

**PRESENT:** Steven A. Beauregard, Chairman

Marcelino “Sonny” G. Almeida, Commissioner

Edmund F. Craig, Jr., Commissioner

Atty. Kreg Espinola, Asst. City Solicitor

Lt. Joao Chaves, Police Department Liaison to the Lic. Bd.

Nick Nanopoulos, Director

**APPROVALS RECEIVED FROM THE ALCOHOLIC BEVERAGES CONTROL COMMISSION:****Transfer of License - Trans. # 03227-RS-0778 (Old # 00137-RS-0778) – Plot # 50--34**

**JAKIBRI, LLC d/b/a Kirby’s Irish Pub, Jason Kirby, Co-Manager of LLC**, who is petitioning to **Transfer a Common Victualler (Restaurant) All Alcoholic Beverages License to Ground Breakers, LLC d/b/a Doug’s Sports Lounge**. Upon approval, Douglas Grace will be the Sole Member, Sole Manager, and Sole-Interest Holder (100 %) of the LLC; and **Douglas Grace** is also the **Proposed Manager of the Liquor License**. The premises consists of one (1) room on the first floor of a street level building, which includes a bar area , with a 5’ X 12’ stage area , two (2) restrooms ,and an office/storage room; all within an area approximately 1,409 sq. ft. There will also be an additional storage area in the basement. There is an entrance/exit in front of the building onto Kempton Street, along with an entrance/exit into the parking lot located at the rear of the building. The premise is situated on the south side of Kempton Street between Rockdale Avenue and Palmer Street, and will remain the same at **818 Kempton 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 – 04/12/17****Change Of Officers, Directors, & Manager - Trans. # 00095-CL-0778– Plot # 106--137**

**Clube Ponta Delgada, Inc., Eric Stephens, President**, who is petitioning for a **Change of Officers, Directors, and Manager 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, Eric Stephens will remain as the President, Alan Mello will remain as the Vice-President, Kristen Jennifer Stephens will be the (New) Treasurer, and Christine Brennan will be the (New) Secretary; and Robert Mello, Randall Machado (New), and Edward Greenwood (New) will all be Co-Directors. The ‘Club’ is also requesting the approval of **Kristen Jennifer Stephens.**, who resides at **27 Nelson Street, N.B., MA. as their New Manager**. Premises will remain the same at **61-65 Madeira Avenue**.

*(No Advertisement nor Abutters Notification Required)***Approved By ABCC – 04/18/17****Change of Manager- Trans. #00077-RS-0778 – Plot # 53--195**

**The Pequod, Inc. d/b/a Rose Alley Ale House, 94 Front Street**, is requesting the approval of **Ryan K. Rapoza**, who resides at **153 Davis Road, Westport, MA. as their new manager**.

**Approved By ABCC – 04/19/17****Change of Description (Addition of New Room) - Trans. #00149-RS-0778– Plot # 47--38 & 47--39**

**Cork County, Inc. d/b/a Slainte Irish Pub & Grille, Barry M. Flynn, Co-Director, located at 34 Union Street**, who is requesting permission to **Change the Description of the Common Victualler (Restaurant) All Alcoholic Beverages licensed premises** to include an additional room with a service bar that is contiguous to the licensed premise. The additional room, which is approximately 1872 sq. ft., is located on the first floor of the adjacent three story building and is numbered 44 Union Street, will have a direct entrance/exit into 34 Union Street; and will be used as a function hall and for additional dining. The licensed premise shall now be numbered **34-44 Union Street**.

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

*Application has been advertised; Abutters have been notified.***Approved By ABCC – 04/12/17****VOTED:** To accept the approvals from the ABCC and place them on file. – **Unanimous**

### **1. PETITION - Trans. #00151-RS-0778 – Plot # 53--198**

**Cultivator Shoals, Inc. d/b/a Cultivator, Jason P. Lanagan, President**, who is petitioning to **Change the Description of the Common Victualler (Restaurant) All Alcoholic Beverages license** to include an outdoor patio area approximately 378 sq. ft. (14' X 27') to be used as a 'Sidewalk Café', which will be enclosed with a 42" high wooden fence & planters, and will be used for **seated dining purposes only**. The enclosed area, which will include Five (5) tables for the seating of Twenty-Eight (28) patrons, will be located on the south side (front) of the building, which is contiguous to the licensed premises. **The Combined Maximum Occupancy for Both Inside and Outside Will Not Exceed Thirty-Four (34) People**. The proposed outdoor area **will only be accessible** by way of an entrance/exit on the west side of the enclosed area in the front of the building, and will be accessible by 'Hostess Seating' only; the area will also be monitored by the hostess and waitstaff at all times. The proposed hours of operation are **daily from 11:00 a.m. until 10:00 p.m., at which time all outdoor activity must cease, and shall be in effect from May 1<sup>ST</sup> through October 30<sup>th</sup>**, in accordance, and as specified in the City of New Bedford Sidewalk Café Permit Ordinance. (Ord. Ch. 15, Article VI, sec. 15-100 (B) (Item #'s 8 & 15). The licensed premises will remain numbered **35 Union Street**. *Application has been advertised; Abutters have been notified.*

**Present: Jason P. Lanagan, Owner**

Responding to questions from Commissioner Almeida, Mr. Lanagan stated that they requested approval for sidewalk seating for outdoor dining.

