

**LICENSING BOARD MEETING****-FINAL AGENDA-****Monday, August 27, 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

❖ **MOTION TO ACCEPT THE MEETING MINUTES OF July 23, 2018****APPROVALS RECEIVED FROM THE ALCOHOLIC BEVERAGES CONTROL COMMISSION:****Transfer of License - Trans. # (NEW) 04253-RS-0778 (Old# 0062-RS-0778) – Plot # 16—1**

**First Base Café, Inc., Richard F. Perzentz, President**, who is requesting a **Transfer of a Common Victualler (Restaurant) All Alcoholic Beverages License to EMR Grill, Inc. d/b/a Butler Flats Bar and Grill**. Upon approval, Emanuel M. Ramos will be the President, Treasurer, Secretary, Sole Director, and Sole Shareholder (100%); **Emanuel M. Ramos** is also the **Proposed Manager of the Liquor License**. The previously approved description will remain the same as follows: The licensed premise consists of two (2) rooms and a kitchen in an area approximately 2,000 sq. ft. on the first floor of a three-story building with stock in the cellar. The premises is situated on the southwest corner of Cove and Ashley Streets and is numbered **38-42 Cove Street.**;

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

**Approved By ABCC – 07/23/18****Change of Officers & Directors& Altering of Premises - Trans. # 00054-RS-0778– Plot # 93--92**

**Club Recordacoes de Portugal, Inc., Bento Rocha, New President**, who is petitioning for a **Change of Officers and Directors of the Club All Alcoholic Beverages license; as well as petitioning to Alter the Description of the Premises to include the basement level of the premises; an area that was previously licensed but was taken off the license in 2013**. 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, Bento Rocha will be the President and a Co-Director, Abel M. DaSilva will be the Treasurer and a Co-Director, Doris M. Ganilho will be the Secretary and a Co-Director, and Mario Sousa will be the Asst. Clerk and Co-Director. Upon approval, the license will be amended to include the 4,089 sq. ft., basement area, which will include a dining hall and bar area; as well as a kitchen, a walk-in cooler, two restrooms, and a member’s locker room. There will be two entrances/exits along with a stairway to the existing second floor area. **Ricardo Martins** will remain as **Manager**. Premises will remain the same at **249-253 Coggeshall Street**.

**Approved By ABCC – 08/21/18****1. Petition – Trans. # 00100-RS-0778– Plot # 137-A-67 (No Representation Required)**

**Ying Dynasty, LLC d/b/a Ying Dynasty, Ying Shang Zhao, Manager of LLC**, who is petitioning for a **Change of LLC Members of the Common Victualler (Restaurant) All Alcoholic Beverages license**. The petitioner is requesting that the resignation of Melanie Jiang as a LLC Member be accepted, and that their file be updated as follows. Upon approval, Ying Shang Zhao will remain as the Sole Manager and Interest Holder (100%) of the LLC and Shang X. Zhao will remain as a Sole Member of the LLC. **Shang X. Zhao** will also remain as **Manager on the Liquor License**. Premises will remain the same at **114-116 Nauset Street. Neither Advertisement nor Abutters Notification Required.**

**\*\*\*AWAITING DOR CERTIFICATE\*\*\*****2. Petition – 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 Co-Directors. Premises will remain the same at **1792 Acushnet Avenue**.

*Neither Advertisement nor Abutters Notification Required.*

**3. Petition – Tr. # 00109 – GP-0778– Plot # 19—53 (No Representation Required)**

**United Fishermen Club, Inc., Manuel Gil, (new) President**, who is petitioning for a **Change of Officers and Directors 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 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, Manuel Gil will be the President, Treasurer, and a Co-Director, Mark I. Custodio will be the Vice-President and a Co-Director, Antonio Alfonso will be the Secretary and a Co-Director, and Jose Lima will be President of the General Assembly and a Co-Director. **Mark Custodio** will remain the **Manager** and the premises will remain the same at **639 Orchard Street**.

*Neither Advertisement nor Abutters Notification Required.*

\*\*\* AWAITING DOR CERTIFICATE\*\*\*

**4. Petition – Tr. # 00029-CL-0778– Plot # 99—132 (No Representation Required)**

**Casa Do Benfica No. 27, Inc., Joao D. Vieira, (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, Joao D. Vieira will be the President, Franco M. Vieira will be the Vice-President, Derek Fernandes will be the Treasurer, and Manuel S. Bernardo will be the Secretary; and Vasco DaSilva will be the Sole Director. Premises will remain the same at **1484 Acushnet Avenue**.

