



Licensing Board

December 19, 2016 – 7:00 PM – **Agenda**
City Hall, 133 William Street, Room 314

LICENSING BOARD MEETING

-AGENDA-

Monday, December 19, 2016

Room 314 – 7:00 p.m.

REQUIRED: Steven A. Beauregard, Chairman

Marcelino “Sonny” G. Almeida, Commissioner

Edmund F. Craig, Jr., Commissioner

Atty. John A. Markey, Jr., Asst. City Solicitor (Last Meeting)

Capt. Steven Vicente, Police Department Liaison to the Lic. Bd.

Nick Nanopoulos, Director

“FINAL AGENDA”

APPROVALS RECEIVED FROM THE ALCOHOLIC BEVERAGES CONTROL COMMISSION

Change of Officer, New Stockholder, & Transfer of Stock - Trans. # 180 – Plot # 132-614

RUDRAXI, Inc. d/b/a Muldoon’s Mini Mart, Viralkumar S. Patel, President, who is petitioning for a **Change of Officer, (New) Stockholder, and Transfer of Corporate Stock** of the **Retail Package Store Wine & Malt Only Alcoholic Beverages License**. Viralkumar S. Patel is requesting the transfer of 50% of his corporate shares to Rudraxi Patel; and to accept his resignation as the Secretary of the corporation. Upon approval, Viralkumar S. Patel will remain as the President, Treasurer, Sole Director, and Co-Shareholder (50%); and Rudraxi Patel will be the Vice-President, Secretary, and (New) Co-Shareholder (50%). **Viralkumar S. Patel** will also remain as **Manager**. Premises will remain the same at **1411 Phillips Road**.

Approved By ABCC – 11/30/16

Change of Officers & Directors - Trans. #093 – Plot # 106—185

Panthers Athletic and Social Club, Inc., Joseph Oliveira, 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, Joseph Oliveira will remain as the President and a Co-Director, Jeffrey Baker will be the Vice-President and a Co-Director, Louis Leblanc will remain as the Treasurer and a Co-Director, Karen Kimball will be the Secretary and a Co-Director, and Russell Baker will remain as a Co-Director; and Tracy Pina, Alberto Andrade, and Jason Pina will all be Co-Directors. Jeffrey W. Baker will remain as the Manager. Premises will remain the same at **43-45 Madeira Avenue**.

Approved By ABCC – 11/30/16

Transfer - # 02943-GP-0778 – Plot # 126--65

Pub 6 Social Corp. d/b/a Pub 6 at the Sixth Bristol, James F. Pettijean, President, who is petitioning to **transfer a General on Premise All Alcoholic Beverages License** to **Pub 6T5, LLC**. Upon approval, Richard F. Trapilo will be a Co-Member, Co-Interest Holder (50%), and the Manager of The LLC; and Margaret Trapilo will also be a Co-Member and Co-Interest Holder (50%) of the LLC. **Richard F. Trapilo** is the **Proposed Manager of the Liquor License**. The previously approved description will remain the same as follows: Premise includes two rooms and a kitchen on the first floor of a two – story building with stock in the cellar and on the first floor. Premise is situated on the northeast corner of Ashley Boulevard and Park Avenue, and is numbered **736 Ashley Boulevard**.

Final approval will require a **‘Certificate of Inspection** from the Building Department, a **‘Food Permit’** from the Health Department, and a signed **‘Fire & Building Certificate’** as required under the Chapter 304 Fire Acts Compliance; along with a copy of **‘Proof of Liquor Liability’**.

Approved By ABCC – 12/12/16

Tabled at 09/26/16 Meeting)

1. Hearing: Jalice Café, Inc.

Mr. Derick Pina Goncalves, Owner/Manager
1468 Acushnet Avenue

Your presence is required at a hearing to determine whether you have violated certain provisions of City of New Bedford Ordinance Sec.10 – 45.

The City of New Bedford Treasurer/Collector of Taxes has requested that the Licensing Board hold a hearing regarding your Common Victualler (Restaurant) All Alcoholic Beverages Liquor license due to non-payment of personal property taxes.

Your current **tax title balance of \$21,370.85** has not been addressed since your last payment on November 30, 2015.