When asked by Commissioner Craig as to the construction of the enclosure that will be used, Mr. Lanagan stated that it will be made of cedar fencing as well as planters.

**Voted:** On a motion by Commissioner Almeida, the Board **voted unanimously, to approve the petition as presented** and to forward the application to the Alcoholic Beverages Control Commission for their approval.

### **2. PETITION - Trans. # 02680-GP-0778– Plot # 119--13 (No Representation Required)**

**Jere A. Espejo d/b/a Shooters Pub, Jere A. Espejo, Sole Owner (Individual)**, who is requesting a **Change of the Legal Structure of the General on Premise Wine & Malt Only Beverages license to Shooter's Pub, Inc.(Corporation); and a Change of Beneficial Interest from an Individual to a Corporation**. Upon approval, Jere A. Espejo will be the President, Treasurer, Secretary, Sole Director, and Sole Stockholder (100 %); and **Jere A. Espejo** will remain as the **Manager**. Premise will remain the same at **2112 Acushnet Avenue**.

**(No Advertisement nor Abutters Notification Required)**

Mr. Nanopoulos informed the Board that the owner of the liquor license was simply changing from an individual to a corporation, and that Ms. Espejo will be the sole member and stockholder of the corporation, and that it was an administrative change that did not require any representation.

**Voted:** On a motion by Commissioner Almeida, the Board **voted unanimously, to approve the petition as presented** and to forward the application to the Alcoholic Beverages Control Commission for their approval.

### **3. PETITION - Trans. # 00118-RS-0778– Plot # 47-45-A (No Representation Required)**

**Zeiterion Theatre, Inc. Peter Hughes, President**, who is petitioning for a **Change of Officers and Directors 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, Peter Hughes will be the President and Co-Director, Martha Worley will be the Vice-President and Co-Director, Jessica Platt will be the Treasurer and Co-Director, and Gail Davidson will be the Clerk and a Co- Director. No change in Stock Interest (Non-Profit). **Justin T. LaCroix** will remain as Manager. Premises will remain the same at 684-686 Purchase Street.

**(No Advertisement nor Abutters Notification Required)**

Mr. Nanopoulos informed the Board that this was just simply a yearly change of officers and directors of the corporation, and that it was an administrative change that did not require any representation.

**Voted:** On a motion by Commissioner Almeida, the Board **voted unanimously, to approve the petition as presented** and to forward the application to the Alcoholic Beverages Control Commission for their approval.

### **4. APPLICATION, Representation Required**

**Food Truck Festivals of America/City of New Bedford, Paige Grinnell, Representative**, who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for the '1<sup>st</sup> Annual New Bedford Food Truck Festival' to be held at **Fort Taber Park on the Great Lawn**; and to be held on **Saturday, July 15, 2017, from 11:00 p.m. until 5:00 p.m. (Last Call at 4:30 p.m.)**. \*\*\* Security Plan has been submitted\*\*\*

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

**Present: Ann Marie Aigner, Event Representative along with Brian Nobrega, Park Board Representative**

Responding to questions from Chairman Beauregard, Mr. Nobrega stated that the event was being held in co-ordination with the City of New Bedford Tourism Office and the Park Department, as well as being a co-sponsored event with the City of New Bedford.

When asked by Chairman Beauregard to describe the event a little bit and address as to how the event will be laid out on the outer fort, Ms. Aigner responded, it's an event open to the public which will feature twenty-five (25) food trucks along with some craft beer breweries which will be offering a couple of their beers.

Chairman Beauregard asked Ms. Aigner to describe how the alcohol would be served and controlled within the "festival area", since that's what this Board would be approving tonight.

Ms. Aigner reviewed the plans with the Board, which basically were the same plans that were used for the "Son of a Beach Festival", which was held the year prior and were furnished by the Park Board.

