



Licensing Board

February 24, 2014 – 7:00 PM – **Agenda**
City Hall, 133 William Street, Ashley Room (120)

****View Minutes****

LICENSING BOARD MEETING

-AGENDA-

Monday, February 24, 2014
Ashley Room (120) – 7:00 p.m.

REQUIRED: Steven A. Beaugard, Chairman

Marcelino “Sonny” G. Almeida, Commissioner

A/O 02/19/14

Edmund F. Craig, Jr., Commissioner

Atty. John Flor, Asst. City Solicitor

Capt. Steven Vicente, Police Department Liaison to the Lic. Bd.

Nick Nanopoulos, Director

MOTION TO ACCEPT THE MEETING MINUTES OF JANUARY 27, 2014

APPROVALS RECEIVED FROM THE ALCOHOLIC BEVERAGES CONTROL COMMISSION

Change of Manager - Trans. # 209 – Plot # 93--181

Centro Luso American Club, Inc., 34 Beetle Street, is requesting the approval of John Tomasia, who resides at 265 Maple Street, New Bedford, MA. as their new manager.

Approved By ABCC – 02/10/14

1. PETITION - Trans. # 080 – Plot # 96--41

P & G Bowling N.B., Inc. d/b/a Wonder Bowl, 66 Hathaway Road, is requesting the approval of David M. Saucier, who resides at 95 Mendall Road, Acushnet, MA. as their new manager.

2. PETITION - Trans. # 072 – Plot # 14--198

The Washington Social and Musical Club, Inc., 90 David Street, is requesting the approval of Fred Canton III, who resides at 14 Fulton Street, New Bedford, MA. as their new manager.

3. PETITION - Trans. # 038 – Plot # 53--131

Ribeiro Brothers, LLC d/b/a The Pour Farm Tavern & Grille, 780 Purchase Street, is requesting the approval of Noah A. Griffith, who resides at 34 Viall Street, New Bedford, MA. as their new manager.

4. PETITION - Trans. # 077 – Plot # 53--195

The Pequod, Inc. d/b/a Rose Alley ale House, 94 Front Street, is requesting the approval of Darbie Martins, who resides at 63 County Street, New Bedford, MA. as their new manager.

5. PETITION - Trans. #178 – Plot # 97—41 (No Representation Required)

Nelia Cardoso d/b/a Chuck’s Liquors, Nelia Cardoso, Sole Owner, who is petitioning to transfer a Retail Package Store All Alcoholic Beverages License to Hoan Enterprises, Inc. d/b/a Chuck’s Liquors. Upon approval, Hoan Minh Le will be the President, Treasurer, Secretary, Sole Director, and Sole-Shareholder (100%); and Hoan Minh Le is also the Proposed New Manager. Premises will remain the same at 60 Nauset Street.

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

Application has been advertised.

6. APPLICATION, (No Representation Required)

New Bedford Whaling Museum, Inc. Sarah Budlong, Representative, who is requesting approval of an application for a Special One Day Wine & Malt Only Beverages License for a Sailor Series Lecture/Reception”, to be held at the New

Bedford Whaling Museum, located on **18 Johnny Cake Hill**; and to be held on **Thursday, February 27, 2014 from 6:00 p.m. until 7:00 p.m.**

7. APPLICATION, (No Representation Required)

“Healing Little Hearts”, Kelly Weglowski, Representative, who is requesting approval of an application for a **Special One Day All Alcoholic Beverages License** for their “7th Annual Healing Little Hearts Gala & Auction”, to be held at the **New Bedford Whaling Museum, located on 18 Johnny Cake Hill**; and to be held on **Saturday, March 1, 2014 from 6:00 p.m. until 11:00 p.m.**

8. APPLICATION, (No Representation Required)

New Bedford YMCA Board of Managers, Daniel J. Berry, 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 on 25 South Water Street**; and to be held on **Saturday, March 1, 2014 from 7:00 p.m. until 11:30 p.m.**

9. APPLICATION, (No Representation Required)

Cape Verdean Association NB, Inc., Raquel A. Dias, Representative, who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for an “International Women’s Day Celebration Fundraiser”, to be held at the **New Bedford Whaling Museum, located on 18 Johnny Cake Hill**; and to be held on **Saturday, March 8, 2014 from 5:00 p.m. until 9:30 p.m.**

10. APPLICATION, (No Representation Required)

Club Madeirense-S.S, Sacramento Club, Inc., Edward Camara, Jr. who is requesting approval of an application for a **Special One Day All Alcoholic Beverages License** for a “St. Patrick’s Day Dinner/Fundraiser”, to be held at the **S.S. Sacramento Club, located on 50 Madeira Avenue**; and to be held on **Saturday, March 15, 2014 from 5:00 p.m. until 11:30 p.m.**

