## **PRESENT:** 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** 

Meeting minutes of AUGUST 24, 2021

Meeting minutes of OCTOBER 26, 2021

Meeting minutes of **DECEMBER 21, 2021** 

Meeting minutes of APRIL 6, 2022

Meeting minutes of JANUARY 23, 2023

**<u>VOTED</u>**: To approve all meeting minutes presented. – <u>Unanimous</u>

## 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.

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

#### 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.

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

#### 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 Sebastion.

Present: Jose Sebastion; Owner

Sebastian's Café & Sports Bar is requesting a license to have a DJ/Karaoke on Tuesdays and Saturday nights until 1:00 a.m. The Board presented some concerns regarding the noise that could affect the upstairs apartments and spacing inside the establishment for dancing.

**VOTED:** To approve the Entertainment License for Sebastian's Café & Sports Bar for Tuesdays and Saturdays from 8:30 p.m. to 1:00 a.m. – **Unanimous** 

## 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**.

Present: Donna Medeiros; Proposed Manager

Ms. Medeiros has over 25 years' experience in restaurant management and her T. I. P.S. Certification has been received in our office.

<u>VOTED</u>: To approve the Change of Manager for the New Bedford Harbor Hotel and to forward the application to the Alcoholic Beverages Control Commission for their approval. – **Unanimous** 

## 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 and 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

Present: Filipe Andre; Applicant.

At this time there will be no entertainment, but license may be applied for in the future. Historical Commission approval will also be needed for the proposal of planters on the patio.

<u>VOTED</u>: To approve the Change of Location, Change of License Type from a General on Premise to a Restaurant All Alcoholic Beverages License, Pledge of the Common Victualler (Restaurant) All Alcoholic Beverages License, subject to all applicable department's approval including Historical Commission for approval of the outdoor planters and to forward the application to the Alcoholic Beverages Control Commission for their approval. – **Unanimous** 

## 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

Present: Mario Almeida; Applicant, Monica DaSilva; Treasurer

Mr. Almeida explained to the Board that the members of the club voted to apply for this extension of services so that their customers would feel more comfortable. They are proposing food and drinks to be served outside with no smoking or music. They have applied to have dining on the patio until 10:00 p.m. but the Chairman suggested stopping all service at 9:00 pm. so that the patio would be completely cleared out by 10:00 p.m.

Chairman Edmund Craig Jr. read into the record an email that he received from concerned neighbors that live close to the Club.

Re: Senhor de Pedro Club

#### Gentlemen:

I am writing this letter to state my opposition to the Senhor de Pedra club adding an outdoor patio to their existing club.

The reasons I am opposed are: 1) In the past, I have witnessed the patrons of the bar (club) smoking on the north side entrance and have heard them using profanity with loud voices. The bar manager has been notified of the foul language problem, and it did improve for a short time. However, it has reverted to the same situation. 2) Abutters of the property including myself and also another abutter have NOT been notified of the club's intention of placing an outside patio on their property.

Therefore, I think that by adding an outdoor patio area, the patrons will continue to abuse the privacy of the residents with their loud voices and profanity.

Once, again, I write to you in opposition of the club's request for an outdoor patio area.

Respectfully,

Pacheco Family 82 Nash Rd., abutter

Edward Bernardo 80 Nash Rd., abutter

After a motion was made by Commissioner Marcelino "Sonny" Almeida, and seconded by Commissioner Ricard Rezendes it was voted unanimously to enter this written complaint into the file.

Roll Call Vote- Unanimous

**VOTED:** To enter this written complaint into the file. – **Unanimous** 

The Chairman, considering the history of late-night noise complaints into consideration, asked Mr. Almeida if he would consider ending all service on the patio at 9:00 p.m., This would allow for the patio area to be completely cleaned and closed by 10:00 p.m.