Ms. Aigner went on to state, I.D.'s will be checked and wristbands will be issued to those 21 and over ... and that the I.D. checks will be done by a professional I.D. Checking service (Tony's Pro Bartending) at the gate when they come in ... they will be selling beer tickets ... and all the servers will be T.I.P.S. Certified from each distributor ... and that there would be minimal entertainment ... adding, this is primarily a food event more than anything else ... there will probably be a radio station there broadcasting ... and those purchasing beer will be able to walk around the entire enclosed area where the food trucks will be set up.

Mr. Nobrega then reviewed the enclosed area with the Board and stated that there would be several police details.

**Voted:** On a motion by Commissioner Almeida, the Board **voted unanimously to approve the application as presented.**

**VOTED:** Commissioner Almeida made a motion to take up **Item #'s 5 – 19** at one time; waive reading; and approve the applications as presented – **Unanimous**

#### **5. APPLICATION, (No Representation Required)**

**New Bedford Yacht Club, Andrew Gerbutavich, Representative**, who is requesting approval of an application for a **Special One-Day Wine & Malt Only Beverages License** for a "Gallery Showing"; to be held at the **New Bedford Whaling Museum**, located at **18 Johnny Cake Hill**; and to be held on **Thursday, April 27, 2017, from 5:00 p.m. until 8:00 p.m.**

#### **6. APPLICATION, (No Representation Required)**

**New Bedford Whaling Museum, Joclyne Nunes, Representative**, who is requesting approval of an application for a **Special One-Day Wine & Malt Only Beverages License** for a "Gallery Opening"; to be held at the **New Bedford Whaling Museum**, located at **18 Johnny Cake Hill**; and to be held on **Tuesday, May 2, 2017, from 6:00 p.m. until 8:00 p.m.**

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

**New Bedford Whaling Museum, Joclyne Nunes, Representative**, who is requesting approval of an application for a **Special One-Day Wine & Malt Only Beverages License** for a "Book Launch"; to be held at the **New Bedford Whaling Museum**, located at **18 Johnny Cake Hill**; and to be held on **Wednesday, May 10, 2017, from 6:00 p.m. until 8:00 p.m.**

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

**New Bedford Whaling Museum, Joclyne Nunes, Representative**, who is requesting approval of an application for a **Special One-Day All Alcoholic Beverages License** for a "Banquet/Scrimshaw Weekend" to be held at the **New Bedford Whaling Museum**, located at **18 Johnny Cake Hill**; and to be held on **Friday, May 12, 2017, from 5:30 p.m. until 7:00 p.m.**

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

**New Bedford Whaling Museum, Joclyne Nunes, Representative**, who is requesting approval of an application for a **Special One-Day Wine & Malt Only Beverages License** for a "Fundraiser"; to be held at the **New Bedford Whaling Museum**, located at **18 Johnny Cake Hill**; and to be held on **Thursday, May 25, 2017, from 7:00 p.m. until 9:00 p.m.**

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

**Ribeiro Brothers, LLC d/b/a Pour Farm Tavern, Noah Griffith, Manager**, who is requesting approval of an application for a **Special One Day All Alcoholic Beverages License** for a '6<sup>th</sup> Annual Whaling City Motorcycle Club Ride Fundraiser', to be held **within Wing's Court**; and to be held on **Sunday, May 28, 2017, from 1:00 p.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\*\*\**

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

**Community Boating Center, Mary Ellen DeFrias, Representative**, who is requesting approval of an application for a **Special One Day All Alcoholic Beverages License**, for an ‘Opening of the Bay Fundraiser’ to be held in **Fort Taber Park – Under a Tent**; and to be held on **Saturday, June 3, 2017, from 6:00 p.m. until 11:00 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\*\**

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

**TJA Foundation, John Saunders, Representative**, who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for a ‘Bike Run to Benefit Trevor & Jordan Alves’ to be held at the **Madeira Field – Main Pavilion Area**, located on **Madeira Avenue**; and to be held on **Sunday, June 4, 2017 from 12:00 p.m. until 6:00 p.m.**

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

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

**Prince Henry Society, William Viveiros, Representative**, who is requesting approval of an application for a **Special One-Day Wine & Malt Only Beverages License** for their ‘General Meeting Event’ to be held within the **Madeira Field Pavilion Area**, located at **50 Madeira Avenue**; and to be held on **Tuesday, June 6, 2017, from 6:00 p.m. until 9:00 p.m.**

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

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

**New Bedford Whaling Museum, Joclyne Nunes, Representative**, who is requesting approval of an application for a **Special One-Day Wine & Malt Only Beverages License** for a “Gallery Opening”; to be held at the **New Bedford Whaling Museum**, located at **18 Johnny Cake Hill**; and to be held on **Thursday, June 8, 2017, from 6:00 p.m. until 8:00 p.m.**

