



Licensing Board

July 22, 2013 – 7:00 PM – **Agenda**
City Hall, 133 William Street, Room 314

LICENSING BOARD MEETING

-AGENDA-

**Monday, July 22, 2013
Room 314 - 7:00 p.m.**

REQUIRED: Steven A. Beauregard, Chairman

Marcelino “Sonny” G. Almeida, Commissioner

A/O 07/18/13

Edmund F. Craig, Jr., Commissioner

Atty. John Flor, Asst. City Solicitor

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

Nick Nanopoulos, Director

MOTION TO ACCEPT THE MEETING MINUTES OF APRIL 22, 2013

MOTION TO ACCEPT THE MEETING MINUTES OF MAY 20, 2013

MOTION TO ACCEPT THE MEETING MINUTES OF JUNE 26, 2013

APPROVALS RECEIVED FROM THE ALCOHOLIC BEVERAGES CONTROL COMMISSION

Change of Officers, Director, Manager, Stockholder, & Transfer of Corporate Stock - Trans. # 062 – Plot # 16--1

First Base Café, Inc., Richard F. Perzentz, Jr., President, who is requesting a **Change of Officers, Director, Manager, (New) Stockholder, and Transfer of Corporate Stock** of the **Common Victualler (Restaurant) All Alcoholic Beverages License**; and the acceptance of his resignation as the President, Treasurer, Clerk, Sole-Director, and Manager; and allow the Transfer of all his Corporate Stock (200 Shares). **Richard F. Perzentz** will be the new President, Treasurer, Clerk, Sole Director, Sole Stockholder, and the **Proposed New Manager**. Premises will remain the same at **38-42 Cove Street**.

Approved By ABCC – 07/08/13

1. PETITION - Trans. #203 – Plot # 35--182

Jose A. Pinarreta d/b/a Talho Portugues, Jose A. Pinarreta, Licensee, who is petitioning to **transfer a Retail Package Store Wine & Malt Only Beverages License** to **ELN, Inc. d/b/a Talho Portugues**. Upon approval, **Eric S. Pinarreta** will be the President, Treasurer, Secretary, Sole Shareholder (100), and the **Proposed New Manager**. Premises will remain the same at **123 Dartmouth Street**.

Final approval will require a **‘Change of Tenant’** from the Building Department, and a **‘Food Permit’** from the Health Department. *Application has been advertised.*

2. PETITION - Trans. # 070 – Plot # 53—231-A & B

Matterhorn RE, LLC d/b/a “Cork”, 90 Front Street, is requesting the approval of **David R. Hall**, who resides at **3 Meadow Lane, Mattapoisett, MA.** as their new manager.

3. PETITION - Trans. # 145 – Plot # 119--53

EML, Inc. d/b/a LeBeau’s Tavern, 65 Tarkiln Hill Road, is requesting the approval of **Kenneth J. Rapoza**,

who resides at **527 Rockdale Avenue, New Bedford, MA.** as their new manager.

4. APPLICATION, (No Representation Required)

New Bedford Festival Theatre, Inc., Armand R. Marchand, Representative, who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for a 'Pre-Show Gala' to be held at the **UMD Star Store Gallery**, located at **800 Purchase Street**; and to be held on **Friday, July 26, 2013** from **5:00 p.m. until 11:00 p.m.**

5. APPLICATION, (No Representation Required)

New Bedford Whaling Museum, Sarah Budlong, Representative, who is requesting approval of an application for a **Special One Day All Alcoholic Beverages License** for a 'Yacht Club Dinner', to be held at the **New Bedford Whaling Museum**, located at **18 Johnny Cake Hill**; and to be held on **Saturday, July 27, 2013**, from **6:00 p.m. until 8:00 p.m.**

6. APPLICATION, (No Representation Required)

New Bedford Whaling Museum, Sarah Budlong, Representative, who is requesting approval of an application for a **Special One Day All Alcoholic Beverages License** for a 'Yacht Club Dinner', to be held at the **New Bedford Whaling Museum**, located at **18 Johnny Cake Hill**; and to be held on **August 1, 2013**, from **6:00 p.m. until 8:00 p.m.**

7. APPLICATION, (No Representation Required)

Club Sports Madeirense, - S.S. Sacramento, Inc. Larry Jacques, President requesting approval of an application for a **Special One Day All Alcoholic Beverage License** for a '94th Feast of the Blessed Sacrament' to be held on the **Madeira Feast Grounds (88 Tinkham Street)**, located on **Madeira Avenue**; and to be held **Thursday & Friday, August 1st & 2nd, 2013** from **6:00 p.m. until 11:45 p.m.** and **Saturday & Sunday, August 3rd & 4th, 2013** from **12:00 p.m. until 11:45 p.m.** (*'Security Plan' was approved at 06/26/13 meeting*)

