



# Licensing Board

February 27, 2017 – 7:00 PM – **Agenda**  
City Hall, 133 William Street, Room 314

**LICENSING BOARD MEETING**

**-AGENDA-**

**Monday, February 27, 2017**  
**Room 314 – 7:00 p.m.**

**REQUIRED: Steven A. Beauregard, Chairman**

**Marcelino “Sonny” G. Almeida, Commissioner**

**Edmund F. Craig, Jr., Commissioner**

**Atty. Kreg Espinola, Asst. City Solicitor**

**Lt. Joao Chaves, Police Department Liaison to the Lic. Bd.**

**Nick Nanopoulos, Director**

**“FINAL AGENDA”**

**MOTION TO ACCEPT THE MEETING MINUTES OF - January 23, 2017**

**APPROVALS RECEIVED FROM THE ALCOHOLIC BEVERAGES CONTROL COMMISSION:**

**Altering of Premises - Trans. # 00088-RS-0778 – Plot # 132—613 – “LATE FILE”**

**Gin & Chen, Inc. d/b/a Jade Garden, Kam Yee Gin, President, 1309 Phillips Road**, who is requesting permission to Alter the Premises and Change the Description of the Common Victualler All Alcoholic Beverages licensed premises to include an additional dining room, approximately 575 sq. ft., which is contiguous to the existing dining area. The **licensed premises will remain numbered 1309 Phillips Road.**

Final approval will require a ‘**Certificate of Inspection**’ from the Building Department,

**Approved By ABCC – 11/16/17**

**“New “ Retail Package Store Wine & Malt Lic. - Trans. # 88967-PK-0778 (Old #235) – Plot # 60--13**

**Standard Marine Outfitters, LLC, Michael Quinn, Manager of LLC**, who is petitioning for a **New Retail Package Store Wine and Malt Only Beverages License**. Upon Approval, Michael Quinn will be a Member and Manager of the LLC, and a Co-Interest Holder (49%), and Charles Quinn will be a Member and Co-Interest Holder (51%) of the LLC; and **James A. Rego** is the **Proposed Manager of the Liquor License**. The proposed licensed premises is a marine outfitters and supply store located on the 1<sup>st</sup> floor of a one -story building in an area approximately 6,680 sq. ft., which will include a cooler for the storage of alcohol, as well as shelving for the sale and display of alcohol; the area also includes an office and storage room. There is one (1) entrance/exit in the front of the building, as well as one exit located at the rear of the building. The premise is situated on the north side of Route 6, and will be **numbered 137 Pope’s Island.**

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

**Approved By ABCC – 01/27/17**

**Transfer & Pledge of License - Trans. # 031113-RS-0778 (Old #00075) – Plot # 20--355**

**Vila Franca Do Campo, Inc. d/b/a Vila Franca Restaurant & Cafe, Carlos A. Santos, President**, who is petitioning to transfer a **Common Victualler (Restaurant) All Alcoholic Beverages License** to **El Mexicano, Inc. d/b/a Mi Antojo Mexican Restaurant**. Upon approval, Grisay Rojas will be the President, Treasurer, a Co- Director, and a Co-Shareholder (50%); and **Javier Rojas** will be the Secretary, a Co-Director, a Co-Shareholder (50%), and the **Proposed New Manager**; the proposed transferee is also requesting approval of a **Pledge of the Common Victualler All Alcohol License** to **Vila Franca Do Campo, Inc.** with an address of **554 Brock Avenue, New Bedford, MA.** as security to authorize and execute a promissory note in the amount of **Seventy-Five Thousand Dollars (\$75,000.00), pursuant to Massachusetts General Laws Ch.138 s.23.** The premises will remain the same as previously approved as follows: The licensed premises consists of a total area of approximately 2,593 sq. ft., which includes one room with a bar and tables for dining, and a separate dining room; along with a kitchen area with stockroom, and two restrooms. There is one entrance/exit onto Nelson Street from the dining room, one entrance/exit onto Second Street from the bar, and an entrance/exit onto Second Street from the dining room. The street level building is situated on the corner of Nelson and Second Streets, and is **numbered 601 South Second Street.**

Final approval will require a ‘**Change of Tenant**’ from the Building Department, a new ‘**Food Permit**’ from the Health

Department, and a copy of 'Proof of Liquor Liability'.

Approved By ABCC – 02/17/17

**1. PETITION - Trans. # 02733 – Plot # 47--37**

**Moby Dick Brewing Company, Inc., David Slutz, President**, who is petitioning to **Change the Description of the Common Victualler (Restaurant) All Alcoholic Beverages** license to include an outdoor patio area approximately 370 sq. ft. (37' X 10') to be used as a 'Sidewalk Café', which will be enclosed with 21" high planters that will be used to rope off the described area, and will be used for seated dining purposes only.