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

**Your Theatre, Inc., Eric Paradis, Representative** who is requesting approval of an application for a **Special One Day All Alcoholic Beverages License** for the ‘New Bedford Jazz Fest 2017’ to be held on **Pier 3**, and to be held on **Saturday, June 10, 2017 from 2:00 p.m. until 7:00 p.m.** *(Final approval will require Liquor Liability with the City named as additionally insured, and a copy of the Police Detail Contract) \*\*NO CHANGES, AS PREVIOUSLY APPROVED\*\**

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

**Community Boating Center, Mary Ellen DeFrias, Representative**, who is requesting approval of an application for a **Special One Day Wine & Malt Only Alcoholic Beverages License**, for a ‘Club 505 Regatta’ to be held in the **Low Tide Yacht Club** located at **Fort Taber Park**; and to be held on **Wednesday, June 14<sup>th</sup>, Thursday, June 15<sup>th</sup>, Friday, June 16<sup>th</sup>, Saturday, June 17<sup>th</sup>, & Sunday, June 18<sup>th</sup>, 2017, from 3:00 p.m. until 5:00 p.m. each day (5).**

*(Final approval will require Liquor Liability with the City named as additionally insured, Police Detail Not Required per Park Board) \*\*NO CHANGES, AS PREVIOUSLY APPROVED\*\**

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

**The Schwartz Center for Children, Beatrice Oliveira, Representative**, who is requesting approval of an application for a **Special One Day All Alcoholic Beverages License** for a ‘Fishing for a Cause Tournament Fundraiser’ to be held at **Marine Park on Pope’s Island (under a tent)**; and to be held on **Saturday, June 24, 2017, from 5:00 p.m. until 10:00 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\*\**

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

**Irmandade Do Divino Espirito Santo Do Pico, Inc., Manuel Da Fonte, Representative**, who is requesting approval of an application for a **Special One-Day All Alcoholic Beverage License** for a ‘Fundraiser/Summer Festival’ celebration to be held in the **Association Parking Lot**, located at **2056 Acushnet Avenue**; and to be held **Friday, June 23, 2017, from 5:00 p.m. until 11:00 p.m., Saturday, June 24, 2017, from 4:00 p.m. until 11:00 p.m., and Sunday, June 25, 2017, from 12:00 p.m. until 10:00 p.m.** *(Final approval will require a copy of the Police Detail Contract)*

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

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

**New Bedford Whaling Museum, Joclyne Nunes, Representative**, who is requesting approval of an application for a **Special One-Day All Alcoholic Beverages License** for a “Gallery Opening”; to be held at the **New Bedford Whaling Museum**, located at **18 Johnny Cake Hill**; and to be held on **Friday, July 7, 2017, from 6:00 p.m. until 8:00 p.m.**

*Tabled On 11/21/16*

**20. Hearing: Ramon D. Silva Enterprises, LLC d/b/a "Union City"**

**Mr. Ramon D. Silva, Owner**  
**248-250 Union Street**

**Closed 11/16/15 – Licensee Decision**

**Prior Renewal Hearings: (4)**

Your presence is respectfully requested at a hearing to be held in this office, **City Hall, Room 314, on Monday evening, March 27, 2017 at 7:00 p.m.**, to determine the status of your annual liquor license for the year 2017.

If warranted, the Board may cancel the license of any license holder who "ceases to conduct the licensed business" that is, *any license holder who closes the business or stops doing business*. Licensees should be conducting the licensed business on all days authorized by the license. Any licensee that does not comply with its obligation to conduct the licensed business and holds a so-called "pocket License" is subject to possible action by the Board.

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

**11/21/17 Decision**

**Present: Ramon Silva, Licensee**

Mr. Nanopoulos informed Mr. Silva that although he renewed his license online, he was still required to come into the office with the required documents to renew his license on the local level.

Responding to questions from Chairman Beauregard, Mr. Silva stated that he had someone who was going to buy the license and rent the space but it's my understanding that the transaction fell apart because of the rent; adding that he was not a party to that portion of the deal, which was handled by Mr. Rockett with whom he's had no contact with regarding the renting of the space. Mr. Silva stated that if the license is not sold by February 1, 2017, he would work on moving it somewhere else.

When asked by Chairman Beauregard if he had a Pledge on it to keep the license at that location, Mr. Silva stated that he holds a pledge on it but not specifically to keep it at that site.

When asked by Chairman Beauregard, so you can't do anything with that license unless he signs off on it? To which Mr. Silva responded, right, and I've tried to reach his Attorney ... Jay Peabody doesn't represent him any more ... so we haven't been able to contact him.

Mr. Nanopoulos informed the Board that Mr. Rockett has no rights to the license unless he forecloses on the license through the court.

