



Licensing Board

June 30, 2014 – 7:00 PM – **Agenda**
City Hall, 133 William Street, Room 205

****View Minutes****

LICENSING BOARD MEETING
RE-SCHEDULED FROM 06/23/14

-AGENDA-

Monday, June 30, 2014
Room 205 – 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

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

Nick Nanopoulos, Director

MOTION TO ACCEPT THE MEETING MINUTES OF MARCH 24, 2014

MOTION TO ACCEPT THE MEETING MINUTES OF APRIL 22, 2014

MOTION TO ACCEPT THE MEETING MINUTES OF MAY 19, 2014

APPROVALS RECEIVED FROM THE ALCOHOLIC BEVERAGES CONTROL COMMISSION

Transfer and Change of Location - Trans. #124 – Plot # 78--98

1846 Bar & Grille, Inc., Manuel D. McLean, President, license formerly exercised on premises located at **1846 Purchase Street**, who is petitioning to transfer a **Common Victualler (Restaurant) All Alcoholic Beverages License** to **Black Whale, LLC d/b/a Black Whale**, which was acquired through a **Public Auction Sale on 10/30/12**. Upon approval, **Alberto J. Santos** will be the Sole Member, Sole Manager, and Sole Interest Holder of the LLC; **Albert J. Santos** is also the **Proposed Manager of the Liquor License**. The new proposed licensed premises consist of an area approximately 4,266 sq. ft. on the first floor of a one-story building, which will include a dining area and bar area, which will have an occupancy of 150, and a kitchen, and two handicapped restrooms; which will have one main entrance/exit on the north side of the building onto Co-Op Wharf, and an emergency exit located on the northwest corner of the building. The licensed premises will also include a raised outdoor patio area approximately 3,280 sq. ft., which will be contiguous to the main dining area on the east side of the building; which will include a dining area and bar area with an occupancy of 180, and will be located on the east side of the building with two entrances/exits into the main restaurant area, along with a handicap ramp adjacent to the main entrance. There will also be an area for the storage of alcohol in the basement. The premises is situated on Co-Op Wharf, and **numbered 104-106 Co-Op Wharf.All ‘outdoor entertainment’ must cease at midnight.**

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 –06/03/14

Note: Next two items are related items. (1 license transferred out/1 license transferred in)

Transfer & Pledge of License - Trans. #191 – Plot # 97--175

China Lantern Restaurant, Inc., Wah Fong Leung, President, license formerly exercised on premises located at **116 Nauset Street**, who is petitioning to **transfer a Common Victualler (Restaurant) Wine & Malt Only Beverages License** to **Izzy's Restaurant, LLC d/b/a Izzy's Restaurant**, who is also requesting approval of a **Pledge of the Common Victualler (Restaurant) Wine & Malt License** to **China Lantern, Inc., 536 Hawthorn Street, Dartmouth, MA.** as security to authorize and execute a promissory note in the amount of **Ten Thousand Dollars (\$10,000.00)**, pursuant to Massachusetts General Laws Ch.138 s.23.

Upon approval, Izidora D. Goncalves will be the Sole Member, Sole Manager, and Sole Interest Holder of the LLC; **Izidora D. Goncalves** is also the **Proposed Manager of the Liquor License**. The new proposed licensed premises consist of an area approximately 1,144 sq. ft. on the first floor of a two-story building, which will include one room for dining (6 tables) with a small bar (4 seats), a kitchen, and one restroom. Alcohol will be stored in the kitchen as well as in the small bar area. The premises is situated on the south side of Spring Street between North Sixth and Pleasant Streets, and a main entrance/exit in the front of the building onto Spring Street, with an emergency exit on the southwest corner of the building onto North Sixth Street; **and numbered 72 Spring Street.**

Final approval will require 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 -06/03/14

Transfer and Altering of Premises - Trans. #100 – Plot # 97--175

Pastime, Inc. d/b/a Continental Tavern, Jose Teixeira, President, for a license formerly exercised on the premises located at **114 Nauset Street**, who is petitioning to **transfer a Common Victualler (Restaurant) All Alcoholic Beverages License** to **Ying Dynasty Nauset, LLC d/b/a Ying Dynasty**, who is also petitioning to **Alter the Premises** to include an additional room; as well as requesting approval of a **Pledge of License and Stock of the Common Victualler (Restaurant) All Alcoholic Beverages License** to **Jose Teixeira, 40 Quakers Lane, Acushnet, MA.** as security to authorize and execute a promissory note in the amount of **Four Hundred and Fifty-Five Thousand Dollars (\$455, 000.00)**, pursuant to Massachusetts General Laws Ch.138 s.23.

Upon approval, Shang Ying Zhao will be the Sole Manager and Sole Interest Holder of the LLC; and Melanie Jiang and Shang Xiong Zhao will be members of the LLC. **Shang Xiong Zhao** is also the **Proposed Manager of the Liquor License**. Upon completion of the renovations, the new proposed licensed premises will consist of two rooms within an area approximately 6,184 sq. ft. on the first floor of a street level building. The first room will have a bar area with seating for 18 people and two restrooms, with an access way into the dining area.

The second room will be a dining area that will include fifteen (15) - four (4) person booths, four (4) - six (6) person booths, and four (4) tables with seating for eight (8) people each; as well as two restrooms and a room for the storage of alcohol. In the middle of the restaurant between the two rooms, there will be an area that will include a kitchen, a storage room, and an office. The premises, which is situated on the south side of Nauset Street between Mt. Pleasant and Myrtle Streets, will have three (3) entrances/exits in the front of the building onto Nauset Street, and three (3) emergency exits in the rear of the building, and **will be numbered 114-116 Nauset Street.**

Final approval will require a **'Certificate of Inspection'** from the Building Department, a **'Food Permit'** from the Health Department, 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 -06/03/14

New Retail Package Store Wine & Malt Only License - Trans. # 226 – Plot # 130A-1

Nar Fuel, Inc. d/b/a Hi Lo Gas, Ghada Hamzeh President, who is petitioning for a **New Retail Package Store Wine and Malt Only Beverages License**. Ghada Hamzeh is the President, Secretary, Co-Director, and Co-Shareholder (50%), and **Adel Eldehni** is the Treasurer, Co-Director, Co-Shareholder (50%), and **Proposed Manager**. The proposed licensed premises is a convenience store located in a street level building in an area approximately 1,400 sq. ft., which will include a walk-in cooler for the storage of alcohol, as well as three (3) coolers and shelving for the sale and display of alcohol; the area also includes an office, two (2) storage rooms, and one (1) restroom. There is one (1) entrance/exit in the front of the building, as well as one (1) additional exit

located on the south side of the building.

The premise is situated on the corner of Chaffee Street and Acushnet Avenue, **and numbered 2780 Acushnet Avenue.**

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

Approved By ABCC –06/19/14

1. PETITION - Trans. #064 – Plot # 53--134

Daniels Goggin, Inc. d/b/a 'Brick', John Goggin, Treasurer/Co-Owner, who is requesting permission to **Change the Description of the Common Victualler (Restaurant) All Alcoholic Beverages** license to include an outdoor area approximately 585 sq. ft. (39' x 15') to be used as a 'Sidewalk Café', which will be enclosed by a 45" high Wrought Iron designed temporary patio fence, and will be used for **seated dining purposes only**. The enclosed area will include four (4) tables with four (4) dining chairs for the seating of sixteen (16) people, and is located on the west side of the building, which is contiguous to the licensed premises. The proposed outdoor area **will only be accessible** from an entrance/exit leading from the side door of the restaurant, along with one (1) emergency only exit, and is located in the area known as Wing's Court. 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 1ST through October 30th,** in accordance, and as specified in the City of New Bedford Sidewalk Café Permit Ordinance. (Ord. Ch. 15, Article VI, sec. 15-100 (B) (items 8 & 15). The licensed premises will remain as **163 Union Street.**

Application has been advertised; Abutters have been notified.

