



CITY OF NEW BEDFORD

JONATHAN F. MITCHELL, MAYOR

HEALTH DEPARTMENT

BOARD OF HEALTH

PATRICIA L. ANDRADE, M.D.  
CRAIG LONGO, M.D.  
SARAH MORRIS, M.D.

DIRECTOR OF HEALTH  
DAMON O. CHAPLIN

## ***APPROVED MINUTES***

### **Emergency Board of Health Meeting**

**Tuesday, October 20, 2020 at 4:00 p.m.**

**Board to Convene Via Remote Participation**

**Alternative Means of Public Access Provided: Zoom Meeting/ Telephone Conference Call**

**To Join Zoom Meeting: <https://zoom.us/j/3966365159>**

**Dial-In: 1 646 558 8656 US Meeting ID: 396 636 5159**

#### **1. CALL TO ORDER**

Meeting was called to order at 4:00 p.m.

#### **2. ROLL CALL OF MEMBERS**

**Present were** Damon Chaplin, Director  
Patricia Andrade, M.D.  
Craig Longo, M.D.  
Sarah Morris, M.D.  
Blair Bailey, City Solicitor  
Rosemary Tavares, Clerk

#### **ACTION**

- 3. Public Hearing for the purpose of discussing Perry's Fireside Bar & Grille Restaurant's Cease and Desist Order at 24 Clifford St., New Bedford. Mr. & Mrs. Perry, Owners were present, Atty. Tim Walsh, present.**

Mr. Chaplin stated that we received several complaints against the business from the licensing board by way of the police reports that were stated in the cease and desist order. On September 15, 2020 we received a report that there were 100 people at Perry's Fireside Lounge at 2 am and on September 16, 2020 another report was received regarding loud music. On September 21 the New Bedford Health Dept. conducted a COVID inspection and issued a warning for not having a cleaning log, and not maintaining a meal and drinking log which is to track food being served with drinks. On

September 25, 2020 from Licensing Board by way of Police Dept. for people outside being loud at 12:43 am and also inside was over capacity. Since August 21, 2020 there have been 11 call issues of disturbances and large crowds. Mr. Chaplin went over the Cease-and-Desist orders also mentioning the fine of \$2,900 which were 3 separate orders of \$300 each and 2 separate violations of nuisance law.

Dr. Andrade asked Mr. Walsh to speak.

Atty Walsh stated that his clients Mr. and Mrs. Perry opened bar in New Bedford last year. He stated there were 11 calls to the police. Most of these calls came from a neighbor. Many of those calls happened between 12-2 am. Several local bars in area are closing including Legions at midnight the problem is these people are coming out of these bars and going to Perry's Fireside Lounge who are open until 2 am. They have discussed what they can do to prevent this. First, they would temporarily close at midnight to help control crowds in parking lot on the weekends, also hire a second security guard in the parking lot to prevent people from congregating in the parking lot on the weekends and they are also removing an area which has a bench and table to discourage crowds outside of their establishment.

Atty Walsh asked the board to consider a 30-day suspension as opposed to suspension until Phase 4 and consider reducing hours. Mr. & Mrs. Perry are willing to make changes and are willing to comply with the Board.

Dr. Morris stated that the board and the city want to work with you

Dr. Longo also mentioned that any cease & desist order when there is no time frame is not good for businesses. It seems that they have done a good job in isolating what the issues are.

Dr. Andrade asked have they decided to voluntarily close at the same time or is it only if the licensing board requires them to do so?

Atty. Walsh replied that they are suggesting doing that for next several months both to the Board of Health and the licensing board as a sign of good faith.

Mr. Chaplin suggested closing at 10 pm for the month of November, then 11 pm for month of December and finally midnight for January.

Atty Bailey stated that right now they are voluntarily stepping back 2 hours. He suggested staggering the 1<sup>st</sup> one at 11 pm in November then in December go to midnight see how that works.

Atty. Walsh asked the Board if they could close at midnight verses closings at 10 or 11 pm.

Dr. Longo stated that we need to work with them, and that midnight is a reasonable time.

Dr. Andrade also stated that she is comfortable with them getting extra security guard and closing at midnight and not allowing any new people to come in by 11pm in order to control the crowd and have everyone out by midnight. Also, the Board agreed on the 90-day extension to pay off the fine.

**MOTION:** by Dr. Longo for Perry's Fireside Bar & Grille Restaurant to reopen November 2, 2020 with provision that they hire an additional security guard and a new closing time of midnight with a COVID reinspection prior to opening. **SECONDED:** by **ROLL CALL** – Dr. Longo, Dr. Morris and Dr. Andrade **YES.** All in favor. **MOTION CARRIES.**

**4. MOTION TO ADJOURN**

Dr. Andrade **adjourned** the meeting at **4:30 p.m.**

A true record attest:

  
Health Department Chairperson

**BOH Meeting Minutes Approved 10 / 7 / 21**