Additionally, you have an outstanding **tax bill in the amount of \$9,548.07 for FY16 & FY17**, for which a payment has not been made since December 29, 2015; there is also an **outstanding amount of \$1,325.08 on your water bill**. Based on these findings, the Licensing Board could possibly take action to modify, suspend, revoke, or cancel your license.

Failure to appear at this hearing will result in the automatic suspension of your license until this matter is resolved or an immediate revocation of your license as so determined by this Board.

I would strongly suggest that you contact Blair Bailey, Tax Title Attorney for the City of New Bedford, to meet with him to resolve this issue of delinquent taxes. **Note: Last payment was made on 09/26/16.**

Minutes of 09/26/16 Meeting

Present: *Mr. Goncalves was excused from attending.*

Mr. Nanopoulos informed the Board that Mr. Pina had come in and made a payment of \$10,000.00, and that Atty. Bailey has requested that the matter be tabled to the Board's December meeting, to ensure that the licensee continues to make his payments prior to issuing his liquor license for 2017.

Voted: On a motion by Commissioner Almeida, the Board **voted unanimously to table item 4; until the Board's December meeting.**

Rec'd 12/19/16 – Atty. Blair Bailey informed this office that Jalice Café, Inc. is currently in compliance with Tax Agreement with the city, and **that no further action required at this time.**

Tabled at 11/21/16 Meeting

2. PETITION - Trans. # 00176-PK-0778 – Plot # 54--4

Swamini, LLC d/b/a Zully's Wine & Spirits, Dhaval Patel, Manager of the LLC, who is petitioning to **transfer a Retail Package Store All Alcoholic Beverages License** to Shri Gurave, LLC, d/b/a Zully's Wine & Spirits. Upon approval Jasminkumar Patel will be a Member and Co-Interest Holder (25%), Falguni Patel will be a Member and Co-Interest Holder (25%), and Jaimin Soni aka Patadia will also be a Co-Member and Co-Interest Holder (50%) in the LLC; Dhvani Mandia will be the Sole Manager of the LLC and the **Manager of the Liquor License**. The proposed transferee is also requesting a **Pledge of the Retail Package Store All Alcohol License and Alcohol Inventory to Rockland Trust Company**, with an address of **288 Union Street, Rockland, MA.** as security to authorize and execute a promissory note in the amount of **Three Hundred Thousand Dollars (\$300,000.00)**, pursuant to **Massachusetts General Laws Ch.138 s.23.** Premises will remain the same as follows: One room on the first floor of a one-story building in an area approximately 2,800 sq. ft., which will include 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 a room for the storage of alcohol. There is one (1) entrance/exit in the front of the building, as well as one additional entrance/exit located at the rear of the building.

The premise is situated on the south side of Kempton Street between Commonwealth Avenue and the Dartmouth Town Line, and is numbered **1240 Kempton Street.** (Premise is located within the Shaw's Plaza area.)

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

Application has been advertised; Abutters' notification not required.

11/21/16 Minutes

Present: *Atty. Daniel Vieira along with Dhvani Mandia, Proposed Manager and Jaimin Soni aka Patadia, Co-Owner*

Upon discussing the application with those present including the qualifications of the proposed manager, the Board expressed their concern that Ms. Mandia had no prior experience and was currently a full time student. The Board stated that their concern was based on the fact that this store is located close to UMass Dartmouth, and that there have been issues with regard to sales to underage students in the past.

Voted: On a motion by Commissioner Almeida, the Board **voted unanimously to table the matter to the Boards December 19th meeting.**

