

REQUIRED: Steven A. Beauregard, Chairman
 Marcelino "Sonny" G. Almeida, Commissioner
 Edmund F. Craig, Jr., Commissioner
 Atty. Kreg Espinola, Asst. City Solicitor
 Capt. Adelino Sousa, Police Department Liaison to the Lic. Bd.
 Nick Nanopoulos, Director

A/O 10/20/20

Pursuant to a March 12th Executive Order issued by Governor Baker, that provides that all members of a public body may participate in a meeting remotely, this New Bedford Licensing Board Meeting will be held remotely by way of a 'Zoom Conference Call'.

Conference Call Info: Dial-In #: 939-6759-4797

Access Code: 270766

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

<https://zoom.us/j/93967594797>

- **APPROVALS RECEIVED FROM THE ABCC (0)**

---NONE---

1. Petition - Tr. # 02943-GP-0778– Plot # 126--65

Pub 6T5, LLC, Richard F. Trapilo, Manager of LLC, who is petitioning to **Alter the Premises of the General on Premise All Alcoholic Beverages** license. The structure being submitted for approval is replacing a previously approved 'tented area' for outdoor dining. The new structure will be a covered '3 Season Outdoor Patio', which will be located on the north side of the building and is contiguous to the licensed premise; and will only be accessible by hostess seating. The proposed enclosed area of 1,500 sq. ft. (30' x 50') will include 10 tables with seating for 6 patrons each and will be enclosed by planters. The patio area has three (3) entrances/exits, along with a handicap accessible ramp. The table count would be according to state social guidelines. Premise is situated on the northeast corner of Ashley Boulevard and Park Avenue and is numbered 736 Ashley Boulevard.

Application has been advertised; Abutters have been notified

***** Special One-Day Licenses (0) *****

---NONE---

2. Hearing: Perry's Fireside Lounge, Inc.

Ms. Laura Perry, Manager/Co-Owner
24 Clifford Street

Your presence and that of **Thomas G. Perry, Jr.**, is requested at a hearing to determine whether you have violated certain provisions of M.G. L., ABCC Regulations, Licensing Board Rules and Regulations, and the State's Covid 19 Guidelines. Based on their findings, the Licensing Board may take action to modify, suspend, revoke, or cancel your license. If warranted, a roll back of hours may also be considered.

They are as follows:

ABCC 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 premise.

Licensing Board Regulation No. 10, 11, & 12-

Alcoholic beverages shall not be served to a person who is or appears to be intoxicated; Objectionable persons shall not be permitted on or about the premises, and it is the responsibility of the Licensee to enforce this rule; Premises must at all times be kept safe.

On August 7, 2020, Governor Charlie Baker updated guidelines for Phase III, Step 1, of reopening the Commonwealth in light of COVID-19:

Licensees are reminded that until Phase IV commences all licensees licensed for the sale of alcoholic beverages for on-premises consumption must provide seated food service with the sale of alcohol. The food must be prepared on-site and under a retail food permit issued by a local licensing authority pursuant to 105 CMR 590.00. Beginning tomorrow, August 11, 2020, for each customer, an item of prepared food must be ordered at the same time as an initial alcoholic beverage(s) order. One or more shareable food item(s) may be ordered as long as it/they would sufficiently serve the number of people at the table. Items such as potato chips, pretzels, and other pre-packaged or manufactured foods do not constitute food "prepared on-site."

Restaurants must comply with the following sector specific social distancing rules for providing dining services in all customer seating areas:

Tables must be positioned so as to maintain at least a 6 foot distance from all other tables and any high foot traffic areas (e.g., routes to bathrooms, entrances, exits); tables may be positioned closer if separated by protective / non-porous barriers (e.g., structural walls or plexi-glass dividers) not less than 6 feet high installed between tables and high foot traffic areas.

Only Covid Approved Seating Capacities Are Allowed

Summary of Incident Report #1

The Police Department Incident Report states that Officers responded to Perry's Fireside Lounge for a report of 50 people fighting outside in the parking lot. North end units arrived with assistance from the West End units, South End units, and MA. State Police who reported a large crowd nearing 100 people yelling and arguing. There was one female arrested for disorderly conduct and many of the parties were intoxicated. The Reporting Officer noted in his report that this was the 5th disturbance call within a month to this business.