8. APPLICATION, (No Representation Required)

Club Sports Madeirense - S.S. Sacramento, Inc. Larry Jacques, President requesting approval of an application for a **Special One Day All Alcoholic Beverage License** for a '97th Feast of the Blessed Sacrament' to be held at the **Museum of Madeira Heritage**, located at **1 Funchal Place**; and to be held **Thursday & Friday, August 1st & 2nd, 2013** from **6:00 p.m. until 11:45 p.m.** and **Saturday & Sunday, August 3rd & 4th, 2013** from **12:00 p.m. until 11:45 p.m.** (*'Security Plan' was approved at 06/26/13 meeting*)

9. APPLICATION, (No Representation Required)

Club Sports Madeirense, Inc., Serafim J. Correia, Treasurer, who is requesting approval of an application for a **Special One Day All Alcoholic Beverage License** for a 'Fundraiser' to be held in the 'Club – Parking Lot', located at **1626 Acushnet Avenue**; and to be held **Thursday & Friday, August 1st & 2nd, 2013** from **6:00 p.m. until 11:45 p.m.** and **Saturday & Sunday, August 3rd & 4th, 2013** from **12:00 p.m. until 11:45 p.m.** (*'Security Plan' was approved at 06/26/13 meeting*)

10. APPLICATION, (No Representation Required)

Panthers Athletic and Social Club, Inc. Jose 'Zack' DaSilva, President, who is requesting approval of an application for a **Special One Day All Alcoholic Beverage License** for a "Fundraiser" to be held in the **Club – Parking Lot**, located at **43 Madeira Avenue**; and to be held **Thursday & Friday, August 1st & 2nd, 2013** from **6:00 p.m. until 11:45 p.m.** and **Saturday & Sunday, August 3rd & 4th, 2013** from **12:00 p.m. until 11:45 p.m.** (*'Security Plan' was approved at 06/26/13 meeting*)

11. APPLICATION, (No Representation Required)

New Bedford Whaling Museum, Sarah Budlong, Representative, who is requesting approval of an application for a **Special One Day All Alcoholic Beverages License** for their annual 'Over The Top Fundraiser' to be held at the **N. B. Whaling Museum**, located at **18 Johnny Cake Hill**; and to be held on

Saturday, August 3, 2013 from 5:30 p.m. until 10:00 p.m.

12. APPLICATION, (No Representation Required)

Immigrants' Assistance Center, Inc., Helena S. Martins, Executive Director, who is requesting approval of an application for a **Special One Day Wine & Malt Only Alcoholic Beverages License** for a 'Fundraiser' to be held at the **Museum of Madeira Heritage**, located at **1 Funchal Place**; and to be held on **Thursday Aug. 8, 2013, from 7:00 p.m. until 10:00 p.m.**

13. APPLICATION, (No Representation Required)

Buttonwood Park Zoological Society, Inc., Kristen Gray, Representative, who is requesting approval of an application for a **Special One Day All Alcoholic Beverages License**, for a '**Feast in the Wild**' fundraiser to be held at the **Buttonwood Park Zoo**, located at **425 Hawthorn Street**; and to be held on **Saturday, August 17, 2013, from 6:00 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)*

14. APPLICATION, (No Representation Required)

Society of Senhor Da Pedra, George Viveiros, Feast President, who is requesting approval of an application for a **Special One Day All Alcoholic Beverage License** for a 'Fundraiser/ A Feast of Senhor Da Pedra' to be held on the **Madeira Field – Stands 1 & 2**, located on **Madeira Avenue**; and to be held on **Friday, August 16, 2013 from 7:00 p.m. until 11:45 p.m., Saturday, August 17, 2013 from 7:00 p.m. until 11:45 p.m., and Sunday, August 18, 2013 from 6:00 p.m. until 11:00 p.m.** *(A Copy of the Police Detail Contract is required)*

15. APPLICATION, (No Representation Required)

First Citizens' Federal Credit Union, Frank Almeida, Representative, who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for an 'After Hours/Chamber Event' to be held within the **First Citizens' Federal Credit Union**, located at **570 North Front Street**; and to be held on **Thursday, August 15, 2013, from 5:00 p.m. until 8:00 p.m.**

