

**LICENSING BOARD MEETING -MINUTES- TUESDAY, AUGUST 24, 2021**  
**(In Person Meeting) 3<sup>rd</sup> Floor Meeting Room, New Bedford Main Library, 613 Pleasant Street – 7:00 p.m.**

**PRESENT:** 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

- ❖ **VOTE TO ACCEPT THE MEETING MINUTES OF MARCH 2, 2020 (Re-Scheduled from 02/24/20) - Unanimous.**
- ❖ **VOTE TO ACCEPT THE MEETING MINUTES OF MAY 4, 2020 (Re-Scheduled from 04/27/20) - Unanimous.**
- ❖ **VOTE TO ACCEPT THE MEETING MINUTES OF MAY 18, 2020- Unanimous**
- **APPROVALS RECEIVED FROM THE ABCC (1)**

**Change of Location & Addition of d/b/a - Petition - Tr. #88967 – PK - 778 – Plot # 60—13**

**Standard Marine Outfitters, LLC, James A. Rego, Manager**, who is petitioning for a **Change of Location from 137 Pope’s Island to 143 Pope’s Island:** and the **addition of a d/b/a of True Value Standard Marine & Hardware of a Retail Package Store Wine and Malt Only Beverages License.** The new proposed licensed premises is a marine outfitters and hardware supply store located on the 1<sup>st</sup> floor of a one -story building in an area approximately 15,450 sq. ft. The area consists of two rooms for the retail sale of marine and hardware products; and will include a cooler for the storage of alcohol, as well as shelving for the sale and display of alcohol. There is one (1) entrance/exit in the front of the building, as well as three (3) other emergency exits, as well as a garage door with a ramp for deliveries and pick-ups on the west side of the building. **James A. Rego** will remain as **Manager of the Liquor License.** The premise is situated on the north side of Route 6 and will be **numbered 143 Pope’s Island.**

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

**Approved by the ABCC – 08/02/21.**

**VOTED:** To accept the approval from the ABCC. – **Unanimous**

**1. Petition - Tr. #00132 – CL - 0778 – Plot # 18-108-A (No Representation Required)**

**Loyal Order of Moose, Inc. d/b/a New Bedford Lodge, #914, Manuel Machado, Jr., Clerk**, who is petitioning for a **Change of Officers & Directors of the Club All Alcoholic Beverages license.** The petitioner is requesting that the resignations of the current slate of Officers and Directors currently on file with the Alcoholic Beverages Control Commission be accepted, and be updated as follows, per the Commission’s directive of 09/30/14 regarding “Club” licenses. Upon approval, Sylvester Santos will be the President and a Co-Director, Julio Rivera will be the Vice-President and a Co-Director, Chris Clements will be the Treasurer and a Co-Director, and Manuel Machado, Jr. will be the Clerk and a Co-Director, and Thomas Flood, Paul A. Ventura, Christopher Cotter, and Sylvester D. Santos will all be Co-Directors. **Manuel Machado, Jr.** will remain as the **Manager.** Premises will remain the same at **119 Rockdale Avenue.**

***Neither Advertisement nor Abutters Notification Required.***

***Present: No one was required to attend.***

There was no discussion on the matter.

**Voted:** Commissioner Almeida made a motion to approve the petition as presented; and to forward the application to the Alcoholic Beverages Control Commission for their approval. – **Unanimous**

**2. Petition - Tr. #00054 – CL - 0778 – Plot # 93--92 (No Representation Required)**

**Club Recordacoes de Portugal, Inc., Silvina Cruz, Treasurer**, who is petitioning for a **Change of Officers and Directors of the Club All Alcoholic Beverages license.** The petitioner is requesting that the resignations of the current slate of Officers and Directors currently on file with the Alcoholic Beverages Control Commission be accepted, and be updated as follows, per the Commission’s directive of 09/30/14 regarding “Club” licenses. Upon approval, Antonio DaSilva will be the President and a Co-Director. Armando Dias will be the Vice-President and a Co-Director, Silvina Cruz will be the Treasurer and a Co-Director, Avelino Sequeira will be the Clerk and a Co-Director, and Almerindo Oliveira will be a Co-Director.

**Ricardo Martins** will remain as the Manager. Premises will remain the same at **249-253 Coggeshall Street**.  
*Neither Advertisement nor Abutters Notification Required.*

**Present:** *No one was required to attend.*

There was no discussion on the matter.

**Voted:** Commissioner Almeida made a motion to approve the petition as presented; and to forward the application to the Alcoholic Beverages Control Commission for their approval. – **Unanimous**

**3. Petition - Tr. #00056 – CL - 0778 – Plot # 46--6 (No Representation Required)**

**Wamsutta Club, Inc. Charles Buzzy DeMaily, Jr., (new) President**, who is petitioning for a **Change of Officers and Directors of the Club All Alcoholic Beverages license**. The petitioner is requesting that the resignations of the current slate of Officers and Directors currently on file with the Alcoholic Beverages Control Commission be accepted, and be updated as follows, per the Commission’s directive of 09/30/14 regarding “Club” licenses. Upon approval, Charles Buzzy DeMaily, Jr will be the President, Anne Eades will be the Vice-President, Deborah Baker will be the Treasurer, and Peggy Fellouris will be the Secretary; and John Fernandes, Jr., Nancy Crosby, Jules Ryckebusch, Edward Macedo, Leonora Carreiro, William Bradford Markey, and Robert Morris will all be Co-Directors. **Cynthia Bouchard** will remain as the **Manager**. Premises will remain the same at **427 County Street**.

*Neither Advertisement nor Abutters Notification Required.*

**Present:** *No one was required to attend.*

There was no discussion on the matter.