Mr. Silva responded, my plan is ... if he doesn't allow me to get rid of the pledge ... or if he doesn't work out a deal with somebody for that space by January ... I've already spoken to a couple of other property owners about moving it on my own ... and doing something else with it.

Chairman Beauregard responded, I would strongly suggest that you do that sooner rather than later, I think we've given you more than ample opportunity to use your license at this location.

Mr. Silva responded by stating, I've already had preliminary conversations with a landlord that's renovating the building about potentially moving into a space this spring.

Chairman Beauregard responded, I would strongly suggest that you pursue that rather quickly.

Mr. Nanopoulos informed Mr. Silva that he should try getting in touch with Carol Robinson, who takes care of Mr. Rockett's affairs, and suggested that he call the office in the morning to get the number.

**Voted:** On a motion by Commissioner Almeida, the Board **voted unanimously to table the matter until this Board's March 27, 2017 meeting.**

**If an application for transfer is submitted by March 27, 2017, you will not be required to appear as notified.**

Please Be Advised that failure to appear before this Board as requested will result in the "Automatic Revocation" of your Common Victualler All Alcoholic Beverages License.

**Minutes of 03/27/17**

**Licensee did not appear as requested.**

**Present: Ramon Silva, Licensee**

Responding to questions from Chairman Beauregard, Mr. Silva stated that he had been in negotiations with someone to sell the license but the deal kind of fell apart because he felt that there may have been a conflict of interest as a result of his position he has with the city, so he terminated those negotiations. Mr. Silva went on to state that he's spoken to a property owner downtown and that he expected to submit an application next month (May) to change the corporate structure from an LLC to a corporation and transfer the license to a new location downtown.

When asked by Chairman Beauregard if he was going to use the license himself physically, Mr. Silva replied, “yes”. When asked by Chairman as to when he would be submitting the application, Mr. Silva responded, he should have the application submitted by the middle of next month as long as he could have the lease worked out by then, which hopefully would be done in time to make next month’s agenda.

Mr. Nanopoulos informed the Board that the application would have to be submitted by May 5<sup>th</sup> for the May 22<sup>nd</sup> meeting, adding that the application should be submitted as a full transfer.

Chairman Beauregard suggested that the matter be tabled to the June meeting to give Mr. Silva ample time to submit the application.

Mr. Nanopoulos instructed Mr. Silva to give him a call to set up an appointment and that he would assist him in getting the application started, as well as giving him a list of what documents he would need to complete the application.

**VOTED:** On a motion by Commissioner Almeida the Board voted unanimously to **table the matter until the Board’s June 26, 2017 meeting.** – **Unanimous**

**21. Meeting: Atty. Christopher R. Whittingham**  
**15 Hamilton Street**

Re: Lebanese Kitchen License #00158-RS-0778

**Closed 07/12/14 – Renovations (Fire)**

Your presence is respectfully requested at the meeting to determine your plans for a currently inactive Common Victualler (Restaurant) Wine & Malt Only license, for which you’ve signed a Purchase and Sale Agreement in order to purchase the liquor license only.

At this meeting, please be prepared to update the Board as to when you plan to submit an application for transfer and to what location; as well as a planned opening date; or if you’ve decided not to finish the process with regard to this license.

**Present: Atty. Christopher A. Whittingham along with Jean Palazzo, Applicants**

Prior to the start of the meeting on this matter, Atty. Espinola informed the Chairman that he had a conflict of interest on this matter and stepped out of the room.

Responding to questions from Chairman Beauregard, Atty. Whittingham stated that he was in the process of finalizing a lease to move a Wine & Malt license to a new location at 37 Union Street; and that he planned to keep the license and operate the premises himself as a high end roast beef and sandwich shop.

Atty. Whittingham stated that he hoped to have the lease finalized and an application submitted in time for the June meeting.

Chairman Beauregard informed Atty. Whittingham that there was currently another license issued for that location and that another license cannot be moved to that location until such a time that license is transferred out of that location or if both applications are submitted simultaneously for approval.

Mr. Nanopoulos informed the Board that he received a call from Atty. Johnna Tierney earlier in the day in which she informed me that the license currently issued to Pier 37 was being purchased by Mr. Lafrance and would be transferred to the old National Club building, which he has or would be purchasing; and that she was looking to complete the application in time for the May meeting.

Atty. Whittingham stated that he would not have all the necessary paperwork ready for the May meeting but he thought he would have the application complete in time for the June meeting.

Mr. Nanopoulos informed the Board that the application would have to be submitted by June 9<sup>th</sup> for the June 26<sup>th</sup> meeting, added that the application should be submitted as a full transfer.

Mr. Nanopoulos instructed Atty. Whittingham to give him a call to set up an appointment and that he would assist him in getting the application started, as well as giving him a list of what documents he would need to complete the application.