Final approval will require approval from the **Building Department and Health Department,** along with a **new copy of 'Proof of Liquor Liability', which includes the patio in Wing's Court and names the City of New Bedford as additionally insured.**

****Note: Request must be approved by the Planning Board at its 07/09/14 Meeting; a copy of that approval must be submitted with the application to the ABCC, if approved by the Licensing Board.**

2. PETITION - Trans. #227 – Plot # 93--258

World Famous Pizza and Subs, Inc., Jose G. Borges, Jr., President, who is petitioning for a **New Common Victualler (Restaurant) Wine and Malt Only Beverages License.** Upon approval, Jose G. Borges, Jr. will be the President, Sole Director, and Co-Shareholder (50%); Mary K. McGinn will be the Treasurer, Secretary, and Co-Shareholder (50%). **Jose G. Borges, Jr. is the Proposed Manager.** The new proposed licensed premises consist of an area approximately 2,600 sq. ft. on the first floor of a street level building, which will include one room for dining with seating for nineteen (19), food prep and storage area, and one restroom. Alcohol will be stored in a cooler behind the rear counter area, as well as in the storage area in the rear of the restaurant. The premises is situated on the east side of Acushnet Avenue between Beetle and Coggeshall Streets, which has one main entrance/exit in the front of the building onto Acushnet Avenue, with an emergency exit in the rear of the building; and numbered **1114 Acushnet Avenue.**

Application has been advertised; Abutters have been notified.

Final approval will require a **new signed 'Fire & Building Certificate'** as required under the Chapter 304 Fire Acts Compliance; along with a **new copy of 'Proof of Liquor Liability'.**

Tabled at 05/19/14 Meeting

3. PETITION - Trans. #078 – Plot # 52--229

Almost Brothers, Inc. d/b/a Hibernia Pub, Barry (Bartholomew) W. Flynn, President, who is petitioning to **transfer a General on Premise All Alcoholic Beverages License to Carrig, Inc. d/b/a Hibernia Brew Pub,** who is also requesting approval of a **Pledge of the General on Premise All Alcoholic License** to the **New Bedford Economic Development Council, 1213 Purchase Street, N.B., MA.** as security to authorize and execute a promissory note in the amount of **One Hundred and Thirty-Five Thousand Dollars (\$135,000.00),** pursuant to Massachusetts General Laws Ch.138 s.23. **Barry (Bartholomew) W. Flynn** will be the President, Sole Director, a Co-Shareholder (51%), and the **Proposed Manager;** and Catherine Flynn will be the Treasurer, Secretary, and a Co-Shareholder (49%). Premises will remain the same at **109 William Street.**

Application has been advertised

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

Minutes of 04/22/14 Meeting

Present: *No one was required to appear based on the applicant’s failure to complete their application..*

Mr. Nanopoulos informed the Board that Mr. Flynn failed to submit the following documents that were needed to complete his application:

1. Petition for a Change of License – Pledge of License
2. New Vote Including Pledge of License
3. P & S Agreement
4. Assignment of License
5. Pledge Agreement
6. Promissory Note
7. DOR Certificate of Good Standing from Almost Brothers, Inc.

Mr. Nanopoulos recommended to the Board that they table the matter until its next meeting (May 19th), in order to give Mr. Flynn 30 additional days to submit the missing documents to complete his application; and added, if the applicant fails to submit the missing documents in time for the next meeting, then the applicant would have to re-advertise his application, which would require an additional \$175.00 advertising fee.

Voted: Commissioner Almeida, based on the information provided by Mr. Nanopoulos, made a motion to table the matter to the Board’s next meeting (May 19th). – **Unanimous**

Minutes of 05/19/14 Meeting

Present: *Barry W. Flynn, Owner*

Mr. Nanopoulos informed the Board that Mr. Flynn had dropped off some documents earlier in the day, but the following documents were still needed to complete his application:

1. Pledge Agreement – “**STILL OUTSTANDING**”
2. Promissory Note – **REC’D**
3. DOR Certificate of Good Standing from Almost Brothers, Inc. – **REC’D**

Based on Mr. Flynn’s assurance that he would have all the missing documents by the end of the week, Mr. Nanopoulos recommended to the Board that they table it one last time; but if the missing documents were not received in time for the next meeting, then the application would have to be re-advertised once the missing documents were submitted.

Voted: On a motion by Commissioner Almeida, the Board **voted unanimously to once again table any action on the matter until the Board’s next meeting on June 23, 2014;** and instructed Mr. Flynn, that the three missing documents must be submitted by June 16th in order for the petition to be considered for approval by the Board at its next meeting. – **Unanimous**

Tabled at 05/19/14 Meeting

4. PETITION - Trans. #109 – Plot # 19--53

United Fishermen Club, Inc., Jack Custodio, President, who per a vote taken at the Annual ‘Club’ Meeting held on December 29, 2013, is petitioning for a **Change of Officers, Directors, and Manager** of the **General on Premise All Alcoholic Beverages License**.

Upon approval, the New Officers and Directors will be as follows: Jack Custodio will remain as the President and a Co-Director, Paulo Vieira and Mark Custodio will serve as Vice – Presidents and Co-Directors, Manuel Gil will be the Treasurer and a Co-Director, John Santos will be the Secretary and a Co-Director, and Antonio Afonso will be a Co-Director, respectively: **Mark Custodio** is the **Proposed New Manager**. Premises will remain the same at **639 Orchard Street**.

Advertisement & Abutters Notification not required.

Minutes of 05/19/14 Meeting

Since the DOR Certificate hadn’t yet been submitted, Commissioner Almeida made a motion to table the matter to the Board’s next meeting (June 23rd).

Tabled at 05/19/14 Meeting – “NO FURTHER ACTION REQUIRED”

5. Hearing: United Fisherman’s Club, Inc.

Jack Custodio, Manager
639 Orchard Street

You are hereby notified that **your presence** and that of the **Club’s Bookkeeper** is required at a hearing to determine whether you have violated certain provisions of M.G.L. Ch. 138, sec. 64-Failure to Comply with the Laws of the Commonwealth, To Wit: M.G.L. Ch. 138, sec. 12 & 26, as follows:

1. An application must be filed to obtain approval from the local licensing authority and the ABCC for a Change (New) of Officers and Directors.
2. Each Corporate Licensee shall appoint a manager (by a properly authorized and executed written delegation) who shall have full authority and control of the premises and who shall be satisfactory to the Board, and who shall be a United States citizen. Immediate notice of the appointment must be made to the Board in writing.

As well as your failure to comply with the requirements set by this Board with regard to hall rentals and special events, which require the filing of a ‘Hall Rental Agreement’ for all events held in your hall, as well as applying for police details in the club’s name; these conditions were reviewed with you at this Board’s November 18, 2013 meeting, at which time Atty. (Christopher) Markey stated the following on your behalf:

“He is under the understanding of the probation requirements and the bookkeeper is as well, that they are to notify the Director as to who is renting out the hall ... and provide that information to the Board ... as well as the need to hire a police detail every time it’s rented out. Mr. Custodio knows of those conditions ... he understands that he can’t have a promoter come in and do that ... so he’s fully aware of that ... he’s fully aware that he’s put the Director on notice as to who is coming in for what purposes of renting out the facility.” Please be advised that your failure to appear before this Board as requested may result in the suspension of your General on Premise All Alcoholic Beverages License until compliance is met.

Minutes of 03/24/14 Meeting:

Following the public hearing of March 24, 2014, at which time the above stated issues were discussed at length, this Board voted unanimously to table the matter to the Board’s April 22, 2014 meeting. The Board also warned the licensee that if a complete application was not submitted to the Office of the Licensing Board for the required changes **by Friday, April 4, 2014**, the Board would vote to suspend their license until an appropriate application was submitted.