**Voted:** Commissioner Almeida made a motion to approve the petition as presented; and to forward the application to the Alcoholic Beverages Control Commission for their approval. – **Unanimous**

**4. Petition - Trans. #06080-RS-0778 – Plot # 126--65 (No Representation Required)**

**Moore Restaurant Group, Inc. d/b/a Pub 6T5, Jessica L. Moore, President**, is requesting approval of a **Pledge of the Common Victualler (Restaurant) All Alcoholic Beverages License** to **Avidia Bank** with an address of 42 Main Street, Hudson, MA. as security to authorize and execute two (2) promissory notes, one in the amount of **Two Hundred & Eighty Thousand Dollars (\$280,000.00)**; and the second, in the amount of **Four Hundred Thousand Dollars (\$400,000.00)**, pursuant to Massachusetts General Laws Ch.138 s.23.

**Present:** *No one was required to attend.*

There was no discussion on the matter.

**Voted:** Commissioner Almeida made a motion to approve the petition as presented; and to forward the application to the Alcoholic Beverages Control Commission for their approval. – **Unanimous**

**5. Petition - Tr. TR. #05663-RS-0778– Plot # 47—39 &40**

**Retro Entertainment, LLC d/b/a “Play”, Adam Katz, Manager of the LLC**, who is petitioning to **Alter the Premises of the Common Victualler All Alcoholic Beverages** licensed premises to include an additional room approximately 1,872 sq. ft., which is contiguous to the currently licensed premise and is numbered 28 Union Street. The additional room will be used as additional arcade space as well as dining and lounge type seating. There will be no bar in this area, but alcohol will be served from the main bar. There is one entrance/exit onto Union St. As a result of the additional room being added, a request of a **Change of Location (Street Address) is being requested from 34-44 Union St. to 28-34-44 Union St.** Upon approval, the new description will read as follows: The first-floor area consists of three rooms. The first room is an area approximately 1,882 sq. ft. , which includes (1) room with a dining room and bar area, and (1) Handicap restroom; the existing lower basement area consists of an area approximately 1,882 sq. ft. that includes a kitchen, (2) restrooms, office, cooler and storage area; and is numbered 34 Union Street. This room is contiguous to both 28 and 44 Union Street and the room has a direct entrance/exit into both adjacent rooms. The second room, which has a service bar, is in an area approx. 1,383 sq. ft. and is located on the first floor of the adjacent three-story building and is numbered 44 Union St. This room is contiguous to 34 Union Street and has a direct entrance/exit into 34 Union Street, which is used for additional dining and arcade games. There is also a (new) third room in an area approx. 1,716 sq. ft. that is contiguous to 34 Union Street and has a direct entrance/exit into 34 Union Street, which is located on the first floor of the adjacent two-story building and is numbered 28 Union Street, which will be used for additional arcade space as well as dining and lounge type seating. There is no bar in this area, but alcohol will be served from the main bar. There is also an existing 40' x 30' Roof Deck with access from an area in the rear of the 1st floor area. The premise is located on the south side of Union St., between Front and Water Streets. There is also an existing outdoor patio area approx. 378 sq. ft. to be used as a 'Sidewalk Café', which will be enclosed with a black bollard and chain and will be used for seated dining purposes only for the seating of (32) patrons.

The outdoor area will only be accessible by way of an entrance/exit on the south side of the enclosed area in the front of the building and will be accessible by 'Hostess Seating' only.

There will also be an additional exit that leads to the front door of the establishment.

The 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 1<sup>st</sup> through October 30<sup>th</sup>. The licensed premise which has three (3) entrances/exits and two (2) emergency exits shall now be numbered **28-34-44 Union Street**.

Final approval will require approval from **Inspectional Services and the Fire Department**.

*Application has been advertised; Abutters Have Been Notified.*

**Present: Atty. Timothy Walsh, Legal Counsel for Retro Entertainment, LLC**

Responding to questions from Chairman Beauregard, Atty. Walsh stated that Mr. Katz was unable to attend tonight's meeting due to a family matter and that he would be representing him on this matter.

Atty. Walsh stated the following on behalf of his client, there's a lease in place for 28 Union Street ... and the intent of this project is that Katz Family and Retro Entertainment d/b/a "Play" ... would open up a doorway between their current building, which is owned by Barry Flynn and the building owned by Marder Management ... and that permission has been given by both parties ... we're asking that the Board approve this tonight ... obviously we're asking that the Board withhold final approval until all the building departments and everyone else has signed off on this upon completion of the renovations ... but we'd like to get the process moving ... and get the preliminary approvals so we can send it to the ABCC ... knowing that before started we would have to come back before this Board with our final approvals ... there will be no bar in this room but alcohol will be served out of the main bar in the middle room either by walk up service or by servers ... it will just include arcade games ... some seating ... and that will be a room that we could close off potentially for individual events ... or parties ... and things like that ... I'm here to answer any questions you might have.

When asked by Chairman Beauregard, if there would be staffing in 28 Union Street to control the flow of alcohol, Atty. Walsh stated, there will be staffing in there to monitor the area, and everyone will continue to be T.I.P.S. Certified.

When asked by Chairman Beauregard about the entrance to 25 Union Street, Atty. Walsh stated, the door located in front on 28 Union Street will be an exit not an entrance ... the only way in will be through the main entrance located at 34 Union Street ... the door on 28 Union Street will only be an exit for emergency use only.

