

PRESENT: Steven A. Beauregard, Chairman

Marcelino “Sonny” G. Almeida, Commissioner

Edmund F. Craig, Jr., Commissioner

Atty. Kreg Espinola, Asst. City Solicitor

Lt. Justin Kagan, Police Department Liaison to the Lic. Bd.

Nick Nanopoulos, Director

- **APPROVALS RECEIVED FROM THE ABCC (6)**

New Non-Transferrable Farmer Brewery Pouring Permit under Chapter 138, Section 19C (n)**New Lic. # 06180-BP-0778 (Old Tr. #247) – Plot # 12--77**

Cisco Brewers New Bedford, Inc. d/b/a Cisco Brewers New Bedford which is petitioning for a **New Non-Transferrable Farmer Brewery Pouring Permit under Chapter 138, Section 19C (n)**. Upon approval, Charles Hudson will be the President, a Co-Director, and a Co-Shareholder (20%), Wendy Hudson will be the Treasurer, and a Co-Shareholder (20%), Melissa Long will be the Secretary and a Co-Shareholder (20%), Dean Long will be a Co-Director and a Co-Shareholder (20%), and Jason D. Harmon will be the CEO, a Co-Director, and a Co-Shareholder (20%); and **James Strobino** is the **Proposed Manager of the Pouring Permit**.

The proposed area of the licensed premises is approximately 5,397 sq. ft., which includes a brewery that is contained within a 20' x 8' (approx. 160 sq. ft) metal building. The “Building” is divided into three rooms, the “Brewery Production Area” 80 sq. ft.), the “Bonded Storage Room” (30 sq. ft.), and the Post Tax Storage and Sales Room" (50 sq. ft.). Only the Brewery Production Area and the Bonded Storage Room are part of the brewery premises. The licensed premise includes the area on which the “building” sits in which brewing activities and bonded storage will take place, along with takeout services; as well as the surrounding area which includes two other pouring stations that sit on the licensed premises, one in the northern corner of the parcel and the other in the southern corner. The pouring stations are each contained within 20' x 8' metal structures. There is also a 20' x 8' retail sales to go and merchandise structure, a stage, a bocci court, a bathroom station, two food stations, and an I.D./security hut on the licensed premise, as well as a locked cooler on the southwestern corner of the parcel. All music & entertainment must cease by 10:00 p.m. (as ordered by the Planning Board) and should be at such a level that would not be a disruption to the neighbors. The entire licensed area will be secured by a fence and access to the ‘outdoor patio entertainment area’ will be manned by security where I.D.’s will be checked, and wristbands will be issued to those 21 or older. No alcohol will be allowed to leave the enclosed area. The ‘outdoor patio entertainment area’ will have four (4) entrances/exits, which must always be manned by security.

The premise is situated on the east side of East Rodney French Boulevard between Norman and Clara Streets, and will now be numbered **1494 East Rodney French Boulevard**.

Approved by the ABCC – 07/01/21

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

New' Non-Transferrable Farmer Winery Pouring Permit under Chapter 138, Section 19B (n).)**New Lic. # 06181-PP-0778 (Old Tr. #245) – Plot # 12--77**

Nantucket Vineyard New Bedford, Inc. d/b/a Cisco Brewers New Bedford which is petitioning for a ‘**New' Non-Transferrable Farmer Winery Pouring Permit under Chapter 138, Section 19B (n)**. Upon approval, Charles Hudson will be the President, a Co-Director, and a Co-Shareholder (20%), Wendy Hudson will be the Treasurer and a Co-Shareholder (20%), Melissa Long will be the Secretary and a Co-Shareholder (20%), Dean Long will be a Co-Director and a Co-Shareholder (20%), and Jason D. Harmon will be the CEO, a Co-Director, and a Co-Shareholder (20%); and **James Strobino** is the **Proposed Manager of the Pouring Permit**. The proposed area of the licensed premises is approximately 13,778 sq. ft., which includes a winery that is contained within a 20' x 8' (approx. 160 sq. ft) metal building. The “Building” is divided into three rooms, the “Winery Production Area” 80 sq. ft.), the “Bonded Storage Room” (30 sq. ft.), and the Post Tax Storage and Sales Room" (50 sq. ft.). Only the Winery Production Area and the Bonded Storage Room are part of the winery premises. The licensed premise includes the area on which the “building” sits in which vintning activities and bonded storage will take place, along with takeout services; as well as the surrounding area which includes two other pouring stations that sit on the licensed premises, one in the northern corner of the parcel and the other in the southern corner. The pouring stations are each contained within 20' x 8' metal structures. There is also a 20' x 8' retail sales to go and merchandise structure, a stage, a bocci court, a bathroom station, two food stations , and an I.D./security hut on the licensed premise, as well as a locked cooler on the southwestern corner of the parcel.

All music & entertainment must cease by 10:00 p.m. (as ordered by the Planning Board) and should be at such a level that would not be a disruption to the neighbors.

The entire licensed area will be secured by a fence and access to the ‘outdoor patio entertainment area’ will be manned by security where I.D.’s will be checked, and wristbands will be issued to those 21 or older. No alcohol will be allowed to leave the enclosed area. The ‘outdoor patio entertainment area’ will have four (4) entrances/exits, which must always be manned by security. The premise is situated on the east side of East Rodney French Boulevard between Norman and Clara Streets, and will now be numbered **1494 East Rodney French Boulevard**.