**VOTED:** On a motion by Commissioner Almeida the Board voted unanimously to **table the matter until the Board’s June 26, 2017 meeting.** – **Unanimous**

**22. Meeting: Dia De Portugal Committee**  
**Mr. Carlos Pinhancos, President**

Your presence is requested at a meeting to be held in this office to discuss any concerns the Board may have **regarding security and enforcement of Licensing Board & ABCC Rules & Regulations** concerning the ‘Day of Portugal’ weekend, the meeting will include Lt. Joao Chaves, Liaison to the Licensing Bd.

Also, we respectfully request you submit a 'Security Plan', along with a 'Vendor Map' to this office **by April 17, 2017**, which would address the following issues:

- Alcohol Service - # of Drinks/Cups
- I.D. Checks and the Issuance of Wristbands
- Flow and Control of Alcohol
- # Of Police Officers
- Hours of Operation - Starting Times/Closing Times/Last Call/etc.

With an eye to this year's event, this Board is looking forward to working with you and your committee, and we would hope you would continue the improvements that have been implemented over the past few years, and that you explore ways to improve on that plan, with regard to I. D. check's; and to address the issue of how the I.D. bracelets are issued.

We fully anticipate that this year's committee will work with us to help ensure that the 'Day of Portugal' event, which is very important to the Portuguese Community, the City of New Bedford, and to all that travel from afar to enjoy and partake in the celebration of the Portuguese heritage, remains a safe and enjoyable event for all.

Also, please be advised that this year's deadline for each individual to file an application and submit the licensing fee of **\$450.00** for a Special Three - Day Liquor license for this year's event, which is scheduled for Fri. – Sun. – June 9<sup>th</sup>, 10<sup>th</sup>, & 11<sup>th</sup>, is **Monday, May 15, 2017.**

As the committee has done in the past, **it would be greatly appreciated if you would supply this office with a list of those that will be participating in this year's event ASAP**, which should include the organization/ or business name, contact name, and phone #, so that this office can make sure that everyone applies in a timely manner.

The requirements will be the same as last year, which included that everyone will be required to apply for an **All-Alcoholic license for each of the days (3) for a total fee of \$450.00 (payment due w/application)**; also, so that there is uniformity among all participants, each license will be issued with the same hours and restrictions as follows:

- FRIDAY, JUNE 9<sup>th</sup> – 5:00 P.M. UNTIL 11:45 p.m.
- SATURDAY, JUNE 10<sup>th</sup> – 12:00 P.M. UNTIL 11:45 p.m.
- SUNDAY, JUNE 11<sup>th</sup> – 12:00 P.M. UNTIL 10:00 p.m.

**NOTE:** Only holders of Special One Day Licenses are allowed to serve alcohol in plastic cups from either booths set up along Acushnet Avenue or from inside licensed premises, *which must be consumed within the confined area of the festival* – Steven A. Beauregard, Chairman – N.B. Licensing Board.

## **NO BOTTLES OR DRINK GLASSES ARE ALLOWED ONTO THE STREET**

### **ALL DRINKS ON THE STREET MUST BE IN PLASTIC CUPS**

**Present:** *Carlos Pinhancos, Feast President along with Dulce Matos, Vice-President and Angela Amaral, Advisor*

Responding to questions from Chairman Beauregard, Mr. Pinhancos stated, we've made a few changes planned for this year's event by downsizing in an attempt to try to control our costs... so we've eliminated one stage, which will leave one stage at the corner of Holly and Acushnet Avenue ... and the other is we're cutting down on the number of liquor vendors ... so right now we've got five locations ... not eight as we normally do ... adding that it would be Cafe Europa, Cafe Portugal, Adriana's Mexican Restaurant, Mi Antojo Mexican Restaurant, and our two booths (Day of Portugal Committee) ... and we may even cut our booths down to one ... but we have not made that decision as of yet.

When asked by Chairman Beauregard if they've met with the Police Department with regard to police details, Mr. Pinhancos replied, we're meeting with them tomorrow; adding, by shrinking the area down, we're trying to shrink that cost down as well.

When asked by Chairman Beauregard if the attendance has stayed relatively the same, Mr. Pinhancos stated that the attendance has dropped the past couple of years, so that's why we've cut it back this year as well.

When asked by Chairman Beauregard if the distances would be staying the same, Mr. Pinhancos stated that the distances would be staying the same but there wouldn't be anything in those blocks; he also stated that he hasn't heard from the church yet as to whether they would be doing anything but they usually wait to the last minute to inform us.