Date and time of alleged violations: Sunday, September 13, 2020 @ approximately 1:49 a.m.

Police Report # 20-9999-OF

Summary of Incident Report #2

The Police Department Incident Report states that Officers responded to a neighbor's complaint of loud music emanating from Perry's Fireside Lounge. Upon arrival, Officers could hear music coming from inside the building. When asked by the Officers as to how many occupants he had inside, Mr. (Thomas) Perry stated about 16. The Officers stated in their report, "as units pulled up to this location about 10-15 people left the bar and about 10-15 people were still inside drinking and eating bags of chips.

Date and time of alleged violations: Tuesday, September 15, 2020 @ approximately 12:15 a.m.

Police Report # 20-10082-OF

Summary of Incident Report #3

The Police Department Incident Report states that units were dispatched to Perry's Fireside Lounge for about 20 people outside being loud and that the establishment was over capacity. The Officers noted in their report that there have been 11 calls to this establishment on disturbances for large crowds and parties being loud.

Date and time of alleged violations: Friday, September 25, 2020 @ approximately 12:43 a.m.

Police Report # 20-10457-OF

Please be advised, failure to appear at this meeting will result in immediate suspension of your liquor license until this matter is resolved.

3. Hearing: Perry's Fireside Lounge, Inc.

Ms. Laura Perry, Manager/Co-Owner
24 Clifford Street

Your presence and that of Thomas G. Perry, Jr., is requested at a 'Public Hearing' to determine whether a roll back (decrease) of hours is warranted as a result of violations of certain provisions of M.G.L., ABCC Regulations, and Licensing Board Rules and Regulations, as a result of an incident reported by the New Bedford Police Department. This roll back (decrease) of hours could affect the hours in which you will be allowed to be open.

The local licensing authority, may after proper notice, hold a hearing to determine whether a roll back of hours is warranted, on the basis of frequency of arrests, disturbances, and incidents requiring police involvement inside or outside the licensed premises; this decision is one that is not appealable to the Alcoholic Beverages Control Commission or to the superior court. (As noted in Chapter 138, sec. 12 -

4. Hearing: EMR Grill, INC. d/b/a Butler Flats Bar & Grill

Mr. Emanuel M. Ramos, Manager/Owner

38-42 Cove Street

Your presence is requested at a hearing to determine whether you have violated certain provisions of M.G. L., ABCC Regulations, Licensing Board Rules and Regulations, and the State's Covid 19 Guidelines. Based on their findings, the Licensing Board may take action to modify, suspend, revoke, or cancel your license.

They are as follows:

M.G.L Ch. 138, section 63-

Agents of the local licensing authorities may enter a licensed premise at any time to ascertain the manner in which the business is being conducted; It is a violation to hinder, delay, refuse to provide information to or refuse to admit entrance to any ABCC investigator or authorized agent of the local licensing authority in the performance of his or her duty.

ABCC 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 premise.

Licensing Board Regulation No. 11 & 12-

Objectionable persons shall not be permitted on or about the premises, and it is the responsibility of the Licensee to enforce this rule; Premises must at all times be kept safe.

On August 7, 2020, Governor Charlie Baker updated guidelines for Phase III, Step 1, of reopening the Commonwealth in light of COVID-19:

Licensees are reminded that until Phase IV commences all licensees licensed for the sale of alcoholic beverages for on-premises consumption must provide seated food service with the sale of alcohol.

The food must be prepared on-site and under a retail food permit issued by a local licensing authority pursuant to 105 CMR 590.00. Beginning tomorrow, August 11, 2020, for each customer, an item of prepared food must be ordered at the same time as an initial alcoholic beverage(s) order. One or more shareable food item(s) may be ordered as long as it/they would sufficiently serve the number of people at the table. Items such as potato chips, pretzels, and other pre-packaged or manufactured foods do not constitute food "prepared on-site."

Restaurants must comply with the following sector specific social distancing rules for providing dining services in all customer seating areas:

Tables must be positioned so as to maintain at least a 6 foot distance from all other tables and any high foot traffic areas (e.g., routes to bathrooms, entrances, exits); tables may be positioned closer if separated by protective / non-porous barriers (e.g., structural walls or plexi-glass dividers) not less than 6 feet high installed between tables and high foot traffic areas

Only Covid Approved Seating Capacities Are Allowed

Summary of Incident Report

The Police Department Incident Report states that Officers were dispatched to the area of Butler Flats for a report of people fighting, upon arrival the disturbance was emanating from the parking lot of the restaurant; where the officers observed 15-20 people in the area who were attempting to leave.

