

LICENSING BOARD MEETING**--FINAL AGENDA--****MONDAY, JANUARY 23, 2023****ZOOM CONFERENCE CALL – 6:00 p.m.**

REQUIRED: Steven A. Beauregard, Chairman
Marcelino “Sonny” G. Almeida, Commissioner
Edmund F. Craig, Jr., Commissioner
Atty. Kreg Espinola, Asst. City Solicitor
Lt. Justin Kagan, Police Department Liaison to the Lic. Bd.
Nick Nanopoulos, Director
Christine Amaral, Executive To Aide for Licensing – “1st Meeting”

Pursuant to a June 16, 2021, Executive Order issued by Governor Baker, that provides that all members of a public body may participate in a meeting remotely, this New Bedford Licensing Board Meeting will be held remotely by way of a ‘Zoom Conference Call’.

Meeting I.D. #: 898 1318 6693

Password: 713320

Call-In- Only-Phone #: 1-646-558-8656

<https://us06web.zoom.us/j/89813186693>

❖ **VOTE TO ACCEPT THE MEETING MINUTES OF DECEMBER 28, 2022**

- **APPROVALS RECEIVED FROM THE ABCC (2)**

Change of Manager - Tr. # 05224-RS-0778 – Plot # N/A

Airport Grille, LLC d/b/a Airport Grille, David Slutz, Co-Manager of LLC, is requesting the approval of Joycelin Hernandez, who resides at 21 Valentine Street, New Bedford, MA. as their **New Manager**.

Approved by the ABCC – 01/04/23

Change Of Manager - Tr. # 00108-CL-0778 – Plot # 24—206 – “LATE FILE”

The Monte Pio Luso Americano Corporation, Helder Almeida, President, is requesting the approval of Joao C. Vieira, who resides at 82 Bay Street, New Bedford, MA. as their **New Manager**.

Approved by the ABCC – 01/19/23

1. Petition - Tr. # 05224-RS-0778– Plot # 25—88

Airport Grille, LLC d/b/a Airport Grille, David Slutz, Co-Manager of LLC, is requesting the approval of **Victoria P. LeBlanc**, who resides at 115 Maxfield Street, New Bedford, MA. as their **New Manager**.

Tabled at 12/28/22 Meeting

2. Petition - Tr. # 00073-CL-0778– Plot # 25—88 - “Awaiting DOR & DUA Certificates of Good Standing

Portuguese Sports Club, Inc., Nelson A. Rodrigues, Sole Director, who is petitioning for a **Change of Officers, Directors, and Manager of the Club All Alcoholic Beverages license**. The petitioner is requesting that the resignations of the current slate of Officers and Directors currently on file with the Alcoholic Beverages Control Commission be accepted, and be updated as follows, per the Commission’s directive of 09/30/14 regarding “Club” licenses. Upon approval, Antonio L. Correia will be the President and a Co-Director, Antonio J. Travassos and Jose A. Ira will both be Vice-Presidents and Co-Directors, Paulo Amorim will be the Treasurer and a Co-Director, and Alvaro M. Ira will be the Clerk and a Co-Director. The ‘Club’ is also requesting the approval of **Demetry Travassos**, who resides at 47 Acushnet Avenue, Apt. #2, New Bedford, MA. as their **new Manager**. Premises will remain the same at **56 Delano Street**.

11/21/22 Minutes

Present: No One Required To Attend

Mr. Nanopoulos informed the Board that the application was incomplete and recommended that the matter be tabled until such time as the application is complete.

Voted: Commissioner Almeida made a motion to follow Mr. Nanopoulos’ recommendation and to table the matter until the application is submitted complete. - **Unanimous**

3. HEARING: Perry's Fireside Lounge, Inc.**Ms. Laura Perry, Manager/Co-Owner**
24 Clifford Street

Per M. G. L., based on your failure to submit your payment of \$3,050.00 for the renewal of your 2023 Common Victualler Restaurant Liquor License by the December 30, 2022, deadline, you are hereby given notice that you have Fourteen (14) days to submit your renewal fee.

Per the statutory provisions for forfeiture of alcoholic beverages license for failure to comply, within fourteen (14) days after notice of authorization of license, with statute of requiring payment of fee and filing of bond, will result in the Licensing Board voting to rescind your Common Victualler Restaurant Liquor License at its January 23, 2023, meeting, therefore, forfeiting your rights to the license.

M. G. L. Ch. 138. Sec. 16B-

Any applicant for a license under this chapter who fails to comply with the requirements of section seventy within fourteen days after notice that a license has been authorized to be granted to him shall forfeit any right thereto unless the licensing authorities to which application was made otherwise determines.