Approved by the ABCC – 07/01/21

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

New Non-Transferrable Farmer Distillery Pouring Permit under Chapter 138, Section 19E (o)

New Lic. # 06182-DP-0778 (Old Tr. #246) – Plot # 12--77

Triple Eight Distillery New Bedford, Inc. d/b/a Cisco Brewers New Bedford which is petitioning for a **New Non-Transferrable Farmer Distillery Pouring Permit under Chapter 138, Section 19E (o)**. Upon approval, Charles Hudson will be the President, a Co-Director, and a Co-Shareholder (20%), Wendy Hudson will be the Treasurer and a Co-Shareholder (20%), Melissa Long will be the Secretary and a Co-Shareholder (20%), Dean Long will be a Co-Director and a Co-Shareholder (20%), and Jason D. Harmon will be the CEO, a Co-Director, and a Co-Shareholder (20%); and **James Strobino** is the **Proposed Manager of the Pouring Permit**. The proposed area of the licensed premises is approximately 4,799 sq. ft., which includes a distillery that is contained within a 20’ x 8’ (approx. 160 sq. ft) metal building. The “Building” is divided into three rooms, the “Distillery Production Area” 80 sq. ft.), the “Bonded Storage Room” (30 sq. ft.), and the Post Tax Storage and Sales Room" (50 sq. ft.). Only the Distillery Production Area and the Bonded Storage Room are part of the distillery premises. The licensed premise includes the area on which the “building” sits in which distilling activities and bonded storage will take place, along with takeout services; as well as the surrounding area which includes two other pouring stations that sit on the licensed premises, one in the northern corner of the parcel and the other in the southern corner. The pouring stations are each contained within 20’x 8’ metal structures. There is also a 20’ x 8’ retail sales to go and merchandise structure, a stage, a bocci court, a bathroom station, two food stations, and an I.D./security hut on the licensed premise, as well as a locked cooler on the southwestern corner of the parcel. All music & entertainment must cease by 10:00 p.m. (as ordered by the Planning Board) and should be at such a level that would not be a disruption to the neighbors. The entire licensed area will be secured by a fence and access to the ‘outdoor patio entertainment area’ will be manned by security where I.D.’s will be checked, and wristbands will be issued to those 21 or older. No alcohol will be allowed to leave the enclosed area. The outdoor patio entertainment area’ will have four (4) entrances/exits, which must always be manned by security. The premise is situated on the east side of East Rodney French Boulevard between Norman and Clara Streets, and will now be numbered **1494 East Rodney French Boulevard**.

Approved by the ABCC – 07/01/21

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

New Non-Transferrable Master Pouring Permit under Chapter 138, Section 19H

New Lic. # 06180-BP-0778 (Old Tr. #248) – Plot # 12--77

Cisco Brewers New Bedford, Inc. d/b/a Cisco New Bedford Brewers which is petitioning for an **Altering of Premises** to include a **New Non-Transferrable Master Pouring Permit under Chapter 138, Section 19H**. to allow for a 19C (n) Farmer Brewery Pouring Permit, 192 (n) Farmer Winery Pouring Permit, and a 19E (o) Distillery Pouring Permit to be combined under one pouring permit to be used within the entire licensed premise (23,974 sq. ft.). Upon approval, Charles Hudson will be the President, a Co-Director, and a Co-Shareholder (20%), Wendy Hudson will be the Treasurer and a Co-Shareholder (20%), Melissa Long will be the Secretary and a Co-Shareholder (20%), Dean Long will be a Co-Director and a Co-Shareholder (20%), and Jason D. Harmon will be the CEO, a Co-Director, and a Co-Shareholder (20%); and **James Strobino** is the **Proposed Manager of the Pouring Permit**. The proposed premises to be licensed under M.G.L. c. 138 § 19H is an outdoor patio approximately 23,974 sq. ft. Located on the proposed licensed premises is a farmer brewery, where Cisco Brewers New Bedford, Inc. manufactures beer, a farmer winery, where Nantucket Vineyard New Bedford, Inc. vints wine, and a farmer distillery where Triple Eight Distillery New Bedford, Inc. distills spirits. Each manufacturer is commonly owned by the exact same five individuals, as set forth in the 19H application. Each will be housed in a 20’ x 8’ metal container, which will be used for production, storage, and take away sales. There are also two pouring stations on the 19H premises where beer, wine and spirits will be sold. The pouring stations are each contained within 20’x 8’ metal structures. There is also a 20’ x 8’ retail sales to go and merchandise structure, a stage, a bocci court, a bathroom station, two food stations , and an I.D./security hut on the licensed premise, as well as a locked cooler on the southwestern corner of the parcel.

All music & entertainment must cease by 10:00 p.m. (as ordered by the Planning Board) and should be at such a level that would not be a disruption to the neighbors. The entire licensed area will be secured by a fence and access to the 'outdoor patio entertainment area' will be manned by security where I.D.'s will be checked, and wristbands will be issued to those 21 or older. No alcohol will be allowed to leave the enclosed area. The outdoor patio entertainment area' will have four (4) entrances/exits, which must always be manned by security. The premise is situated on the east side of East Rodney French Boulevard between Norman and Clara Streets, and will now be numbered **1494 East Rodney French Boulevard**.

NOTE: On 03/02/20, the Licensing Board unanimously voted to approve an application for a transfer of a Common Victualler (Restaurant) All Alcoholic Beverages License for 1480-1494 East Rodney French Boulevard with the following stipulations:

1. All employees must complete an Alcohol 'Server Certification' course prior to opening and provide proof of such certification to this office.
2. All outdoor entertainment must cease at or before 10:00 p.m.

The Board also suggested the following:

- All music and entertainment must remain at a level so as not to disturb the neighbors.
- The staff will make a concerted effort to keep the area free of debris and cigarette butts.
- An effort will be made to contain parking to the lots under the licensee's control. Employees will be refrained from parking on city streets.
- Signs will be posted reminding patrons to be respectful of neighbors and to keep noise to an acceptable level when leaving the premises.

Lastly, I ask that you update our office as to your plans to handle the smoking related issue. Allowing patrons to leave the gated area to smoke in or around the parking area may not be the best solution. Perhaps some small designated area can be found on site or you may want to consider making it a non-smoking venue.