**5. Petition – Tr#00085-CL-0778– Plot # 106—185 (No Representation Required)**

**Portuguese American Athletic Club of Greater New Bedford, Inc., Rosangela (Rosie) Ribeiro (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, Rosangela (Rosie) Ribeiro will be the President, Domingos Adao will be the Vice-President, Jose Ribeiro will be the Treasurer, and Albertino DeSousa will be the Secretary; and Arlindo Moura, Luciano Rodrigues, Jose Ferreira, and Marcel Vieira will all be Co-Directors. Premises will remain the same at **56 Holly Street**.

**6. Petition – Tr#00230-CL-0778– Plot # 116--7 (No Representation Required) – "LATE"**

**Irmandade do Divino Espirito Santo Do Pico, Inc., Fernando Lima, President**, who is petitioning for a **Change of Officers and Directors of the Club All Alcoholic Beverages license**. The petitioner is requesting that the current slate of Officers and Directors currently on file with the Alcoholic Beverages Control Commission be amended and be updated as follows, per the Commission's directive of 09/30/14 regarding "Club" licenses. Upon approval, Fernando Lima will remain as the President and a Co-Director, Manuel Sequeira will be the (new) Vice-President and a Co-Director, Maria L. Lemos will remain as the Treasurer and a Co-Director, Fatima DaFonte will remain as the Secretary and a Co-Director, Alda Oliveira will be Asst. Clerk and Co-Director, and Jose Xavier will be the (new) Asst. Treasurer and Co-Director; and Almerinda Costa, Maria Neves, and Margarida Sequeira (new) will all be Co-Directors, as well. Premises will remain the same at 2056 Acushnet Avenue.

**7. Hearing: N. B. Lodge No. 914, Loyal Order of Moose, Inc. – "To Be Tabled To September Meeting"**

**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.

**8. Petition – Tr. #03857-RS-0778 – Plot # 106--4**

**Gloria Teixeira d/b/a Teixeira Bar & Grill, Gloria Teixeira, Sole Proprietor**, who is petitioning to **transfer a Common Victualler (Restaurant) All Alcoholic Beverages License to Yuen Shun Liu d/b/a China P.R. Chinese Food & Sports Bar, Sole Owner and Manager of the Liquor License**. The premises will remain the same as follows: The premises consists of one room approximately 3,153 sq. ft., which includes tables for dining and a horseshoe-style bar, a performer stage, kitchen area, and two (2) restrooms located in the front section of a one-story building. There is also a banquet/function room in the rear portion of the building, in an area approximately 4,448 sq. ft., which includes tables for dining, a service bar, an additional kitchen, storage area, two restrooms, and a performer stage; along with additional storage in the basement. The premises is situated on the east side of Acushnet Avenue between Tinkham Street and Nash Road, and includes two (2) entrances/exits in the front of the building onto Acushnet Avenue and one (1) entrance/exit in the parking lot on the south side of the building; along with one (1) additional entrance/exit into the parking lot from the banquet/function room, and one (1) additional entrance/exit to Nash Road from the banquet/function room; and will remain numbered **1686 Acushnet Avenue**.

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

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

**New Bedford Art Museum/Artworks!, Daniel Everton, Representative**, who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for an 'Art Opening Reception' to be held at the **New Bedford Art Museum**, located at **608 Pleasant Street**; and to be held on **Tuesday, August 7, 2018 from 5:00 p.m. until 6:00 p.m.**

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

**United Way of Greater New Bedford, Inc., Victoria Grasela, Representative**, who is requesting approval of an application for a **Special One-Day All Alcohol Beverages License** for a 'Campaign Kickoff' event to be held at the **DeMello International Center**, located at **128 Union Street**; and to be held on **Thursday, September 6, 2018, from 5:30 p.m. until 7:30 p.m.**

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

**Campbell School Playground Committee, Sandy Douglas, Representative**, who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for a 'Sgt. Gannon Memorial Playground Fundraiser, to be held within the **Madeira Field Pavilion Area**, located at **50 Madeira Avenue**; and to be held on **Saturday, September 8, 2018 from 6:00 p.m. until 11:45 p.m.**

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

**Rotch-Jones-Duff House, Kimberly Rioux, Representative**, who is requesting approval of an application for a **Special One-Day All Alcohol Beverages License** for a 'Garden Party' event to be held at the **Rotch-Jones-Duff House**, located at **396 County Street**; and to be held on **Saturday, September 8, 2018, from 6:00 p.m. until 9:00 p.m.**

**13. 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 "Barons of the Sea Lecture & Reception"; to be held at the **N.B. Whaling Museum**, located at **18 Johnny Cake Hill**; and to be held on **Sunday, September 9, 2018, from 3:00 p.m. until**

7:00 p.m.

