

LICENSING BOARD MEETING**-FINAL-AGENDA--****MONDAY, FEBRUARY 27, 2023****ZOOM CONFERENCE CALL – 6:00 P.M.**

REQUIRED: Edmund F. Craig, Jr., Chairman
Marcelino “Sonny” G. Almeida, Commissioner
Ricard Rezendes, Commissioner
Atty. Kreg Espinola, Asst. City Solicitor
Lt. Justin Kagan, Police Department Liaison to the Lic. Bd.
Christine Amaral, Executive Aide for Licensing ”

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. #: 896 8295 7133

Password: 904758

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

<https://us06web.zoom.us/j/89682957133>

- ❖ VOTE TO ACCEPT THE MEETING MINUTES OF AUGUST 24, 2021
- ❖ VOTE TO ACCEPT THE MEETING MINUTES OF OCTOBER 26, 2021
- ❖ VOTE TO ACCEPT THE MEETING MINUTES OF DECEMBER 21, 2021
- ❖ VOTE TO ACCEPT THE MEETING MINUTES OF APRIL 6, 2022
- ❖ VOTE TO ACCEPT THE MEETING MINUTES OF JANUARY 23, 2023

ALL PAST MINUTES ARE COMPLETE

- APPROVALS RECEIVED FROM THE ABCC (2)

Change of Manager- Tr. # 00108-CL-0778 – Plot # 103--97

JME Enterprises, Inc. d/b/a David’s Restaurant, David Jimon-Guarcas, President, is requesting the approval of Jolene Marie Bedoya, who resides at 87 Howard Avenue, New Bedford, MA. as their New Manager.

Approved by the ABCC – 01/26/23.

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 Victoria LeBlanc, who resides at 115 Maxfield Street, New Bedford, MA. as their New Manager.

Approved by the ABCC – 02/09/23.

1. REQUEST:

Sebastian’s Café & Sports Bar, 110-114 County Street, is requesting the approval of a Year-Round Entertainment License. Until 1:00 a.m. (On Tuesday and Saturday) Manager is Renee Sebastian.

2. Petition - Tr. # 06478-HT-0778 – Plot #46--32

NB Hotel MT, LLC d/b/a New Bedford Harbor Hotel, Xiaohui Yang, Manager of LLC, is requesting the approval of Donna Medeiros, who resides at 346 Lake Avenue, Fall River, MA, as their New Manager.

3. Petition - Tr. # 00065-GP-0778 – Plot #53--192

A & A Management Group, Inc. d/b/a Desdemona, Filipe Andre, Co-Director, for a license currently licensed for 114 Cove Street, who is petitioning for a Change of Location to 98 Front Street and Change of License Type from a General on Premise to a Restaurant All Alcoholic Beverages license. The applicant is also requesting approval of a Pledge of the Common Victualler (Restaurant) All Alcoholic Beverages License to New Bedford, Inc. (Albert

Santos) with an address of 38 Bethel Street, New Bedford, MA. as security to authorize and execute a promissory note in the amount of **Forty-Five Thousand Dollars (\$45,000.00), pursuant to Massachusetts General Laws Ch.138 s.23** Upon completion of the renovations, the proposed new licensed premise will consist of an area approximately 1,100 sq. ft. on the 1st floor of a three-story building, which will include a dining area, bar, kitchen, and two (2) restrooms. There is also an outside patio area that is contiguous to the main dining room on the north side of the existing building. The outside patio is approx. 25' x 18' (640 sq. ft.), which will be used for dining and will be enclosed with 21" high planters and will be used for **seated dining purposes only with alcohol being served from the inside bar.** The outdoor patio will only be accessible by way of an entrance/exit through the restaurant located on the north side of the building and will also have an emergency exit on the north side of the patio, which will be accessible by 'Hostess Seating' only and must be monitored by the hostess and/or waitstaff at all times.

All alcohol (service and consumption) must cease at 11:00 p.m., at which time all areas of the patio must be cleared of all patrons and secured, preventing patrons from loitering on the outside patio area. There will also be alcohol stored in the basement. There is one Entrance/Exit in the front of the building onto Front Street and one Emergency Exit on the north side of the building onto Centre Street, which is situated between Rose Alley and Centre Street will be numbered **98 Front Street.**

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 Received

4. Petition - Tr. # 00147-CL-0778- Plot # 106--141

Society of Senhor Da Pedra, Inc., Mario Almeida, President, who is petitioning to **Alter the Premises of the Club All Alcoholic Beverages** license to include a raised (concrete) patio deck area approximately 42' X 16' sq. ft., which will be enclosed with 36" high metal railing. The area is contiguous to the existing building, which can be accessed by way of an entrance/exit through the club (lounge area) or by way of a handicap accessible ramp and stairway located in the rear area of the patio deck. The area is located on the east side of the building and will have seating for 24 patrons, which must be always monitored by waitstaff. **All alcohol service and consumption must cease at 10:00 p.m.,** at which time all areas of the patio must be cleared of all patrons and secured, preventing patrons from loitering on the outside patio area. Smoking is not allowed in this area. The licensed premises will remain numbered **81 Tinkham Street.**

Final approval will require final approval from the **Building Department** and the **Health Department,**

Application has been advertised; Abutters Notification Received

Tabled at 12/28/22 Meeting.