**Voted:** Commissioner Craig made a motion to approve the petition as presented; and to forward the application to the Alcoholic Beverages Control Commission for their approval pending final approval from Inspectional Services and the Fire Department. – **Unanimous**

#### **6. Petition - Tr. #00084 – RS - 0778 – Plot # 46—32**

**Columbus Group, LLC d/b/a New Bedford Harbor Hotel, Xiaohui Yang, Manager of the LLC, who is petitioning to transfer a Common Victualler (Restaurant) All Alcoholic Beverages License to NB Hotel MT, LLC d/b/a New Bedford Harbor Hotel.** The applicant is also requesting the following approvals: a **Change of License Type from a Restaurant license to a Hotel (Innholder) license, a Change of Location from 218 Union Street to 218-222 Union Street, and a Change of Description of the Licensed Premises to include an additional room to be used for functions (222 Union St.) and the addition of the Sixty-Eight (68) Hotel Rooms onto the description of the license.**

Upon approval, Twain HTC Fund VII, LLC will be a Member, a Co-Manager, and a Co-Interest Holder (99%) in the LLC, Columbus Capital Advisors, LLC will be a Member, a Co-Manager, and a Co-Interest Holder (1%) in the LLC, and Xiaohui Yang aka Shiawee Yang will be a Member and Co-Manager of the LLC; and **Alan P. Brun II** is the **Proposed Manager of the Liquor License**. The revised description of the premises will read as follows:

The 'Boutique' Hotel consists of the entire five - story building with an area approximately 37,260 sq. ft., which includes a 5,000 sq. ft. area on the first floor that includes a Dining and Bar area, Kitchen area, and Hotel Lobby and Registration Desk area, and two Restrooms; there is also an additional area approximately 2,752 sq. ft., also on the first floor of a five - story building, which is contiguous to the dining area on the east side of the first floor area and is used as a meeting room and function area, and has a portable bar and two Restrooms. Alcohol is also served in the Sixty-Eight (68) rooms located on floors 2-5 and there is also an area for the storage of alcohol in the basement. The 'hotel' side of the licensed premises has one (1) entrance/exit in the front of the building onto Union Street, and an emergency exit located in the rear of the building on the south side of the building, as well as two (2) entrances/exits into a common area, in which the hotel elevator is located; as well as two additional emergency exits in the rear of the building. The function side also has one (1) entrance/exit in the front of the building onto Union Street, and an emergency exit located in the rear of the building on the south side of the building, as well as two (2) means of egress by way of the common area and from the hotel side of the premises.

The premise is situated on the south side of Union Street, on the corner of Union and Pleasant Streets, and is **numbered 218-222 Union Street**.

*Application has been advertised; Abutters Have Been Notified.*

**Present: Atty. Christopher Markey along with Alan P. Brun, Proposed New Manager**

Mr. Nanopoulos informed the Board that the application that was before them tonight was a re-submission of an application that was previously presented to the Board, and that has been amended with a new proposed manager. Mr. Nanopoulos then read the petition into the record.

Responding to questions from Chairman Beauregard, Atty. Markey stated, the hotel was developed in a building that stood vacant for approximately 20 years ... and now in that hotel there are 68 rooms on four floors ... when the license was initially transferred to Columbus Group ... they did not have the ability to serve alcohol to individuals in their own hotel rooms ... by Changing the Classification to a "Hotel" and by Changing the Description to include the 68 rooms ... we will be able to offer room service that includes alcohol ... in addition to that ... on the east side of the building ... there is a function hall ... which will be 222 Union Street ... which will have a portable bar ... which will allow them to serve alcohol from that location ... and will be used for family gatherings, business lunches, press conferences, etc. ... in addition to that there's a full service restaurant ... that has ten tables with a full service bar.

Atty. Markey then stated that Mr. Brun, the Proposed New Manager, has the experience of working in restaurants during the past decade ... he's worked at the ... Waterfront Grille ... Airport Grille ... The Edge ... Cotali Mar ... Pub 6T5 ... so he's experienced in the business ... he's worked in the kitchen ... he's worked as a server ... he's worked as a bartender.

Responding to further questions from Chairman Beauregard, Atty. Markey stated that there would be food and alcohol room service offered ... hotel guest would also be allowed to take drinks from the bar up to their rooms ... but there would not be any mini bars set up in the rooms.

**Voted:** Commissioner Almeida made a motion to approve the petition as presented and to forward the application to the Alcoholic Beverages Control Commission for their approval; with a stipulation that Mr. Brun submit a copy of his T.I.P.S. Certification to the Licensing Board office within thirty (30) days of approval or prior; and that all of his employees be 'certified' as well, with copies of their certifications to be kept on file for review, if needed. – **Unanimous**

**VOTED:** Commissioner Almeida made a motion to take up **Item #'s 7 – 14** at one time; waive reading; and approve the applications as presented – **Unanimous**

\*\*\* Special One-Day Licenses **(18)**\*\*\*

**7. APPLICATION, (No Representation Required)**

**Wamsutta Club, Inc. Cynthia Bouchard, Manager** who is requesting approval of an application for a **Special One-Day All Alcoholic Beverages License** for a 'Celebration of Life Memorial' to be held at the **Wamsutta Club – South Lawn**, located at **427 County Street**; and to be held on **Saturday, August 28, 2021, from 1:00 p.m. until 5:00 p.m.**

**8. APPLICATION, (No Representation Required)**

**Wamsutta Club, Inc. Cynthia Bouchard, Manager** who is requesting approval of an application for a **Special One-Day All Alcoholic Beverages License** for an 'Open House Event' to be held at the **Wamsutta Club – South Lawn**, located at **427 County Street**; and to be held on **Sunday, August 29, 2021, from 1:00 p.m. until 5:00 p.m.**