Minutes of 04/22/14 Meeting:

Present: Jack Custodio, President and Current Manager along with Mark Custodio, Proposed New Manager
Chairman Beauregard re-opened the hearing by expressing his displeasure and concern that this matter is being delayed once again due to the 11th hour resignation of Mr. Pimentel; as well as the ‘club’s’ failure to secure a DOR Certificate of Good Standing to complete the application.

Chairman Beauregard stated to both Mr. Custodio and his son, the Board has attempted to work with the ‘club’ and has made every accommodation possible to resolve this matter since December of 2011; and that the Board has extended a ‘courtesy’ to this ‘club’ that no other licensee has received, and we still do not have an application before us that is complete and acceptable to this Board, for their approval.

Chairman Beauregard continued his remarks by stating, you were warned by this Board that if a complete application was not submitted to the Office of the Licensing Board for the required changes by Friday, April 4, 2014, the Board would vote to suspend your license until an appropriate application was submitted; I think this Board has been more than fair with the time they have given the ‘club’ to resolve this issue, and I think the Board has been put in a position that it does not want to be in, in which it has to take action, based on the matter being delayed once again.

Upon discussing the matter further with those present on behalf of the ‘club’, as well as listening to input from Atty. Markey, the Board was in agreement that the licensee has been given more than sufficient time to resolve this matter, and that it hadn’t met the April 4th deadline that had been set by the Board at its March 24th meeting;

Commissioner Almeida stated he was going to make a motion to suspend the license until this matter is resolved.

VOTED: Upon discussing the matter with its legal counsel; a motion to suspend the General on Premise license effective May 13, 2014, if in fact a completed application is not submitted by May 12, 2014, including a Certificate of Good Standing from the Department of Revenue was made by Commissioner Almeida and seconded by Commissioner Craig. It was unanimously approved.

Minutes of 05/19/14 Meeting:

Present: Jack Custodio, President and Current Manager along with Mark Custodio, Proposed New Manager; Antonio F.D. Cabral, State Representative

Mr. Nanopoulos informed the Board that a 'new' application was submitted by the May 12th deadline, but the Certificate of Good Standing from the Department of Revenue still has not been received, which was a condition of the Board's decision of April 22, 2014 to suspend the United Fishermen Club's license until a complete application was submitted; therefore, based on the 'club's failure to meet the Board's deadline, the suspension was in effect based on the Board's 04/22/14 vote.

Chairman Beauregard opened the hearing by stating, I did speak to Representative Cabral and Albino Dias this afternoon, and they informed me that they went up and delivered a check to Boston ... and Representative Cabral left me a message this afternoon informing me that the check was delivered to the Department of Revenue ... and they anticipate that in a short period of time ... they we will have the Certificate of Good Standing delivered to us ... so I would recommend that we table the start of the suspension until the Board's next meeting on June 23, 2014.

VOTED: Based on the licensee's assurance and that of State Representative Cabral, that the 'club' had satisfied all of his DOR issues, and that the DOR Certificate of Good Standing would be received within Ten (10) Days; the Licensing Board, on a motion by Commissioner Almeida, voted to hold their decision of 04/22/14, in which it suspended the General on Premise license effective May 19, 2014, in abeyance until its June 23, 2014 meeting. – **Unanimous**

6. PETITION - Trans. #074 – Plot # 12--287

The Edge Hospitality, LLC d/b/a The Edge Seafood and Bar, 1480 E. Rodney French Boulevard, is requesting the approval of **Kara Marie Bergeron** who resides at 18 Kearsarge Street, New Bedford, MA. as their new manager.

7. PETITION - Trans. #226 – Plot # 12--287

The Edge Hospitality, LLC d/b/a The Edge – Tiki Bar, 1480-S E. Rodney French Boulevard, is requesting the approval of **Kara Marie Bergeron** who resides at 18 Kearsarge Street, New Bedford, MA. as their new manager.

8. Hearing: Whaling City Club, Inc. – “NO FURTHER ACTION REQUIRED”

Carlos Barreira, President
447 Belleville Avenue

Your presence is requested at a hearing to discuss the recent resignation of your current manager on June 4, 2014. Failure to comply with this notice may result in the Licensing Board taking action to suspend your license until this matter is resolved.

Issue Summary

This office has received written notice that your current manager, Carlos Ferreira has resigned as manager due to health reasons.

Please be advised that you will be considered the acting manager until a new manager is approved by the Board and the ABCC; and that a **Change of Manager application must be submitted to the Licensing Board office by July 7, 2014** so that it may be placed on the July 28, 2014 Meeting Agenda.

The Licensing Board would like to remind you of the following:

MGL Chapter 138, sections 12, 23-

An application must be filed to obtain approval from the local licensing authorities and the ABCC for a change of manager.

Licensing Board Regulation No. 6-

Each corporate licensee shall appoint a manager who shall have full authority and control of the premises and who shall be satisfactory to the Board and who shall be a United States citizen. Immediate notice of the appointment must be made to the Board in writing.

****06/24/14** – Mr. Barreira came to the office and that matter was discussed with him, and he informed Mr. Nanopoulos that he would become the manager, and that he would submit an application by July 14th, so that it could be considered by the Board at its July 28th Meeting.

*****Inactive Wine & Malt Licenses*****

9. Hearing: Ransan Rotisserie, Inc.

d/b/a Braza Rotisserie

Mr. Randy R. Cardoso, Owner

566 Pleasant Street

Closed 12/31/13 – License for Sale

Your presence is respectfully requested at a hearing to determine the status of your annual liquor license for the year 2014. 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 2014 prior to this Board considering approval of your 2015 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 Wine & Malt Only Beverages License.

10. Hearing: Salty Cod, LLC “NO FURTHER ACTION REQUIRED”

d/b/a Salty Cod

Mr. Luis Martins, Owner

1500 Cove Road

Closed 12/31/13 – License for Sale

Your presence is respectfully requested at a hearing to determine the status of your annual liquor license for the year 2014. 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 2014 prior to this Board considering approval of your 2015 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 Wine & Malt Only Beverages License.

****Note:** An application for transfer is being finalized and will be submitted in time for the Board’s July 28th meeting.

11. Hearing: PI-ZAN, Inc.

Mr. Jason P. Lanagan, Owner

29 Union Street

Closed 07/01/13 – Closed for Renovations

Your presence is respectfully requested at a hearing to determine the status of your annual liquor license for the year 2014. 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 2014 prior to this Board considering approval of your 2015 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 Wine & Malt Only Beverages License.

Minutes of 11/18/13 Meeting

Present: Jason P. Lanagan, Owner

When asked by Chairman Beauregard as to what his plans were for Pi-Zans, Mr. Lanagan responded, Pi-Zans is currently closed ... the Route 18 project made it difficult to remain open ... we do have a building application submitted to Inspectional Services and it’s pending some code review with our architect ... and I expect that to be resolved in the next 30 days ... and we plan on starting construction as soon as the cobblestone work is finished on lower Union Street that’s currently being re-done ... so we’re kind of waiting to see how that all plays out before we start ... because we don’t want to run the risk of opening while it’s still under construction ... which is the reason we went out of business in the first place ... and if we do change any names or any ownership or any description with regard to the license ... we’ll make sure that we file everything with your office first.

Mr. Nanopoulos reminded Mr. Lanagan that any changes could take 6 to 8 weeks to come back from the ABCC, and suggested that he submit those changes in a timely manner as not to delay any planned opening, since those changes would have to be approved by the Board and the ABCC prior to his opening.