<u>VOTED</u>: it was voted unanimously to approve the Alter the Premises to include a patio deck area approximately 42' X 16' sq. ft., to modify the application to read, all serving on the patio must stop by 9:00 p.m. and be completely cleared out by 10:00 p.m. and to forward the application to the Alcoholic Beverages Control Commission for their approval once final approval from the Building Department and the Health Department have been received. – <u>Unanimous</u>

**<u>VOTED</u>**: To remove petition #5 from the table. – <u>Unanimous</u>

#### 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 **Demitry 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.

<u>Voted:</u> Commissioner Almeida made a motion to follow Mr. Nanopoulos' recommendation and to table the matter until the application is submitted complete. – <u>Unanimous</u> 02/27/2023

#### Present: Attorney Andrew Beechinor

The Board was informed that the Club is still trying to obtain the certificates but has not received them as of today.

**VOTED:** To table this Petition until DOR and DUA Certificates are in good standing and received. – **Unanimous** 

# \*\*\* Special One-Day Licenses (4) \*\*\*

<u>VOTED</u>: To take up items 6-9 at one time, waive the reading, approve applications as presented and place on file. – <u>Unanimous</u>

## 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 premises consist 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.

<u>Note:</u> 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\*\*\*\*

# Present: Miguel A. Moreta; Applicant

Chairman Craig asked Mr. Moreta what kind of experience he had in running a used car dealership, Mr. Moreta responded, that he has 8 years' experience in selling cars at a local car dealership. He stated that he will sell used cars between the years of 2003 and 2016, and they will not accept junk cars, tires or perform any autobody work at this location.

Commissioner Almeida asked about the status of the three cars that are on the lot at this time, Mr. Moreta assured him that the three (3) cars there will be removed (towed) by next week.

<u>VOTED</u>: to approve this application for a new Motor Vehicle Class II License for display of twelve (12) cars and all repairs to be performed by Drive Time Auto located at 1680 Purchase Street. - **Unanimous** 

#### 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

Present: Doug Grace; Owner, Calvin Grace; Manager

As the hearing began, Lt. Justin Kagan, Police Department Liaison to the Licensing Board, summarized the incident that occurred on January 1, 2023, at 2:30 a.m. When police arrived, due to a neighbor complaint for noise, there were roughly 50 people in the bar, open beer bottles and mixed drinks on the bar being consumed. The officer observed alcohol being served at 2:50 a.m. Calvin Grace apologized and said that they lost track of time on that evening, New Years Eve. Both are aware of the closing time, that no purchases are allowed after 2:00 a.m., that all tables and bars must be clear of drinks by 2:15 a.m. and the establishment must be emptied by 2:30 a.m.

<u>VOTED</u>: a motion was made by Commissioner Marcelino "Sonny" Almeida, to place Doug's House of Harmony on probation for a period of six (6) months, the motion was not seconded- <u>Motion died on the floor</u>

While looking at the police logs Commissioner Rezendes asked Mr. Grace why there were four (4) calls for service from neighbors since December 2022. Mr. Calvin Grace explained that a neighbor accused a customer of causing damage to her vehicle and has now told him that she wants to "shut the place down." Commissioner Rezendes feels that a nine (9) months' probation would be appropriate for this offense.

**VOTED:** To place Doug's House of Harmony on probation for a period of nine (9) months. - **Unanimous** 

# • <u>CORRESPONDENCE</u>

#### 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:

#### 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 Restorante, 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)

Innholder All- Alcoholic	3
Common VictuallerAll Alcoholic	85
Common VictuallerWine & Malt (6 Days)	0
Common VictuallerWine & Malt (7 Days)	17
General on Premise All Alcoholic	13
ClubsAll Alcoholic	20
Retail Package StoresAll Alcoholic	23
Retail Package StoresWine & 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.
 134

 Special One Day Wines and Malt Beverages Licenses.
 18

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
Lie Lagued on 04/10/22

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

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

- <u>NEXT TWO MEETING DATES</u>: March 27<sup>th</sup>, which will be held on Monday night and to be held remotely at 6:00 p.m. and April 24<sup>th</sup>, 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)
- **VOTED:** To Adjourn Meeting- **Unanimous**

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.