

LICENSING BOARD MEETING**FINAL AGENDA****MONDAY, MAY 22, 2023****ZOOM CONFERENCE CALL – 6:00 P.M.**

REQUIRED: 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 Licensing Board
Christine Amaral, Executive Aide

Pursuant to a March 31, 2023, extension of an Executive Order issued by Governor Healy, 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’.

Meeting I.D. #: 571 109 0166

Password: 270766

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

MEETING MINUTES TO APPROVE

April 24, 2023

APPROVALS RECEIVED FROM THE ABCC (2)**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 licensed premises will remain numbered 81 Tinkham Street.

Still waiting on final approval from the Building Department and the Health Department,

Approved by the ABCC – 05/3/23.

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 an on Premise Change of Location to 98 Front Street and Change of License Type from a General on Premis 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.

Still waiting on a ‘Change of Tenant’ from the Building Department, a new ‘Food Permit’ from the Health Department, ‘Proof of Liquor Liability’, approval from Historic Commission and 304 Certificates from the Fire & Building Depts.

Approved by the ABCC – 05/1/23.

PETITIONS (7)**1. Petition - Tr. # 04513-RS-0778 – Plot #52-300**

DNB Burgers D/B/A DNB LLC, Joshua LeMaire, Manager, is requesting the approval of a Year-Round Entertainment License for Bands or DJ to perform.

2. Petition - Tr. # 02829-RS-0778 – Plot #52-292

Vault Corp D/B/A The Vault Music Hall & Pub, Howie Mallowes, Treasurer, is requesting the approval of **Kevin Dean**, who resides at 1523 Morton Avenue, New Bedford, MA, as their New Manager.

3. Petition - Tr. # 00156-RS-0778 – Plot #53-95

Freestones City Grill Inc., Howie Mallows, Treasurer is requesting the approval of **Aymee Baker**, who resides at 555 Prescott Street, New Bedford, MA, as their New Manager.

4. Petition - Tr. # 00192-CL-0778 – Plot #46-152

Verdean Veterans Memorial Foundation, Aulton Tavares Sr. Corporate Officer, is requesting the approval of **Erik Andrade**, who resides at 91 Acushnet Avenue Floor 2, New Bedford, MA, as their New Manager.

5. Petition - Tr. #05883-RS-0778– Plot # 53-198A

Servedwell Cultivator Shoals LLC D/B/A Cultivator, Stephen Silverstein Owner/Manager, who is petitioning to **Transfer a Common Victualler Restaurant All Alcoholic Beverages License to Cultivator Corp D/B/A Cultivator Shoals Inc., and an Alteration of Premises**. Upon approval, Albert J. Santos will be the President, holding 50% of ownership and Howard L. Mallows IV will be the Treasurer, and hold 50% of ownership, and **Michael Gadbois is the proposed Manager of the Liquor License**. The premises will consist of a new 280 sq. foot patio in the rear of the building contiguous to the existing premise of approx. 1255 sq feet on the first floor of a three-story building, including (1) dining room with table seating and a bar, along with an enclosed kitchen area; and a 2nd room to be used for additional dining, which also includes a bar area. There is also an outdoor patio of approx. 437 sq. ft. to be used as a 'Sidewalk Café', which must be used for seated dining purposes only. The premises are located on the north side of Union Street between Front and Water Streets and is numbered 31-35 Union Street.

Final approval will require a **'Certificate of Inspections'** from the Building and Fire Department, also an outstanding Personal Property Tax bill must be satisfied.

Application has been advertised; Abutters Have Been Notified

6. Petition - Tr. # 00027-CL-0778– Plot #108--8 h

New Bedford Sports Club, Inc., Francisco Fonseca, President, who is petitioning for a **Change of Officers, Directors, and an Alteration of Premise, to the Club All Alcoholic Beverages License**. The petitioner is requesting the addition to the 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, Jose Ferreira be added as Co-Director. Upon Approval, new premise will consist of an outdoor 30'x 30' patio on the south side of the building in an existing parking lot, adding 900 square feet and seating for 48. This area will be contiguous to the existing building, which can be accessed by way of an entrance/exit through the club (lounge area) or by way of the bar. The patio must always be monitored by waitstaff, and 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. The licensed premises will remain numbered 1790 Acushnet Avenue.