According to statements from witnesses, it was reported that someone had spilled a drink on a female in the bar and that an argument had ensued, which resulted in an altercation outside after someone's motorcycle had been tipped over. During the altercation, one of the parties was stabbed although not serious. When asked by the Officers if he had cameras in the area, Mr. Ramos (Owner/Manager) stated that he only had cameras inside.

On 08/28/20, a detective went to the establishment to attempt to retrieve the video that the owner had told Officers on the scene that he would preserve for the detectives who would be investigating the case. When the detective asked the bartender if the video was available, she stated she would have to call Mr. Ramos. She stated Mr. Ramos stated he said that he, the detective, would have to call back the next day to speak with him. When asked by the detective for Mr. Ramos' phone number so he could speak to him, the bartender refused; but when she did call him back, she quickly hung up and stated that he did not answer.

The detective noted that he found her lack of co-operation regarding the investigation peculiar. The detective did find a contact number through the department's in-house record system and called Mr. Ramos. Mr. Ramos informed him that despite telling the reporting officer that he would preserve the video from inside the establishment, he never did and seemed unapologetic about not saving the video. Mr. Ramos stated that he simply forgot. When asked by the detective if he remembered what happened that evening, Mr. Ramos was vague in his response and stated that he couldn't recall the specific events that had taken place that evening.

Date and time of alleged violations: Sunday, August 23, 2020 @ approximately 12:05 a.m.

Police Report # 20-9141-OF

Please be advised, failure to appear at this meeting will result in immediate suspension of your liquor license until this matter is resolved.

- **CORRESPONDENCE**

--NONE--

- **COMPLAINTS RECEIVED:**

Received 10/15/20 – Neighbor complaint regarding loud music emanating from the **Airport Grille**.

ACTION TAKEN: Referred to Capt. Souza for further investigation.

- **DOWNTOWN DISTURBANCES**

--NONE--

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

NAME

POLICE REPORT#

DATE

VIOLATION

---NONE---

- **NEXT TWO MEETING DATES:** November 23rd & December 21st both on Monday nights & both to be held remotely.

- **MEETING ADJOURNED:**

The matters listed are those reasonably anticipated by the Chair to be discussed at the meeting. Not all items listed may, in fact, be discussed. Other items not listed may be brought up for discussion to the extent permitted by law.

Massachusetts General Laws, chapter 30A, Section 20(f) requires any person making a video or audio recording of the meeting to notify the Chair at the start of the meeting.