VOTED: Based on the information provided by Mr. Lanagan; Commissioner Almeida made a motion to approve the renewal for 2014. – **Unanimous**

*****Inactive All Alcohol Licenses*****

12. Hearing: Giraldo’s Restaurant, Inc. d/b/a Adriana’s Mexican Restaurant

Mr. Fernando Giraldo, President/Owner

1262 Acushnet Avenue

Approved 02/07/13 – Renovations - Proposed ‘May Opening’ per 02/24/14 Meeting

Your presence is respectfully requested at a hearing to determine the status of your annual liquor license for the year 2014. 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 2014 prior to this Board considering approval of your 2015 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.

Minutes of 02/24/14

Present: Fernando Giraldo, Co-Owner along with Charlie McGregor, Contractor

When asked by Chairman Beauregard to give the Board an update regarding the ongoing renovations, Mr. Giraldo stated that the renovations were going really good, and that over the past few days they’ve had an electrical inspection ... a gas inspection ... but they were still on the Fire, Health, and Building inspections ... all the construction is done ... were just waiting for approvals and permits.

When asked by Chairman Beauregard if they had an anticipated opening date at this point, Mr. Giraldo responded, not really ... as you know these things take time coordinating ... it’s something we can’t control ... if everything goes smooth ... hopefully we can open within a month, I hope ... everything should be all set.

Mr. Nanopoulos recommended to the Board that the matter should be tabled to the Board’s May meeting, which would give Mr. Giraldo almost three months to finish the project and open up, which should be ample time based on the information he provided at this meeting.

VOTED: Commissioner Almeida made a motion to follow the recommendation to table the matter to the Board’s May meeting, with the stipulation, if the premise is operational by that date then there would be no need for Mr. Giraldo to appear at the May meeting. – **Unanimous**

13. Hearing: Calypso Hospitality, LLC d/b/a Fernando’s Grille & Bar

Mr. Gregory Kulpinski, Owner

418-420 Rivet Street

Closed 10/01/13 – License for Sale

Your presence is respectfully requested at a hearing to determine the status of your annual liquor license for the year 2014. 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 2014 prior to this Board considering approval of your 2015 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.

14. Hearing: JAMA, LLC d/b/a Major League Burgers “TO BE TABLED TO 07/28/14 MEETING”

Ms. Jane A. Magan-Askew, Owner

914 Mt. Pleasant Street

Approved 11/25/13 – Renovations

Your presence is respectfully requested at a hearing to determine the status of your annual liquor license for the year 2014. 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 2014 prior to this Board considering approval of your 2015 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.

Minutes of 10/21/13

Present: Atty. Greg Koldys along with Jane A. Magan-Askew, Sole Manager of LLC and Proposed New Manager.

When asked by Mr. Nanopoulos as to when they planned to open, Atty. Koldys responded, it’s a build out ... but the hope was to open by the beginning of December ... but obviously the build out is going to take some time ... so we’re not actually sure at this time; the plans had been submitted to the Building Department and approved.

Note: When informed of the date change, Atty. Koldys stated that he would be vacation and would be unavailable on June 23rd, he was informed that they would have to appear at the Board’s July 28th meeting, to which he agreed to.

15. Hearing: Tane Corporation d/b/a Octane Sports Bar

Ms. Fernanda Carvalho, Owner

1430 Acushnet Avenue

Closed 10/31/13 – License for Sale

Your presence is respectfully requested at a hearing to determine the status of your annual liquor license for the year 2014. 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 2014 prior to this Board considering approval of your 2015 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.

16. Hearing: Trans. - City, Inc. d/b/a Wharf Tavern & Deli – “NO FURTHER ACTION REQUIRED”

Mr. Rene S. Servais, Owner

216 Herman Melville Boulevard

Closed 03/04/14 – License for Sale

Your presence is respectfully requested at a hearing to determine the status of your annual liquor license for the year 2014. 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 2014 prior to this Board considering approval of your 2015 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.

****06/18/14** – A letter was submitted by Atty. Morad on behalf of his client, Rene Servais, stating that a purchase and sales agreement has been executed for the sale of his liquor license. (Atty. Christopher Markey also contacted the Licensing Board office stating that he would be representing the buyer, and that he would be submitting an application for transfer shortly.)

17. Hearing: Sugar & Pico, Inc. d/b/a Sugar Daddy’s Campino Lounge

Mr. Jose Matos, Owner

821 South First Street

Approved 01/21/14 – Renovations

Your presence is respectfully requested at a hearing to determine the status of your annual liquor license for the year 2014. 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 2014 prior to this Board considering approval of your 2015 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.

18. Hearing: New Bedford Lodge No. 73 – BPO Elks
Mr. Francis E. Wynn, Jr., Trustee-Chairman
23 South Sixth Street
Closed 01/01/14 – License for Sale

Your presence is respectfully requested at a hearing to determine the status of your annual liquor license for the year 2014. 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 2014 prior to this Board considering approval of your 2015 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 ‘Club’ All Alcoholic Beverages License.

****Rec’d 06/18/14** – The licensee submitted a letter stating that sale of the liquor license was put into the hands of a real estate broker (Pontiff Real Estate), and it’s the intent of the Wareham - New Bedford Elks Lodge to sell the liquor license and the real estate located at 23 South Sixth Street; it was also stated in the letter that the New Bedford of Elks was merged with the Wareham Lodge of Elks in Late February, which caused a significant delay in obtaining the necessary approvals to place the liquor license and real estate for sale. **(The sale of the license is currently being advertised.)**

19. APPLICATION, (No Representation Required)

TJA Foundation, Steven Martins, 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 Pavillion Area**, located on **Madeira Avenue**; and to be held on **Sunday, June 1, 2014 from 12:00 p.m. until 6:00 p.m.**

20. APPLICATION, (No Representation Required)

N.B. Historical Society, Inc., Lee Blake, Representative, who is requesting approval of an application for a **Special One-Day Wine & Malt Only Beverage License** for a ‘Book Signing Reception’, to be held in the **Fort Taber Community Center**, located within **Fort Taber**; and to be held on **Thursday, June 5, 2014, from 6:30 p.m. until 8:30 p.m.**

21. APPLICATION, (No Representation Required)

Jessica Gouveia and John Glass, Applicants, who are requesting approval of an application for a **Special One-Day All Alcoholic Beverage License** for a ‘Wedding Reception’, to be held in the **Fort Taber Community Center**, located within **Fort Taber**; and to be held on **Saturday, June 7, 2014, from 5:00 p.m. until 11:00 p.m.**

(Final approval will require Liquor Liability with the City named as additionally insured.)

22. APPLICATION, (No Representation Required)

Club Madeirense – S.S. Sacramento, Edward Camara, Jr., Representative, who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for their ‘2014 Night of St. John

Clamboil' to be held at the **Madeira Field – Main Pavillion Area**, located on **Madeira Avenue**; and to be held on **Sunday, June 8, 2014 from 1:00 p.m. until 4:00 p.m.**

23. APPLICATION, (No Representation Required)

Zeiterion Theatre, Inc., Justin LaCroix, Manager who is requesting approval of an application for a **Special One-Day All Alcoholic Beverages License** for a 'V.I.P. Membership Lounge Fundraiser', to be held in the 'Penler Space', located at **686 Purchase Street**; and to be held on **Monday, June 9, 2014, from 6:00 p.m. until 11:30 p.m.**

24. APPLICATION, (No Representation Required)

Zeiterion Theatre, Inc., Justin LaCroix, Manager who is requesting approval of an application for a **Special One-Day All Alcoholic Beverages License** for a 'V.I.P. Membership Lounge Fundraiser', to be held in the 'Penler Space', located at **686 Purchase Street**; and to be held on **Tuesday, June 10, 2014, from 6:00 p.m. until 11:30 p.m.**

25. APPLICATION, (No Representation Required)

Pier 37, LLC d/b/a Pier 37, Steven Perry, Manager, who is requesting approval of an application for a **Special One-Day Wine & Malt Only Beverage License** for a 'Block Party', to be held on **Union and Front Streets**; and to be held on **Saturday, June 21, 2014 from 4:00 p.m. until 8:00 p.m. (Last call at 7:30 p.m.)** and **Sunday, June 22, 2014, from 2:00 p.m. until 6:00 p.m. (Last Call at 5:30 p.m.)**

(Final approval will require Liquor Liability with the City named as additionally insured, and a copy of the Police Detail Contract) ABCC Guidelines, Security Plan, and Board Stipulations were reviewed, approved, and accepted by the Board and representatives of the Royal Front and Union Neighborhood Association on behalf of all the participants; Written Notice of what was approved was submitted to each participant on 05/28/14.

