

**LICENSING BOARD MEETING****-UPDATED AGENDA-****Monday, September 24, 2018****Room 314 – 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 09/19/18****Change of Manager – Trans. # 88893-PK-0778– Plot # 78-101****E-Z Convenience & Gas, LLC d/b/a Mutual Mart, 1800 Purchase Street, is requesting the approval of Roger DaSilva, who resides at 382 Hathaway Boulevard, New Bedford, MA., as their new manager.****Approved By ABCC – 09/13/18****Change of Officers & Directors – Trans. Lic. # 00027-CL-0778– Plot # 108—8 (No Representation Required)****New Bedford Sports Club, Inc., Francisco Fonseca, (new) President 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, Francisco Fonseca, (new) President, Artur Arruda will be the (new) Vice-President, Jose Pimentel will remain as Treasurer, and Seraphim Medeiros will be the (new) Secretary; and Maria D. Vieira, Jose Ferreira, Joao Medeiros, and Maria C. Vieira will all be (new) Co-Directors, as well as Luis Vieira who will remain as a Co-Director. Premises will remain the same at **1792 Acushnet Avenue.******Approved By ABCC – 09/13/18****1. Petition – Trans. . # 00107 – CL - 0778 – Plot # 19--52 (No Representation Required)****Clube Uniao Faialense, Inc., Eusebio Rego, (new) 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, Eusebio Rego will be the President and Sole Director, Antone Candido will be the Vice-President, Joao Camarao will remain as the Treasurer, and Jose I. DeFraga will remain as the Secretary. Premises will remain the same at **701 Orchard Street.*******Neither Advertisement nor Abutters Notification Required*****2. PETITION - Trans. #00167 – PK - 0778 – Plot # 123--143 (No Representation Required)****New Bedford Wine & Spirits, Inc., 1024 King’s Highway, is requesting the approval of a change of d/b/a from Douglas Wine & Spirits to New Bedford Liquor Warehouse.*****Neither Advertisement nor Abutters Notification Required*****3. Petition – Tr. #88931 – PK - 0778 – Plot # 137--35****Tejendra, Inc. d/b/a Dairy Market, Guntant I. Patel, President, who is petitioning to Transfer a Retail Package Store Wine and Malt Only Beverages License to Shiva & Purva, Inc. d/b/a Dairy Market; the proposed transferee is also requesting approval of a Pledge of the Retail Package Store Wine & Malt Only Beverages License to Rockland Trust Bank, with an address of **288 Union Street, Rockland, MA.** as security to authorize and execute a promissory note in the amount of **One Hundred & Sixty-Eight Thousand Dollars (\$168,000.00), pursuant to Massachusetts General Laws Ch.138 s.23.** Upon approval, Mahendrakumar S. Patel will be the President, Treasurer, Secretary, Sole Director, Sole Shareholder 100%, and Manager. The licensed premises will remain the same as a convenience store located in a street level building in an area approximately 1,927 sq. ft., which includes a walk-in cooler for the storage of alcohol, as well as coolers and shelving for the sale and display of alcohol; the area also includes one room for the storage of alcohol in the rear of the building. There is one (1) entrance/exit in the front of the building, as well as one emergency exit located on the north side of the building. The premise is situated on the west side of Acushnet Avenue, between Leroy Street and Sassaquin Avenue, and will remain numbered **4443 Acushnet Avenue.******Final approval will require a ‘Change of Tenant’ from the Building Department.**

*Application has been advertised; Abutters notification not required.*

**4. Petition – Tr. #235 – CV W & M - 0778 (NEW) – Plot # 53--105**

**Brothers Artisanal, Inc., Philip Harrison Beauregard, President**, who is petitioning for a **New Common Victualler (Restaurant) Wine and Malt Only Beverages License**. Upon approval, **Philip Harrison Beauregard** will be the President, Treasurer, Secretary, Sole Director, Sole Shareholder (100%), and **Manager**. The licensed premises will be in an area approximately 6,200 sq. ft., which will be used for the manufacturing and purveying of ultra-premium dehydrated meats (Jerky); and will include a small Tap Room for the Service of Food and Drinks. The area will have five (5) rooms that will include a “tap room”, an “open kitchen”, a room for the “manufacturing of jerky”, an office, a room for the storage of alcohol, an office, a walk in cooler, and two (2) restrooms on the first floor of a one-story building. Alcohol will be stored and served from the kitchen area, as well as from the small service bar.

The premises is situated on the north side of William Street between Bethel and North Water Street, and includes one (1) entrance/exit in the front of the building onto William Street and a second exit/entrance onto Bethel Street.

The premises has two (2) emergency exits, one (1) onto North Water Street and one (1) onto Bethel Street, and will be numbered **11 William Street**.