PUB 6T5

BACK-UP

INFORMATION



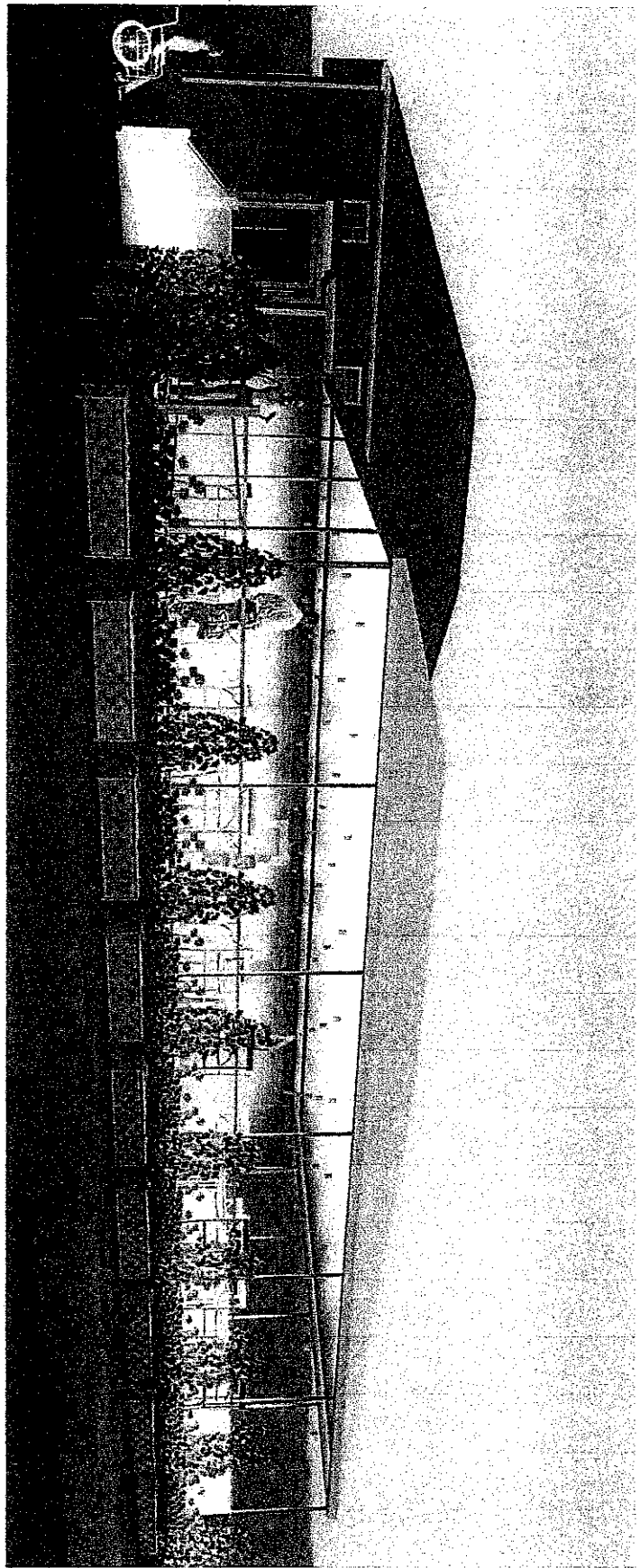
City of New Bedford
OFFICE OF THE LICENSING BOARD
CITY HALL, ROOM 206

10/26/20

REVISED DESCRIPTION OF PREMISES AFFIDAVIT

Upon approval of the request to alter the premises with the addition of an outdoor seating area, the description will read as follows:

Premise includes two rooms with a bar area and a kitchen on the first floor of a two – story building with stock in the cellar and on the first floor. There is also a covered '3 Season Outdoor Patio', which is located on the north side of the building and is contiguous to the licensed premise; and is only be accessible by hostess seating. The enclosed area of 1,500 sq. ft. (30' x 50') will include 10 tables with seating for 6 patrons each and will be enclosed by planters. The patio area has three (3) entrances/exits, along with a handicap accessible ramp. The table count would be according to state social guidelines. Premise is situated on the northeast corner of Ashley Boulevard and Park Avenue and is numbered **736 Ashley Boulevard**.