Mr. Pinhancos added, as far as changes ... that will be it ... our rules that we've submitted to you are pretty much as they have been in the past ... security plan is pretty much the same ... hours of operation are the same ... all the streets will be blocked off ... wristbands are still the same ... each vendor is responsible for checking I.D.'s and issuing wristbands. Mr. Nanopoulos informed the committee that the applications must be applied for by May 15<sup>th</sup> along with a check for \$450.00.

**ACTION TAKEN:** The Board unanimously approved the 'Security Plan; and the 'Changes' that were submitted.

**23. Hearing: Cork County, Inc. d/b/a Slainte Irish Pub & Grille**

**Mr. Barry W. Flynn, Manager**  
**34 Union Street**

**Your presence** and that of **Michael Tavares and Danny Furtado, Bouncers**, is requested at a hearing to determine whether you have violated certain provisions of M.G. L., ABCC Regulations, and Licensing Board Rules and Regulations. Based on their findings, the Licensing Board may take action to modify, suspend, revoke, or cancel your license. They are as follows:

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

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

**Licensing Board Regulation No. 10, 11, &12-**

Alcoholic Beverages shall not be served to a person who is or appears to be intoxicated; Objectionable persons shall not be permitted on or about the premises, and it is the responsibility of the Licensee to enforce this rule; Premises must be kept safe at all times.

**Summary of Incident Report #1**

Police Department Incident Report states that Officers were dispatched to a disturbance in the rear of Slainte Irish Pub on Commercial Street along with a report that there may be a fight in the front of the building, which required a response from multiple units.

Upon arrival there was a separate fight in the rear of Slainte. Upon dealing with that incident, the reporting officer went to the front of Slainte, where he was directed to a victim of an assault that occurred inside of Slainte. The victim identified himself as Michael Tavares who stated he was working as a bouncer that evening, and had a laceration to his forehead and was bleeding. When he was asked as to what had happened, he stated that there was a large fight involving 15 to 20 patrons inside the bar that were asked to leave by another bouncer. He stated that while escorting them outside, one of the patrons punched him two or three times in the face and fled.

Another bouncer, identified as Danny Furtado, was also assaulted after a patron was cut off by the bartender when he refused to leave the premises.

**Date and time of alleged violations: Sunday, March 19, 2017 @ approximately 1:09 a.m.**

**Police Report # 17-3087-OF**

**Summary of Incident Report #2**

Police Department Incident Report states that multiple units were dispatched to the area of Rte. 18 and Union Street for a large fight/physical altercation, which started at Slainte Irish Pub and spilled out on the sidewalk near the old National Club; which involved members of a wedding party and several of the bouncers from Slainte. The reporting officer stated that the altercation was over prior to his arrival but it was clear that there was a significant fight.

The officers observed several people on the sidewalk from the wedding party that were screaming and yelling; including two males who had ripped/un-tucked clothing and bumps/small cuts on them; along with another male who was transported to the hospital with a broken ankle. It was reported to the reporting officer that these males from the wedding party had been in a fight with the bouncers from Slainte. Several members of the wedding party were highly intoxicated. One of the medics on site informed the reporting officer that he recognized the "wedding party" from a call he went to earlier at another bar where one member had to be taken to the hospital because of a high level of intoxication; he also noted that the "wedding party" had been "causing problems" at the other bar as well.

The incident occurred when a heavily intoxicated member of the wedding party attempted to enter Slainte but was refused entry because of his level of intoxication and was asked to leave. According to a female witness who was the male patron, the door men from Slainte kicked the male patron out and as they were walking away down the sidewalk, several of the bouncers followed them and started assaulting the male patron they turned away. The female stated that she was also knocked to the ground by the bouncers during the altercation. When others from the wedding party saw the male involved in the altercation they began yelling and screaming and they too got into the brawl.

When the situation was under control, the officers made their way in to Slainte to speak to the bouncers. According to Mr. Furtado, who stated that he was the Head Doorman/Bouncer, stated that the male was the cause of the altercation as a result of his refusal to leave willingly after being told to do so; at which point they had to use force to get him out of the bar after he would not leave on his own accord. Mr. Furtado stated that during the initial confrontation that the male threatened him and grabbed him by the throat/neck; and that the altercation spilled outside where it worsened as others from the wedding party got



involved. According to Mr. Furtado, he and his bouncers were defending themselves against the attack.

According to a female witness, she pointed to Mr. Furtado and Mr. Tavares as the two more aggressive bouncers in the fight/altercation. The officers noted that none of the bouncers appeared to be injured.

The Reporting officers also noted in their report that there have been several unrelated altercations at Slainte Irish Pub in the near past; adding that on the same evening a male with a firearm in his possession had been arrested. He also stated that there was another large fight the prior weekend.