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

*Application has been advertised; Abutters have been notified*

**5. Petition – Tr. #00051 – RS - 778 – Plot # 110—279**

**ARBCO, Inc. d/b/a Red J’s Colonial Lounge, Barbara J. Jerome, Sole Director**, who is petitioning to **Transfer a Common Victualler (Restaurant) All Alcoholic Beverages License** to **Perry’s Fireside Lounge, Inc.**; the proposed transferee is also requesting approval of a **Common Victualler (Restaurant) All Alcoholic Beverages License** to **Clifford Street Lounge, LLC**, with an address of **1163 Joyce Street, New Bedford, MA.** as security to authorize and execute a promissory note in the amount of **One Hundred Twenty-Seven Thousand & Five Hundred Dollars (\$127,500.00)**, pursuant to **Massachusetts General Laws Ch.138 s.23** Upon approval, **Laura Perry** will be the President, Treasurer, a Co-Director, and a Co-Shareholder (50%), **Christelle Hargia** will be the Secretary, a Co-Director, and Co-Shareholder (50%), and **Thomas Perry** will be the Vice-President; and **Laura Perry** is also the **Proposed Manager of the Liquor License**. The premises will remain the same as follows: Three (3) Rooms and Kitchen on the first floor and One (1) Room on the second floor of a two-story building with stock in the cellar. The premise is situated on the south side of Clifford Street between Acushnet Avenue and Concord Street, and will remain numbered **24 Clifford Street**.

Final approval will require a ‘**Change of Tenant**’ from the Building Department, a new ‘**Food Permit**’ from the Health Department, a copy of ‘**Proof of Liquor Liability**’, and , a copy of a **current 304 Certificate**.

*Application has been advertised; Abutters notification not required.*

**Tabled at 08/27/18 Meeting**

**6. Hearing: N. B. Lodge No. 914, Loyal Order of Moose, Inc.**

**Mr. Thomas Flood, President**

**85 Rockdale Avenue**

Per our recent conversations, you were informed that by law, your club must file an application for a Change of Officers, Directors, and Manager immediately.

As of this date, an application has not been filed with this office; therefore, you are required to attend a hearing to address this matter. If this matter is resolved prior to this meeting, you will be absolved from having to attend.

Please be advised that should you or another officer of the club fail to appear, this Board may suspend your ‘Club’ All Alcoholic Beverages License until this matter is resolved.

**7. APPLICATION, (No Representation Required)**

**New Bedford Whaling Museum, Jocelyn Nunes, Representative**, who is requesting approval of an application for a **Special One-Day Wine & Malt Only Beverages License** for a “Park Opening Reception”; to be held at the **N.B. Whaling Museum**, located at **18 Johnny Cake Hill**; and to be held on **Friday, September 21, 2018, from 5:30 p.m. until 6:30 p.m.**

**8. APPLICATION, (No Representation Required)**

**Our Lady of Purgatory Church, Matthew Thomas, Representative**, who is requesting approval of an application for a **Special One-Day All Alcoholic Beverages License** for a “Parish Festival for the Feast of the Holy Ghost” to be held in the church parking lot, located at **11 Franklin Street**; and to be held on **Saturday, September 22, 2018, from 1:00 p.m. until 11:30 p.m.**

**9. APPLICATION, (No Representation Required)**

**New Bedford Whaling Museum, Jocelyn Nunes, Representative**, who is requesting approval of an application for a **Special One-Day Wine & Malt Only Beverages License** for a “Lecture/Reception”; to be held at the **N.B. Whaling Museum**, located at **18 Johnny Cake Hill**; and to be held on **Thursday, September 27, 2018, from 6:00 p.m. until 7:00 p.m.**

**10. APPLICATION, (No Representation Required)**

**New Bedford Whaling Museum, Jocelyn Nunes, Representative**, who is requesting approval of an application for a **Special One-Day Wine & Malt Only Beverages License** for a “Lecture/Reception” to be held at the **N.B. Whaling Museum**, located at **18 Johnny Cake Hill**; and to be held on **Thursday, October 4, 2018, from 6:00 p.m. until 7:00 p.m.**

**11. APPLICATION, (No Representation Required)**

**Carl Lee Pacheco Memorial Trust Fund, Jeffrey Coutinho, Representative**, who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for a ‘Fundraiser Dinner’, to be held at the **Madeira Field – Main Pavilion**, located at **50 Madeira Avenue**; and to be held on **Saturday, October 13, 2018 from 5:00 p.m. until 11:00 p.m.**

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

**12. APPLICATION, (No Representation Required)**

**Association for the Relief of Aged Women, Jeannette Doyle, Representative**, who is requesting approval of an application for a **Special One-Day All Alcoholic Beverages License** for a “Community Reception” to be held at the **N.B. Whaling Museum**, located at **18 Johnny Cake Hill**; and to be held on **Thursday, October 18, 2018, from 5:00 p.m. until 8:00 p.m.**

**13. APPLICATION, (No Representation Required)**

**Group Folkloric Madeirense, Michael Canastra, Representative** who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for a ‘Fundraiser Dinner’, to be held at the **Madeira Field – Main Pavilion**, located on **Madeira Avenue**; and to be held on **Saturday, September 22, 2018 from 6:00 p.m. until 11:45 p.m.** **\*\*NO CHANGES, AS PREVIOUSLY APPROVED\*\***