PUB 6T5

PROPOSED OUTSIDE PATIO 3 SEASON ROOM ADDITIONS AND ALTERATIONS

PUB 6T5
736 ASHLEY BLVD
NEW BEDFORD, MA

RENDERING

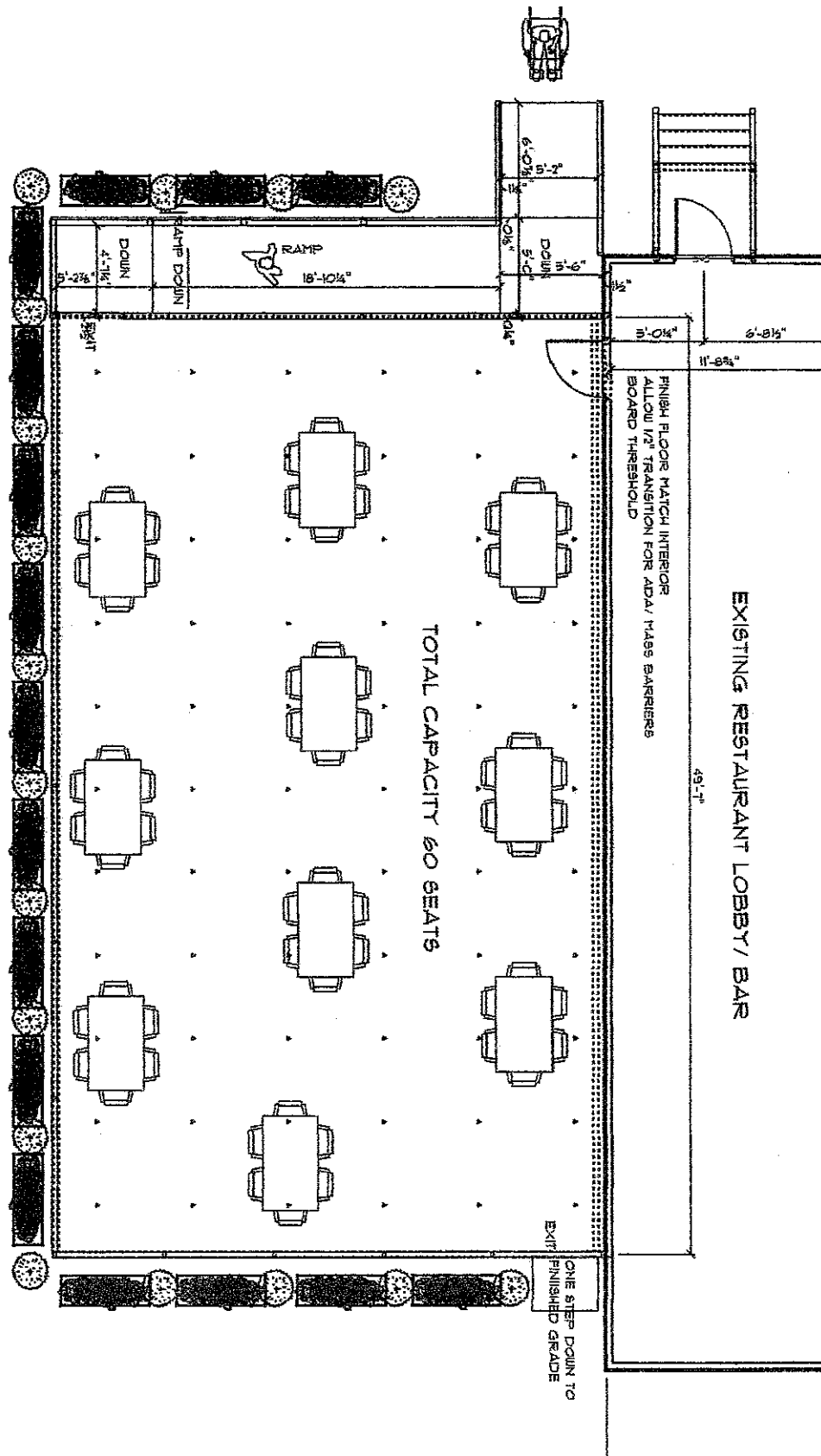
ARCHITECTURAL CONSULTING GROUP, INC.
2206 ACUSHNET AVE
NEW BEDFORD, MA 02745
774 202 7991