5. 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.**

1/23/2023

Present: No One Required to Attend

Mr. Nanopoulos informed the Board that the application was still 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 (4) *****

6. APPLICATION, (No Representation Required) – "LATE FILE"

New Bedford Whaling Museum, Karissa Walker, Representative, who is requesting approval of an application for a **Special One-Day All Alcohol Beverages License** for a Reception/Lecture to be held at the **New Bedford Whaling Museum**, located at 18 Johnny Cake Hill; and to be held on **Thursday, March 16, 2023, from 6:00 p.m. until 8:00 p.m.**

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

Chamber of Commerce, Laura Orleans, Representative, who is requesting approval of an application for a **Special One-Day Wine & Malt Only Beverages License** for a **Business After Hours** event to be held at New Bedford Fishing Heritage Center, located at 38 Bethel Street; and to be held on **Thursday, March 23, 2023, from 5:00 p.m. until 7:00 p.m.**

8. APPLICATION, (No Representation Required)

Club Madeirense/S.S. Sacramento Club, David Macedo, Representative, who is requesting approval of an application for a **Special One-Day Wine & Malt Only Beverages License** for a ‘New Bedford Vocational Awards Fundraiser (Fish Fry)’ to be held at the **Madeira Field – Main Pavilion**, located on **Madeira Avenue**; and to be held on **Friday, March 31, 2023, from 5:00 p.m. until 11:00 p.m. “No Changes as Previously Approved”**

9. APPLICATION, (No Representation Required)

Buy Black New Bedford Representative Justina Perry, who is requesting approval of an application for a **Special One-Day All Alcoholic Beverages License** for **The Black Excellence Gala** to be held at the **New Bedford Whaling Museum**, located at 18 Johnny Cake Hill; and to be held on **Saturday, May 6, 2023, from 5:00 p.m. until 10:00 p.m.**

10. APPLICATION, (New Owner Application)

Jose Pena and Miguel A. Moreta, Co-Partners, who resides at **1928 Purchase Street, N.B., MA. and 129 State Street, N.B., MA. respectively**, are requesting approval of an application for a ‘**New**’ **Motor Vehicle Class II Used Car Dealer license** for **MJ Auto Sales to be located at 297 Belleville Avenue.**

The previously approved licensed premise consists of a 16' X 20' wood frame building which will be used as a sales office only, with an outside display area approx. 4,388 sq. ft., which is blacktopped. The premises is situated on the corner of Nye Street and Belleville Avenue and is numbered **297 Belleville Avenue. Repairs will be done by Drive Time Auto Sales, located at 1680 Purchase Street, N. B., MA.**

Note: Site was previously licensed to Enzo Auto Sales Corp., who surrendered his license on 03/18/22, which was previously approved for the display of **Twelve (12) 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 Used Car Dealer Bond**, and a **Business Certificate from the Office of the City Clerk. (A Notarized Letter stating where repairs will be done has already been submitted).**

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

11. HEARING: Doug’s House of Harmony (Ground Breakers, LLC d/b/a)

Mr. Douglas Grace, Manager
818 Kempton Street

Your presence and that of **Calvin Grace** 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 January 1, 2023, during which officers observed a bar full of approximately 50 people as well as multiple beer bottles/ mixed drinks on the bar with customers currently drinking; as well as complaints from neighbors that you are on occasion staying open after hours.

Date and time of alleged violations: Sunday, January 1, 2023 @ approximately 2:50 a.m.

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

The potential violations are as follows:

Violations: MGL Chapter 138, section 12-

In no event may sales be made between 2:00 a.m. to 8:00 a.m.

Alcoholic Beverages Control Commission Regulation 204 CMR 2.05: (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 Regulations No. 19-

Within 15 minutes after closing, all glasses, bottles or containers used for drinking purposes shall be cleaned of the tables & bar; no alcoholic beverages shall be consumed at the expiration of 15 minutes after closing. All Customers must leave the premises no later than 30 minutes after closing.

Police Report #123-7-OF

- **CORRESPONDENCE**

CERTIFICATE OF APPOINTMENT**City Clerk's Office, January 27, 2023**

This is to certify that in accordance with the laws of the Commonwealth of Massachusetts and the charter and ordinances of the City of New Bedford that ***Ricard Rezendes, 1035 June Street, New Bedford, MA 02745***, was appointed by the Mayor, as a member of the ***Licensing Board*** for a term to expire **JUNE 2026**, and was **confirmed by the City Council** at a meeting held on **January 26, 2023**.

Attest: Dennis Farias, City Clerk, January 26, 2023

CERTIFICATE OF APPOINTMENT**Mayor's Office, January 31, 2023**

I (Mayor Mitchell) appoint Edmund F. Craig, Jr. as Chairperson of the Licensing Board according to Section 15-94 of the City Code, replacing Mr. Steven A. Beauregard. This appointment is effective immediately.