**14. APPLICATION, (No Representation Required)**

**W.H.A.L.E (Waterfront Historic Area League, Inc.), Diane M. Brodeur, Events Manager**, who is requesting approval of an application for a **Special One Day All Alcoholic Beverages License** for a “W.H.A.L.E. Soiree Fundraiser”, to be held at **137 Union Street (The Co-Creative Center)**; and to be held on **Thursday, September 27, 2018 from 5:30 p.m. until 7:30 p.m.**

**15. APPLICATION, (No Representation Required)**

**Southcoast Film Forum, Inc., Leslie P. Knowles, Representative**, who is requesting approval of an application for a **Special One-Day Wine & Malt Only Beverages License** for a “Film Festival Reception”; to be held at the **N.B. Whaling Museum**, located at **18 Johnny Cake Hill**; and to be held on **Saturday, November 3, 2018, from 5:30 p.m. until 7:00 p.m.**

**16. Hearing: Carreiro’s Pub 126 Bar & Grill, Inc.**

**Mr. Carlos Carreiro, Manager**  
**126 Dartmouth Street**

Your presence is requested at a hearing to determine whether you have violated certain provisions of ABCC Regulations, and/or Licensing Board Rules & Regulations. This hearing will focus on: (a) the control and operations of the licensed premises; (b) the facts surrounding two incidents that occurred on or about your establishment on Saturday, August 11, 2018 (2:08 a.m.), which involved yet another late night disturbance, as well as patrons being allowed to leave the premises

with alcohol; and the other also on Saturday, August 11, 2018 (12:05 a.m.), which resulted in a complaint by a patron that he was assaulted by security personnel; and (c) the continual complaints of late night disturbances as reported by the N. B. Police Department.

The Board will hear testimony and decide whether you have violated the above regulations and based on their findings, the Licensing Board may take action to modify, suspend, revoke, or cancel your license; and if warranted, a roll back of hours may be considered.

**ABCC Regulation 204 CMR 2.05: (2)-**

States no licensee shall permit any illegality to occur on the licensed premises. The licensee is responsible, whether present or not, for ensuring that no disorder, disturbance, or illegality takes place in, or on a licensed premises.

**Licensing Board Regulation No. 11, 12, 14, & 24-**

Excessive Noise, Crowds, and Objectionable Persons shall not be permitted on or about the premises; Premises must at all times be kept safe; Sales of beverages to be taken OFF the premises are prohibited, unless the premises is a package store; and there shall be no disorder on the premises or areas connected therein.

**Police Report # 18-10179-OF**

**Police Report # 18-10366 OF**

**17. Hearing: Carreiro's Pub 126 Bar & Grill, Inc.**

**Mr. Carlos Carreiro, Manager**

**126 Dartmouth Street**

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 M.G.L., ABCC Regulations, and Licensing Board Rules and Regulations, as a result of an incident reported by the New Bedford Police Department; as well as a result of certain changes in the day to day operation of the premises. This roll back (decrease) of hours could affect the hours in which you will be allowed to be open.

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

- **CORRESPONDENCE**

--NONE--

- **COMPLAINTS RECEIVED:**

--NONE--

- **DOWNTOWN DISTURBANCES**

Thursday, 8/24/18

11:03 p.m. – Disturbance reported at lower Union St bar — loud music.

Call #18-97031 - Slainte

Monday, 9/3/18

1:46 a.m. – Three males arrested after disturbance outside Slainte. Had been ejected from bar; refused to leave area. Charges included disorderly conduct, resisting arrest, assault & battery on a police officer, assault & battery with a dangerous weapon.

Call #18-100793 – Slainte

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

<u>NAME</u>	<u>POLICE REPORT#</u>	<u>DATE</u>	<u>VIOLATION</u>
1. Jalice Cafe	#18-11757-OF	09/14/18	Fight on the Premises/ Patron Stabbed (Approximate Time of Violation 1:53 a.m.)
2. Greasy Luck	18-2942-AR	09/16/18	Late Night Disturbance/Fight Outside Of Premise Involving Patrons/Unruly Person (Approximate Time of Violation 2:09 a.m.)
3. Slainte	#18-2774-AR	09/02/18	Driving to Endanger/Intoxicated Male (Approximate Time of Violation 2:16 a.m.)
	#18-2788-AR	09/03/18	Unruly & Intoxicated Patron (Approximate Time of Violation 1:47 a.m.)
	#18-2789-AR	09/03/18	Unruly & Intoxicated Patron (Approximate Time of Violation 1:47 a.m.)

- **NEXT TWO MEETING DATES:** October 22<sup>nd</sup> & November 19<sup>th</sup> both on Mondays, in Room 314

- **MEETING ADJOURNED:**

"In accordance with the Americans with Disabilities Act (ADA), if any accommodations are needed, please contact the Office of the Licensing Board at 508-979-1457. 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.

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