Final approval will require a **'Certificate of Inspection'** from the Building and Fire Department.

Application has been advertised; Abutters Have Been Notified

7. Petition - Tr. #00135-RS-0778– Plot # 19-41

T & S Bar & Restaurant INC. D/B/A Inner Bay Café and Grill, Tony Soares Owner/Manager, is petitioning to **Transfer a Common Victualler Restaurant All Alcoholic Beverages License to Inner Bay Inc. D/B/A Inner Bay Café & Grill**. Upon approval, Howard L Mallows IV, as president holding 75% owner interest and Tony Soares, as Vice President holding 25% owner interest. Howard L Mallows will be the Liquor License Manager. The premise will remain the same, two Rooms, Kitchen, Two Bathrooms, Bar and Five Exits/Entrances on the First Floor of a Two-Story Building: also, One Room, Bar, One Restroom, and Four Exits/Entrances on the Second Floor with an adjacent Outside Patio, 52' x 20' with a Temporary Outside Bar. Storage in Basement within approximately 5,660 Square Feet, situated on the North Side of Cove Road, between Bonney & Orchard Streets, and will remain numbered 1339 Cove Road.

Final approval will require a signed **Purchase & Sales Agreement and Lease**.

Application has been advertised; Abutters notification not needed.

SPECIAL ONE DAY LICENSES (19)**8. APPLICATION, (No Representation Required)**

Day of Portugal Committee, Dulce Matos, Representative who is requesting approval of an application for a Special One-Day All Alcoholic Beverage License for the 'Day of Portugal Celebration' to be held on the Society of Senhor DaPedra Feast Grounds, located at 81 Tinkham Street; and to be held Friday, June 2, 2023 from 6:00 p.m. until 11:45 p.m., Saturday, June 3, 2023 from 12:00 p.m. until 11:45 p.m., and Sunday, June 4, 2023 from 12:00 p.m. until 10:00 p.m.

NOTE: **NO CHANGES FROM LAST YEAR, AS PREVIOUSLY APPROVED**

9. APPLICATION, (No Representation Required)

Prince Henry Society, William Viveiros, Representative, who is requesting approval of an application for a Special One-Day Wine & Malt Only Beverages License for a Clam Boil to be held within the Madeira Feast Grounds, located at 50 Madeira Avenue; and to be held on Tuesday, June 6, 2023, from 6:00 p.m. until 10:00 p.m.

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

10. APPLICATION, (No Representation Required)

St. Michael Social Club, Inc., Joseph DeMedeiros, Representative, who is requesting approval of an application for a Special One-Day All Alcoholic Beverages License for a Fiesta Do Chicharro Fund Raiser to be held on Madeira Avenue between Whitman & Eugenia Street; and to be held on Friday July 14, 2023, and Saturday July 15, 2023, from 5:00 p.m. until 11:45 p.m.

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

11. APPLICATION, (No Representation Required)

Our Lady of Mt. Carmel Church, Father Christopher Peschel, Representative, who is requesting approval of an application for a Special One-Day Wine & Malt Only Beverages License to be held within the Church Parking Lot, located at 230 Bonney Street; and to be held on Saturday May 27, 2023, and Sunday May 28, 2023, from 6:00 p.m. until 10:00 p.m.

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

12. APPLICATION, (No Representation Required)

New Bedford Whaling Museum, Karissa Walker, Representative, who is requesting approval of an application for a Special One-Day Wine & Malt Beverages License for a Dinner Event to be held at the New Bedford Whaling Museum, located at 18 Johnny Cake Hill; and to be held on Monday May 22, 2023, from 5:30 p.m. until 8:00 p.m.