**9. APPLICATION, (No Representation Required)**

**Food Truck Festivals of America, Anthony Pope, Representative**, who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for their '4<sup>th</sup> Annual New Bedford Food Truck and Craft Beer Festival' to be held at **Ft. Taber on the Great Lawn**, located within **Fort Taber**; and to be held on **Saturday, September 11, 2021, from 11:00 a.m. until 5:00 p.m. (Last Call at 4:30 p.m.)**. \*\*\* A Security Plan has been submitted.\*\*\*

*(Liquor Liability with the City named as additionally insured on certificate is required along with a copy of the Police Detail Contract) \*\*NO CHANGES, AS PREVIOUSLY APPROVED\*\**

**10. 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 Festival' to be held **within the church parking lot**, located at **11 Franklin Street**; and to be held on **Saturday, September 18, 2021, from 12:00 p.m. until 11:00 p.m.**

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

**Rotch-Jones-Duff House, Lauren Helley, 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 **Rotch-Jones-Duff House**, located at **396 County Street**; and to be held on **Saturday, September 18, 2021, from 6:00 p.m. until 9:00 p.m.**

**12. APPLICATION, (No Representation Required)**

**Rockin For Rogan Committee, Osvaldo Magalhaes, Representative**, who is requesting approval of an application for a **Special One-Day All Alcoholic Beverages License** for a ‘Rockin for Rogan Fundraiser’ to be held on the **Madeira Feast Grounds**, located on **Madeira Avenue**; and to be held on **Sunday, September 19, 2021, from 12:00 p.m. until 10:00 p.m.**

**13. APPLICATION, (No Representation Required)**

**Southcoast Health, Adriann Corazzini, Event Specialist**, who is requesting approval of an application for a **Special One-Day All Alcoholic Beverages License** for a ‘25<sup>th</sup> Anniversary Celebration’ to be held at **Ft. Taber on the Great Lawn**, located within **Fort Taber**; and to be held on **Friday, September 24, 2021, from 5:00 p.m. until 11:00 p.m.**

**14. APPLICATION, (No Representation Required)**

**New Bedford Economic Development Council, Inc. , Deborah Trombly, Representative**, who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for a ‘New Bedford Economic Development Council Meeting’ to be held at the **New Bedford Whaling Museum – Harbor View Room**, located at **18 Johnny Cake Hill**; and to be held on **Wednesday, October 27, 2021, from 4:30 p.m. until 7:30 p.m.**

**VOTED:** Commissioner Almeida made a motion to take up **Item #'s 15 – 24** at one time. – **Unanimous**

**Downtown NB Block Party (Anne Louro, Planning Dept. & Brooke Vinagre, Tourism Director have been requested to appear on behalf of the participants and the City.)**

**15. APPLICATION,**

**DNB Burgers (DNB, LLC d/b/a), Joshua Lemaire, Co-Owner**, who is requesting approval of an application for a **Special One-Day All Alcoholic Beverages License** for a ‘Downtown New Bedford Block Party’ to be held on **Purchase Street** between **William and Union Streets**; and to be held on **Friday, September 10, 2021, from 6:00 p.m. until 8:00 p.m.**

**16. APPLICATION,**

**No Problemo (No Problemo, LLC d/b/a), Craig Paiva, Manager**, who is requesting approval of an application for a **Special One-Day Wine & Malt Only Beverages License** for a ‘Downtown New Bedford Block Party’ to be held on **Purchase Street** between **William and Union Streets**; and to be held on **Friday, September 10, 2021, from 6:00 p.m. until 8:00 p.m.**

**17. APPLICATION,**

**Pour Farm Tavern & Grille (Ribeiro Bros., LLC d/b/a), Craig Ribeiro, Co-Owner**, who is requesting approval of an application for a **Special One-Day All Alcoholic Beverages License** for a ‘Downtown New Bedford Block Party’ to be held on **Purchase Street** between **William and Union Streets**; and to be held on **Friday, September 10, 2021, from 6:00 p.m. until 8:00 p.m.**

**18. APPLICATION,**

**The Vault Music Hall & Pub (Vault Corp. d/b/a ), Stephin Fortes, Manager**, who is requesting approval of an application for a **Special One-Day All Alcoholic Beverages License** for a ‘Downtown New Bedford Block Party’ to be held on **Purchase Street** between **William and Union Streets**; and to be held on **Friday, September 10, 2021, from 6:00 p.m. until 8:00 p.m.**

**Present: Anne Louro, Planning Dept. & Brooke Vinagre, Tourism Director**

Chairman Beaugard opened the hearing on the applications that were before the Board for the Downtown New Bedford Block Party Events, when asked how the first event went since the Board did not have an opportunity to weigh in prior to the event, Ms. Louro responded ... there were no issues ... the vendors were very happy and thrilled ... and the participants indicated that it’s an event that they would like to see on a more continuous basis.

When asked by Chairman Beaugard if the stage was on lower Union Street, Ms. Louro responded, we thought because of the power source ... we thought we would have to have it in the Kruger Bros. parking lot ... but because of power issues ... and then also at the last minute ... a vaccine clinic was planned to be set up ... and it was better for them to be set up in the Kruger Parking lot ... so we moved the stage to lower Union Street.

Chairman Beaugard voiced his concern that the stage was moved without the Board being notified of the change and stated that’s why we have a meeting on these outdoor events, so that we know what’s going on; and added, as you well know, we didn’t have the opportunity to meet regarding the first event.

Chairman Beaugard continued, with that said, what is the plan for Purchase Street ... has anything changed from the original plan for Purchase Street, Ms. Louro responded we know that we have electrical power at Wing’s Court ... there’s a utility box ... so we’re anticipating at this time that the stage will be set up in that general location ... on Purchase Street ... right outside of the entrance to Wing’s Court because there’s a power source there.