Approved by the ABCC – 07/01/21

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

Change of Officers, Directors, & Manager - Tr. #00118-GP- 0778– Plot # 47—45--A

Zeiterion Theatre, Inc., Michael Tavares, (New), President, who is petitioning for a **Change of Officers, Directors, and Manager of the General on Premise 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. Upon approval, Michael Tavares will be the President and a Co-Director, Joseph Nauman will be the Vice-President and a Co-Director, Christie Marotta will be the Treasurer and a Co-Director, and Frank Almeida will be the Clerk and a Co-Director. No change in Stock Interest (Non-Profit). The petitioner is also requesting the approval of **Jason Choquette** who resides at 29 Branch Road, East Bridgewater, MA. **as their new Manager**. Premises will remain the same at **684-686 Purchase Street**.

Approved by the ABCC – 07/07/21

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

Change of Directors and Stockholders; and Transfer (Re-Distribution) of Stock - Tr. #00199-PK-07778 – Plot # 93—24 “LATEFILE”

Xavier Market, Inc., John (Joao) Leonel de Gouveia, President, who is requesting a **Change of Directors and Stockholders, and Transfer (Re-Distribution) of 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%), Rita M. De Gouveia will be a Co-Director and Co-Shareholder (71.25%), and Robert C. Medeiros will be a Co-Director and a Co-Shareholder (3.75%). **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 – 07/07/21

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

1. Petition - Tr. #88967 – PK - 778 – Plot # 60—13 (No Representation Required)

Standard Marine Outfitters, LLC, James A. Rego, Manager, who is petitioning for a **Change of Location from 137 Pope's Island to 143 Pope's Island** and the **addition of a d/b/a of True Value Standard Marine & Hardware of a Retail Package Store Wine and Malt Only Beverages License**. The new proposed licensed premises is a marine outfitters and hardware supply store located on the 1st floor of a one-story building in an area approximately 15,450 sq. ft. The area consists of two rooms for the retail sale of marine and hardware products; and will include a cooler for the storage of alcohol, as well as shelving for the sale and display of alcohol.

There is one (1) entrance/exit in the front of the building, as well as three (3) other emergency exits, as well as a garage door with a ramp for deliveries and pick-ups on the west side of the building. **James A. Rego** will remain as **Manager of the Liquor License**. The premise is situated on the north side of Route 6 and will be **numbered 143 Pope's Island**.

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

Application has been advertised; Abutters Have Been Notified.

Present: *No one was required to attend.*

There was no discussion on the matter.

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**

VOTED: Commissioner Almeida made a motion to take up **Item #'s 2 – 8** at one time; waive reading; and approve the applications as presented – **Unanimous**

***** Special One-Day Licenses (7)*****

2. APPLICATION, (No Representation Required)

The Performance Arts Collective, Inc., Kevin Mitchell, Representative, who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for a 'Play' to be held at the **Rotch-Duff -Jones House**, located at **396 County Street**; and to be held on **Thursday, July 22, 2021, from 6:00 p.m. until 8:30 p.m.**

3. APPLICATION, (No Representation Required)

The Performance Arts Collective, Inc., Kevin Mitchell, Representative, who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for a 'Play' to be held at the **Rotch-Duff -Jones House**, located at **396 County Street**; and to be held on **Friday, July 23, 2021, from 2:00 p.m. until 9:00 p.m.**

4. APPLICATION, (No Representation Required)

The Performance Arts Collective, Inc., Kevin Mitchell, Representative, who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for a 'Play' to be held at the **Haskell Gardens**, located at **787 Shawmut Avenue**; and to be held on **Friday, August 13, 2021, from 2:00 p.m. until 7:00 p.m.**

5. APPLICATION, (No Representation Required)

The Performance Arts Collective, Inc., Kevin Mitchell, Representative, who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for a 'Play' to be held at the **Haskell Gardens**, located at **787 Shawmut Avenue**; and to be held on **Saturday, August 14, 2021, from 2:00 p.m. until 7:00 p.m.**

6. APPLICATION, (No Representation Required)

Prince Henry Society, Manuel Pereira, Representative who is requesting approval of an application for a **Special One-Day All Alcoholic Beverages License** for their '11th Annual Summerfest Benefit' to be held within the **Madeira Field Pavilion Area**, located at **50 Madeira Avenue**; and to be held on **Saturday, August 28, 2021, from 6:00 p.m. until 11:00 p.m.**

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

7. APPLICATION, (No Representation Required)

South Coast Business Alliance, Kevin R. Trahan, Representative, who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for their '15th Annual Oktoberfest Fundraiser' to be held on **City Pier 3**; and to be held on **Saturday, October 2, 2021 from 3:00 p.m. until 11:45 p.m. (Last call will be at 11 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****

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

One Southcoast Chamber, Inc., Katie Greene, Representative, who is requesting approval of an application for a **Special One Day All Alcoholic Beverages License** for their '14th Annual New Bedford Seaport Chowder Festival', to be held on **Pier 3**; and to be held on **Saturday, October 9, 2021 from 11:00 a.m. until 5:00 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****

9. APPLICATION, (New Owner Application)

Altun Bakhshaliyev, who resides at **283 Union Street, New Bedford, MA.** is requesting approval of an application for a 'New' **Motor Vehicle Class II Used Car Dealer license** for **039 Auto Sales, Inc. d/b/a 039 Auto Sales.**

The previously approved licensed premise consists of a concrete building which includes a customer waiting area , office, two bathrooms, and a three-bay repair garage; with a total outside display area approx. 7,750 sq. ft. which is blacktopped. The premise is situated on the east side of Rockdale Avenue on the corner of North Street and Rockdale Avenue and is numbered 832 Rockdale Avenue. ***There are to be no cars , registered or unregistered, parked on the street or sidewalk.***

Note: Site was last licensed to **Clear Auto Sales2, Inc.**, which was not renewed for 2020; and was previously for the display of **Eighteen Cars (18) cars for display** by the Office of Inspectional Services.