11. APPLICATION, (No Representation Needed)

JAKIBRI, Inc. d/b/a Kirby’s Irish Pub, Jason Kirby, Manager, who is requesting approval of an application for a **Special One Day All Alcoholic Beverages License** for a ‘St. Patrick’s Day Party’ to be held in the **Pub Parking Lot**, located at **818 Kempton Street**; and to be held on **Monday, March 17, 2014 from 2:00 p.m. until 11:45 p.m. (Final approval will require a copy of the Police Detail Contract)**

12. APPLICATION, (No Representation Required)

New Bedford Whaling Museum, Inc. Sarah Budlong, Representative, who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for a **Sailor Series Lecture/Reception**”, to be held at the **New Bedford Whaling Museum, located on 18 Johnny Cake Hill**; and to be held on **Thursday, March 27, 2014 from 6:00 p.m. until 7:00 p.m.**

13. APPLICATION, (No Representation Required)

New Bedford Whaling Museum, Inc. Sarah Budlong, Representative, who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for a **Sailor Series Lecture/Reception**”, to be held at the **New Bedford Whaling Museum, located on 18 Johnny Cake Hill**; and to be held on **Thursday, April 24, 2014 from 6:00 p.m. until 7:00 p.m.**

14. APPLICATION, (No Representation Required)

New Bedford Whaling Museum, Inc. Sarah Budlong, Representative, who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for a **Sailor Series Lecture/Reception**”, to be held at the **New Bedford Whaling Museum, located on 18 Johnny Cake Hill**; and to be held on **Thursday, May 8, 2014 from 6:00 p.m. until 7:00 p.m.**

15. APPLICATION, (No Representation Needed)

Downtown New Bedford, Inc., Diane Arsenaault, Executive Director, who is requesting approval of an application for a **Special One Day Wine & Malt Only Beverages License** for their 8th Annual Taste of the Southcoast’, which will be held **under a tent on Pier 3**; and to be held on **Sunday, May 18, 2014 from 12:00 p.m. until 5:00 p.m. (Final approval will require Liquor Liability with the City named as additionally insured and a copy of the Police Detail Contract)**

Tabled At 10/21/13 Meeting

16. REQUEST,

A request by Fernando Giraldo, President of Giraldo's Restaurant, Inc. to be placed on the February Agenda to discuss the progress being made at Adriana's Mexican Restaurant with regard to the ongoing renovations.

Minutes of 10/21/13 Meeting

Present: Fernando Giraldo, Co-Owner along with Martha Gonzalez, co-Owner/Manager

Ms. Gonzalez opened the hearing by submitting a letter to the Board explaining as to why their previously stated 'August' opening has been delayed, which the Board voted unanimously to receive and place on file.

Responding to questions from Chairman Beauregard, after explaining what they had done already and what still needs to be done, Ms. Gonzalez stated that she didn't think the work would be completed until the end of January, and that she didn't think it would be realistic to expect an opening before February 2014.

Chairman Beauregard suggested that they approve the 2014 renewal and tabled the matter until the Board's February meeting in order to give the licensees an opportunity to complete the work, and strongly suggested to Ms. Gonzalez that the work be completed by that meeting, and warned that their failure to do so could affect the status of their license.

VOTED: Commissioner Almeida made a motion to follow the recommendation to approve the 2014 renewal and to table the matter to the Board's February 2014 meeting. – **Unanimous**

17. Hearing: Capitol Motors

Ronald Moura, Licensee

384 Dartmouth Street

The City of New Bedford Treasurer/Collector of Taxes has requested that the Licensing Board hold a hearing for revocation of your MV Class II license due to non-payment of personal property taxes, based on your neglect or refusal to pay your local property tax to the City of New Bedford by January 1, 2014, as previously notified. All Licensees must be in compliance for renewals of all Class II licenses.

Please be advised that your presence is required at a hearing to determine whether you have violated certain provisions of City of New Bedford Ordinance Sec.10 – 45 with regard to outstanding personal property tax owed to the City of New Bedford.

Please be advised that you are currently in violation of operating a used car lot without a license.

Failure to appear at this hearing will result in the immediate revocation of your license by this Board.