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

**W.H.A.L.E (Waterfront Historic Area League, Inc.), Aaron Dougherty, Membership and Events Manager**, who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for a “Wine Soiree Fundraiser”, to be held at the **Co-Creative Center**, located at **137 Union Street**; and to be held on **Friday, September 14, 2018 from 5:30 p.m. until 8:30 p.m.**

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

**Acushnet Veterans Memorial Committee, Thomas J. DaCosta, Representative**, who is requesting approval of an application for a **Special One-Day Wine & Malt Only Beverages License** for an ‘Adam Taylor Foundation Fundraiser’ to be held within the **Madeira Field Pavilion Area**, located at **50 Madeira Avenue**; and to be held on **Sunday, September 16, 2018, from 1:30 p.m. until 5:30 p.m. (Final approval will require a copy of the Police Detail Contract)**

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

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

**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 “Mis New Bedford Farewell Reception”; to be held at the **N.B. Whaling Museum**, located at **18 Johnny Cake Hill**; and to be held on **Sunday, September 19, 2018, from 6:00 p.m. until 9:00 p.m.**

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

**Do It For Dave Committee, Ossie, Representative**, who is requesting approval of an application for a **Special One-Day Wine & Malt Only Beverages License** for a ‘Cancer Benefit for David Lavoie’ to be held within the **Madeira Field Pavilion Area**, located at **50 Madeira Avenue**; and to be held on **Saturday, September 22, 2018, from 2:00 p.m. until 8:00 p.m.**

**18. 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 “Whaling Museum Reception”; to be held at the **N.B. Whaling Museum**, located at **18 Johnny Cake Hill**; and to be held on **Friday, September 28, 2018, from 6:00 p.m. until 7:00 p.m.**

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

**Buttonwood Park Zoological Society, Inc./Fun 107, Michelle Gomes, Representative**, who is requesting approval of an application for a **Special One-Day Wine & Malt Only Beverages License** for a ‘Tails & Taps Brew Festival’, to be held within the **Buttonwood Park Zoo**; and to be held on **Saturday, September 29, 2018, from 4:00 p.m. until 7:00 p.m. (Final approval will require Liquor Liability with the City of New Bedford named as additionally insured; along with a copy of the Police Detail Contract) - 21+ Event”** **\*\*NO CHANGES, AS PREVIOUSLY APPROVED\*\***

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

**New Bedford Whaling Museum, Jocelyn Nunes, Representative**, who is requesting approval of an application for a **Special One-Day All Alcoholic Beverages License** for a “Symphony Performance & Reception”; to be held at the **N.B. Whaling Museum**, located at **18 Johnny Cake Hill**; and to be held on **October 7, 2018, from 7:00 p.m. until 9:00 p.m.**

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

**South Coast Business Alliance, Kevin Trahan, Representative**, who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for their ‘12<sup>th</sup> Annual Oktoberfest Fundraiser’ to be held within the **New Bedford State Pier Building**, located at **93 State Pier**; and to be held on **Saturday, October 13, 2018 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)**

**\*\*NEW LOCATION – FROM STATE PIER TO CITY PIER 3\*\***

**22. 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 “Whaling Museum Reception”; to be held at the **N.B. Whaling Museum**, located at **18 Johnny Cake Hill**; and to be held on **Thursday, October 25, 2018, from 6:00 p.m. until 7:00 p.m.**

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

**Sanctum Folklorica, Jodie Ventura, Representative**, who is requesting approval of an application for a **Special One-Day All Alcohol Beverages License** for a 'Witch's Ball Benefit Dance' to be held at **Triworks**, located at **71 Eight Street**; and to be held on **Friday, October 26, 2018, from 7:00 p.m. until 11:45 p.m.**

**24. Hearing: Sapatinha's Café, Inc. d/b/a – "Surrendered License On 08/21/18"**  
**Smoke N Fishermen Seafood Restaurant & Bar (Euphoria Lounge)**  
**Mr. Jose G. Borges, Jr. Manager/Owner**  
**289 Acushnet Avenue**

**Re-Opened 04/10/17**

Your presence is requested at a hearing to determine whether you have violated certain provisions of M.G.L., ABCC Regulations, and/or Licensing Board Rules & Regulations. This hearing will focus on: (a) the control and operations of the licensed premises including the cooperation of staff; (b) the facts surrounding an incident that occurred at your establishment on Sunday, July 15, 2018 at 1:09 a.m. that resulted in the assault of a patron; and (c) the hindering or delaying of the investigation as well as their refusal to provide or to hide information from the police during their investigation.

**MGL Chapter 138, sections 63 & 63a-**

Agents of the local licensing authorities may enter a licensed premise at any time to ascertain the manner in which the business is being conducted; It is a violation to hinder, delay, refuse to provide information to or refuse to admit entrance to any ABCC investigator or authorized agent of the local licensing authority in the performance of his or her duty.