M. G. L. Ch. 138. Sec. 70-

No license or permit under this chapter shall be granted by the commission or the local licensing authorities unless the fee therefor has been paid into the state treasury or the city or town treasury.

You have until 3:30 p.m. on January 23, 2023, to submit the requested payment.

Tabled at 11/21/22 Meeting**4. Petition - Tr. # #04517-RS-0778- Plot # 110—279 – “Awaiting DOR & DUA Certificates of Good Standing.”**

Perry's Fireside Lounge, Inc., Laura Perry, Co-Director, who is petitioning to transfer a Common Victualler (Restaurant) All Alcoholic Beverages License to China P.R. Chinese Food & Sports Bar. The applicant is also requesting approval of a Pledge of the Common Victualler (Restaurant) All Alcoholic Beverages License to Rockland Trust Company with an address of 288 Union Street, Rockland, MA. as security to authorize and execute a promissory note in the amount of Two Hundred and Thirty-One Thousand Dollars (\$231,000.00), pursuant to Massachusetts General Laws Ch.138 s.23 Upon approval, Yuen Shen Lui will be the Sole Manager and Sole Interest Holder (100%) of the LLC; and Yuen Shen Lui is also the proposed Manager of the Liquor License. The premises will remain the same as follows: Three (3) Rooms and Kitchen on the first floor and One (1) Room on the second floor of a two-story building with stock in the cellar. The premise is situated on the south side of Clifford Street between Acushnet Avenue and Concord Street and will remain numbered 24 Clifford Street.

Note: There will be **No Live Entertainment**, as stated in the application.

Final approval will require a 'Change of Tenant' from the Building Department, a new 'Food Permit' from the Health Department, 'Proof of Liquor Liability', and 304 Certificates from the Fire & Building Depts.

Application has been advertised; Abutters Notification Not Required

11/21/22 Minutes**Present: No One Required To Attend**

Mr. Nanopoulos informed the Board that the application was incomplete and recommended that the matter be tabled until such time as the application is complete.

Voted: Commissioner Almeida made a motion to follow Mr. Nanopoulos' recommendation and to table the matter until the application is submitted complete. - **Unanimous**

*** Special One-Day Licenses **(2)*****

5. APPLICATION, (No Representation Required)

Our Lady of Purgatory Church, Matthew Thomas, Representative who is requesting approval of an application for a Special One-Day All Alcoholic Beverages License for a 'Parish Fundraiser' to be held **within the Parish Hall**, located at 4253 Acushnet Avenue; and to be held on **Saturday, February 4, 2023, from 6:00 p.m. until 11:45 p.m. (Final Approval will require Liquor Liability with the City of New Bedford named as additionally insured on an Accord Form along with a copy of the Police Detail Contract)**

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

6. APPLICATION, (No Representation Required)

South Coast Business Alliance, Christopher Resendes, Representative, who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for their '17th Annual Oktoberfest Fundraiser' to be held on **City Pier 3**; and to be held on **Saturday, October 7, 2023, from 3:00 p.m. until 11:45 p.m. (Last call will be at 11 p.m.)** *(Final approval will require Liquor Liability with the City named as additionally insured and a copy of the Police Detail Contract)* ****NO CHANGES, AS PREVIOUSLY APPROVED****

7. APPLICATION, (New Owner Application)

Carl Garcia, who resides at **8 Hickory Lane, Westport, MA.** is requesting approval of an application for a **'New' Motor Vehicle Class II Used Car Dealer license** for **Carl's Collision Center, LLC.**

The previously approved licensed premise consists of a paved area 2,100 sq. ft. in front of the premises, with a fenced in area, approx., 5,700 sq. ft. for the storage of vehicles; the area includes a cement block building which includes a repair garage (50, X 33), an office, and one restroom, Premises is situated on the west side of Bonny Street, between Cove and Katherine Street, and is numbered **307 Bonney Street**. Repairs will be performed on the premises.

Note: Site is currently licensed to **Wing's Auto, Inc.** who did not renew his 2023 Class II license, which was previously for the display of **6 cars** by the Office of Inspectional Services.

Final Approval of the Motor Vehicle Class II License will require a **'Change of Tenant'** from the office of **Inspectional Services**, a **\$25,000.00 Bond** and a **Notarized Letter** stating where repairs will be done.