Minutes of 02/25/13 Hearing

Present: Ronald Moura, Licensee; Atty. Blair Bailey, Asst. City Solicitor (Tax Title)

Mr. Moura submitted documentation that showed that he did not owe any personal property tax, and added that the property that the business is on (which is in tax title) is under Antone Moura and that his name is Ronald Moura, and that his father was the owner of the property for 67 years until his death a few years ago; and that he's the only survivor outside of his son, and that he's in the process of getting everything transferred over; and that he planned to go to the Treasurer's Office to put some money down to continue his payment plan.

When asked by Chairman Beauregard when his father passed away, Mr. Moura stated that he passed away in 2008 but there have been some complications in getting the property transferred; and that he was told by Mr. Nanopoulos a few years ago that he had to apply for a Class II license under his own name, and that he couldn't operate the business under his deceased father's name, so he changed the business into his name.

Atty. Bailey then reviewed his payment history on the property, which showed that there had not been any payments made on the real property taxes since August of 2012.

When asked by Chairman Beauregard if he was prepared to make a payment, Mr. Moura responded, "yes".

When asked by Chairman Beauregard as to the payment amount he was prepared to make, Mr. Moura responded, when I go down to find out how much she needs, I'll give it to her.

Atty. Bailey estimated that it would take a payment of roughly \$6,000.00 in order for the city to enter into a payment plan with Mr. Moura on the balance of the Tax Title amount, which would include being current on the first three quarters of his 2013 taxes, as well as the required down payment on his Tax Title amount; Atty. Bailey also informed Mr. Moura that his old payment plan was no longer valid due to changes approved by the City Council, and that he had to enter into a new payment plan.

Mr. Moura agreed to the \$6,000.00 estimate and stated that he would be in tomorrow to see Peggy in the Treasurer's Office to make a payment, and set up a payment plan on the balance, to which Atty. Bailey approved; with the suggestion that the Board table the matter to its next meeting to ensure that what was agreed to was carried out by Mr. Moura.

VOTED: Commissioner Almeida made a motion to table the matter until the Board's March 27, 2013 meeting, with no

further action to be taken, if the agreed amount is paid and a signed agreement on the balance is signed by Mr. Moura – **Unanimous**

Note: Mr. Moura made one lump sum payment on his 2013 Tax Bill in March of 2013 to become current on his 2013 taxes but never made another payment on his 2013 taxes, (the balance was rolled over into Tax Title), but he never entered and signed a ‘new’ Tax Title Re-Payment Agreement as required by the Board’s decision; and only made one Tax Title payment of \$316.76 on 12/30/13.

Mr. Moura has neither contacted this office nor the Treasurer’s Offices since he attempted to renew his Class II Dealer license in December, at which time he was instructed to contact the City Treasurer to resolve his Tax Title issues and come back to renew his license. He is currently operating with an expired license.

- **CORRESPONDENCE,**

From: Kim S. Gainsboro, ABCC Chairman **Dated –01/23/14** **Received –02/06/14**

Re: AMM Enterprises, LLC d/b/a Cobblestone Restaurant **7 South Sixth Street**

Re-Scheduled Hearing Date: Monday, January 27, 2014, @ 10:30 a.m. for a hearing to determine whether you have violated certain provisions of Massachusetts General Laws Chapter (M.G.L.) OR Code of Massachusetts Regulations (CMR) as follows: M.G.L. CH. 138, sec. 64, **Failure to Comply with the Laws of the Commonwealth, To Wit: M.G.L. Ch. 151A sec.14 & 15.**

DUA (Unemployment Insurance)

CONTINUED FROM 10/10/13

CANCELLATION OF HEARING: The ABCC is in receipt of a letter from the Department of Unemployment Assistance dated 01/23/14, withdrawing their request for a hearing that was scheduled to be held on 01/27/14. This Commission will take no further action regarding this canceled hearing.

- **COMPLAINTS RECEIVED:**

--NONE--

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

<u>NAME</u>	<u>POLICE REPORT#</u>	<u>DATE</u>	<u>VIOLATION</u>
1. Dublin’s Sports Bar N Grille	#14-1365-OF	02/03/14	Unsafe Premises (Stabbing) Patrons on Premises After Hours (Approximate Time of Violation 2:06 a.m.)
2. Dublin’s Sports Bar N Grille	#14-1366-OF	02/03/14	Unsafe Premises (Stabbing) Patrons on Premises After Hours (Approximate Time of Violation 2:35 a.m.)

- **Upcoming Summer Events & Festivals**

- **Day of Portugal** – June 6th, 7th, & 8th
(April Meeting)
- **Cape Verdean Day Parade** – July 5th
(May Meeting)
- **New Bedford Summerfest** – July 4th, 5th, & 6th
(May Meeting)
- **Irmandade Do Divino Espirito Santo Do Pico** – July 10th, 11th, 12th, & 13th
(May Meeting)
- **Feast of the Blessed Sacrament (Madeira Feast)** – July 31st, Aug. 1st, 2nd & 3rd
(June Meeting)

• **ANNUAL REPORT 2013**

In accordance with **Chapter 138, s10A 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 **2013**.