26. APPLICATION, (No Representation Required)

Cork County, Inc. d/b/a Slainte Irish Pub, Barry Flynn, Manager, who is requesting approval of an application for a **Special One-Day Wine & Malt Only Beverage License** for a 'Block Party', to be held on **Union and Front Streets**; and to be held on **Saturday, June 21, 2014 from 4:00 p.m. until 8:00 p.m. (Last call at 7:30 p.m.)** and **Sunday, June 22, 2014, from 2:00 p.m. until 6:00 p.m. (Last Call at 5:30 p.m.)**

(Final approval will require Liquor Liability with the City named as additionally insured, and a copy of the Police Detail Contract) ABCC Guidelines, Security Plan, and Board Stipulations were reviewed, approved, and accepted by the Board and representatives of the Royal Front and Union Neighborhood Association on behalf of all the participants; Written Notice of what was approved was hand delivered to each participant on 05/28/14.

27. APPLICATION, (No Representation Required)

Matterhorn, RE, LLC d/b/a "CORK", Jason Lanagan, Owner, who is requesting approval of an application for a **Special One-Day Wine & Malt Only Beverage License** for a 'Block Party', to be held on **Union and Front Streets**; and to be held on **Saturday, June 21, 2014 from 4:00 p.m. until 8:00 p.m. (Last call at 7:30 p.m.)** and **Sunday, June 22, 2014, from 2:00 p.m. until 6:00 p.m. (Last Call at 5:30 p.m.)**

(Final approval will require Liquor Liability with the City named as additionally insured, and a copy of the Police Detail Contract) ABCC Guidelines, Security Plan, and Board Stipulations were reviewed, approved, and accepted by the Board and representatives of the Royal Front and Union Neighborhood Association on behalf of all the participants; Written Notice of what was approved was hand delivered to each participant on 05/28/14.

28. APPLICATION, (No Representation Required)

The Pequod, Inc. d/b/a Rose Alley Ale House, Jason Lanagan, Owner, who is requesting approval of an application for a **Special One-Day Wine & Malt Only Beverage License** for a 'Block Party', to be held on **Union and Front Streets**; and to be held on **Saturday, June 21, 2014 from 4:00 p.m. until 8:00 p.m. (Last**

call at 7:30 p.m.) and Sunday, June 22, 2014, from 2:00 p.m. until 6:00 p.m. (Last Call at 5:30 p.m.) (Final approval will require Liquor Liability with the City named as additionally insured, and a copy of the Police Detail Contract) ABCC Guidelines, Security Plan, and Board Stipulations were reviewed, approved, and accepted by the Board and representatives of the Royal Front and Union Neighborhood Association on behalf of all the participants; Written Notice of what was approved was hand delivered to each participant on 05/28/14.

29. APPLICATION, (No Representation Required)

Pub 6 Social Corp. d/b/a Pub 69 at the Sixth Bristol, George Oliveira, President who is requesting approval of an application for a **Special One-Day All Alcoholic Beverages License** for the 'Normandin Teacher's End of Year Cookout', to be held in the **Sixth Bristol Parking Lot**, located at **736 Ashley Boulevard**; and to be held on **Tuesday, June 24, 2014, from 1:00 p.m. until 8:00 p.m.**

30. APPLICATION, (No Representation Required)

New Bedford Art Museum/Artworks!, Lindsay Mis, Event Manager, who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for an 'Opening Reception', to be held at the **New Bedford Art Museum**, located at **608 Pleasant Street**; and to be held on **Friday, June 27, 2014 from 6:00 p.m. until 8:00 p.m.**

31. APPLICATION, (No Representation Required)

Centro – Luso American Club, Inc., John Tomasia, Manager, who is requesting approval of an application for a **Special One-Day All Alcoholic Beverage License** for a '4th of July Cookout', to be held in the '**Club Parking Lot**', located at **34 Beetle Street**; and to be held on **Friday, July 4, 2014, from 12:00 p.m. until 8:00 p.m.**

32. APPLICATION, (No Representation Required)

The Bisca Tournament Club, Jose S. Duarte, Manager, who is requesting approval of an application for a **Special One Day All Alcoholic Beverages License** for a 'Fundraiser/Cape Verdean Day Parade', to be held in the **Club - Parking Lot**, located at **161 Acushnet Avenue**; and to be held on **Saturday, July 5, 2014, from 11:00 a.m. until 8:00 p.m.**

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

Note: 'Security Plan' Approved at 05/19/14 Meeting

33. APPLICATION, (No Representation Required)

Verdean Veteran's Memorial Foundation, Kenneth Gilbert, Finance Officer, who is requesting approval of an application for a **Special One Day All Alcoholic Beverages License** for a 'Fundraiser/Cape Verdean Day Parade', to be held in the **Club - Parking Lot**, located at **561 Purchase Street**; and to be held on **Saturday, July 5, 2014, from 10:00 a.m. until 6:00 p.m.**

(Final approval will require a copy of the Police Detail Contract)

Note: 'Security Plan' Approved at 05/19/14 Meeting

34. APPLICATION, (No Representation Required)

The New Cape Verdean Ultramarine Band Club, Inc., Ramona C. Silva, Representative, who is requesting approval of an application for a **Special One Day All Alcoholic Beverages License** for a 'Fundraiser/Cape Verdean Day Parade', to be held in the **Club - Parking Lot**, located at **185 Acushnet Avenue**; and to be held on **Saturday, July 5, 2014, from 11:00 a.m. until 11:45 p.m.**

Note: 'Security Plan' Approved at 05/19/14 Meeting

35. APPLICATION, (No Representation Required)

Cape Verdean Recognition Day Committee, Charles Perry, Jr., Representative, who is requesting approval

of an application for a **Special One Day Wine & Malt Only Beverages License** for a 'Fundraiser/Cape Verdean Day Parade Festival', to be held in the Morse Twist Drill Parking Lot; and to be held on **Sunday, July 6, 2014, from 11:00 a.m. until 8:00 p.m.** (*Final approval will require Liquor Liability with the City named as additionally insured and a copy of the Police Detail Contract*) Note: 'Security Plan' Approved at 05/19/14 Meeting

36. APPLICATION, (No Representation Required)

Society of Senhor Da Pedra, Inc., Fernando Arruda, Representative, who is requesting approval of an application for a **Special One-Day All Alcoholic Beverage License** for a 'Clamboil – Feast Fundraiser', to be held in the **Club Parking Lot** located at **81 Tinkham Street**; and to be held on **Saturday, July 12, 2014, from 12:00 p.m. until 6:00 p.m.**

37. APPLICATION, (No Representation Required)

Nancy Wadman, Applicant, who is requesting approval of an application for a **Special One-Day Wine & Malt Only Beverage License** for a 'David Tatelbaum & Jan Goodall Wedding Rehearsal Dinner', to be held in the **Fort Taber Community Center (Indoors Only)**, located within **Fort Taber**; and to be held on **Friday, July 18, 2014, from 4:30 p.m. until 10:30 p.m.** (*Final approval will require Liquor Liability with the City named as additionally insured.*)