The enclosed area, which will include three (3) tables with seating for Eighteen (18) patrons, will be located on the north side of the building, which is contiguous to the licensed premises. The proposed outdoor area will only be accessible by way of an entrance/exit through the restaurant located in the front of the building, and will be accessible by 'Hostess Seating' only; the area will also be monitored by the hostess and waitstaff at all times. The proposed hours of operation are **daily from 11:00 a.m. until 10:00 p.m., at which time all outdoor activity must cease, and shall be in effect from May 1<sup>ST</sup> through October 30<sup>th</sup>**, in accordance, and as specified in the City of New Bedford Sidewalk Café Permit Ordinance. (Ord. Ch. 15, Article VI, sec. 15-100 (B) (Item #'s 8 & 15). The licensed premises will remain numbered **52 Union Street**. The applicant is also requesting the approval of **Timothy G. Cleland**, who resides at **8 Atlantic Street, Plymouth, MA. as their new manager**.

*Application has been advertised; Abutters have been notified.*

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

**The YMCA, Tara Pacheco, Executive Director**, who is requesting approval of an application for a **Special One Day All Alcoholic Beverages License** for a "Party for a Cause – 'Mardi Gras' Fundraiser", to be held at the **New Bedford YMCA Southcoast**, located at **25 South Water Street**; and to be held on **Saturday, February 25, 2017 from 7:00 p.m. until 11:00 p.m.**

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

**WCAI Radio Station, Paula Montgomery, Representative**, who is requesting approval of an application for a **Special One Day All Alcoholic Beverages License** for a "WCAI Pub Night", to be held at the **Buttonwood Park Zoo**; and to be held on **Thursday, March 2, 2017 from 5:00 p.m. until 7:00 p.m.**

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

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

**New Bedford Art Museum, Jennifer Almeida, Representative**, who is requesting approval of an application for a **Special One-Day Wine & Malt Only Beverages License** for an 'Opening Reception' event to be held at the **N.B. Art Museum**, located at **608 Pleasant Street**; and to be held on **Saturday, March 4, 2017, from 2:00 p.m. until 4:00 p.m.**

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

**New Bedford Art Museum, Jennifer Almeida, Representative**, who is requesting approval of an application for a **Special One-Day Wine & Malt Only Beverages License** for an 'Award Ceremony' event to be held at the **N.B. Art Museum**, located at **608 Pleasant Street**; and to be held on **Friday, March 10, 2017, from 6:00 p.m. until 8:00 p.m.**

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

**Buttonwood Park Zoological Society, Inc./Fun 107, Paula Montgomery, Representative**, who is requesting approval of an application for a **Special One-Day Wine & Malt Only Beverages License** for a **Red, White, & Brew @ the Zoo Beer Festival**, to be held within the **Buttonwood Park Zoo**; and to be held on **Friday, May 19, 2017, from 5:30 p.m. until 9:00 p.m.** *(Final approval will require Liquor Liability with the City of New Bedford named as additionally insured; along w/Copy of the Police Detail Contract) - 21+ Event"*

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

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

**The Standard Times, Michelle Coombs, Representative**, who is requesting approval of an application for a **Special One-Day All Alcoholic Beverages License** for a "An Emerging Leader-Recognition Event"; to be held at the **New Bedford Whaling Museum**, located at **18 Johnny Cake Hill**; and to be held on **Thursday, June 15, 2017, from 5:30 p.m. until 7:30 p.m.**

**8. APPLICATION\*\*\*Special Permit Approved on 01/20/17\*\*\* – "LATE FILE"**

**Imad Saker**, who resides at **384 Dartmouth Street, N.B. MA.**, is requesting approval of an application for a **Motor Vehicle Class II (Used Car Dealer) License** for **Imad Saker d/b/a i Drive**, with premises situated at **384 Dartmouth Street**. The previously approved location includes an office and a two-bay garage to be used for repairs.

**Note: Approved for the display of Twenty-Five (25) cars by the Office of Inspectional Services.**

Final approval of the Motor Vehicle Class II License will require a '**Certificate of Inspection** from the **Office of Inspectional Services**, a **\$25,000.00 Bond**, and a **Notarized Letter** stating where the repairs will be done.

**9. Hearing: Pub 6T5, LLC**

**Mr. Richard F. Trapilo, Manager/Co-Owner**  
**736 Ashley Boulevard**

**Approved 12/12/16 – On Going Renovations**

Your presence is respectfully requested at a hearing to determine the status of your annual liquor license for the year 2017. The hearing is also being held at the request of the members of this Board in order for you to update the Board as to the ongoing renovations; as well as to discuss any planned changes to the description of the premises and any possible change in management of the day to day operation of the premises.