3. PETITION - Trans. # 00075-RS-0778 – Plot # 20--355

Vila Franca Do Campo, Inc. d/b/a Vila Franca Restaurant & Cafe, Carlos A. Santos, President, who is petitioning to transfer a **Common Victualler (Restaurant) All Alcoholic Beverages License** to **El Mexicano, Inc. d/b/a Mi Antojo Mexican Restaurant**. Upon approval, **Grisay Rojas** will be the President, Treasurer, a Co- Director, and a Co-Shareholder (50%); and **Javier Rojas** will be the Secretary, a Co-Director, a Co-Shareholder (50%), and the **Proposed New Manager**; the proposed transferee is also requesting approval of a **Pledge of the Common Victualler All Alcohol License** to **Vila Franca Do Campo, Inc.** with an address of **554 Brock Avenue, New Bedford, MA.** as security to authorize and execute a promissory note in the amount of **Seventy-Five Thousand Dollars (\$75,000.00), pursuant to Massachusetts General Laws Ch.138 s.23.** The premises will remain the same as previously approved as follows: The licensed premises consists of a total area of approximately 2,593 sq. ft., which includes one room with a bar and tables for dining, and a separate dining room; along with a kitchen area with stockroom, and two restrooms. There is one entrance/exit onto Nelson Street from the dining room, one entrance/exit onto Second Street from the bar, and an entrance/exit onto Second Street from the dining room. The street level building is situated on the corner of Nelson and Second Streets, and **numbered 601 South Second 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’**.

Application has been advertised; Abutters’ notification not required.

4. PETITION - Trans. # 00176-PK-0778 – Plot # 112--185

W.T. Sports, Inc. d/b/a Legend’s Sports Pub, Manuel A. Ferreira, President, who is petitioning to transfer a **General on Premise All Alcoholic Beverages License** to **H. A. Sports, Inc. d/b/a Legend’s Sports Pub**. Upon approval, **Haldo Arriaga** will be the President, Treasurer, Secretary, Sole Director, Sole Shareholder (100%) and the **Proposed New Manager**; the proposed transferee is also requesting approval of a **Pledge of the General on Premise All Alcohol License** to **Manuel A. Ferreira** with an address of **270 Old County Road, Westport, MA.** as security to authorize and execute a promissory note in the amount of **Two Hundred & Forty – Nine Thousand Dollars (\$249,000.00), pursuant to Massachusetts General Laws Ch.138 s.23.** The premises will remain the same as previously approved as follows: The licensed premises consists of a total area of approximately 1,300 sq. ft., which includes one room with a bar and lounge area, kitchen, two restrooms, and storage area on the first floor of a one-story building.

The premise is situated on the south side of Covell Street, between Acushnet Avenue and Belleville Avenue, and is numbered **78 Covell 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’**.

Application has been advertised; Abutters’ notification not required.

5. PETITION - Trans. # 234 – Plot # 60--13

Standard Marine Outfitters, LLC, Michael Quinn, Manager of LLC, who is petitioning for a **New Retail Package Store Wine and Malt Only Beverages License**. Upon Approval, Michael Quinn will be a Member and Manager of the LLC, and a Co-Interest Holder (49%), and Charles Quinn will be a Member and Co-Interest Holder (51%) of the LLC; and **James A. Rego** is the **Proposed Manager of the Liquor License**. The proposed licensed premises is a marine outfitters and supply store located on the 1st floor of a one -story building in an area approximately 6,680 sq. ft., which will include a cooler for the storage of alcohol, as well as shelving for the sale and display of alcohol; the area also includes an office and storage room. There is one (1) entrance/exit in the front of the building, as well as one exit located at the rear of the building. The premise is situated on the north side of Route 6, and **will be numbered 137 Pope’s Island.**

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

Application has been advertised; Abutters have been notified.

6. APPLICATION, (No Representation Required)

N. B. Whaling Museum, Inc., Sarah Hilton, Representative, who is requesting approval of an application for a **Special One-Day All Alcoholic Beverages License** for a ‘New Year’s Eve Fundraiser’ event to be held at the **New Bedford Whaling Museum**, located at **18 Johnny Cake Hill**; and to be held on **Saturday, December 31, 2016**, from **7:00 p.m. until 9:30 p.m.**

7. APPLICATION, (No Representation Required)

N. B. Whaling Museum, Inc., Sarah Hilton, Representative, who is requesting approval of an application for a **Special One-Day All Alcoholic Beverages License** for a ‘Moby Dick Marathon Dinner’ event to be held at the **New Bedford Whaling Museum**, located at **18 Johnny Cake Hill**; and to be held on **Friday, January 6, 2017**, from **5:30 p.m. until 8:00 p.m.**