38. APPLICATION, (No Representation Required)

Low Tide Yacht Club, Edward Lobo, Representative, who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for a 'Steak Cookout', to be held inside the Low Tide Yacht Club, located within **Fort Taber Park**; and to be held on **Saturday, July 19, 2014, from 6:00 p.m. until 10:00 p.m.** (*Final approval will require Liquor Liability with the City named as additionally insured and name of alcohol provider*)

39. APPLICATION, (No Representation Required)

Society of Senhor Da Pedra, Fernando Arruda, Feast Vice-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 15, 2014 from 7:00 p.m. until 11:45 p.m., Saturday, August 16, 2014 from 7:00 p.m. until 11:45 p.m., and Sunday, August 17, 2014 from 6:00 p.m. until 11:00 p.m.** (*Final approval will require Liquor Liability and a copy of the Police Detail Contract*)

40. APPLICATION, (No Representation Required)

New Bedford Jewish Convalescent Home, Ruth Glicksman, Representative, who is requesting approval of an application for a **Special One Day All Alcoholic Beverages License** for a 'Cocktail Party Fundraiser' to be held at the **New Bedford Jewish Convalescent Home**, located at **200 Hawthorn Street**; and to be held on **Sunday, September 14, 2014, from 5:30 p.m. until 9:30 p.m.**

41. Meeting: The Club Madeirense S.S. Sacramento, Inc.

100th Feast of the Blessed Sacrament

Mr. Larry A. Jacques, President

50 Madeira Avenue

Note: New proposed start time of Noon (12:00 p.m.) on Friday from the previously approved time of 6:00 p.m.

Your presence is requested at a meeting to to discuss any concerns the Board may have **regarding security and enforcement of Licensing Board & ABCC Rules & Regulations**, concerning the weekend of the **100th Feast of the Blessed Sacrament (July 31st, August 1st, 2nd & 3rd)** the meeting will include David Provencher, Police Chief, Capt. Steven Vicente, Liaison to the Licensing Board, and Lt. Joao Chaves, Detail Officer for Special

Events.

With regard to this year's event, this Board is looking forward to working with you and your committee with the hope that you embrace the outstanding plan that has formulated over the past several years, and that, if possible, explore ways to improve on the plan.

We fully anticipate that this year's committee will work with us to help ensure that the 100th Feast of the Blessed Sacrament, 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 Madeira heritage, remains a safe and enjoyable event for all.

PREVIOUSLY ADOPTED:

- The Feast grounds perimeter that patrons will be traveling in and out of, which includes the 'Feast and the Carnival area' will be enclosed with **only four (4) entrances/exits locations.** (See Attached Plan)
- Each entrance/exit will be manned by Police Officers full time and they **will be responsible for not allowing alcohol to leave that area.**
- The Feast Committee **agreed to hire five (5) additional officers for each night** of the Feast, who will be used to contain the alcohol in the enclosed area.
- Post signs at all entrances & exits – **“No Alcohol Beyond This Point”**.
- **Set up barrels at all exits** to help deter persons from leaving the contained area with alcohol.
- **I.D.'s will be checked before issuing wristbands;** also anyone consuming alcohol will be monitored to make sure they have a wristband and spot checks of person's with wristbands will be done to make sure they have proof of age on them.
- The Feast Committee has also **agreed to keep nine (9) Officers an additional hour (until 2:00 a.m.) to provide extra security for the neighborhood** and they will patrol the immediate neighborhood to ensure that those persons leaving the Feast Grounds do so in a timely manner with as minimal an amount of disturbance to the neighborhood as possible.
- They also **have eliminated the 28 oz. containers of Madeira Wine,** which will only be sold in 3 oz. & 7 oz. cups, which should eliminate some of the problems with intoxication and the consumption of the wine by minors purchased by persons of age. (New)

ADOPTED FOR 2007:

- **Police Officers** – stationed at each I.D. Station.
- **35 and Under Line** – will be used for the I.D. Scanning machines.
- **6 I.D. Scanning Machines** – 2 machines at 3 sites on the feast grounds linked to a common database, which will issue only one wristband per night to any one person, which will allow the feast to:
 1. Prohibit second hand use of the same license.
 2. Better identify those people less than 35 yrs. of age (different style of wristbands).
 3. AgeBand Bracelets – includes last name and last 4 digits of identification (social security) #'s.
 4. Wristbands will be placed on the person's right wrist for easier visibility.
 5. Police can override negative or misread readings.
 1. **35-Year-Old Plus Line** – I.D. checking for older adults will be done manually.
 2. **Special Alcohol Safety Team** – Club members designated to audit liquor service areas for compliance with all liquor laws.
- **Bartender Training** – Training will be provided to volunteers responsible for serving alcohol.
- **Improved Signage** – Stating “The Feast Committee may revoke alcohol use at any time for any reason”.
 1. Signs at all locations where alcohol is served.
 2. On the Screen/Main stage.
 3. Drinking is a privilege provided by the Club S.S. Sacramento and the Feast of the Blessed Sacrament to those individuals that are of lawful age and responsible.
- **Underage Sting Program** – The Feast welcomes state and local underage sting operations to help

insure safety.

- **Public Notice** – Feast will promote and inform the public of all new initiatives in place to curb underage drinking and intoxication.
- **Cab Company/Transportation** – An arrangement has been formed with a local cab company to be available to drive home guests that appear to be under the influence.

Jocelyn Andrade of the Substance Abuse Task Force stated that she would be issuing posters that will help with verifying I.D.'s; and would be looking into holding a training seminar for the Committee and their servers, to which Mr. Colangelo stated would be held the Wednesday before the feast.

Chairman Beauregard once again stated his desire to see the alcohol contained within the fenced in feast grounds, by stating that this is the last weak spot we have, which is the sale of alcohol out onto Hathaway Street; and that is the place we have alcohol coming off the grounds and that is the only area where we don't have the control we would like to see.

ADOPTED FOR 2008:

- ✓ No vendors serving drinks outside the defined Feast perimeter*
- ✓ Two TIPS training sessions with more than 50 people completing the 4 hour course
- ✓ Improved ID / Age verification system – I Detect*
- ✓ There will be rope lines to maintain clearer access for Police and Emergency people and equipment at the Feast Entrance on Tinkham Street
- ✓ Feast Vendors have been located to Hathaway street providing more handicap parking
- ✓ Hathaway street will be better lit with the same flood-lights previously provided and lighting of vendor areas

****Recommendations by the NBPD and the NBLB***

Issuing Wristbands

- ✓ 10 handheld devices have been purchased
- ✓ All machines linked to computer and each other
- ✓ Separate lines for 30+/35+ years old
- ✓ ID visually checked to verify it is that of the person presenting it.
- ✓ ID scanned and if formatted with proper state encoding and of lawful age a barcode and numeric wristband is printed and information stored in computer – The barcode or id number on the wristband can be used to retrieve information from computer
- ✓ Wristband placed on individual's right-hand
- ✓ Software prohibits multiple uses of same ID, and can be used to ban individuals from reuse
- ✓ Any questions are consulted with Police stationed at the Wristband booths
- ✓ In the event that a scanning machine appears to be a misread, police can override
- ✓ NB Substance abuse task force members will assist with issuing of wristbands

Special Alcohol Safety Team

- ✓ Larry Jacques – Club President
- ✓ Don Neves – Feast President
- ✓ Carl Colangelo – Club BOD
- ✓ John Nunes – Club Treasurer
- ✓ - Feast Vice President
- ✓ Other members of Club and Feast Committee TBD

Training and Policy review

- ✓ Review Alcohol and Safety Policy to all Feast Committee members – Mandatory (Wednesday before Feast) – Also, any other members present.
- ✓ Two TIPS training sessions offered to all volunteers and neighborhood bar personnel

ADOPTED FOR 2009

- ✓ “ONLY 2 Drinks would be served to a person at one time.

