



Licensing Board

November 21, 2016 – 7:00 PM – **Agenda**
City Hall, 133 William Street, Room 314

LICENSING BOARD MEETING

-AGENDA-

Monday, November 21, 2016

Room 314 – 7:00 p.m.

REQUIRED: Steven A. Beauregard, Chairman

Marcelino “Sonny” G. Almeida, Commissioner

“Final Agenda”

Edmund F. Craig, Jr., Commissioner

Atty. John A. Markey, Jr., Asst. City Solicitor

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

Nick Nanopoulos, Director

MOTION TO ACCEPT THE MEETING MINUTES OF July 25, 2016

MOTION TO ACCEPT THE MEETING MINUTES OF August 29, 2016

MOTION TO ACCEPT THE MEETING MINUTES OF September 26, 2016

APPROVALS RECEIVED FROM THE ALCOHOLIC BEVERAGES CONTROL COMMISSION

Transfer of License & Change of Location - Trans. # 02829-RS-0778 (Old # 00110-RS-0778) – Plot # 19--48

Howland Mills Restaurant, Inc. d/b/a The Sky Room, John E. Williams, President, currently licensed for premises located at **651 Orchard Street**, who is petitioning to **transfer a Common Victualler (Restaurant) All Alcoholic Beverages License** to **Vault, LLC d/b/a Greasy Luck Brewery**, who is also requesting a **Change of Location to 791-797 Purchase Street**. Upon approval, Alfred C. Peters, Christian A. Farland, and Mark A. Martinho will all be Co-Members, Co-Managers, and Co-Interest Holders (33.3%) of the LLC. **Mark A. Martinho** is the **Proposed Manager of the Liquor License**.

The new proposed licensed premises consists of an area approximately 9,200 sq. ft. on the first floor of a two - story building, which will have one room that will include a brewery room, bar area, tables for dining, and two (2) handicap accessible restrooms; there will also be a second room that will be subdivided by a portable petitioned wall that will serve as a dual function room and arcade/lounge area, which will include a second bar area, tables for dining, a performance stage, two (2) private dining rooms (vaults), arcade lounge area, two (2) rooms for storage, and two (2) handicap accessible restrooms. The first floor area will also include a full service kitchen. There will also be an area for the storage of alcohol in the basement. The licensed premises will have two (2) entrances/exits in the front of the building onto Purchase Street, and an emergency exit located on the southwest corner of the building. The premises is situated on the west side of Purchase Street, between Union and William Streets, and will be **numbered 791-797 Purchase Street**.

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 – 11/03/16

‘New’ Retail Package Store Wine & Malt License - Trans. #88893-PK-0778 – Plot # 78--101

E Z Convenience & Gas, LLC d/b/a Mutual Mart, Hitesh Patel, Manager of LLC, who is petitioning for a **New Retail Package Store Wine and Malt Only Beverages License**. Upon Approval, Hitesh Patel will be the Sole Member, Sole Manager, and Sole Interest Holder (100%) of the LLC. **Hitesh Patel** will also be the **Manager of the Liquor License**.

The proposed licensed premises is a convenience store located on the first-floor of a one-story building in an area approximately 2,200 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 two rooms 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 on the south side of the building leading into the storage rooms, which will be used for deliveries only.

The premise is situated on the east side of Purchase Street, between Austin and Linden Streets, and will be numbered **1800 Purchase Street**.

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

Approved By ABCC – 11/01/16

Change of Officers & Directors - Trans. # 00094-CL-0778 – Plot # 106--85

St. Michael Social Club, Inc., Joao Medeiros, 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 Medeiros will remain as the President, Chris Pereira will be the (New) Vice-President, Rodolfo Botelho will remain as the Treasurer, and Luis Pacheco will remain as the Secretary; and Jose Soares, Paul Amaral, and Paulo J. Pacheco will all remain as Co-Directors.

Joao Raposo, Joe Avelar, Jorge Amaral, Roberto Bento and Fernando Pacheco all have been added as “New Co-Directors”.

Joao A. Raposo will remain as the **Manager**. Premises will remain the same at **101 Madeira Avenue**.