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

*****Special Permit Has Been Approved******

Present: Atty. Robert Pellegrini along with Altun Bakhshaliyev, Applicant

Responding to questions from Chairman Beauregard, Mr. Bakhshaliyev stated, I have another dealership in Bridgewater ... we will only service and repair the cars we sell ... and the cars we take in on a trade ... if they’re worthy for us to resell ... we’ll service them and put them on the lot for sale ... if not, they will be sent to auction ... there will be no junk cars on the property.

When asked by Chairman Beauregard if he was going to keep the Bridgewater dealership open, Mr. Bakhshaliyev stated that it would remain open, but he was moving to New Bedford to operate this location.

VOTED: Commissioner Almeida made a motion to approve the application as presented pending receipts of all outstanding documents; and to approve the license for the display of Eighteen (18) cars, as approved for that location by Inspectional Services. – **Unanimous**

10. Hearing: Fmania’s Auto Service & Repair

Mr. Eusebio Fmania, Licensee

699 Brock Avenue,

Your presence is requested at a hearing being held at the request of the Commissioner of Buildings and the City of New Bedford Code Enforcement Task Force based on the following:

On July 8, 2021 a task force team inspection including building department, health department and fire department conducted a "Special Investigation" to a complaint and found the following violations: 1- a total of 21 vehicles including 2 tow trucks on the lot, it is my understanding that they are allowed to have 12 vehicles and 2 tow trucks, we also found vehicles belonging to his business parked in residential parking spaces. The sidewalk and gutter area were also found to be unmaintained and littered. Please note that access was denied to inspect the property and all observations were made from plain sight. We spoke to the owner's father who refused entry and could not contact the owner (son). The task force cited the business to be a "Nuisance" by definition in Article VII Sec.6-121 (Interference with the common interest of the public). A warning was issued that if conditions were not corrected, applicable fines and penalties would be assessed. The task force also stated that the licensing board would be made aware of our findings and consider our reports for license renewal.

Be advised, all licensees must maintain a facility dedicated to carrying out said business and all licensees must adhere to all conditions of the issued license.

Short of full compliance, the Board must act and **as such you will be required to bring in your 2021 MV Class II License**. Depending on the Board’s findings, you may be required to surrender your license until this matter is resolved.

Present: Eusebio Fmania, Licensee Danny Romanowicz, Commissioner of Building along with Carl Bizarro, Task Force Inspector; Eileen Saraiva, Neighbor

Chairman Beauregard opened the hearing by asking Mr. Fmania, you know why you’re here ... the Board is concerned with the condition that you’re maintaining your property ... what would you like to say on your behalf?

Mr. Fmania responded by stating, I’ve cleaned the lot up a lot ... because of Covid and all that ... I had more cars than expected ... because when I sell now ... it’s not a one-day process ... because the RMV is far behind due to Covid ... can’t allow the cars off the lot until they are registered ... I know during this time I had more than 21 cars when they showed up ... I cleaned up that same day ... I threw away a lot of stuff ... I weed whacked ... I cleaned up the gutters ... when they went to inspect the place ... I wasn’t there ... I was in Puerto Rico on vacation ... I didn’t know what happened until I got back.

Chairman Beauregard then asked, your father was uncooperative with the inspectors?

Mr. Fmania responded ... I wasn’t here ... I don’t know too much of what was going on ... all I know is that I got the letter ... I heard a little bit of the story ... and I got this letter about a week later.

Chairman Beauregard then recognized Mr. Bizarro, Task Force Inspector, who stated ... that fact is ... we’ve been there prior to this last time ... we’ve had complaints in the past ... the Commissioner has sent other Inspectors ... now it’s gotten to the point where the Task Force has gotten involved ... he’s doing a good business ... but it’s a small lot ... he’s having his problems and it’s becoming a New Bedford residence problem ... he can’t park his cars taking up their parking spaces ...

If you drive by the place ... you can see the grass not cut ... there's litter ... he has more cars on the lot than he's allowed to have ... so again, it's not the first time it's happened ... we've been there a few other times ... but now ... working asking for assistance from the Board to help us resolve this situation ... and bring some peace to the neighborhood.

Chairman Beaugard responded ... It would be my suggestion that we give you 30 days to clean up the lot to the satisfaction of the Building Department ... otherwise you come back here ... and face a suspension of your license ... I don't think that's something you want to face right now ... if your business is as good as Mr. Bizarro said it is.

Mr. Famania responded, I've done a lot to the lot in a week, to which Chairman Beaugard responded, but it's got to stay that way. Mr. Famania responded that he understood.

Mr. Bizarro followed up by asking, we also have had complaints of you working after hours ... are you saying that's happening on your property?

Mr. Famania responded ... I'm the one that's usually working later at night.

When asked by Mr. Bizarro as to how late at night does he work until, Mr. Famania responded, usually not past 7 o'clock.

Mr. Bizarro responded ... people want to eat ... people want to sleep ... you need to be a good neighbor.

Chairman Beaugard then recognized Mr. Romanowicz, Commissioner of Buildings, who stated one of the big concerns ... I went by on Saturday and took some pictures, which he submitted to the Board for review ... we're getting calls ... because he's doing such a good business ... he's taking up parking spaces of residents in the area ... it's to his own benefit that he keeps all his cars on his own property ... the cars that he fixes ... regulate them ... don't have them come to your property if you can't keep them on your property ... don't take those cars in and take up residential parking spaces.

Chairman Beaugard then asked if there was anyone present who wanted to speak on this issue?

Chairman Beaugard recognized Ms. Eileen Saraiva who stated that her complaint was that of a big recreational vehicle that is parked on Brock Avenue along with a big 18-wheeler, adding, that's been there ... I can't tell you how long ... and nobody does anything with it ... this gentleman owns it ... does he have the right to park there for all this while?