The bouncers assured the reporting officer that they have a pat-down/frisk policy on everyone as a precaution in an attempt to curb violent altercations.

**Date and time of alleged violations: Sunday, March 26, 2017 @ approximately 1:30 a.m.**

**Police Report #17-3382-OF**

Please be advised, failure to appear at this meeting will result in immediate suspension of your liquor license until this matter is resolved.

**Present: Barry Flynn, Licensee along with Danny Furtado and Michael Tavares, Doormen; Lt. Joao Chaves, Police Department Liaison to the Lic. Bd. along with Officers Michael Dane and Jeremy Dellecese, Reporting Officers**

As a result of the hearing, of which an audio version is on file; the Board, on a motion by Commissioner Almeida, **voted unanimously to receive the report and place it on file.**

**The following written decision in part was issued to the licensee on 04/03/17.**

Per your recent hearing regarding violations of Alcoholic Beverages Control Commission Regulation 204 CMR 2.05 (2) and Licensing Board Regulations 10, 11, & 12- on complaints reported to this Board by the New Bedford Police Department, the Board, based on the testimony presented by the Officers and discussing the matter in detail with you, **voted unanimously not to take any action at this time with a warning that there must be a proper level of security at all times to ensure the safety of your staff and your patrons; as well as to ensure that disturbances or altercations do not occur.**

This office once again reminds you of the following ABCC Rules and Regulations and Licensing Board Rules & Regulations:

**Alcoholic Beverages Control Commission 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. 10, 11, & 12-**

Alcoholic beverages shall not be served to a person who is or appears to be intoxicated; Excessive Noise, Crowds, and Objectionable Persons shall not be permitted on or about the premises. It is the responsibility of the Licensee to enforce this rule; Premises must at all times be kept safe....

- **CORRESPONDENCE**

**From: Atty. Joseph P. Fingliss, Jr.**

**Dated – 04/12/17 Received – 04/18/17**

**Re: Quick Stop Convenience, Inc.**

**2344 Acushnet Avenue**

Please accept this correspondence as our client's NOTICE OF APPEAL from the decision of the New Bedford Licensing Board dated April 1, 2017 as being both arbitrary and capricious, and an abuse of power.

**ACTION TAKEN:** Received & Placed on File.

- **COMPLAINTS RECEIVED:**

---NONE--

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

<u>NAME</u>	<u>POLICE REPORT#</u>	<u>DATE</u>	<u>VIOLATION</u>
1. Greasy Luck Brewery	#17-4265-OF	04/15/17	Disturbance/Serving to Intoxication (Approximate Time of Violation 11:01 p.m.)

**Decision:** The Board voted unanimously to receive the report and place it on file.

- **Upcoming Summer Events & Festivals** (*For Review Only*)
  - 11<sup>th</sup> Annual Cinco De Mayo Celebration – May 6<sup>th</sup> - License Applied For – No Changes”
  - Viva Portugal – May 6, 2017 – “License Applied For – New Set Up - Approved”
  - 11<sup>th</sup> Annual Taste of the South Coast (Pier 3) – May 21<sup>st</sup> - License Applied For – No Changes”
  - Irmandade Do Divino Espirito Santo Do Pico – June 23<sup>rd</sup>, 24<sup>th</sup>, & 25<sup>th</sup> - License Applied For – No Changes”
  - Day of Portugal – June 8<sup>th</sup>, 9<sup>th</sup>, 10<sup>th</sup>, & 11<sup>th</sup>  
(April Meeting)
  - New Bedford Jazz Fest – June 10<sup>th</sup> - License Applied For – No Changes”
  - Cape Verdean Day Parade – July 1<sup>st</sup>  
(May Meeting?)
  - New Bedford Folk Festival – July 8<sup>th</sup> & 9<sup>th</sup> - License Applied For – New Set Up - Approved”
  - New Bedford Food Truck Festival – July 15<sup>th</sup>  
(April Meeting)
  - Summer Concert Series – July thru Sept.  
(May Meeting?)
  - Feast of the Blessed Sacrament (Madeira Feast) – Aug. 3<sup>rd</sup>, 4<sup>th</sup>, 5<sup>th</sup>, & 6<sup>th</sup>  
(June Meeting?)
  - 12<sup>th</sup> Annual N. B. Seaport Chowder Festival – Sept. 24<sup>th</sup>

**Note:** Capt. Adelino Sousa introduced himself to the Board and stated that he will be the ‘new’ Liaison to the Licensing Board.

- **NEXT TWO MEETING DATES:** May 22<sup>nd</sup> & June 26<sup>th</sup> , both on Mondays, in the Ashley Room (120) - **Confirmed**
- **MEETING ADJOURNED:** 7:50 p.m.