Approved By ABCC – 11/04/16

Transfer & Pledge of License - Trans. # 019 – Plot # 53—68 – “LATE FILE”

Candleworks Ventures, LLC, Andrew F. Rockett, Manager of LLC, who is petitioning to **Transfer a Common Victualler (Restaurant) All Alcoholic Beverages License** to **Carmine’s, NB, Inc. d/b/a Carmine’s**. Upon approval, Albert Santos will be the President, Treasurer, Secretary, Sole Director, and Sole Shareholder (100%); **Jessica Cabral** is the **Proposed Manager**. The proposed transferee is also requesting approval of a **Pledge of the Common Victualler All Alcohol License to Baycoast Bank** with an address of **330 Swansea Mall Drive, Swansea, MA.** as security to authorize and execute a promissory note in the amount of **One Million, Six Hundred Sixty –Two Thousand, and Five Hundred Dollars (\$1,662,500.00), pursuant to Massachusetts General Laws Ch.138 s.23.** Premises will remain the same as follows: The licensed premise will consist of an area approx. 3,280 sq. ft., on the first floor of a four –story building, which will include a dining area and lounge area with a bar, and a kitchen; with two restrooms in the front foyer and an additional area, approx. 750 sq. ft., for the storage of alcohol in the sub-basement. There is also an outdoor patio area, approx. 870 sq. ft., for dining that is contiguous to the main dining room on the north side of the building that is accessible from the dining room. There is one entrance/exit in the front of the building that leads onto North Water St., along with an additional entrance/exit on the east side of the building that leads into the parking lot; and an additional entrance/exit from the patio area into the parking lot. Premise is located on the east side of North Water Street between Elm and Rodman Streets, and is numbered **72 North Water Street**.

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

Approved By ABCC – 11/15/16

1. 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**; **Dhwani 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 Common Victualler 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 ‘**Certificate of Inspection**’ from the Building Department and a ‘**Food Permit**’ from the Health Department.

Application has been advertised; Abutters’ notification not required.

2. PETITION - Trans. # 233 - Plot # 78--237

Shiv Shakti Convenience, Inc. d/b/a Lucky 7 Food Mart, Manubhai Patel, President, who is petitioning for a **New Retail Package Store Wine and Malt Only Beverages License**. Upon Approval, Manubhai Patel will be the President,

Treasurer, Secretary, Sole Director, and Sole Stockholder (100%) of the Corporation. **Manubhai Patel** will also be the **Manager of the Liquor License**. The proposed licensed premises is a convenience store located on the first-floor of a four-story building in an area approximately 2,010 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. There is only one (1) entrance/exit, which is located in the front of the building; as well as a door leading to the basement area where alcohol will also be stored. The premise is situated on the east side of County Street, on the corner of County and Weld Streets, and will be numbered **190 Weld Street**.

Final approval will require a ‘**Certificate of Inspection**’ from the Building Department and a ‘**Food Permit**’ from the Health Department.

Application has been advertised; Abutters have been notified.

3. APPLICATION, (No Representation Required)

UMass Dartmouth-CVPA, Jessica Fernandes, Representative, who is requesting approval of an application for a **Special One-Day Wine & Malt Only Beverages License** for a ‘Business After Hours’ to be held at the **UMass/Star Store Building**, located at **715 Purchase Street**; and to be held on **Wednesday, November 16, 2016, from 5:00 p.m. until 7:00 p.m.**

4. APPLICATION, (No Representation Required)

Committee for Dorothy Ferro Cabral, Peter Vieira, Representative, who is requesting approval of an application for a **Special One-Day Wine & Malt Only Beverages License** for a ‘Fundraiser’ to be held within the Madeira Pavilion, located on the **Madeira Feast Grounds**; and to be held on **Saturday, November 19, 2016, from 2:00 p.m. until 6:00 p.m.**

5 APPLICATION, (No Representation Required) – “LATE FILE”

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 ‘Gallery Closing’ event to be held at the **New Bedford Whaling Museum**, located at **18 Johnny Cake Hill**; and to be held on **Wednesday, November 30, 2016, from 6:00 p.m. until 8:00 p.m.**

6. APPLICATION, (No Representation Required)

Global Learning Charter Public School, Christina Rebello, Representative, who is requesting approval of an application for a **Special One-Day Wine & Malt Only Beverages License** for a ‘Business After Hours’ to be held at the **Union Square Building (GLCPS)**, located at **174 Union Street**; and to be held on **Thursday, December 8, 2016, from 5:00 p.m. until 7:00 p.m.**