- **COMPLAINTS RECEIVED:**

--NONE--

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

--NONE--

ANNUAL REPORT 2022 (*Informational Only*)

February 3, 2023

Alcoholic Beverages Control Commission
95 Fourth Street, Suite 3
Chelsea, Ma. 02150-2358

In accordance with **Chapter 138, sec.10A of the Massachusetts General Laws**, relative to the granting of licenses for the sale of alcoholic beverages, we are pleased to submit herewith a full report of the actions of the New Bedford Licensing Board for the year **2022**.

There was a total of **180 Liquor Licenses** and **3 Farmer Series Pouring Permits** granted as renewals for the year **2023**.

There were Five (5) Licenses that were not renewed for 2023:

- ❖ **Adriana's Mexican Restaurant (Giraldo's Restaurant, Inc. d/b/a), 1262 Acushnet Avenue – 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, Lic. # 06713-RS-0778**

Frederick A. Miller, Jr., Manager

- ❖ **Wine & Market (2030 Ocean Street, LLC d/b/a), 161 Pope's Island, Lic. # 90390-PK-0778**
Daniel R. Newcomb, Manager

There was One (1) Seasonal License renewed for 2022:

- ❖ **The Whale's Tail (Servedwell Fisherman's Pier, LLC d/b/a), 52 Fisherman's Pier (Pier 3)**
(Seasonal AA License – Lic. # 05650-RS-0778)

The number of licenses of each class renewed for **2023** is as follows:

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)	

Special One - Day Licenses Granted in 2022:

Special One Day All Alcoholic Beverages Licenses.....	<u>134</u>
Special One Day Wines and Malt Beverages Licenses.....	<u>18</u>

Revenue received from the various classifications of new licenses during **2022:**

- ❖ **New Common Victualler Wine & Malt license granted to Flask, LLC d/b/a Union Street Barbeque & Beer Garden**
Lic. Issued on 04/10/22 (Full Year Fee) \$1,900.00
- ❖ **New Retail Package Store All Alcoholic Beverages licensee granted to 2030 Ocean Street, LLC d/b/a Wine & Market**
Lic. Issued on 10/28/22 (Partial Year Fee) \$415.68

Revenue received from the various classifications of licenses during **2022:**

3 Innholder All Alcoholic Beverages Licenses	\$13,800.00
86 Restaurant All Alcoholic Beverages Licenses	\$262,300.00
0 Restaurant Wines and Malt Beverages (6 DAY)	\$0.00
17 Restaurant Wine and Malt Beverages (7 Day)	\$32,300.00
13 General on Premise All Alcoholic Beverages Licenses	\$40,300.00
20 Club All Alcoholic Beverages Licenses	\$48,000.00
23 Retail Package Goods Store All Alcoholic Beverages Licenses	\$57,500.00
18 Retail Package Goods Store Wines and Malt Beverages Licenses	\$31,500.00
1 Farmer Series Winery Pouring Permit	\$400.00
1 Farmer Series Brewery Pouring Permit	\$400.00
1 Farmer Series Distillery Pouring Permit	\$400.00
1 Farmer Series Master Pouring Permit	\$400.00
1 Seasonal License	\$1,600.00

134 Special One - Day All Alcoholic Beverages Licenses	\$9,400.00
18 Special One - Day Wines and Malt Beverages Licenses	\$3,950.00
37 Filing Fees	\$4,625.00
Total Revenue for 2022.....	\$509,190.68

Schedule of License Fees for **2023** are as follows:

Innholder All Alcoholic Beverages	\$4,600.00
Restaurant All Alcoholic Beverages	\$3,050.00
Restaurant Wines and Malt Beverages - 7 Days	\$1,900.00
Restaurant Wines and Malt Beverages - 6 Days	\$1,800.00
General on Premise All Alcoholic Beverages	\$3,100.00
Club All Alcoholic Beverages	\$2,400.00
Retail Package Goods Store All Alcoholic Beverages	\$2,500.00
Retail Package Goods Store Wines and Malt Beverages	\$1,750.00
Restaurant All Alcoholic Beverages (Seasonal)	\$1,600.00
Special One-Day All Alcoholic Beverages (Over 2 Hrs.)	\$150.00
Special One-Day All Alcoholic Beverages (1-2 Hours)	\$125.00
Special One-Day Wines and Malt Beverages (Over 2 Hrs.)	\$125.00
Special One-Day Wines and Malt Beverages (1-2 Hours)	\$100.00
Filing Fees	\$125.00

The foregoing is a correct statement of the number of liquor licenses, the fees charged for same, and the total amount of revenue received from the licenses by the **New Bedford Licensing Board for the year 2022.**

Respectfully Submitted
New Bedford Licensing Board
Nicholas Nanopoulos
Director

- **NEXT TWO MEETING DATES:** March 27th, which will be held on Monday night and to be held remotely at 6:00 p.m. and April 24th, which may be held in person in the Ashley Room (Room 120), also on Monday at 6:00 p.m. (If not extended by Gov. Healy)
- **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.