You **must submit** to the Board that evening, a letter stating your intentions regarding the license that has been issued to you detailing an opening date and any planned changes, if not already submitted.

**10. Hearing: Ying Dynasty Nauset, LLC d/b/a Ying Dynasty**

**Mr. Shang Ying Zhao, Manager of LLC**  
**114-116 Nauset Street**

**Transfer Approved On 06/03/14 – Renovations**

**Prior Renewal Hearings: (6)**

Your presence is respectfully requested at a hearing to determine the status of your annual liquor license for the year 2017. The hearing is also being held at the request of the members of this Board in order for you to update the Board as to the ongoing renovations.

You **must submit** to the Board that evening, a letter stating your intentions regarding the license that has been issued to you detailing either an opening date, plans to transfer, or change of location, as it applies to your situation.

Please Be Advised that failure to appear before this Board as requested will result in "Automatic Revocation" of your Common Victualler (Restaurant) All Alcoholic Beverages License.

**If you are operational by February 20, 2017, you will not be required to appear as notified.**

**11/21/16 Decision**

The Board's decision was based on the information provided by Atty. (Christopher) Markey at said meeting, at which he stated that it's now your intention to sell your license due to a much longer construction time than originally anticipated.

This office has posted Atty. Markey's contact information on the liquor license availability list, which we have posted in the office, and that we distribute upon request.

**11. Hearing: Dublin's Sports Bar N Grille, LLC**

**d/b/a Dublin's Sports Bar N Grille**  
**Mr. Mario Gomes, Owner/Manager**  
**1686 Acushnet Avenue**

**Re: Closed 11/21/16**

**Prior Renewal Hearings: (1)**

Your presence is respectfully requested at a hearing to determine the status of your annual liquor license for the year 2017. If warranted, the Board may cancel the license of any license holder who "ceases to conduct the licensed business" that is, *any license holder who closes the business or stops doing business*. Licensees should be conducting the licensed business on all days authorized by the license. Any licensee that does not comply with its obligation to conduct the licensed business

and holds a so-called "pocket License" is subject to possible action by the Board.

Notice is given in accordance with Massachusetts General Laws Chapter 138, section 77, which states that the licensing authorities may, after hearing or reasonable opportunity therefore, cancel any license issued under this chapter if the licensee ceases to conduct the licensed business.

You **must submit** to the Board that evening, a letter stating your intentions regarding the license that has been issued to you detailing either an opening date, plans to transfer, or change of location, as it applies to your situation.

**11/21/16 Decision**

As a result of the open hearing held to determine the status of your annual liquor license for the year 2016, and to discuss your plans for your liquor license for the year 2017 prior to this Board considering approval of your 2017 renewal application; **the Board voted unanimously to approve your renewal for 2017 and to table the matter until this Boards February 27; 2017 meeting.** The Board's decision was based on the information you provided to the Board in which you stated that you had a couple of people interested in buying your license, and that a P & S would be signed over the next several weeks; at which time an application for transfer would be submitted.

Please Be Advised that failure to appear before this Board as requested will result in "Automatic Revocation" of your Common Victualler All Alcoholic Beverages License.

**If an application for transfer is submitted by February 1, 2017, you will not be required to appear as notified.**

• **CORRESPONDENCE**

**In City Council January 12, 2017**

**"LATE FILE"**

**Received 02/22/17**

The undersigned (**Imad Saker d/b/a I Drive, 384 Dartmouth Street**) petitions the City Council to grant a **SPECIAL PERMIT** to allow **Auto Sales & Rentals**.

**IN CITY COUNCIL, January 12, 2017**

**Special Permit Granted**

Dennis W. Farias, City

Clerk

**Presented to the Mayor for approval January 17, 2017**

Dennis W. Farias, City

Clerk

**Approved January 20, 2017**

Jonathan F. Mitchell,

Mayor

• **COMPLAINTS RECEIVED:**

---NONE--

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

<u>NAME</u>	<u>POLICE REPORT#</u>	<u>DATE</u>	<u>VIOLATION</u>
1. Legend's Sports Pub & Bar Minor/Serving	#17 – 459-AR	02/21/17	Serving
			To Intoxication/ Unruly Patrons/ Failure to Check I. D. On Day of Service (Approximate Time of Violation 10:03 p.m.)

"LATE FILE"

• **ANNUAL REPORT 2016 (Informational Only)**

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 **2016**.

There were a total of **186** liquor licenses granted as renewals for the year **2017**.

