent permitted by law.

Massachusetts General Laws, chapter 30A, Section 20(f) requires any person making a video or audio recording of the meeting to notify the Chair at the start of the meeting.