ADOPTED FOR 2010

- ✓ Enclosed ‘Feast Area’ will be expanded into the picnic area behind the charcoal pits for additional dining and for the sale of imported beers and wine only.
- ✓ Will hang banners and/or signage that notifies those consuming alcohol that “NO ALCOHOL IS ALLOWED PAST THIS POINT” at all exit points.

ADOPTED FOR 2012

- ✓ **Five (5) more wristband (I.D. Check) machines and Four (4) more ticket machines were added.**

ADOPTED FOR 2013

- ✓ **There were no new initiatives adopted for this year’s Feast but all conditions which were previously approved and adopted as stated above, shall be in effect and should be strictly enforced during this year’s event, as has been the practice in the past.**
- *Licenses for this year’s event have been applied for. (See Item #'s 42 & 43)**

42. APPLICATION, “NEW – REQUESTING A START TIME OF 12:00 P.M. ON FRIDAY”

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 ‘100th 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, July 31, 2014 from 6:00 p.m. until 11:45 p.m., Friday, August 1, 2014 from 12:00 p.m. until 11:45 p.m. and Saturday & Sunday, August 2rd & 3rd, 2014 from 12:00 p.m. until 11:45 p.m.**

43. APPLICATION, , “NEW – REQUESTING A START TIME OF 12:00 P.M. ON FRIDAY”

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 ‘100th Feast of the Blessed Sacrament’ to be held at the **Museum of Madeira Heritage, located at 1 Funchal Place;** and to be held **Thursday, July 31, 2014 from 6:00 p.m. until 11:45 p.m., Friday, August 1, 2014 from 12:00 p.m. until 11:45 p.m. and Saturday & Sunday, August 2rd & 3rd, 2014 from 12:00 p.m. until 11:45 p.m.**

44. Meeting: Club Sports Madeirense, Inc.

Mr. Richard Fernandes, President
1624-1632 Acushnet Avenue

Your presence is requested at a meeting to discuss any concerns the Board may have regarding security and enforcement of Licensing Board & ABCC Rules & Regulations concerning the weekend of the **Feast of the Blessed Sacrament (July 31st, August 1st, 2nd & 3rd)**, the meeting will include Chief Provencher, Capt. Steven

Vicente, Liaison to the Licensing Board and Lt. Joao Chaves, Detail Officer for Special Events. We fully anticipate that you will work with us to help ensure that the Feast of the Blessed Sacrament, 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 Madeira heritage, remains a safe and enjoyable event for all.

Minutes of 06/26/13 Meeting

Present: Richard and Carl Fernandes, representing the Club; Capt. Steven Vicente, Police Department Liaison to the Lic. Bd., and Lt. Scott Sylvia, Detail Officer for Special Events

Mr. Fernandes stated that they **would be applying** for a special license for the outside area behind the Club, with the same hours and procedures in place as they have in the past.

Responding to further questions from Chairman Beauregard, Mr. Fernandes stated that all the alcohol would be served in plastic cups; the Board of Directors would be monitoring the outside area to ensure that no alcohol leaves the area; and that they may have some light entertainment as they did last year (One Bad Ant & a Portuguese Singer)

- **Will Apply for a Special License for Four (4) Days** with the following hours: Thurs. & Fri. – 6:00 P.M. – 11:45 P.M. Sat. & Sun. 1:00 P.M. – 11:45 P.M. to be used in ‘Club’ Parking Lot.
- **All Alcohol Must Be Consumed** within the parking lot and no alcohol should be allowed on the premises and no alcohol should be allowed off the premises.
- **‘Club Security’** will be provided to insure **all Rules & Regulations** with regard to the consumption of alcohol will be enforced.

***Licenses for this year’s event must be applied for by July 7, 2014**

45. Meeting: Panthers Athletic & Social Club, Inc.

Mr. Jeffrey W. Baker, Manager

43-45 Madeira Avenue

Your presence is requested at a meeting to discuss any concerns the Board may have regarding security and enforcement of Licensing Board & ABCC Rules & Regulations concerning the weekend of the **Feast of the Blessed Sacrament (July 31st, August 1st, 2nd & 3rd)**, the meeting will include Chief Provencher, Capt. Steven Vicente, Liaison to the Licensing Board and Lt. Joao Chaves, Detail Officer for Special Events.

We fully anticipate that you will work with us to help ensure that the Feast of the Blessed Sacrament, 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 Madeira heritage, remains a safe and enjoyable event for all.

Minutes of 06/26/13 Meeting

Present: Jeffrey W. Baker, Manager along with Jose ‘Zack’ DaSilva, President; Capt. Steven Vicente, Police Department Liaison to the Lic. Bd., and Lt. Scott Sylvia, Detail Officer for Special Events

Mr. DaSilva stated that they **would be applying** for a special license for the parking lot area next to the Club, with the same hours and procedures in place as they have in the past; and that they were aware that alcohol is not to be allowed out of or into the club, and that they would once again have security at all entrances/exits.

- **Will Apply for a Special License for Four (4) Days** with the following hours: Thurs. & Fri. – 6:00 p.m. – 11:45 p.m. Sat. & Sun. 12:00 p.m. – 11:45 p.m. to be used in ‘Club’ Parking Lot. **(Closing Lot at 11:30 p.m.) (Alcohol will not be allowed in the Parking Lot after 11:30 p.m.)**
- **All Alcohol Must Be Consumed** within the parking lot and no alcohol should be allowed on the premises and no alcohol should be allowed off the premises.
- **Signs Must Be Posted** stating that **‘No Alcohol’** is allowed in or out of the premises.
- **Barrels** will be set up at all exits to help enforce alcohol **from leaving** certain points.
- **‘Club Security’** will be provided to insure **all Rules & Regulations** regarding the consumption of alcohol will be enforced; Security persons working this event will be supplied with ‘Blue Event Shirts’ for easier recognition.

***Licenses for this year’s event must be applied for by July 7, 2014**

46. Meeting: Clube Ponta Delgada, Inc.

Mr. Walter Gibau, Jr., Manager

61-65 Madeira Avenue

Your presence is requested at a meeting to discuss any concerns the Board may have regarding security and enforcement of Licensing Board & ABCC Rules & Regulations concerning the weekend of the **Feast of the Blessed Sacrament (July 31st, August 1st, 2nd & 3rd)**, the meeting will include Chief Provencher, Capt. Steven Vicente, Liaison to the Licensing Board and Lt. Joao Chaves, Detail Officer for Special Events.

We fully anticipate that you will work with us to help ensure that the Feast of the Blessed Sacrament, 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 Madeira heritage, remains a safe and enjoyable event for all.

Minutes of 06/26/13 Meeting

Present: Julie Ann Alves, Manager; Capt. Steven Vicente, Police Department Liaison to the Lic. Bd., and Lt. Scott Sylvia, Detail Officer for Special Events

Ms. Alves stated that they **would not be applying** for a Special license, and she understood that no one should be allowed in or out of the Club with alcohol, and that the club would be closing at 11:30 p.m. as they have done in the past.

Mr. Nanopoulos reminded Ms. Alves that they are not allowed to offer reduced drink prices for that weekend, which was the case last year.

***Licenses for this year's event must be applied for by July 7, 2014**

47. Meeting: Society of Senhor DaPedra, Inc.

Mr. Viriato M. Teves, Manager

81 Tinkham Street

Your presence is requested at a meeting to be held in **City Hall, Room 314, on Monday, June 23, 2014 at 7:00 p.m.**, to discuss any concerns the Board may have regarding security and enforcement of Licensing Board & ABCC Rules & Regulations concerning the weekend of the **Feast of the Blessed Sacrament (July 31st, August 1st, 2nd & 3rd)**, the meeting will include Chief Provencher, Capt. Steven Vicente, Liaison to the Licensing Board and Lt. Joao Chaves, Detail Officer for Special Events.

We fully anticipate that you will work with us to help ensure that the Feast of the Blessed Sacrament, 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 Madeira heritage, remains a safe and enjoyable event for all.