There were a total of **183** liquor licenses granted as renewals for the year **2014**.

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 '2014'.

Whaler's Wine & Spirits, Inc. – Lic. # 077800162

There was **1 Common Victualler (Restaurant) Wine & Malt Only Beverage License**, which was signed during the month of November as required by law; but the licensee chose not to pay the renewal fee in December to complete the renewal, therefore, the license was not renewed for 2014 and reverted back to the city.

The Boat (Lemieux Enterprises, Inc. d/b/a The Boat - Lic. # 077800216

There was **1 Farmer Series Pouring Permit (Winery)** renewed for **2014**.

Travessia, LLC d/b/a Travessia – Lic. #077800220 – Note: Permit Not Included In the 183 Total

There was **1 Seasonal License** granted as a renewal in **2013**.

MWTP, Restaurant Ventures, Inc. d/b/a Davy's Tiki Bar – Lic. #214

The number of licenses of each class renewed for **2014** is as follows:

Innholder All Alcoholic Beverages	2	
Restaurant All Alcoholic Beverages	85	
Restaurant Wines and Malt Beverages (7 Days Licenses)		16
Restaurant Wines and Malt Beverages (6 Days Licenses)		3
General on Premise All Alcoholic Beverages.....	17	
Club All Alcoholic Beverages.....	26	
Club Wines and Malt Beverages	0	
Retail Package Goods Store All Alcoholic Beverages	23	
Retail Package Goods Store Wines and Malt Beverages.....	11	
Druggist All Alcoholic Beverages	0	
<u>Total Licenses</u>		<u>183 (-2)</u>

Special One - Day Licenses Granted in 2013:

Special One Day All Alcoholic Beverages Licenses.....	<u>107</u>
Special One Day Wines and Malt Beverages Licenses.....	<u>51</u>

Revenue received from the various classifications of licenses during **2013**:

New Retail Package Store Wine & Malt Only license granted to Abracadabra Flower & Gift Services, Inc. --- Issued on March 26, 2013 \$1,650.00

New Retail Package Store Wine & Malt Only license granted to Gulf Resources, Inc. d/b/a Hathaway Irving --- Issued on May 14, 2013 \$1,650.00

Renewals:

2 Innholder All Alcoholic Beverages Licenses	\$9,000.00
85 Restaurant All Alcoholic Beverages Licenses	\$250,750.00
3 Restaurant Wines and Malt Beverages (6 DAY Wine & Malt)	\$5,100.00
16 Restaurant Wine and Malt Beverages (7 Day Wine & Malt)	\$28,800.00
17 General on Premise All Alcoholic Beverages Licenses	\$51,000.00
26 Club All Alcoholic Beverages Licenses	\$59,800.00
23 Retail Package Goods Store All Alcoholic Beverages Licenses	\$55,200.00
11 Retail Package Goods Store Wines and Malt Beverages Licenses	\$18,150.00

1 Farmer-Winery Pouring Permit	\$1,300.00
1 Seasonal License (Davy's Tiki Bar)	\$1,500.00
107 Special One - Day All Alcoholic Beverages Licenses	\$15,850.00
51 Special One - Day Wines and Malt Beverages Licenses	\$8,825.00
43 Filing Fees	\$4,300.00
Total Revenue.....	\$512,875.00

Schedule of License Fees for **2013 (Fee Increase Implemented)** are as follows:

Innholder All Alcoholic Beverages		\$4,500.00
Restaurant All Alcoholic Beverages		\$2,950.00
Restaurant Wines and Malt Beverages - 7 Days		\$1,800.00
Restaurant Wines and Malt Beverages - 6 Days		\$1,700.00
General on Premise All Alcoholic Beverages		\$3,000.00
Club All Alcoholic Beverages		\$2,300.00
Club Wines and Malt Beverages		\$1,450.00
Retail Package Goods Store All Alcoholic Beverages		\$2,400.00
Retail Package Goods Store Wines and Malt Beverages		\$1,650.00
Farmer Series Pouring Permit (Winery)		\$1,300.00
Restaurant All Alcoholic Beverages (Seasonal)		\$1,500.00
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		\$100.00

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 2013.**

- **NEXT TWO MEETING DATES: March 24th (Monday) & April 22nd (Tuesday) both in the Ashley Room - 120**
- **MEETING ADJOURNED:**