When asked by Chairman Beauregard as to how many vendors were involved in this event, Ms. Louro responded, four. When asked by Chairman Beauregard if they would all be using the same cups, Ms. Louro stated that they would be but added, we could ask them to use different color cups if need be ... but we didn't dictate it.

Chairman Beauregard responded, going forward ... I would like to see you dictate that they use different color cups ... different logo...different distributor.

Chairman Beauregard explained that the reason for doing this is to identify, if someone holding a drink and was found to be underage, we can't always pinpoint where it came from, but it would help us in determining where it was purchased.

Ms. Vinagre interjected ... I'll see if I can pull something together for this event.

Chairman Beauregard then asked, are you're going to run it from 6-8 p.m. like the last one? to which Ms. Louro responded that it would be the same as the last event from 6-8 p.m.

Chairman Beauregard then asked, I was not there for the end of the last event because I was at a Cisco Inspection, so what occurred at 8 o'clock?

Ms. Vinagre responded, so around 7:40 p.m. ... last call was given on our microphone ... by then ... vendors were pretty much done serving for the night outside ... that gave folks enough time to finish their drinks and head out.

Chairman Beauregard then asked, was Union Street opened at that point?

Ms. Vinagre responded, no, it remained closed ... we had the street closure until 10 p.m. ... just because DPI needed time and space to move what they brought in ... and the same thing will be done on Purchase Street.

Seeing no further questions, the Board took two separate votes, one on the upcoming event and one on the event that had already occurred.

**VOTED:** Commissioner Almeida made a motion to approve **Item #'s 15 – 18** and to approve the applications as presented – **Unanimous**

**19. APPLICATION, (No Representation Required)**

**“Cork” (Matterhorn RE, LLC d/b/a), Jason Lanagan, Co-Owner**, who is requesting approval of an application for a **Special One-Day All Alcoholic Beverages License** for a ‘Downtown New Bedford Block Party’ to be held on **Lower Union Street** between **Union and North Water Streets**; and to be held on **Friday, August 20, 2021, from 6:00 p.m. until 8:00 p.m.**

**20. APPLICATION, (No Representation Required)**

**Cultivator (Servedwell Cultivator Shoals, LLC d/b/a), Stephen Silverstein, Owner**, who is requesting approval of an application for a **Special One-Day All Alcoholic Beverages License** for a ‘Downtown New Bedford Block Party’ to be held on **Lower Union Street** between **Union and North Water Streets**; and to be held on **Friday, August 20, 2021, from 6:00 p.m. until 8:00 p.m.**

**21. APPLICATION, (No Representation Required)**

**Moby Dick Brewing Company, Inc., Michael Warren, Manager**, who is requesting approval of an application for a **Special One-Day All Alcoholic Beverages License** for a ‘Downtown New Bedford Block Party’ to be held on **Lower Union Street** between **Union and North Water Streets**; and to be held on **Friday, August 20, 2021, from 6:00 p.m. until 8:00 p.m.**

**22. APPLICATION, (No Representation Required)**

**“Play” (Retro Entertainment, LLC d/b/a), Adam S. Katz, Owner**, who is requesting approval of an application for a **Special One-Day All Alcoholic Beverages License** for a ‘Downtown New Bedford Block Party’ to be held on **Lower Union Street** between **Union and North Water Streets**; and to be held on **Friday, August 20, 2021, from 6:00 p.m. until 8:00 p.m.**

**23. APPLICATION, (No Representation Required)**

**Rose Alley Ale House (The Pequod, Inc. d/b/a), Jason Lanagan, Co-Owner**, who is requesting approval of an application for a **Special One-Day All Alcoholic Beverages License** for a ‘Downtown New Bedford Block Party’ to be held on **Lower Union Street** between **Union and North Water Streets**; and to be held on **Friday, August 20, 2021, from 6:00 p.m. until 8:00 p.m.**

**24. APPLICATION, (No Representation Required)**

**Whaler’s Tavern (Quahog Republic, Inc. d/b/a), Alexis Gonzelles, Representative**, who is requesting approval of an application for a **Special One-Day All Alcoholic Beverages License** for a ‘Downtown New Bedford Block Party’ to be held on **Lower Union Street** between **Union and North Water Streets**; and to be held on **Friday, August 20, 2021, from 6:00 p.m. until 8:00 p.m.**

**VOTED:** Commissioner Almeida made a motion to approve **Item #'s 19-24** and to approve the applications as presented.  
– **Unanimous**

**VOTED:** Commissioner Almeida made a motion to remove **Item # 25** from the table and to take up the matter at this time. – **Unanimous**

***\*\*Tabled at 07/20/21 Meeting\*\****

**25. Hearing: Famania's Auto Service & Repair**  
**Mr. Eusebio Famania, Licensee**  
**699 Brock Avenue,**

Following the public hearing that was held on July 20, 2021 at the request of the Commissioner of Buildings as a result of your failure to comply with his request to clean up your lot and get rid of the junk cars that are currently stored on your lot; as well as reducing the number of cars on your lot to the number twelve (12) for which you've been approved and remove any cars that are being parked in residential spaces, **the Board voted unanimously to table any action until its August meeting.** The Board took this action to allow you an additional amount of time (30 days) to come into **full compliance** with those conditions that are required to maintain a facility dedicated to carrying out said business (Used Car Dealer). All licensees must adhere to all conditions of the issued license.