SCALE: AS NOTED
DRAWN BY: MWJ
DATE: SEPT. 1, 2020

Architectural Consulting Group

PAGE:
A 1

TABLE SEATING 60 SEATS MAX



TOTAL CAPACITY 60 SEATS

EXISTING RESTAURANT LOBBY/ BAR

FINISH FLOOR MATCH INTERIOR
ALLOW 1/2" TRANSITION FOR ADA/ MASS BARRIERS
BOARD THRESHOLD

EXIT
ONE STEP DOWN TO
FINISHED GRADE

EXISTING RESTAURANT

F.F. ELEV. ASSUMED 100.00

MATCH FINISH FLOOR HEIGHT TO EXISTING RESTAURANT FLOOR

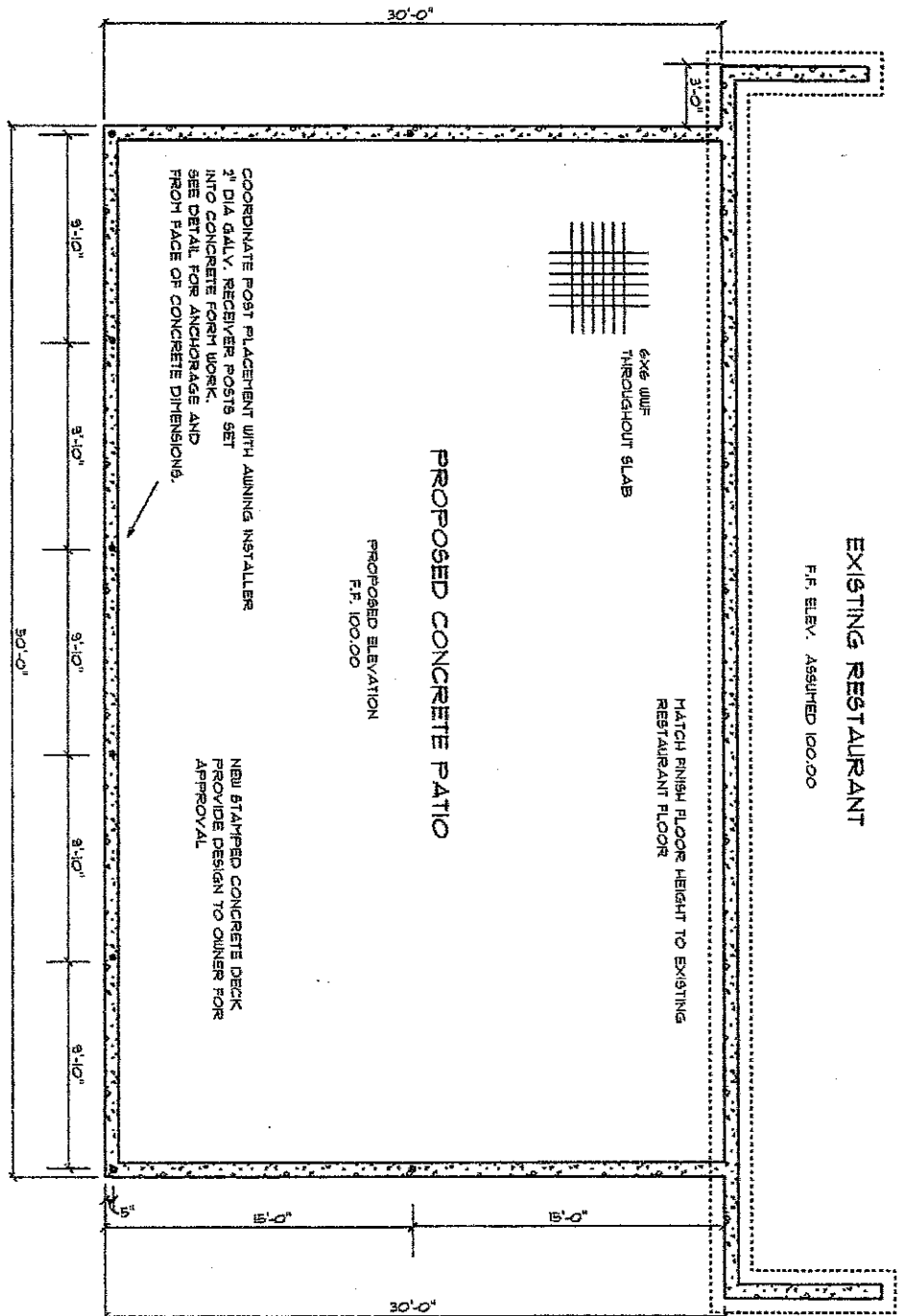
6x6 WUF THROUGHOUT SLAB

PROPOSED CONCRETE PATIO

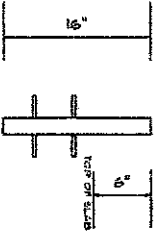
PROPOSED ELEVATION
F.F. 100.00

COORDINATE POST PLACEMENT WITH AWNING INSTALLER
2" DIA GALV. RECEIVER POSTS SET INTO CONCRETE FORM WORK.
SEE DETAIL FOR ANCHORAGE AND FROM FACE OF CONCRETE DIMENSIONS.

NEW STAMPED CONCRETE DECK
PROVIDE DESIGN TO OWNER FOR APPROVAL



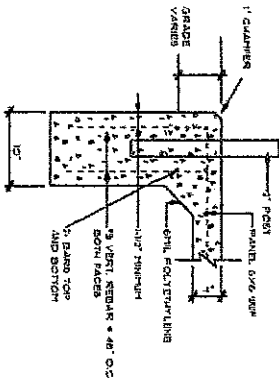
TOP VIEW



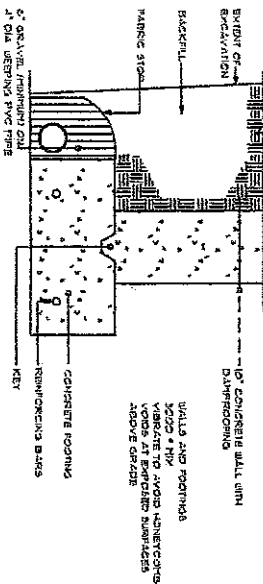
ELEVATION

1/2" LONG GALV. POST WITH
ATTACHED REBAR SET
12" INTO CONCRETE
CAP. REBAR SHALL
TO FACE OF POST. AT CORNERS
3" FROM BOTH DIRECTIONS.