8. APPLICATION, (No Representation Required)

WJFD-FM, Henry Arruda, Representative, who is requesting approval of an application for a **Special One-Day Wine & Malt Only Beverages License** for a ‘Business After Hours Event’ event to be held at **Howland Place – Suite 300**, located at **651 Orchard Street**; and to be held on **Thursday, January 26, 2017**, from **5:00 p.m. until 7:00 p.m.**

9. APPLICATION, (No Representation Required) – LATE FILE

New Bedford Art Museum, Margaret Albert, Representative, who is requesting approval of an application for a **Special One-Day All Alcoholic Beverages License** for an ‘Art Opening Reception’ event to be held at the **N.B. Art Museum**, located at **608 Pleasant Street**; and to be held on **Sunday, January 29, 2017**, from **2:00 p.m. until 5:00 p.m.**

- **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. Carlo’s Kitchen	#16 – 14579 – OF	11/13/16	“Third Party Event”;Serving After Hours: Late Night Disturbance(s) (Approximate Time of Violation 2:30 a.m.)

11/23/16 Decision – Bring In January

2. Tilia’s Restaurant & Café	#16 – 14577 – OF	11/13/16	Late Night Disturbance/Over Capacity (Approximate Time of Violation 1:54 a.m.)
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11/23/16 Decision – Bring In January

- **Motion To Approve All 2017 Liquor License Renewals**

- **2017 Licensing Board Meeting Schedule:**

January 23 rd	July 24 th
February 27 th	August 28 th
March 27 th	September 25 th
April 24 th	October 23 th

May 22nd
June 26th

November 20th
December 18th

- **NEXT TWO MEETING DATES:** January 23, 2017 & February 27, 2017, both on Mondays in Room 314
- **MEETING ADJOURNED:**

- **HOLIDAY HOURS**

The New Bedford Licensing Board has set the hours for the sale of Alcoholic Beverages for Christmas Eve, Christmas Day, New Years Eve, and New Years Day as follows:

CHRISTMAS EVE DAY” SATURDAY, DECEMBER 24, 2016

Hotels, Restaurants, Taverns, and Clubs: Normal Business Hours 8:00 A.M. until 2:00 A.M.

Retail Package Good Stores: May Sell or Deliver Alcoholic Beverages From 8:00 A.M. until 11:30 P.M.

“CHRISTMAS DAY” SUNDAY, DECEMBER 25, 2016

Hotels, Restaurants, Taverns, and Clubs: May Open After 11:00 A.M. until 2:00 A.M.

Retail Package Good Stores: May Not Sell or Deliver Alcoholic Beverages On This Day.

DAY AFTER “CHRISTMAS DAY” MONDAY, DECEMBER 26, 2016

Hotels, Restaurants, Taverns, and Clubs: Normal Business Hours 8:00 A.M. until 2:00 A.M.

Retail Package Good Stores: May Sell or Deliver Alcoholic Beverages On This Day During Normal Business Hours.

“NEW YEAR’S EVE DAY” SATURDAY, DECEMBER 31, 2016

Hotels, Restaurants, Taverns, and Clubs: Normal Business Hours 8:00 A.M. until 2:00 A.M

Sale of alcohol **MUST END** at 2:00 A.M.

“NO OPEN BAR FUNCTIONS ARE ALLOWED”

N. B. Licensing Board Rule #19 – WITHIN FIFTEEN MINUTES AFTER CLOSING (2:00 A.M.) all glasses, bottles, or containers used for drinking purposes must be cleared off the tables and bar, and **no alcoholic beverage shall be consumed at the expiration of fifteen minutes (2:15 A.M.) after closing.** **All CUSTOMERS** must leave the premises **no later than 30 minutes (2:30 A.M.) after closing.**

Retail Package Goods Stores: May Sell or Deliver Alcoholic Beverages From 8:00 A.M. until 11:30 P.M.

“NEW YEAR’S DAY” SUNDAY, JANUARY 1, 2017

Hotels, Restaurants, Taverns, and Clubs: Normal Business Hours 11:00 A.M. until 2:00 A.M

Retail Package Good Stores: Normal Business Hours 10:00 A.M. until 11:00 P.M.

The Members and Staff of the New Bedford Licensing Board Would Like To Take This Opportunity To Wish You & Yours A Safe and Happy Holiday Season!!!!!!!