This Board strongly recommends that you contact and meet with Danny Romanowicz, Commissioner of Buildings, to ensure that you are in full compliance **seven (7) days prior to this Board's August meeting** to be held in the **3<sup>rd</sup> Floor Meeting Room in the New Bedford Main Library, located at 613 Pleasant Street, on Tuesday, August 24, 2021, at 7:00 p.m.**

Short of full compliance, the Board must act and **as such you will be required to bring in your 2021 MV Class II License.** Depending on the Board's findings, you may be required to surrender your license until this matter is resolved.

***Present: No One Was Required To Attend***

Mr. Nanopoulos informed the Board that he was informed by Mr. Romanowicz, Commissioner of Buildings that a re-inspection was conducted, and it was determined that the licensee is "currently" in full compliance; and recommended that no further action be taken at this time.

**VOTED:** Commissioner Almeida made a motion, based on Mr. Romanowicz' s recommendation, **that no further action be taken on this matter at this time.** – **Unanimous**

**VOTED:** Commissioner Almeida made a motion to take up **Item #'s 26 & 27** at one time, since they were interrelated. – **Unanimous**

**26. Hearing: Servedwell New Bedford, LLC d/b/a Cisco Brewers Kitchen & Bar**  
**Mr. Stephen Silverstein, Manager**  
**1480-R East Rodney French Boulevard**

Your presence is requested at a meeting to address concerns raised by the neighbors of your establishment.

The Board has received several complaints from neighbors including early morning trash pick-ups to parking issues and intoxicated patrons leaving from the area of your establishment. We understand the proximity of your properties to the Cisco property (Entertainment Venue) next door makes it difficult to distinguish responsibility, but hopefully thru conversation we can resolve these neighborhood issues.

Your presence before the board is in the form of a meeting and not a hearing with the hope that we can have a meaningful dialogue to address the complaints of the neighbors. I kindly ask in preparation of this meeting that you give some thoughts to these issues raised by your neighbors and submit an action plan to address these complaints.

**27. Hearing: Cisco Brewers New Bedford, Inc. d/b/a Cisco Brewers New Bedford**  
**Mr. James Strobino, Manager**  
**1494 East Rodney French Boulevard**

Your presence is requested at a meeting to address concerns raised by the neighbors of your establishment.

The Board has received several complaints regarding amplified music, parking issues, disturbances at closing time, and intoxicated patrons leaving your establishment. We understand the proximity of your properties to the restaurant property next door makes it difficult to distinguish responsibility on some of these issues, but hopefully thru conversation we can resolve these neighborhood issues.



Your presence before the board is in the form of a meeting and not a hearing with the hope that we can have a meaningful dialogue to address the complaints of the neighbors. I kindly ask in preparation of this meeting that you give some thoughts to these issues raised by your neighbors and submit an action plan to address these complaints.

**Present: Atty. Michael Kehoe along with James Strobino, Manager, Steven Silverstein, and Area Residents (Sign In Sheet On File)**

Mr. Nanopoulos opened the meeting with representatives of Cisco Brewers New Bedford and with area neighbors that were present by reading a communication from Ward 6 City Councilor Joseph P. Lopes, who was unable to attend due to an out of town meeting, which he requested to be read into the record: I will continue to work with City Departments and the owners of Cisco to address the concerns put forth by the residents.

The Board then unanimously voted to received and placed on file, six (6) e-mails that were received from residents voicing their concerns regarding Cisco Brewers New Bedford, Inc.

***Due to the acoustics of the meeting room in the Main Library, the audio recording is inaudible.***

Chairman Beauregard allowed those present to express their complaints and concerns, which included trash issues, traffic and parking issues, public nuisances, and loud music. The complaints and concerns were heard and discussed with those present for an hour and ten minutes.

Chairman Beauregard stated that he would meet with Mr. Silverstein to address the concerns that were raised.

Chairman Beauregard closed the meeting by stating, "We thank you ... we hear you ... stay in contact with us ... you can contact any one of us ... make sure City Hall and the Administration knows ... and we'll make sure that we will take all your concerns ... and we will address them as we move forward."

**Rec'd 09/19/21 via e-mail from Mr. Silverstein**

Attached is an update since our meeting with the Licensing Board.

- **Trash:** Instruct ABC not to bang the dumpsters to dislodge trash (done). Construct a rubber pad beneath the dumpster (in process).
- **Traffic/Parking:** We agreed to support neighborhood desire for residence only designation for side street parking. We agreed to support limiting parking on west side of East Rodney French Boulevard. We are requiring all employees to park in the auxiliary lot.
- We agreed that all employees will wear "uniforms" which clearly identify them as "Staff" (done)
- We agreed that employees will have a greater presence on the perimeter of our site and provide assistance to guide patrons properly into our parking lots to use full parking capacity (in process)
- We agreed to look into signs and have parking lot attendants' direct patrons into the auxiliary lot and to discourage side street parking (in process). The city said it would look into more police presence (directed patrol) especially near closing time.
- We agreed to have deliveries rescheduled to avoid deliveries before 7 am (done).
- **Music:** We agreed to work to reduce the music spill over into the neighborhood. We hired a sound engineer who took several decibel readings (55 reading at perimeter) and is preparing a report to mitigate the sound spillover. He said sound proofing the stage won't do much, but that eliminating the two large speakers and installing several small speakers will make a meaningful difference.
- **Lighting:** We agreed that parking lot lights currently on until dawn will be on timers and go off by 1AM (done).
- **Trash:** We agreed to continue to clean trash from the side streets within proximity of the property (in process).
- **Toilets.** We agreed to keep all 10 bathrooms in good working condition to avoid lines and to use porta-potties as needed, provided Planning approves. (In process)
- **Communication:** We agreed that if the neighbors propose one or two representatives, I will meet with them on a regular basis (perhaps once per month). (Waiting to hear from neighbors, I have spoken and met with some at my initiation).