There was **1 Retail Package Store All Alcoholic Beverage License**, which was not signed by the licensee during the

month of November as required by law; therefore, the license was not renewed for '2017':

**Premium Liquors (Vallas Enterprises, Inc. d/b/a), 1926 Purchase Street, Lic. # 00182-PK-0778**  
*The license was lost to the city. (Over Quota)*

There were 3 New Retail Package Store Wine & Malt Only Licenses Approved & Issued in 2016:

**Dairy Mart (Tejendra, Inc. d/b/a), 4443 Acushnet Avenue, Lic. # 88931-PK0778**

**Expo's (Kaitlyn Duarte d/b/a), 332 Brock Avenue, Lic. # 00231-PK-0778**

**Mutual (E Z Convenience & Gas, LLC d/b/a), 1800 Purchase Street, Lic. # 88893-PK-0778**

There was 1 Seasonal License granted as a renewal in 2016:

**The Edge Hospitality, LLC d/b/a The Edge Tiki Bar, 1494 E. Rodney French Blvd.**  
**Lic. #000226-RS-07778 (Not Included In the 186 Total)**

The number of licenses of each class renewed for 2017 is as follows:

Common Victualler---All Alcoholic	86
Common Victualler---Wine & Malt (6 Days)	3
Common Victualler---Wine & Malt (7 Days)	15
General on Premise ---All Alcoholic	16
General on Premise---Wine & Malt (7 Days)	2
Clubs---All Alcoholic	24
Retail Package Stores---All Alcoholic	22
Retail Package Stores---Wine & Malt	15
Innholder All- Alcoholic	2
Farmer – Winery Pouring Permit	1
<b><u>Total Licenses</u></b> .....	<b><u>186</u></b>

**Special One - Day Licenses Granted in 2016:**

Special One Day All Alcoholic Beverages Licenses.....	<b><u>101</u></b>
Special One Day Wines and Malt Beverages Licenses.....	<b><u>64</u></b>

Revenue received from the various classifications of licenses during 2016:

<b>New Retail Package Store Wine &amp; Malt</b> license granted to <b>Kaitlyn Duarte d/b/a Expo's – Lic. Issued on 08/17/16</b>	\$687.50
<b>New Retail Package Store Wine &amp; Malt</b> license granted to <b>EZ Convenience &amp; Gas, LLC d/b/a Mutual Mart – Lic. Issued on 11/15/16</b>	\$275.00
<b>New Retail Package Store Wine &amp; Malt</b> license granted to <b>Tejendra, Inc. d/b/a Dairy Market – Lic. Issued on 12/26/16</b>	\$0.00
<b>Change of Classification</b> from a <b>General on Premise All Alcoholic Beverages License</b> (Park Restaurant, Inc.) to a <b>Common Victualler (Restaurant) All Alcoholic Beverages License</b> (Ambiance Park Café, Inc.) – <b>Lic. Issued on 06/08/16</b>	\$0.00

**Renewals:**

2 Innholder All Alcoholic Beverages Licenses	9,200.00
86 Restaurant All Alcoholic Beverages Licenses	\$262,300.00
3 Restaurant Wines and Malt Beverages (6 DAY)	\$5,400.00
15 Restaurant Wine and Malt Beverages (7 Day)	\$28,500.00
16 General on Premise All Alcoholic Beverages Licenses	\$49,600.00

2 General on Premise Wine and Malt Beverages	\$3,900.00
24 Club All Alcoholic Beverages Licenses	\$57,600.00
22 Retail Package Goods Store All Alcoholic Beverages Licenses	\$55,000.00
15 Retail Package Goods Store Wines and Malt Beverages Licenses	\$26,250.00
1 Farmer-Winery Pouring Permit	\$1,400.00
1 Seasonal License	\$1,500.00
101 Special One - Day All Alcoholic Beverages Licenses	\$15,100.00
64 Special One - Day Wines and Malt Beverages Licenses	\$7,125.00
40 Filing Fees	\$4,275.00
<b>Total Revenue.....</b>	<b>\$528,112.50</b>

Schedule of License Fees for **2017** 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
General on Premise Wine and Malt Beverages	\$1,950.00
Club All Alcoholic Beverages	\$2,400.00
Club Wines and Malt Beverages	\$1,550.00
Retail Package Goods Store All Alcoholic Beverages	\$2,500.00
Retail Package Goods Store Wines and Malt Beverages	\$1,750.00
Farmer Series Pouring Permit (Winery)	\$1,400.00
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 2016.**

- **NEXT TWO MEETING DATES: March 27<sup>th</sup> & April 24<sup>th</sup> , both on Mondays, in Room 314**
- **MEETING ADJOURNED:**