7. APPLICATION, (No Representation Required)

Global Learning Charter Public School, Christina Rebello, Representative, who is requesting approval of an application for a **Special One-Day Wine & Malt Only Beverages License** for a ‘Holiday Staff Party’ to be held at the **Union Square Building (GLCPS)**, located at **174 Union Street**; and to be held on **Friday, December 9, 2016, from 4:00 p.m. until 6:00 p.m.**

8. 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 ‘Gallery Opening’ event to be held at the **New Bedford Whaling Museum**, located at **18 Johnny Cake Hill**; and to be held on **Friday, December 9, 2016, from 6:00 p.m. until 8:00 p.m.**

9 APPLICATION, (No Representation Required) – “LATE FILE”

Low Tide Yacht Club, Robin Branco, Representative, who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for a ‘70th Surprise Birthday Party’, to be held **inside** the Low Tide Yacht Club, located within **Fort Taber Park**; and to be held on **Saturday, December 31, 2016, from 8:00 p.m. until 1:00 a.m.** *(Final approval will require Liquor Liability with the City named as additionally insured)*

10. APPLICATION, (Change of Ownership)

Jason J. Oliver, who resides at **432 Gulf Road West, Dartmouth, MA.**, is requesting approval of an application for a **Motor Vehicle Class II (Used Car Dealer) License** for **Cove Road Auto Sales**, with premises situated at **1421 Cove Road**.

Note: Site was previously licensed to Cove Auto Sales, LLC, who did not renew his license for 2016; this site has been previously approved for the display of Twenty (20) cars by the Office of Inspectional Services.

All required documents have been submitted. (Final approval of the Motor Vehicle Class II License will require a **Certificate of Inspection**, a **\$25,000.00 Bond**, and a **Notarized Letter** stating where the repairs will be done.)

11. Hearing: Albert J. Santos d/b/a Royal II

Mr. Albert J. Santos, Owner
123 MacArthur Drive

Transfer Approved On 08/30/16

Prior Renewal Hearings: (0)

Your presence is respectfully requested at a hearing to determine the status of your annual liquor license for the year 2016. The hearing is also being held at the request of the members of this Board to discuss your plans for your liquor license for the year 2016 prior to this Board considering approval of your 2017 renewal application.

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.

You **must submit** to the Board that evening, a letter stating your intentions regarding the license that has been issued to you detailing either an opening date, plans to transfer, or change of location, as it applies to your situation.

07/25/16 Decision

Present: Luis DaSilva, Representing Albert J. Santos, Proposed Buyer; Mr. Escobar did not appear as requested.

Responding to questions from Chairman Beauregard, Mr. DaSilva stated on behalf of Mr. Santos that he was requesting a transfer of the liquor license from Royal Food & Beverage, Inc. to Mr. Santos, and if approved, the license along with the building would be sold together or the license would be sold with the building being leased to the purchaser. He also stated that they stopped the renovations that they started, due to their purchase of the Candleworks Building; he also stated that they had a few people who were interested in buying or leasing the building to which the license would be sold.

When asked by Chairman Beauregard as to what the time frame would be in which the license would be sold, Mr. DaSilva stated that it was his understanding that it could be sold within a month or two; and that he has two people looking at it both as restaurants. Chairman Beauregard informed Mr. DaSilva that if the application has not been approved by the November meeting, or if approved, if an application is not submitted in time for the November Meeting, either Mr. Escobar or Mr. Santos would have to appear to discuss the renewal of the liquor license.

Please Be Advised that failure to appear before this Board as requested will result in “Automatic Revocation” of your General on Premise All Alcoholic Beverages License.

12. Hearing: P37, LLC, d/b/a Pier 37

Mr. Jeremy J. Dias, Owner/Manager
37 Union Street

Closed 10/02/16 – Licensee Decision

As a result of your recent closure, your presence is respectfully requested at a hearing to determine the status of your annual liquor license for the year 2016. The hearing is also being held at the request of the members of this Board to discuss your plans for your liquor license for the year 2016 prior to this Board considering approval of your 2017 renewal application.

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.

You **must submit** to the Board that evening, a letter stating your intentions regarding the license that has been issued to you detailing either an opening date, plans to transfer, or change of location, as it applies to your situation.