## **28. Meeting: Vault Corp. d/b/a**

**The Vault Music Hall & Pub**

**Mr. Stephin Fortes, Manager**

**791-797 Purchase Street**

**Your presence and that of Mr. Howard Mallowes IV, Co-Owner** is requested at a hearing to determine whether you have violated certain provisions of ABCC Regulations and Licensing Board Rules, and Regulations as reported by the City of New Bedford Police Department incident reports. The Board will also review its concerns with regards to public safety and the continuance of late-night disturbances.



**Violations: 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 premise.

**Licensing Board Regulation No. 10, 11, & 41-**

Alcoholic Beverages shall not be served to a person who is or appears to be intoxicated; Excessive Noise, Crowds, and Objectionable persons shall not be permitted on or about the premises, and it is the responsibility of the Licensee to enforce this rule; the type and hours of entertainment shall be subject to reasonable regulations by the Licensing Board.

**Summary of Incidents and Concerns**

This office has received a number of police reports (as referenced below) regarding incidents that occurred on or about your premise. These calls for service raise concerns regarding your ability to control your patrons.

21-1544-AR	07/03/21	Disorderly Contact (Approximate Time of Violation 1:54 a.m.)
21-1545-AR	07/03/21	Disorderly Conduct (Approximate Time of Violation 1:54 a.m.)
21-1547-AR	07/03/21	Disorderly Conduct (Approximate Time of Violation 1:54 a.m.)
21-7345-OF	07/03/21	Police Complaint/Safety Concerns (Approximate Time of Violation 1:54 a.m.)
21-7342-OF	07/03/21	Intoxicated Persons (Approximate Time of Violation 3:48 a.m.)
21-1572-AR	07/05/21	Assault & Battery (Domestic) (Approximate Time of Violation 1:52 a.m.)
21-1642-AR 21-1643-AR 21-1644-AR 21-1645-AR	07/11/21	Patrons Leaving Premises With Alcohol/Disorderly Persons Serving to Intoxication  (Approximate Time of Violation 2:00 a.m.)

**Present: Howie Mallowes, Owner along with Stephin Fortes, Manager**

The Board then unanimously voted to receive and place on file an e-mail that was received from Mr. Mallowes on 08/04/21; in which he addressed the incidents that he was called in for as violations as follows:

Respectfully, I must disagree with some of what is written up in this. You know me from the years of working with you guys across all of my establishments. I don't ever speak up, nor defend the actions of my staff, but in this case, I felt that I needed to give a little background from our standpoint. I spoke to my head of security, along with some of the other security staff that works for us. We also talked with some of the detail officers who are assigned to work with us. We also tried to obtain the arrest records but were told that we need to get a lawyer, who needs to go in front of a judge, to then request the arrest records, so we don't have those.

Here's some details from our perspective, as far as what we know about the situations from what we've been told. I'm not saying this is all 100% accurate, but this is the feedback that has come back to me:

**July 3** – It was Friday July 2 leading into the morning of July 3. The 4 arrests at 1:54am took place in the parking lot diagonally across from The Last Round. We had a very peaceful night that night. All customers cleared out and left without issue. There were no issues inside, or out in front of the building. Several of my security team were standing outside in front of the building with our 2 detail officers at around 1:45 a.m. and the place, and the street were already cleared out, and they heard fireworks/firecrackers going off down the street. The detail officer called in to request back-up to go to that lot and that is where they made the arrests. The detail officer commented to my head of security Kevin, "these arrests are going to unfortunately come back to you," meaning back to the Vault. Kevin didn't understand why as it was a completely smooth night and made no further comment about it. We never heard anything further regarding this. The arrested individuals may have come to The Vault that night, but also could have come from Last Round, or maybe went to both, we're unsure.

Regardless, if people choose to shoot off fireworks in a parking lot after leaving one of said establishments, I don't feel that is a result of anything we did neglectful on our part. If they then mouthed off to the police (speculating that might be the case as to the arrest), again, is that our responsibility? The one that happened at 3:48am happened over 2 hours after the last patrons were out of our building that night, in the same parking lot as the other arrests from earlier. We did our last call at 1:30am that night. We don't know the reason for the arrest but were told that the person said they came from "Greasy Luck". They may have said that, but we find it hard to believe they were sitting in the parking lot for over 2 hours. Yes, they may have been here at one point in the night, even at closing. However, could they then have come from an after party close by? Could they have been being dropped back off to their car after leaving earlier and going elsewhere to party? I find it hard to see that we are responsible for that one.

**July 5** – This was Sunday July 4 leading into the morning of July 5. We only had our Pub side opened that night. The most patrons we had at a given time that night was 42. We are aware of what happened. A girl came in with her boyfriend, they ordered a drink. The boyfriend's ex-girlfriend that he recently had a child with (apparently a bad breakup), also happened to be there. In seeing him there with his new girlfriend, she walked up to them and threw a drink in the face of his new girlfriend. My security that night immediately diffused the situation and escorted out the girl who threw the drink in the face of the other girl, she left without issue. They handled it professionally and there were no further incidents inside. About 30 minutes later, that couple left, when we closed. They were walking down the street in front of Family Dollar, and that girl who was initially removed from the premises came back and had friends with her, from what we are told they seemed to be waiting for her down the street. A fight ensued, the police arrived, and made an arrest. I feel that our staff handled this situation appropriately. This situation didn't happen as a result of over service of alcohol, but as a result of two people that didn't like each other. I don't know how it could have been preventable.