Mr. Famania responded ... I don't own the truck ... but I do own the RV ... the RV was parked in front of my lot ... I now have the RV parked all the way next to the park ... nobody is around there ... I didn't think that it was a problem ... it's totally insured ... it's registered ... it's on the road ... I had police there who told me that it was alright parked on the street ... but I wanted to make peace with the neighbors ... so I parked it all the way down the street ... as far as the truck she's talking about ... I don't know who owns that 18-wheeler truck ... it's a huge truck.

When asked by Chairman Beaugard if the 18-wheeler was plated, both Ms. Saraiva and Mr. Famania stated that it was.

Ms. Saraiva added, I know it's a public street, but it shouldn't be there.

Chairman Beaugard asked Lt. Kagan if he would send someone by and have them check the plate to see who owns the truck.

Ms. Saraiva added ... it's just a nuisance ... you can't see certain parts of the park ... because you got these two vehicles parked there ... it's a pain ... they don't belong there ... they belong on his lot.

Chairman Beaugard responded ... if he doesn't own the truck ... he can't put it on his lot.

Ms. Saraiva responded ... I'm talking about the RV ... if he owns the RV ... then it should be on his lot ... not on a public street.

Chairman Beaugard responded ... we'll take a look at it to see who owns the truck.

VOTED: Commissioner Almeida made a motion to table any action until its August meeting, to allow the licensee an additional amount of time (30 days) to come into **full compliance** with those conditions that are required to maintain a facility dedicated to carrying out said business (Used Car Dealer). – **Unanimous**

11. Meeting: TCHATU, LLC d/b/a

Morna Lounge and Grill

Mr. Mateus Jose Barbosa, Manager/Co-Owner

1613-1621 Acushnet Avenue

Opened On 03/01/21

Your presence is requested at a meeting to determine whether you have violated certain provisions of ABCC Regulations and Licensing Board Rules and Regulations.

The Board has received several complaints from the New Bedford Police Department. The reports indicate a steady rise of calls to service to your location for disturbances relative to overcrowding and the over serving of alcohol.

Over the past 60 days there have been incidents of multiple fights including one in which a firearm was recovered as well as an incident in which patrons were observed leaving your premises with drinks in their hands at 3:54 a.m.

Your presence before the board is in the form of a meeting and not a hearing with the hope that we can have a meaningful dialogue in addressing the number of complaints involving your establishment. I kindly ask in preparation of this meeting that you give some thoughts to your current business plan and your thoughts towards customer safety going forward.

Present: Mateus Jose Barbosa, Owner/ Manager; Lt. Justin Kagan, Police Department Liaison to the Lic. Bd. along with Officer Justin L. Andrade, Reporting Officer

Chairman Beauregard opened the meeting by stating to Mr. Barbosa, I didn't expect to see you here this quickly, to which Mr. Barbosa responded, I didn't expect to be here either.

Chairman Beauregard proceeded with his remarks by stating, so we're not happy with the way things are going at your establishment, to which Mr. Barbosa responded, I'm not happy either.

Chairman Beauregard responded, so what are we going to do?

Mr. Barbosa responded ,,so here's the thing ... so when we first moved in ,, I made the city aware of this ... we had an owner of another establishment right across the street from us ... who made it clear to us that she was going to do everything she can do to shut us down.

Chairman Beauregard interjected ... but that's not why we're here tonight ... we have police reports of you being open after hours ... late night disturbances, to which Mr. Barbosa interjected ... I'm getting to that.

Mr. Barbosa continued his comments ... so the phone calls to the police are mostly from her ... she's the one that's been calling the police ... the police show up to my establishment ... and the first thing they say is that they received a call that there was a fight going on here ... one time they came by and I said to them ... you can come and see that there's nothing going on... and if I see them outside ... I'll go out and have a conversation with them ... I told them that I kind of feel that you are after us.

Chairman Beauregard interjected ... we have concrete information in front of us ... of being open after hours ... fights taking place ... calls for service to your establishment ... I don't want to hear the nonsense ... where people are saying that there's 20 people or 60 people in your place ... we're talking about what's in front of us now.

Mr. Barbosa responded ... when it comes to fights ... there's only been two fights that I'm aware of ... one ... I wasn't actually here ... I was away on vacation ... and my brother called and made me aware that there was a fight outside ... and the other one ... I was actually there ... and I actually had a conversation with one of the police officers who's actually here today ... and he said to me that it would actually be better for us ... if we called them when people are leaving ... to be a presence outside ... so people can just go home ... and that's what we've been doing ... and we hired security officers to make sure that there are no fights ... also, we've put cameras in place outside ... we also have them inside ... we've also changed our hours of operation ... we're now closing at 1:30 a.m. ... which will give us an extra 30 mins. to get everyone out ... so that way ... there's not so many people outside ... so for us it's hard ... we get them outside ... but they stay outside talking.

Chairman Beauregard interjected ... you've had them inside at 3 o'clock in the morning!

Mr. Barbosa responded ... that 3 o'clock in the morning ... that was when we first opened ... it was some family members who came from Boston ... I'm from Boston ... I'm not from New Bedford ... I'm still learning the patterns of the folks of New Bedford... and we're making changes as we learn those patterns.

Chairman Beauregard interjected ... there are no patterns ... last call is at 1:30 a.m. and you close at 2:00 .a.m. ... it's the same patterns as you lived by in Boston.

Mr. Barbosa responded ... we didn't know when we closed our establishment and folks were still outside, to which Chairman Beauregard interjected ... they weren't outside ... they were inside at 3 a.m.