*****Special Permit Is Not Required******

8. APPLICATION, (New Owner Application)

Carl Garcia, who resides at **8 Hickory Lane, Westport, MA.** is requesting approval of an application for a **'New' Motor Vehicle Auto Body Shop license** for **Carl's Collision Center, LLC.** The previously approved licensed premise consists of a paved area 2,100 sq. ft. in front of the premises, with a fenced in area, approx., 5,700 sq. ft. for the storage of vehicles; the area includes a cement block building which includes a repair garage (50, X 33), an office, and one restroom. The building includes a spray booth (27, X 14,) with the following:

A side draft spray booths made by Devilbliss (14, X 14,) with a fire suppression system that includes with that includes a filtered air coming in and going out exhaust. There is also a storage paint room (10' X 10') along with a fire suppression system. The premise is situated on the west side of Bonney Street, between Cove and Katherine Streets, and is numbered **307 Bonney Street**.

Note: Site is currently licensed to **Wing's Auto, Inc.** who will have to surrender his **2023 Mv Auto Body Shop** license upon approval.

Final approval of the Motor Vehicle Auto Body Shop License will require a **'Change of Tenant'** from the **Office of Inspectional Services**, and a **Copy of their RS#.**

*****Special Permit Is Not Required******

9. HEARING: County Liquors, Inc. d/b/a Mark's Beverage

Mr. Divyesh Patel, Manager/Owner
642 County Street

Your presence is requested at a hearing to determine whether you have violated certain provisions of M.G.L., ABCC, and/or Licensing Board Rules & Regulations. This hearing will address an incident that occurred on November 20, 2022, during which a minor (19 years old) was observed entering and exiting your store in the possession of alcohol, which was purchased without being asked for identification.

Based on their findings, the Licensing Board may take action to suspend your license.

The potential violations are as follows:

Violations: Massachusetts General Laws Chapter 138, sections 34, 34b, 34c-

It is illegal for anyone under the age of twenty-one years to purchase or be in possession of an alcoholic beverage; identification must be checked on the day of service.

Alcoholic Beverages Control Commission Regulation 204CMR2.05:(2)-

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

Licensing Board Regulation No. 5-

Sale of alcoholic beverages, wine, and malt beverages to persons under twenty-one years of age is prohibited.

Summary of Incident

While on routine patrol, the reporting officer observed a male exit his vehicle and go into the store. A short time later, the male was observed walking out of your store carrying a black plastic bag with what appeared to have a large bottle inside of it. The male was observed getting back into his car and began traveling north on County Street, having no front headlights illuminated. Upon checking on the status of the vehicle, it was observed that it was registered to a male that was nineteen (19) years of age and a traffic stop was then conducted.

When asked by the officer if he purchased alcohol, the male stated yes. The black plastic bag contained a 750ml bottle of "On the Rocks" vodka cocktail mixture.

When asked by the Booking Supervisor, the male stated that he was not asked for his identification/license by employees when purchasing the alcohol.

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

Police Report # 22 – 12274 – OF – 11/20/22

- **CORRESPONDENCE**

--NONE--

- **COMPLAINTS RECEIVED:**

--NONE--

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

<u>NAME</u>	<u>POLICE REPORT#</u>	<u>DATE</u>	<u>VIOLATION</u>
1. Doug's House of Harmony	#23-7-OF	01/01/23	Serving After Hours (Approximate Time of Violation 2:50 a.m.)

- **Liquor License Renewals For 2023 (Informational Only)**

Licenses classified as follows were issued and signed by the Board in the month of December 2022:

Innholder All- Alcoholic	3
Common Victualler---All Alcoholic	85
Common Victualler---Wine & Malt (6 Days)	0
Common Victualler---Wine & Malt (7 Days)	17
General on Premise ---All Alcoholic	13
Clubs---All Alcoholic	20
Retail Package Stores---All Alcoholic	23
Retail Package Stores---Wine & Malt	18
Farmer Series Winery Pouring Permit	1
Farmer Series Brewery Pouring Permit	1
Farmer Series Distillery Pouring Permit	1
Master Pouring Permit (City Permit)	1

TOTAL=183 (-3)

There were Four (4) Licenses that was not renewed for 2023:

- ❖ **Adriana's Mexican Restaurant (Giraldo's Restaurant, Inc. d/b/a), 1262 Acushnet Ave.– Rest. AA Licensee Decision /Lost to the City/Over Quota (Lic. # 00142-RS-0778)**
- ❖ **Perry's Fireside Lounge, Inc., 24 Clifford Street – Rest. AA Licensee Decision /Lost to the City/Over Quota (Lic. # 045172-RS-0778)**
- ❖ **Café Italia Ristorante, Inc., 555 Pleasant Street – Rest. W& M Only Licensee Decision/Returned to the City/Under Quota (Lic. # 04515-RS-0778)**
- ❖ **David's Restaurant (JME Enterprises, Inc., 70-76 Church Street – Rest. W& M Only Licensee Decision/Purchased AA Lic./Returned to the City/Under Quota (Lic. # 04927-RS-0778)**
- ❖ **True Value Standard Marine & Hardware, 143 Pope's Island - RPS W & M Only (Standard Marine Outfitters, LLC d/b/a) Licensee Decision/Returned to the City/Under Quota (Lic. # 88967-RS-0778)**