16. APPLICATION, (No Representation Required)

Y.C.V.A.A., Inc., Dulcie Ann Mello, Manager, who is requesting approval of an application for a **Special One Day All Alcoholic Beverages License** for a 'Family Fun Day', to be held in the 'Club Parking Lot', located at **418 South Front Street**; and to be held on **Saturday, August 24, 2013, from 2:00 p.m. until 7:00 p.m.**

17. APPLICATION, (No Representation Required)

Emanuel Alves, Applicant, who is requesting approval of an application for a **Special One Day All Alcoholic Beverages License** for a 'Wedding Reception', to be held in **Fort Taber**; and to be held on **Saturday, August 31, 2013, from 4:00 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)*

18. Hearing: World Famous Pizza & Subs, Inc.

Mr. Mafia A. Holloway, Director
1114 Acushnet Avenue

Your presence and that of Jose Borges, Co-Director is requested at a hearing to determine whether you have violated certain provisions of the City Ordinances of New Bedford, regarding complaints submitted to this office by the New Bedford Police Department.

Violations: New Bedford Code Section 15 - 1.2.

Any business operating under a Common Victualler (Restaurant) license which abuts a residential property shall be subject to a restriction after a hearing before the City of New Bedford Licensing Board, which may restrict the overnight or late night operating hours between the hours of 10:00 p.m. and 7:00 a.m., so as not to menace

the health or interrupt or disturb the sleep of residents, and said City of New Bedford Licensing Board may restrict or prohibit or otherwise regulate said establishment between said hours. Any residential abutter may request a hearing before said City of New Bedford Licensing Board to seek such a restriction.

Summary of Incident Report

Police Department Incident Report states that several units were dispatched to your establishment regarding a large fight in progress during which several subjects were placed under arrest. It was also reported that other Officers have been dispatched to this location on the weekends within the last several weeks, with arrests made outside of the shop, as a result of fights that originated inside the shop and spilled outside. It's also noted in the report that both Mr. Borges, and yourself, were uncooperative when questioned about the incident, and when you were asked to produce your identification, as well as the license for the restaurant.

Date and time of alleged violations: Saturday, June 15, 2013 @ approximately 3:11 a.m. - Police Report #13 – 6613 - OF

- **CORRESPONDENCE,**

“CANCELLATION OF HEARING”

From: Kim S. Gainsboro, ABCC Chairman

Dated – 06/17/13 Received – 06/27/13

Re: The Sky Room, Inc. d/b/a The Sky Room

651 Orchard Street

Hearing Date: Thursday, August 22, 2013 @ 11:00 a.m. for a hearing to determine whether you have violated certain provisions of Massachusetts General Laws Chapter (M.G.L.) OR Code of Massachusetts Regulations (CMR) as follows: M.G.L. CH. 138, sec. 64, **Failure to Comply with the Laws of the Commonwealth, To Wit: M.G.L. Ch. 151A sec.14.**

DUA (Unemployment Insurance) CONTINUED FROM 05/02/13

From: Leanna M. Taylor & Joel A. Costa

Received – 06/26/13

Re: Euphoria Lounge,

289 Acushnet Avenue

Verdean Veterans Memorial Foundation

561 Purchase Street

A written request for an opportunity to speak to the full board at the next Licensing Board meeting in reference to two establishments in our community, which we feel have become a nuisance. The complaint is being filed as a result of loud music between the hours of 8:00 p.m. and 2:00 a.m. on Friday and Saturday nights with regards to Euphoria Lounge; and the same complaint between the hours of 7:00 p.m. and 12:00 a.m. also on Friday and Saturday nights with regards to the Verdean Vets.

From: Kim S. Gainsboro, ABCC Chairman

Dated – 06/27/13 Received – 07/03/13

Re: Judith Lister d/b/a OCD Beverage Catering License

247 Dartmouth Street

Hearing Date: Wednesday, August 7, 2013 @ 1:00 p.m. for a hearing to determine whether your application under M.G.L. Chapter 138, should be approved or disapproved. **(New Catering License) CONTINUED**

FROM 06/04/13

From: Kim S. Gainsboro, ABCC Chairman

Dated –07/08/13 Received – 07/12/13

Re: AMM Enterprises, LLC d/b/a Cobblestone Restaurant

7 South Sixth Street

Hearing Date: Thursday, October 10, 2013, @ 11:30 a.m. for a hearing to determine whether you have violated certain provisions of Massachusetts General Laws Chapter (M.G.L.) OR Code of Massachusetts Regulations (CMR) as follows: M.G.L. CH. 138, sec. 64, **Failure to Comply with the Laws of the Commonwealth, To Wit: M.G.L. Ch. 151A sec.14 & 15.**

LATE FILE

DUA (Unemployment Insurance)

CONTINUED FROM 07/11/13

- **COMPLAINTS RECEIVED:**

Rec'd 07/15/13 – Davy's Locker, 1480 E. Rodney Boulevard – A complaint was file by Councilor Lopes (Ward 6) who stated that he's receiving calls from the neighbors that live around Davy's Locker. The neighbors concerns are the employees at Davy's Locker who are parking on the street again which goes against what he

agreed to at the meeting when the neighbors supported his license for the deck. They would like him to be called into the September Licensing Board meeting.