Mr. Barbosa responded ... when they were inside... that was that one time and I was there ... again, it was my family members that were in there that had come from Boston ... that was when we first opened ... and we were hanging around inside ... they were waiting for us to close so that we could all go home together... that was a one time thing ... like I said ... we're trying to make changes ... and we're working with the police ... right now ... we're calling them ahead of time ... we tell them that we have a lot of people and we're about to close right now ... and we ask them to come by and sit outside ... so people will just go home.

Chairman Beauregard then asked Officer Andrade to just give his observations as to what he has observed with regard to this establishment and added that he could site his police reports if he felt a need to.

Officer Andrade reviewed the reports that were submitted to the Board prior to the meeting that indicated a steady rise of calls to service to this location for disturbances relative to overcrowding and the over serving of alcohol; adding that over the past 60 days there have been incidents of multiple fights including one in which a firearm was recovered as well as an incident in which patrons were observed leaving the premises with drinks in their hands at 3:54 a.m.

Officer Andrade summarized his remarks by stating ... it's a case of general non-compliance ... and it's a constant problem ... It gets to the point on a Thursday ... Friday ... Saturday ... I know at 1 o'clock ...

I'll have to start monitoring the establishment to ensure that there are no issues at closing time.

Chairman Beauregard responded to the Reporting Officer's summation by asking Mr. Barbosa, Post Covid ... how many people do you average on a Thursday ... Friday ... and Saturday night?

Mr. Barbosa responded ... On Thursdays ... we closed between 8 and 10 o'clock ... on Friday's and Saturday's ... we usually close between 1:30 and 2 o'clock.

Chairman Beauregard responded ... How many people are you averaging those two nights?

Mr. Barbosa responded ... Friday ... it's a little bit slow ... Saturday ... that's our busiest night ... we have the bar and we also have the back ... in the back ... it's mostly older folks ... which we keep open until 12:30 ... 1 o'clock ... most of the issues are with the bar ... it's a younger crowd ... the problems are not inside the bar ... it's outside when we're trying to get people out ... they tend to just hang around.

Chairman Beauregard responded ... let me ask the question one more time ... this is my 3rd time ... how many people do you average on a Saturday night?

Mr. Barbosa responded ... on Saturday night ... our capacity is 120 ... which is the total for the front and back ... we don't go over our capacity ... so if there is nothing in the back ... we probably have about 50 or 60 people.

Chairman Beauregard responded ... so how many people do you have working?

Mr. Barbosa responded ... so usually in the front ... we have two security guards ... me ... and two bartenders ... and we have a manager ... and in the back ... we have two servers and one bartender.

When asked by Chairman Beauregard, are you serving food in the back?

Mr. Barbosa responded ... yes, we are serving food in the back ... and the kitchen closes at 10 o'clock.

Chairman Beauregard responded ... is everybody in the back out when the food stops ... or can they stay there?

Mr. Barbosa responded ... we have live music ... they can stay there until the live music is over ... the live music usually goes to 12-12:30 a.m. ... then everybody is out ... they can either go to the front or they can leave ... if it's an older crowd... they usually leave.

Chairman Beauregard then asked, do you have anybody working on Acushnet Avenue in the front of the building?

Mr. Barbosa stated that he spends most of his time out in that area and I try to have conversations with them to get them to move along to their cars ... but sometimes they go up into the church parking lot ... and they're just hanging around there ... sometimes they go across the street ... I think that's where most of the calls are coming from ... they go across the street ... technically ... they're not in front of the building ... they're across the street or next door ... or up the street in the parking lot ... and that makes it hard on us ... I'm not a parking lot attendant ... and the other issue that I've seen is ... after 1:30 a.m. ... we have folks coming from the other bars ... and we don't allow them in ... and they get upset and start yelling ... and then it's on us because it's happening in front of our place ... but we've already called last call ... and they start trouble outside ... and we call the police... so we're trying to make adjustments, as we go along.

Chairman Beauregard then asked, when you have a live band, is it ... 1-piece ... 2-piece ... 5-piece?

Mr. Barbosa responded ... it's a 3-piece band.

Chairman Beauregard then asked Officer Andrade if he had anything else, he wanted to add?

Officer Andrade responded ... my only issue with Morna's is ... I'm sure you're aware of how Tilia's went ... with all their problems ... and I'm just trying to avoid that before it gets to that point.

Mr. Barbosa responded ... that's our goal as well ... we're trying to make it like an older crowd ... we're trying to avoid the younger crowd ... we're doing little things to change things ... we're still learning and making adjustments ... we definitely don't want to be like Tilia's ... that's not us ... I'm willing to do whatever we can to work closer with the police and make it better.

Commissioner Craig warned Mr. Barbosa that there's no excuse ... family members ... closing time is closing time ... at 2:15 a.m. ... there should be no alcohol on the bar ... tables ... or being consumed by anyone in the bar ... if these guys come by at 3:00 a.m. and still see people inside ... there's no excuse for that.

Mr. Barbosa stated that he fully understood.

Chairman Beauregard ended the meeting by stating ... you're not here tonight for a hearing ... you were called in for a kind of a fact-finding meeting ... to let you know that we are concerned about the establishment ... you come back the next time ... it will be a hearing ... it won't be as ... you know what I'm saying.

Mr. Barbosa stated that he understood and that he was willing to work with the city and the police to make sure things don't get worse.

Chairman Beauregard again warned Mr. Barbosa, we're not going to tolerate it ... we've worked too hard to clean up Acushnet Avenue. Mr. Barbosa responded, trust me ... I understand ... I run a similar business up in Boston ... I know how it goes.

12. Meeting: H. A. Sports, Inc. d/b/a Legend's Sports Pub

Mr. Haldo Arriaga, Manager/Owner

78 Covell Street

Your presence and that of Maria Alvarado is requested at a meeting to determine whether you have violated certain provisions of ABCC Regulations and Licensing Board Rules and Regulations.