There were Two (2) new licenses issued in 2022:

- ❖ **Union Street Barbeque & Beer Garden (Flask, LLC d/b/a), 250 Union Street
Frederick A. Miller, Jr., Manager Lic. # 06713-RS-0778**
- ❖ **Wine & Market (2030 Ocean Street, LLC d/b/a), 161 Pope's Island
Daniel R. Newcomb, Manager Lic. # 90390-PK-0778**

There were 183 licenses issued for 2023 of which the following **Twenty-One (21)** licenses are currently inactive:

RESTAURANTS COMMON VICTUALLERS

RESTAURANT ALL ALCOHOLIC - (14)

3 C's Bar & Grille, LLC. 578-580 Brock Avenue, **LIC. FOR SALE**

Ambiance Park Cafe, Inc., 369 Rivet Street, **CLOSED FOR RENOVATIONS**

Bamboo Garden Restaurant (NG Restaurant Corp. d/b/a), 836 Purchase Street, **CLOSED/COVID**

Café Portugal, Inc., 1280 Acushnet Avenue, **CLOSED/LIC. FOR SALE**

Cobblestone Restaurant (AMM Enterprises, LLC d/b/a), 7 South Sixth Street, **CLOSED FOR RENOVATIONS**

Flask Bar & Grill (Flask, LLC d/b/a), 701 Orchard Street, **CLOSED FOR RENOVATIONS**

Franklin Hospitality Corp., 24 Union Street, **CLOSED/PROJECT PENDING**

Kruger Bros. (Cultivator Shoals, Inc. d/b/a), 47-49 Union Street, **CLOSED/RENOVATIONS**

Taber Café, LLC, 30 Brock Avenue, **CLOSED/RENOVATIONS**

The Brown Jug Tavern (The Three Pumpkins, Inc. d/b/a), 479-481 Ashley Boulevard, **CLOSED/COVID**

The Green Horn (Michelle A. Francisco L. DeFreitas d/b/a), 126 Dartmouth Street, **CLOSED/LIC. FOR SALE**

Toussaint Restaurant (Agua de Pau Restaurant, Inc. d/b/a), 418-420 Rivet Street, **CLOSED/LIC. FOR SALE**

Vasco DaGama, Inc. , 86 Dartmouth Street, **CLOSED/COVID**

Ying Dynasty (Ying Dynasty Nauset, LLC d/b/a), 114-116 Nauset Street, **CLOSED/RENOVATIONS**

WINE & MALT (7 DAY LICENSES) - (2)

Travessia Wine Bar (Montez & Company, LLC d/b/a), 200 Union Street, **CLOSED/RENOVATIONS**

Union Street Barbeque & Beer Garden (Flask, LLC d/b/a), 250 Union Street, **CLOSED/RENOVATIONS**

GENERAL ON-PREMISES – AA - (2)

Desdemona (A & A Management Group, Inc. d/b/a), 114 Cove Street, **CLOSED/CHANGE OF LOCATION PENDING**

Smoke N Fishermen Seafood Rest. & Bar, 289 Acushnet Avenue, **CLOSED/COVID**

RETAIL PACKAGE GOODS STORES

ALL ALCOHOL – (1)

Wine & Market (2030 Ocean Street, LLC d/b/a), 161 Pope's Island, **CLOSED/RENOVATIONS**

WINE & MALT ONLY - (1)

Coastal Provisions (Coastal Provisions, LLC d/b/a), 142 Arnold Street, **CLOSED/RENOVATIONS**

Note: There were **Twenty-Two (22)** inactive licenses at the start of 2022.

- **NEXT TWO MEETING DATES:** February 27th & March 27th, both to be held on Monday nights and both to be held remotely at 6:00 p.m.
- **MEETING ADJOURNED:**

The matters listed are those reasonably anticipated by the Chair to be discussed at the meeting. Not all items listed may, in fact, be discussed. Other items not listed may be brought up for discussion to the extent permitted by law.

Massachusetts General Laws, chapter 30A, Section 20(f) requires any person making a video or audio recording of the meeting to notify the Chair at the start of the meeting.