**July 11** – This was Saturday July 10 leading into the morning of July 11. We had no issues whatsoever inside throughout the night. The way this is written, it sounds as if we let patrons leave with alcohol. That is not the case whatsoever. What happened in this situation, is my head of security, Kevin, was at the front door. One male patron was walking out with a half full drink. Kevin stopped him and told him to dump it (we keep trash barrels by the door for this reason). He started to argue with him to allow him to take it. He told him no. The detail officer then got involved and asked him to move along and dump the drink. The patron then mouthed off to the officer, and from what security said the patron bumped into the officer purposefully. The officer then arrested the patron and called in for backup. After arresting this individual, the patron's brother started to mouth off, then his female cousin did as well. After several warnings to stop, they both got arrested as well. Finally, another person they knew came over and mouthed off to the officer as well, which resulted in the 4<sup>th</sup> arrest. Just to be clear, we did not allow patrons to leave with alcohol, and I don't believe they were served to intoxication. These were some very disrespectful individuals who didn't want to listen to authority and got arrested due to it. These particular arrests took place right in front of The Vault as it was when we were closing and happened at our front door because we wouldn't let them leave with the alcohol. I feel that my security properly handled this, as did the detail officers. In fact, we usually station one of the detail officers right at the front door to be the final set of eyes in making sure that doesn't happen, meaning people leaving with alcohol.

I feel that my staff at The Vault handles situations that may arise properly and professionally, in fact better than most places do within the region. They also do an excellent job of denying entry to individuals who try to come in that are already intoxicated. My bar staff does a great job at shutting people off when they feel that they are intoxicated. They all work as a team to do so. Unfortunately, we can't control the actions of certain patrons, as some people are just disrespectful whether they are intoxicated or not.

Towards the end of 2018 when there were concerns with Downtown bars/clubs, and the police department wanted all locations to pick up or share in a Police Detail, we were the only one to volunteer to do so. In doing so, we were told that arrests made by the detail officers were not going to be held against our establishment, as I was concerned that having the detail could result in more calls against us. I was told that would not be the case, and we agreed to having the detail. This seems to counter that agreement that we had. I also asked that there be a police cruiser as part of the detail parked in front of The Vault at the time of closing. They agreed to do this. This happened from that point until COVID started. However, since we reopened back to having later entertainment on May 28, the cruiser hasn't been part of the detail, at least in front of the building. I asked my head of security why this was the case, as it definitely helps detract people from lingering around, and he told me that they now put the cruiser at the top of Union St to deny entry into Purchase St when we close to prevent people from circling around the block over and over. I told him that going forward, I want the cruiser back where it was supposed to be, as I wasn't aware that it wasn't there until that situation on July 11. They have since been parking it at our entrance again with their lights on, and from what I understand, we haven't had any further issues since then.

After that situation on July 11, we made several further changes. I saw the video on NB Live/Guide and immediately had a meeting with my GM Stephin and head of security Kevin. We were able to obtain the names of 18 individuals who were standing around in the street watching the arrests and banned them from entry for the foreseeable future and made it a policy going forward that anybody who doesn't immediately leave the premises after closing will also be banned. Most of those 18 people attempted to come back the following week and were all denied entry. The word has gotten out, and since that date people have left and immediately went back to their cars or whatever other forms of transportation they use, as they do not want to be banned from entry in the future. We also have been doing last call at 1:15am instead of 1:30am. For the 2 weeks immediately following July 11 incident, we changed our last entry time from 1am to 12:30am. We've seen a big change since making those changes along with asking for the police cruiser to be parked back in front of the building.

We have an ID scanning system located at our front door that is used every weekend night that scans every ID to verify whether it's real or not and creates a list of all names that enter on a given night. It's what also allows us to keep a list of people who are banned from entry. When we mark them as banned, once the ID is scanned, it pops up and tells us they are banned, why they are banned, and when they were banned. Any person who is arrested in the past, or has caused trouble inside, has been put in the system as permanently banned. We'd like to get the names of those who were arrested on July 3, not only to cross reference with our system to see if they were even in The Vault that night, but to also ban them as we weren't aware of those.

We'll be at the meeting on August 24<sup>th</sup>, but I wanted to send this ahead of time just so you know where we stand with this and what actions we've already taken. Thank you for understanding.

**Decision:** Based on the evidence presented and citing the action the licensee has taken to tighten up security, **the Board unanimously voted to receive the reports and place them on file.**

- **CORRESPONDENCE**

**"LATE FILE"**

**From: ABCC**

**Dated -08/03/21 Received - 08/12/21**

**Notice Of Hearing: You are hereby notified that a hearing will be held by the ABCC via a video conference call on October 27, 2021 at 10:00 a.m. regarding an appeal from the action of the City of New Bedford License Commission for denying the sec. 15 Wines and Malt Beverages Retail Package Store Application of MJL Enterprises, Inc. d/b/a County General Convenience to be exercised at 518 County Street, N.B., MA. "Re-Scheduled From 08/18/21"**

**Action Taken: Receive & Place On File.**

- **COMPLAINTS RECEIVED:**

--NONE--

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

**NAME**

**POLICE REPORT#**

**DATE**

**VIOLATION**

---NONE--

**Voted:** On a motion by Commissioner Almeida, the Board **voted unanimously** to meet remotely (via Zoom) starting with the September meeting; and to start the meetings at 6:00 p.m.

**Note:** The Board's decision was based on the increase of Covid 19 cases in the area.

- **NEXT TWO MEETING DATES: September 21<sup>st</sup> & October 26<sup>th</sup>, 2021, at 6:00 p.m., and both will be held remotely Via a Zoom Meeting. - **Confirmed****
- **MEETING ADJOURNED: 8:47 p.m.**