The New Bedford Police Department has requested that you be brought before the Licensing Board as a result of a June 6, 2021 incident in which a patron was stabbed on your premises. The police report also references an increased number of calls to your establishment.

Your presence before the board is in the form of a meeting and not a hearing with the hope that we can have a meaningful dialogue in addressing the number of complaints occurring at your establishment. I kindly ask in preparation of this meeting that you give some thoughts to your current business plan and your thoughts towards customer safety going forward.

Present: Atty. Stephen Brown along with Haldo Arriaga, Manager/Owner and Maria Alvarado, Mr. Arriaga's Sister; Lt. Justin Kagan, Police Department Liaison to the Lic. Bd. along with Officer Brian Crosby, Reporting Officer; Maria Giesta, Ward 2 City Councilor

Chairman Beauregard then asked Officer Crosby to just give his observations as to what he has observed regarding this establishment and added that he could site his police reports if he felt a need to.

Officer Crosby stated ... the primary report of concern would be that incident of 06/06/21 ... where a stabbing occurred outside the establishment ... a call had come into the police department for a disturbance where a fight was taking place inside the bar ... by the time we arrived on the scene ... some parties that were involved had fled ... and the stabbing victim had been brought to St. Luke's by private auto ... so we were not made aware of either incident on arrival ... we were told a fight had taken place ... as per usual had been broken up and left ... and none of those people could be identified ... while we were working the scene ... I was notified by another unit arriving that there were three victims at the top of the street ... stating that they were assaulted by stacks of pool cues from the establishment ... and that it turns out through further investigation ... those parties were involved in the stabbing of the male who arrived at St. Luke's Hospital ... the concern is that we've been to this establishment a number of times ... and I've spoken to Ms. Alvarado directly about the improvements that need to be made to the facility ... the outside ... security concerns ... hiring staff ... training staff ... and it seems to go unchecked over time ... and it has continued to get worse ... and with that incident ... it was under review that we had to speak with them moving forward about having an action plan ... following that incident ... on another issue that was of concern to the police department ... which occurred on 06/30/21 ... which was an OUI car accident ... where a patron was served at the bar and identified that she was served at this establishment ... had driven from the establishment ... and not even made it off Covell Street before striking three parked vehicles ... and then having to be arrested for an OUI ... she was non-compliant on scene but she was friendly with Ms. Alvarado ... when speaking with Ms. Alvarado ... she seems to be intentionally mis-leading the investigation ... stating that she wasn't served at the establishment ... but when further questioning Ms. Alvarado ... she said she wasn't even working that evening ... so she couldn't tell me if she was in the establishment ... so if you had nothing really to add to the investigation ... then what was the point to speak to an officer on the scene? ... so, she should have let the officers do their job to process the investigation moving forward.

Chairman Beauregard then gave Atty. Brown an opportunity to respond to Officer Crosby's testimony regarding the two police reports he reviewed.

Atty. Brown responded by stating, I've known Haldo Arriaga for a very long time ... he was the first person I knew in New Bedford ... when I moved down in 2004 ... when I bought my first house down here on Union Street ... he was one of the roofers ... I've gotten to know him since then ... he's a very serious entrepreneur ... and I've done some real estate transactions for him ... he's done a bunch of work at my properties ... I know him as a very serious businessman ... and he's a staunch supporter of law enforcement ... so I had an opportunity to discuss this entire situation with Mr. Arriaga ... and he's very concerned about all these developments and these things that have taken place ... so, we've come up with a 13-point Customer Safety Action Plan (**which the Board voted unanimously to receive and place it on file**) ... to address three pieces of evidence (2 Police Reports & the Call Log) that I received from Lt. Kagan ... I would just like to point out that the people involved in the altercation (06/06/21 incidents) had been removed by the staff ... and the Legends staff participated in the investigation as far as providing video ... with regard to the OUI Incident (06/30/21) ... we've addressed the steps that should be taken in our action plan ... I just want to point out that I did have a chance to meet Ms. Alvarado ... English isn't her first language ... my interpretation is that she was trying to be as helpful as possible ... she wasn't trying to mislead the police ... she was trying to communicate the contents ... but it was a little more complicated than she had the grasp of the English Language... to communicate that ... she had been at work that night ... but she had left and had gone home before these people had come in... and she was called by her husband and was told that there was an incident ... so, from Officer Crosby's viewpoint ... I can see how that can be very frustrating too.

Atty. Brown continued, so regarding the 13 Steps that Mr. Arriaga is going to implement based on these two incidents ... regarding the stabbing ... Mr. Arriaga wants to keep these types of people out of his establishment ... period ... these weren't regular customers ... so, in order to do that ... the first thing he's going to do is to hire a security detail on the premises for Thursday ... Friday ... and Saturday nights ... from 10 p.m. until 2 a.m. ... since those are his busiest nights. Chairman Beauregard interjected ... Is there music on those nights?

Mr. Arriaga responded, no ... I don't have any live music ... just a jukebox ... but we don't like to play it loud because of the neighbors.

Atty. Brown continued ... the second point ... he's got a metal detector already and it's operational ... and having a dedicated security person there on these nights will ensure that the existing metal detector is operating and that every single customer will be checked.

Atty. Brown added that Mr. Arriaga will immediately implement the following safety enhancements to its business plan:

- Banned from Legends List, with photos and names, which will be maintained, and be available for police inspection.
- No new customers after midnight.
- Pool cues will be always kept out of customer's reach, except when customers are using the coin operated pool table.
- They will maintain close communication and will be cooperating with the Police Department.

Atty. Brown then addressed the second incident (the OUI) by stating that Mr. Arriaga will immediately implement the following safety enhancements to its business plan:

- To continue to require T.I.P.S. Alcohol Training for all bartenders.
- To continue offering mandatory, Frank J. Faubert's Server Training on premise (S.T.O.P.) seminar to all bartenders. (Most recent seminar conducted at Legend's on July 8, 2021)
- Enhance existing policy of monitoring clientele for signs of intoxication and cutting off customers showing signs of intoxication.