POST



SLAB



FOOTING

GENERAL NOTES:

1. BACKFILL INTERIOR AND EXTERIOR AND COMPACT IN 6" LIFTS.
2. ALL CONCRETE TO BE CURED WITH NO COVERING EXCEPT IN COLD WEATHER.
3. WALLS AND FOOTINGS 3000 PSI.
4. REBAR SHALL BE KEPT 1" FROM FACE OF FORMS.
5. PREPARE FORMS DO NOT OVERSAMPLAT.
6. FORMS SHALL BE KEPT AT LEAST 12" FROM FACE OF FORMS.
7. FORMS SHALL BE KEPT AT LEAST 12" FROM FACE OF FORMS.
8. FORMS SHALL BE KEPT AT LEAST 12" FROM FACE OF FORMS.
9. FORMS SHALL BE KEPT AT LEAST 12" FROM FACE OF FORMS.
10. FORMS SHALL BE KEPT AT LEAST 12" FROM FACE OF FORMS.

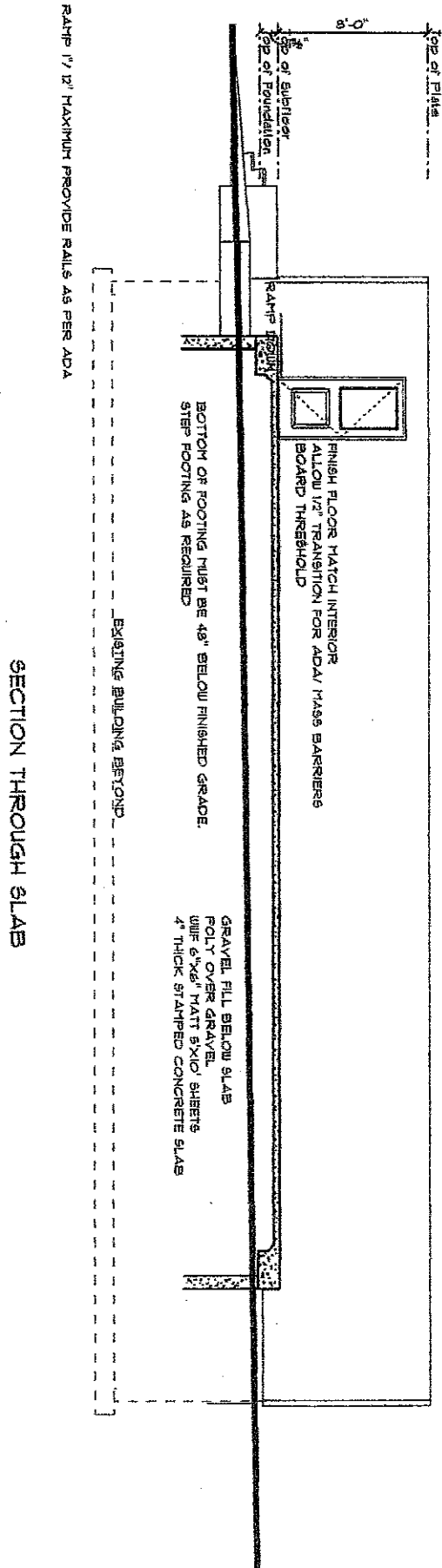
PUB 6T5
736 ASHLEY BLVD
NEW BEDFORD, MA

FOUNDATION

ARCHITECTURAL CONSULTING GROUP, INC.
2206 ACUSHNET AVE
NEW BEDFORD, MA 02745
774 202 7991

SCALE: 1/4" = 1'-0"
DRAWN BY: MWJ
DATE: SEPT. 1, 2020

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A-2



SECTION THROUGH SLAB