Action Taken - (07/15/13): The complaint was forwarded to Mr. Dolinsky's Attorney (Atty. Greg Koldys) with a request that he reviews the complaint with his client, and to please ask him to review the complaint with his employees in order to resolve this issue. He was also advised that if this matter is not resolved in a timely manner, and the complaints continue, a hearing will be called as requested by the neighbors on this issue.

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

<u>NAME</u>	<u>POLICE REPORT#</u>	<u>DATE</u>	<u>VIOLATION</u>
1. Hibernia Pub Crowds/	#13-6934-OF	06/22/13	Late Night Disturbance/Excessive Failure to Maintain Control of the Premises (Approximate Time of Violation 1:55 a.m.)
	#13-6983-OF	06/23/13	Late Night Disturbance/Excessive Failure to Maintain Control of the Premises (Approximate Time of Violation 2:01 a.m.)
	#13-7545-OF	07/05/13	Late Night Disturbance/Excessive Failure to Maintain Control of the Premises (Approximate Time of Violation 2:01 a.m.)
	#13-7656-OF	07/07/13	Late Night Disturbance/Excessive Failure to Maintain Control of the Premises (Approximate Time of Violation 2:08 a.m.)

The following Five (5) reports are related to the same incident:

	#13-8004-OF	07/14/13	Late Night Disturbance/Excessive Intoxicated Persons Failure to Maintain Control of the Premises (Approximate Time of Violation 1:45 a.m.)
	#13-2369-AR	07/14/13	Late Night Disturbance/Excessive Intoxicated Persons Failure to Maintain Control of the Premises (Approximate Time of Violation 1:45 a.m.)
	#13-2370-AR	07/14/13	Late Night Disturbance/Excessive Intoxicated Persons Failure to Maintain Control of the Premises (Approximate Time of Violation 1:45 a.m.)

#13-2371-AR 07/14/13 Late Night Disturbance/Excessive
Crowds/
Intoxicated Persons
Failure to Maintain Control of the Premises
(Approximate Time of Violation 1:45 a.m.)

#13-2372-AR 07/14/13 Late Night Disturbance/Excessive
Crowds/
Intoxicated Persons
Failure to Maintain Control of the Premises
(Approximate Time of Violation 1:45 a.m.)

2. **Euphoria Lounge** #13-6931-OF 06/21/13 Late Night Disturbance/Neighbor
Complaint
(Approximate Time of Violation 10:57
p.m.)

#13-7311-OF 06/29/13 Late Night Disturbance/Neighbor
Complaint
(Approximate Time of Violation 11:40
p.m.)

3. **Verdean Vets** #13-4641-OF 04/21/13 Late Night Disturbance/Neighbor
Complaint
(Approximate Time of Violation 9:10 p.m.)

#13-4763-OF 04/21/13 Late Night Disturbance/Neighbor
Complaint
(Approximate Time of Violation 9:29 p.m.)

4. **XS Night Club** #13-6981-OF 06/23/13 Late Night Disturbance/Excessive
Crowds/
Intoxicated Persons
Failure to Maintain Control of the Premises
(Approximate Time of Violation 1:24 a.m.)

#13-6982 -OF 06/23/13 Late Night Disturbance/Excessive
Crowds/
Intoxicated Persons
Failure to Maintain Control of the Premises
(Approximate Time of Violation 1:24 a.m.)

Two Separate Incidents at the same time

Tabled at 07/23/12 Meeting

APPLICATION, - Plot # 107—33, 35, 37, & 39

Jose S. Adao, who resides at **9 Mary Ann Way, Dartmouth, MA.** who is requesting approval of his application for a **Motor Vehicle Class I (New Car Dealer) Annex License for Joe's Auto Mall, Inc. d/b/a Auto Mall Kia**, with premises situated at **548 Belleville Avenue.** (**Note:** Applicant was approved for a 'Special Permit' by the City Council on February 12, 2009.)

****Referred to the Planning Board 07/24/12, per Jill Maclean, Acting City Planner****

- **NEXT TWO (2) MEETING DATES:** August 26th & September 23rd
- **MEETING ADJOURNED:**