13. APPLICATION, (No Representation Required)

New Bedford Whaling Museum, Karissa Walker, Representative, who is requesting approval of an application for a Special One-Day Wine & Malt Beverages License for a Cocktail Reception to be held at the New Bedford Whaling Museum, located at 18 Johnny Cake Hill; and to be held on Monday May 24, 2023, from 5:00 p.m. until 6:00 p.m.

14. APPLICATION, (No Representation Required)

Buttonwood Park Zoological Society, Kaitlyn Sherman, Representative, who is requesting approval of an application for a Special One-Day All Alcoholic Beverages License for the Soiree at the Zoo at Buttonwood Park, located at 425 Hawthorn Street; and to be held on Thursday, July 6, 2023, from 6:00 p.m. until 9:00 p.m.

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

15. APPLICATION, (No Representation Required)- LATE FILE

The Women's Fund Southcoast, INC., Christine Monska, Representative, who is requesting approval of an application for a Special One-Day Charity Wine License for a Wine Tasting located at 65 William Street and six other locations; and to be held on Monday June 14, 2023, from 6:00 p.m. until 8:00 p.m.

16. APPLICATION, (No Representation Required)- LATE FILE

Food Truck Festivals of America, Anthony Pepe, Representative, who is requesting approval of an application for a Special One-Day Wine & Malt Beverages License for the 6th Annual New Bedford Food Truck & Craft Beer Festival to be held at Fort Taber on the Great Lawn; and to be held on Saturday September 16, 2023, from 11:00 a.m. until 5:00 p.m.

Liquor Liability must be received before a license is granted.

- **2023 Summer Sound Series (No Representation Required)**

****Purchase Street Area****17. APPLICATION (No Representation Required)

DNB Burgers (DNB, LLC d/b/a), Joshua L Maire, Manager, who is requesting approval of an application for a Special One Day All Alcoholic Beverage License for a '2023 Summer Sound Series Event' to be held on Purchase Street between Union and William Streets; and to be held Friday, June 23, July 21, August 18, and September 15, 2023, from 6:00 p.m. until 8 p.m. ****NO CHANGES, AS PREVIOUSLY APPROVED****

18. APPLICATION (No Representation Required)

The Pour Farm Tavern, Inc., Jennifer McHugh, Manager, who is requesting approval of an application for a Special One Day All Alcoholic Beverage License for a '2023 Summer Sound Series Event' to be held on Purchase Street between Union and William Streets; and to be held Friday, June 23, July 21, August 18, & September 15, 2023, from 6:00 p.m. until 8:00 p.m. ****NO CHANGES, AS PREVIOUSLY APPROVED****

19. APPLICATION - (No Representation Required)- LATE FILE

The Vault Music Hall & Pub (Vault Corp DBA) Howard Mallowes is requesting approval of an application for a Special One Day All Alcoholic Beverage License for a '2023 Summer Sound Series Event' to be held on Purchase Street between Union Street and William Street; and to be held Friday, June 23, July 21, August 18, & September 15, 2023, from 6:00 p.m. until 8:00 p.m. ****NO CHANGES, AS PREVIOUSLY APPROVED****

20. APPLICATION (No Representation Required)

No Problemo (No Problemo, LLC d/b/a), Craig Paiva, Manager who is requesting approval of an application for a Special One Day Wine & Malt Only Alcoholic Beverage License for a '2023 Summer Sound Series Event' to be held on Purchase Street between Union and William Streets; and to be held Friday, June 23, July 21, August 18 & September 15, 2023, from 6:00 p.m. until 8:00 p.m. ****NO CHANGES, AS PREVIOUSLY APPROVED****