Please Be Advised that failure to appear before this Board as requested will result in “Automatic Revocation” of

your Common Victualler All Alcoholic Beverages License.

Licensing Board Regulation No.20-

Any licensee intending to close his place of business for any period of time exceeding Seven (7) days must notify the Licensing Board in writing before closing and shall give reason and length of time. **On the first day of closing the licensee shall deliver his license to the Licensing Board.**

You are also required to deliver your liquor license to this office within Five (5) days from the date of receipt of this notice, where it will be held until this matter is resolved.

13. Hearing: Sapatinha's Café, Inc. d/b/a Euphoria Lounge

Mr. Jose G. Borges, Jr., Owner

289 Acushnet Avenue

Closed/Fire 01/26/15 – Ongoing Renovations

Altering of Premises Approval – 08/31/16

Prior Renewal Hearings: (7)

Your presence is respectfully requested at a hearing to determine the status of your annual liquor license for the year 2016. The hearing is also being held at the request of the members of this Board to discuss your plans for your liquor license for the year 2016 prior to this Board considering approval of your 2017 renewal application.

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.

You **must submit** to the Board that evening, a letter stating your intentions regarding the license that has been issued to you detailing either an opening date, plans to transfer, or change of location, as it applies to your situation.

Please Be Advised that failure to appear before this Board as requested will result in “Automatic Revocation” of your General on Premise All Alcoholic Beverages License.

Tabled At 07/25/16 Meeting

14. Hearing: Times Square Restaurant, Inc. d/b/a Bar 908

Mr. Thomas A. Kern, Manager

908 Purchase Street

Closed 07/21/15

Prior Renewal Hearings: (3)

Your presence is respectfully requested at a hearing to determine the status of your annual liquor license for the year 2016. The hearing is also being held at the request of the members of this Board to discuss your plans for your liquor license for the year 2016 prior to this Board considering approval of your 2017 renewal application.

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.

07/25/16 Decision

As a result of the open hearing held on July 25, 2016 to determine the status of your annual liquor license for the year 2016, **this Board voted unanimously to table the matter until this Board's November meeting.**

The Board's decision was based on the plans you submitted prior to the meeting regarding the ongoing renovations of your establishment, and your planned intention to re-open as a sports bar as soon as the renovations are complete.

If you are operational by November 21, 2016, you will not be required to appear as notified.

You **must submit** to the Board that evening, a letter stating your intentions regarding the license that has been issued to you detailing either an opening date, plans to transfer, or change of location, as it applies to your situation.

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

Tabled At 07/25/16 Meeting

15. Hearing: Columbus Group, LLC d/b/a Columbus Restaurant

Ms. Xiaohui Yang, Owner

218 Union Street

Transfer Approved On 12/09/14 – “Proposed Hotel”

Prior Renewal Hearings: (5)

Your presence is respectfully requested at a hearing to determine the status of your annual liquor license for the year 2016. The hearing is also being held at the request of the members of this Board to discuss your plans for your liquor license for the year 2016 prior to this Board considering approval of your 2017 renewal application.

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.

07/25/16 Decision

As a result of the open hearing held on July 25, 2016 to determine the status of your annual liquor license for the year 2016, **this Board voted unanimously to table the matter until this Board’s November meeting.**

The Board’s decision was based on the information provided by Atty. (Christopher) Markey at said meeting, at which he stated that it’s now your intention to sell your license due to a much longer construction time than originally anticipated.

If you would like this office to make your license available to those who inquire about available licenses, please let Mr. Nanopoulos know, so that he may add you to his list of available licenses.

Please be advised that it will still be your responsibility to sign your 2017 renewal and submit the 2017 license fee, if your license has not been transferred and approved by the ABCC by November 21, 2016.

You **must submit** to the Board that evening, a letter stating your intentions regarding the license that has been issued to you detailing either an opening date, plans to transfer, or change of location, as it applies to your situation.

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

Tabled At 07/25/16 Meeting

16. Hearing: Ying Dynasty Nauset, LLC d/b/a Ying Dynasty

Mr. Shang Ying Zhao, Manager of LLC

114-116 Nauset Street

Transfer Approved On 06/03/14 – Renovations

Prior Renewal Hearings: (5)

Your presence is respectfully requested at a hearing to determine the status of your annual liquor license for the year 2016. The hearing is also being held at the request of the members of this Board to discuss your plans for your liquor license for the year 2016 prior to this Board considering approval of your 2017 renewal application.