**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, on or about a licensed premises.

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

Excessive Noise, Crowds, and Objectionable Persons shall not be permitted on or about the premises; Premises must at all times be kept safe; there shall be no disorder on the premises or areas connected therein.

The Board will hear testimony and decide whether you have violated the above regulations and based on the Board's findings may revoke, suspend or reduce your hours of operation.

**Police Report # 18-8812 OF.**

The Board is also requesting an updated business plan specifically addressing your operations as well as your intentions in opening the kitchen. The Board would like to hear your plans for the installation of signage. **Please fill in and submit 5 copies of the attached 'Business Plan' to the Board at said meeting.**

**25. 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 M.G.L., ABCC Regulations, and/or Licensing Board Rules & Regulations. This hearing will focus on: (a) the control and operations of the licensed premises including the cooperation of staff; (b) the facts surrounding two incidents that occurred on or about your establishment on Monday, June 25, 2018 (3:05 a.m.) and the other on Sunday, July 22, 2018 (1:31 a.m.); (c) the continual complaints of late night disturbances and (d) the hindering or delaying of the investigation as well as your refusal to provide or to hide information from the police during their investigation.

**MGL Chapter 138, sections 63 & 63a-**

Agents of the local licensing authorities may enter a licensed premise at any time to ascertain the manner in which the business is being conducted; It is a violation to hinder, delay, refuse to provide information to or refuse to admit entrance to any ABCC investigator or authorized agent of the local licensing authority in the performance of his or her duty.

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The Board will hear testimony and decide whether you have violated the above regulations and based on the Board's findings may revoke, suspend or reduce your hours of operation.

**Police Report # 18-7837-OF/**

**Police Report # 18-2237-OF**

**Police Report # 18-10179- OF Additional Report Filed on 08/19/18**

- **CORRESPONDENCE**

**From: Atty. Phillip H. Beauregard**

**Dated –08/10/18 Received – 08/13/18**

**Re: Brothers Arsenault, Inc.**

**11 William Street.**

A written letter of intent to apply for an existing Wine & Malt license for the aforementioned business at the aforementioned address, once they get all their documents in order, including working out an agreement with the landlord of the property.

- **COMPLAINTS RECEIVED:**

--NONE--

- **DOWNTOWN DISTURBANCES**

**Saturday, 7/28**

- **1:10 a.m.**– Disturbance suppressed outside lower Union St bar — large crowd refusing to move and threatening bouncer. Female told investigating police she had been punched and pocketbook taken while part of crowd.

**Call #18-85090 – Slainte** - Crowd estimated at 20 – 30 people.

Male showed up at police station following day to report he had been “sucker punched” at Slainte. Don’t know whether this was part of the incident above or not.

**Saturday, 7/28**

- **1:25 a.m.** – Disturbance suppressed outside Union St bar. Male charged with disorderly conduct for refusing to leave at request of police.

**Call #18-85098 – The Garden**

**Friday, 8/3**

- **1:18 a.m.** – Disturbance suppressed outside lower Union St bar.

Call #18-87847 — Slainte - Other

**Saturday 8/4**

- **1:25 a.m.** – Disturbance suppressed outside Purchase St bar — large group fighting.

Call #18-88319 — Greasy Luck - See below.

Sunday, 8/5

- 1:39 a.m.— Five people arrested after fight outside Purchase St bar. Charges included disorderly conduct, interfering with a police officer, resisting arrest, and possession of drugs.

Call #18-88691 — Greasy Luck - See below.

According to John Lobo, both Greasy Luck incidents were caused by people who had left the Feast when it closed. He tells me that on at least one of the two occasions, Greasy Luck closed early because of the rowdiness.

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

<u>NAME</u>	<u>POLICE REPORT#</u>	<u>DATE</u>	<u>VIOLATION</u>
1. The Garden/Slainte	#18-2320-AR	07/28/18	Patron Assaulted/Underage Patron (19 Yrs. Old) (Approximate Time of Violation 1:25 a.m.)
2. Slainte Irish Pub	#18-9455-OF	07/28/18	Patron Assaulted/Phone & Wallet Stolen (Approximate Time of Violation 1:11 a.m.)
3. Greasy Luck Brewery	#18-2416-AR	08/05/18	Disturbance/Multiple Fights/Patron Arrested – Disorderly Conduct Wallet Stolen (Approximate Time of Violation 1:39 a.m.)

- **Upcoming Summer Events & Festivals (For Review Only)**

- 13<sup>th</sup> Annual N. B. Seaport Chowder Festival – Sept. 24<sup>th</sup> - **Licenses Applied For – Extended Hours**

- **NEXT TWO MEETING DATES: September 24<sup>th</sup> & October 22<sup>nd</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.