Minutes of 06/26/13 Meeting

Present: Viriato Teves, Manager; Det Capt. Steven Vicente, Police Department Liaison to the Lic. Bd., and Lt. Scott Sylvia, Detail Officer for Special Events

Mr. DaSilva stated that they **would not be applying** for a special license, and that they did not plan to do anything outside of the premises during this event. He went on to state that he was going to use plastic cups only during this event to prevent anybody from hiding and walking out with bottles. He also planned to have people working the door to make sure no one enters or exits with alcohol; and the 'Club' planned to close at 11:00 p.m., as they've done in the past.

***Licenses for this year's event must be applied for by July 7, 2014**

48. Meeting: Saint Michael Social Club, Inc.

Mr. Albert Cardoso, Manager

101 Madeira Avenue

Your presence is requested at a meeting to discuss any concerns the Board may have regarding security and enforcement of Licensing Board & ABCC Rules & Regulations concerning the weekend of the **Feast of the Blessed Sacrament (July 31st, August 1st, 2nd & 3rd)**, the meeting will include Chief Provencher, Capt. Steven Vicente, Liaison to the Licensing Board and Lt. Joao Chaves, Detail Officer for Special Events.

We fully anticipate that you will work with us to help ensure that the Feast of the Blessed Sacrament, 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 Madeira heritage, remains a safe and enjoyable event for all.

Minutes of 06/26/13 Meeting

Present: Antonio Braga, President along with Sandra Pereira Assistant Manager; Capt. Steven Vicente, Police Department Liaison to the Lic. Bd., and Lt. Scott Sylvia, Detail Officer for Special Events

Mr. Braga stated that they **would not be applying** for a special license, and that they did not plan to do anything outside of the premises during this event. He went on to state that he was going to use plastic cups only during this event to prevent anybody from hiding and walking out with bottles. He also planned to have people working the door to make sure no one enters or exits with alcohol; and the 'Club' planned to close at 9:00 p.m. on Thursday, 11:30 p.m. on Friday and Saturday, and 8:00 p.m. on Sunday, as they've done in the past.

***Licenses for this year's event must be applied for by July 7, 2014**

****Rec'd 06/20/14** – A letter was submitted by the manager stating that would do as they have done in the past, and that they would not be applying for a special license.

• **CORRESPONDENCE**

From: Atty. Richard J. Manning (Representing Howland Mills, Inc.) Dated–05/19/14 Received– 05/20/14
Re: The Sky Room, Inc. 651 Orchard Street

Re: Kenneth Rapoza, et al v The Sky Room Inc. et al
Bristol Superior Court, C. A. No. brcv2013-00227

An execution has been issued in regard to the above –captioned matter and it is my client's understanding that counsel for the plaintiff intends to proceed with a judicial sale of the All Alcoholic Beverages Liquor License in the name of the "The Sky Room, Inc.", for 651 Orchard Street, N.B., MA. Howland Mills', however, has asserted a claim as perfected first secured creditor based upon a Pledge and UCC filing, which predated any levy upon this execution. Pursuant to this perfected pledge, it' is Howland Mills' position that it is entitled to possession of the liquor license free of any subsequent levy.

The purpose of this letter is to put your office on notice of Howland Mills' claim, and to request timely notification of any and all attempts to undertake a private or public judicial sale of the subject liquor license.

From: Steven Martins, City Councilor Ward Two Dated – 05/30/14 Received – 05/30/14
Re: Ferdade, Inc. d/b/a The Pub 317 North Front Street

A letter urging the Licensing Board once again to take immediate action against "The Pub" located at 317 N. Front Street, which was once again the highlight of a drug raid. (Complete Letter on File)

From: Kim S. Gainsboro, ABCC Chairman Dated –06/18/14 Received – 06/18/14
Re: Ferdade, Inc. d/b/a The Pub 317 North Front Street

Hearing Date – Tuesday, July 29, 2014 @ 10:00 a.m.; a hearing will be held by the Alcoholic Beverages Control Commission to determine whether the licensee violated certain provisions of M.G.L. or Code of Massachusetts Regulations (CMR) as follows: **204 CMR 2.05 (2) – Permitting an Illegality on the Licensed Premises, to wit: M.G.L. Ch. 138, sec. 23 – Sale of alcoholic beverages other than those purchased from a licensee under sec. 18 or sec. 19 or from a holder of a special license under sec. 22a;**
204 CMR 2.05 (2) – Permitting an Illegality on the Licensed Premises, to wit: M.G.L. Ch. 94, sec. 186 – Falling below the Standard of Purity (24 Counts).

From: Kim S. Gainsboro, ABCC Chairman Dated –06/18/14 Received – 06/18/14
Re: Ferdade, Inc. d/b/a The Pub (Time Amended) 317 North Front Street

Hearing Date – Tuesday, July 29, 2014 @ 10:30 a.m.; a hearing will be held by the Alcoholic Beverages Control Commission to determine whether the licensee violated certain provisions of M.G.L. or Code of Massachusetts Regulations (CMR) as follows: **204 CMR 2.05 (2) – Permitting an Illegality on the Licensed Premises, to wit: M.G.L. Ch. 94C Violations of the Controlled Substances Act (7 Counts).**

From: Carlos Ferreira, Manager

Received – 06/04/14

Re: Whaling City Club

447 Belleville Avenue

I, Carlos Ferreira hereby resign as manager due to health reasons.

Action Taken: Carlos Barreira, Club President was sent a written notice on 06/05/14, informing him that he would be considered the acting manager until a new manager is approved by the Board and the ABCC; and that a Change of Manager application must be submitted to the Licensing Board office by July 7, 2014 so that it may be placed on the July 28, 2014 Meeting Agenda.

From: Cellai Law Offices, P.C.

Dated – 06/12/14 Received – 06/17/14

Re: Kenneth J. Rapoza and Club Altitude, LLC, v. The Sky Room, Inc. & Audrey Carter (Owner)

Notice of Attorney Lien – Notice is hereby given that Carlo Cellai, Esq. and Cellai Law Offices, P.C. pursuant to M.G.L. c. 221, sec. 50 and common law, hold a lien for the reasonable value of their services and for expenses incurred with respect to the representation of Kenneth J. Rapoza and Club Altitude, LLC in the above referenced matter.

ORDERED:

Received 06/18/14

That the sum of **ONE HUNDRED DOLLARS (\$100.00)** now standing to the credit of the account from **LICENSING SALARIES AND WAGES** be and the same is hereby transferred and appropriated to as follows:

LICENSING CHARGES AND SERVICES.....\$100.00

IN CITY COUNCIL, June 12, 2014

ADOPTED – Yeas 9, Nays 1

Presented to the Mayor for Approval June 16, 2014

Approved, June 16, 2014

Rita D. Arruda, City Clerk

Rita D. Arruda, City Clerk

Jonathan F. Mitchell, Mayor

ORDERED:

Received 06/18/14

That the sum of **FOUR HUNDRED AND EIGHTY-EIGHT DOLLARS (\$488.000)** now standing to the credit of the account from **HEALTH SALARIES AND WAGES** be and the same is hereby transferred and appropriated to as follows:

LICENSING CHARGES AND SERVICES.....\$488.00

IN CITY COUNCIL, June 12, 2014

ADOPTED – Yeas 10, Nays 0

Presented to the Mayor for Approval June 16, 2014

Approved, June 16, 2014

Rita D. Arruda, City Clerk

Rita D. Arruda, City Clerk

Jonathan F. Mitchell, Mayor

• **COMPLAINTS RECEIVED:**

---NONE---

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

NAME

POLICE REPORT#

DATE

VIOLATION

---NONE--

- **NEXT TWO MEETING DATES:** July 28th and August 25th both on Mondays in the Ashley Room – 120 @7:00 p.m.
- **MEETING ADJOURNED:**