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.

You **must submit** to the Board that evening, a letter stating your intentions regarding the license that has been issued to you detailing either an opening date, plans to transfer, or change of location, as it applies to your situation.

Minutes of 07/25/16 Meeting

As a result of the open hearing held on July 25, 2016 to determine the status of your annual liquor license for the year 2016, **this Board voted unanimously to table the matter until this Board's November meeting.**

The Board's decision was based on the update provided by Atty. Markey as to where his client currently stood in the process of renovating the premises, which included certain issues that arose that delayed and impeded the ongoing renovations. Atty. Markey stated that his client has a crew working six days a week on the demolition of the inside of the two adjoining buildings in order to complete the renovations, and that it was the hope of his client that those renovations would be complete by December 1, 2016.

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

Tabled At 07/25/16 Meeting

17. 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: (2)

Your presence is respectfully requested at a hearing to determine the status of your annual liquor license for the year 2016. The hearing is also being held at the request of the members of this Board to discuss your plans for your liquor license for the year 2016 prior to this Board considering approval of your 2017 renewal application.

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.

You **must submit** to the Board that evening, a letter stating your intentions regarding the license that has been issued to you detailing either an opening date, plans to transfer, or change of location, as it applies to your situation.

07/25/16 Decision

As a result of the open hearing held on July 25, 2016 to determine the status of your annual liquor license for the year 2016, **this Board voted unanimously to table the matter until this Board's November meeting.**

The Board's decision was based on the information that you provided to this Board in which you stated that you had someone interested in purchasing your license, which would be used at a different location; and that you anticipated that an application would be submitted in time for the September meeting, if a P & S Agreement was signed within the next few days.

If an application for a transfer of license has been submitted and approved by the Alcoholic Beverages Control Commission by November 1, 2016, you will not be required to appear as notified.

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

Tabled At 07/25/16 Meeting

18. Hearing: JAKIBRI, LLC d/b/a Kirby's Irish Pub

Mr. Jason Kirby, Manager/Co-Owner

818 Kempton Street

Closed 09/21/15 – Estimated

Prior Renewal Hearings: (3)

Your presence is respectfully requested at a hearing to determine the status of your annual liquor license for the year 2016. The hearing is also being held at the request of the members of this Board to discuss your plans for your liquor license for the year 2016 prior to this Board considering approval of your 2017 renewal application.

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.

You **must submit** to the Board that evening, a letter stating your intentions regarding the license that has been issued to you detailing either an opening date, plans to transfer, or change of location, as it applies to your situation.

07/25/16 Decision

As a result of the open hearing held on July 25, 2016 to determine the status of your annual liquor license for the year 2016, **this Board voted unanimously to table the matter until this Board's November meeting.**

The Board's decision was based on the information that you provided to this Board in which you stated that you had a signed P & S Agreement to transfer your license to Douglas Grace, and that license would be staying at the current location; and that you were only waiting for your Certificate of Good Standing to complete the application; and that you anticipated that the application would be submitted in time for the September meeting.

If an application for a transfer of license has been submitted and approved by the Alcoholic Beverages Control Commission by November 1, 2016, you will not be required to appear as notified.

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

Tabled At 09/26/16 Meeting

19. Hearing: Furtado's Auto Sales & Service

Mr. Simon Furtado, Licensee

805 Brock Avenue

Your presence is requested at a hearing because of your failure to maintain your premises in accordance with requirements of a Motor Vehicle Class II license. Based on the findings, the Licensing Board may take action to revoke your license. The hearing is being held at the request of the Commissioner of Buildings because of your failure to comply with their request to clean up your lot and get rid of the junk cars that are currently stored on your lot; as well as reducing the number of cars on your lot to the number (20) for which you've been approved. It has also been reported that body work and painting of cars are being performed outside and in the evenings.