Atty. Brown then addressed the calls to service based on his conversation with Lt. Kagan, by stating that since the June 6, 2021 incident, Mr. Arriaga has installed the following property enhancements to increase safety and assist law enforcement:

- They have installed additional security cameras outside of the premises.
- They are reviewing whether additional lighting would benefit security.
- The tree outside has been pruned.

Atty. Brown concluded his remarks by stating ... I went through everything with Haldo and Maria ... and some of the things that we looked at are beyond their control ... like the cars and the motorcycles on the street ... but with that said ... the overarching theme as I discussed this with Haldo and Maria ... is that ... since the pandemic ... people have been agitated ... and incidents have been on the rise ... but they (Haldo and Maria) are not on the defense ... they are on the offense ... they understand how serious these ramifications are ... and they're also open to any recommendations the Board or the Police may have.

When asked by Chairman Beauregard as to how many cameras do they currently have, Mr. Arriaga responded, eight ... between the inside and outside, and they are all recording.

When asked by Chairman Beauregard if his staff had access and knew how to operate them, if officers went in and wanted to see them, Mr. Arriaga responded, yes ... and they're fully operational.

Chairman Beauregard then recognized Maria Giesta, Ward 2 City Councilor, to speak.

Councilor Giesta stated the following ... I live on Princeton Street ... I appreciate anyone that wants to open up a business ... especially in my Ward ... but I have gotten a few phone calls ... things are going to happen ... this is not about blaming anybody here ... it's not a blame game ... but clearly ... there needs to be maybe a little more oversight ... I don't want to put the blame on the owners ... but it happens ... and it's unfortunate ... Legend's has been there for a very long time ... it's not your fault ... I'm not putting the blame on anybody ... I thank you for being there ... but I did get phone calls from the residents ... and I'm sure you did too ... there are some things that need to be addressed ... just the other day we had DPI cleaning the sidewalk that was full of glass and bottles ... again, not your fault ... but there needs to be a little more oversight. Chairman Beauregard responded by stating to Mr. Arriaga, that's something you should be cleaning ,, we shouldn't have to send DPI down there to clean up the area ... they may not be yours ... hopefully, the bottles are not from your establishment. Mr. Arriaga stated that he cleaned up the whole lot of trash and shrubs, and other debris from both sides of the lot.

Councilor Giesta thanked Mr. Arriaga for having his business in her Ward and thanked Officer Crosby for what he does.

With no other from the Board, Chairman Beauregard closed the meeting by stating, as I stated to the licensee that came in before you, you're not here tonight for a hearing ... you were called in for a kind of a fact-finding meeting ... to let you know that we are concerned about the establishment ... and to discuss how we can get things back to the way they need to be ... next time around ... if there are further incidences ... we come back ... we'll have a hearing ... the results will be more significant ... we hope you hear us ... we hope you'll address what needs to be done ... and follow the plan that Atty. Brown put together and that you submitted to the Board tonight.

Mr. Arriaga stated that he understood and added that he was considering closing at midnight to avoid the problems that have been occurring after midnight.

Resident Input: A group of residents from the Clark's Point Neighborhood requested that they be allowed to address the Board regarding their concerns regarding Cisco Brewers Kitchen and Cisco Brewers New Bedford. Chairman Beauregard stated to those present that they were not on the agenda, so he could only give them limited ability to speak, which they acknowledged they understood. Several neighbors were given an opportunity to briefly express their concerns, which included complaints of amplified music, parking issues, disturbances at closing time, and intoxicated patrons leaving the establishment. After the neighbors spoke, Chairman Beauregard explained that the Board could not take any action this evening, due to the fact, that the licensees would have to be notified for a proper hearing or for a meeting, as the Board did tonight with the two establishments that were before the Board earlier; but the Board would take their complaints under advisement; and that Mr. Nanopoulos would notify them of any hearing or meeting that the Board would hold in the future. Mr. Nanopoulos also asked that anyone who wanted to be on his mailing list to contact him at the office and give him their mailing or e-mail address.

- **CORRESPONDENCE**
--NONE--
- **COMPLAINTS RECEIVED:**
--NONE--
- **REVIEW POLICE DEPARTMENT INCIDENT REPORTS/ COMPLAINTS**

<u>NAME</u>	<u>POLICE REPORT#</u>	<u>DATE</u>	<u>VIOLATION</u>
1. The Vault Music Hall	21-1544-AR	07/03/21	Disorderly Contact (Approximate Time of Violation 1:54 a.m.)
	21-1545-AR	07/03/21	Disorderly Conduct (Approximate Time of Violation 1:54 a.m.)
	21-1547-AR	07/03/21	Disorderly Conduct (Approximate Time of Violation 1:54 a.m.)
	21-7345-OF	07/03/21	Police Complaint/Safety Concerns (Approximate Time of Violation 1:54 a.m.)
	21-7342-OF	07/03/21	Intoxicated Persons (Approximate Time of Violation 3:48 a.m.)
	21-1572-AR	07/05/21	Assault & Battery (Domestic) (Approximate Time of Violation 1:52 a.m.)
	21-1642-AR 21-1643-AR 21-1644-AR 21-1645-AR	07/11/21	Patrons Leaving Premises With Alcohol/Disorderly Persons Serving To Intoxication/ (Approximate Time of Violation 2:00 a.m.)

Decision: Bring In For a Hearing – 07/20/21

- **NEXT TWO MEETING DATES:** August 24th & September 21, 2021, both on Tuesday Nights and both will be held in the 3rd Floor Meeting Room, of the New Bedford Main Library, located at 613 Pleasant Street. - **Confirmed**
- **MEETING ADJOURNED:** 8:11 p.m.