09/26/16 Decision

Following the public hearing that was held on September 26, 2016 at the request of the Commissioner of Buildings as a result of your failure to comply with his request to clean up your lot and get rid of the junk cars that are currently stored on your lot; as well as reducing the number of cars on your lot to the number (20) for which you've been approved, **the Board voted unanimously to once again table any action until its November meeting.**

The Board took this action to allow you an additional amount of time (45 Days) to come into compliance with those conditions that are required to maintain a facility dedicated to carrying out said business (Used Car Dealer). All licensees must adhere to all conditions of the issued license.

This Board strongly recommends that you contact and meet with Danny Romanowicz, Commissioner of Buildings, to ensure that you fully understand what is expected of you in order for you to be in full compliance prior to this Board's November meeting.

Short of full compliance, the Board must take action and **as such you are hereby ordered to bring with you your 2016 MV Class II License.** Depending on the Board's findings, you may be required to surrender your license until this matter is resolved.

Tabled At 09/26/16 Meeting

20. Hearing: Dublin's Sports Bar N Grille, LLC

d/b/a Dublin's Sports Bar N Grille

Mr. Mario Gomes, Owner/Manager

1686 Acushnet Avenue

It has been noted that your establishment has not been open during the hours that you presented to the Board and as such your presence is requested at a hearing to discuss your plans for your liquor license for the year 2016 prior to this Board considering approval of your 2017 renewal application.

In accordance with Massachusetts General Laws Chapter 138, section 77, the licensing authorities may, after hearing or reasonable opportunities therefore, cancel any license issued under this chapter if the licensee ceases to conduct the

licensed business.

Licensing Board Regulation No.20-

Any licensee intending to close his place of business for any period of time exceeding Seven (7) days must notify the Licensing Board in writing before closing and shall give reason and length of time. **On the first day of closing the licensee shall deliver his license to the Licensing Board.**

At this hearing, the Board is requiring you to submit register tapes or a register generated report for all liquor sales occurring between September 1, 2016 and October 29, 2016; you are also hereby ordered to bring with you your 2016 Liquor License.

Please be advised that your failure to appear or provide the information as requested will result in the automatic revocation of your license.

• **CORRESPONDENCE**

In City Council October 27, 2016

Received 11/10/16

The undersigned (Cove Road Auto Sales, LLC, 1421 Cove Road) petitions the City Council to grant a **SPECIAL PERMIT** to allow Auto Repair, & Car Sales.

IN CITY COUNCIL, October 27, 2016

Special Permit Granted

Dennis W. Farias, City

Clerk

Presented to the Mayor for approval October 31, 2016

Dennis W. Farias, City

Clerk

Approved November 4, 2016

Jonathan F. Mitchell,

Mayor

In City Council October 27, 2016

Received 11/10/16

The undersigned (Hathaway Collision Center, 175 Potter Street) petitions the City Council to grant a **SPECIAL PERMIT** to allow Auto Body Work & Painting.

IN CITY COUNCIL, October 27, 2016

Special Permit Granted

Dennis W. Farias, City

Clerk

Presented to the Mayor for approval October 31, 2016

Dennis W. Farias, City

Clerk

Approved November 4, 2016

Jonathan F. Mitchell,

Mayor

• **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.)
2. Tilia's Restaurant & Café	#16 – 14577 – OF	11/13/16	Late Night Disturbance/Over Capacity (Approximate Time of Violation 1:54 a.m.)
3. Vila Verde Café	#16 – 14236 – OF	11/04/16	Patron Assaulted/ Intoxicated Patron (Approximate Time of Violation 2:50 p.m.)

- **HOLIDAY HOURS**

The Licensing Board has set the hours for the sale of Alcoholic Beverages for Thanksgiving Day, Thursday, November 24, 2016, as follows:

- **Hotels, Restaurants, Taverns, and Clubs may sell Alcoholic Beverages during the usual hours. (8:00 a.m. until 2:00 a.m.)**
- **“Package Goods” Stores may not sell or deliver Alcoholic Beverages at any time on that day; but they may sell or deliver such beverages until 11:30 p.m. on Wednesday, the night before.**
- **Manufacturers and Wholesalers and Importers shall make no sales or deliveries at any time during the day.**
- **NEXT TWO MEETING DATES: December 19, 2016 & January 23, 2017, both on Mondays in Room 314**
- **MEETING ADJOURNED:**

The members and staff of the Licensing Board would like to take this opportunity to wish everyone a Happy Thanksgiving!!!!!!