****Union Street Area****21. APPLICATION (No Representation Required)

Play (Retro Entertainment, LLC), Adam Katz, Manager of LLC who is requesting approval of an application for a Special One Day All Alcoholic Beverage License for a '2023 Summer Sound Series Event' to be held on Union Street from North Water Street to Route 18; and to be held Friday, June 9, July 7, August 4 & September 1, 2023, from 6:00 p.m. until 8:00 p.m. ****NO CHANGES, AS PREVIOUSLY APPROVED****

22. APPLICATION (No Representation Required)

Rose Alley Ale House (The Pequod, Inc. d/b/a), Greg Crane, Manager, who is requesting approval of an application for a Special One Day All Alcoholic Beverage License for a '2023 Summer Sound Series Event' to be held on Union Street from North Water Street to Route 18; and to be held Friday, June 9, July 7, August 4, & September 1, 2023, from 6:00 p.m. until 8:00 p.m. ****NO CHANGES, AS PREVIOUSLY APPROVED****

23. APPLICATION (No Representation Required)

Moby Dick Brewing Company, Inc., Scott Brunelle, Manager who is requesting approval of an application for a Special One Day All Alcoholic Beverage License for a '2023 Summer Sound Series Event' to be held on Union Street from North Water Street to Route 18; and to be held Friday, June 9, July 7, August 4, & September 1, 2023, from 6:00 p.m. until 8:00 p.m. ****NO CHANGES, AS PREVIOUSLY APPROVED****

24. APPLICATION (No Representation Required)

Union Flats Seafood Co. (Union Flats Seafood, LLC d/b/a), Amelia Ruvich, Manager, who is requesting approval of an application for a Special One Day All Alcoholic Beverage License for a '2023 Summer Sound Series Event' to be held on Union Street from North Water Street to Route 18; and to be held Friday, June 9, July 7, August 4, & September 1, 2023, from 6:00 p.m. until 8:00 p.m. ****NO CHANGES, AS PREVIOUSLY APPROVED****

25. APPLICATION (No Representation Required)

Whaler's Tavern (Quahog Republic, Inc. d/b/a), Erik C. Bevans, Co-Owner, who is requesting approval of an application for a Special One Day All Alcoholic Beverage License for a '2023 Summer Sound Series Event' to be held on Union Street from North Water Street to Route 18; and to be held Friday, June 9, July 7, August 4, & September 1, 2023, from 6:00 p.m. until 8:00 p.m. ****NO CHANGES, AS PREVIOUSLY APPROVED****

26. APPLICATION (No Representation Required)- LATE FILE

Cultivator (Cultivator Shoals LLC), Howard Malloves is requesting approval of an application for a Special One Day All Alcoholic Beverage License for a '2023 Summer Sound Series Event' to be held on Union Street from North Water Street to Route 18; and to be held Friday, June 9, July 7, August 4, & September 1, 2023, from 6:00 p.m. until 8:00 p.m. ****NO CHANGES, AS PREVIOUSLY APPROVED****

27. HEARING: Country Liquors, Inc. D/B/A Mark's Beverage
Divyesh Patel, Manager/Owner
642 County Street

Your presence 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 Monday, March 27, 2023, during which a minor (20 years old) was observed entering your store and exiting in possession of alcohol, which was purchased without asking for identification.

Based on their findings, the Licensing Board may take action to suspend your license.

The potential violations are as follows:

Violations: Massachusetts General Laws Chapter 138, sections 34, 34b, 34c-

It is illegal for anyone under the age of twenty-one years to purchase or be in possession of an alcoholic beverage; identification must be checked on the day of service.

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 Regulation No. 5-

Sale of alcoholic beverages, wine and malt beverages to persons under twenty-one years of age is prohibited.

Summary of Incident

While on routine patrol, the reporting officer observed a female exit her vehicle and go into the store. A short time later, the female was observed walking out of your store carrying two black plastic bags with what appeared to have multiple bottles inside of it.

The female was observed getting back into her car and began traveling north on County Street, the right taillight was observed not to be illuminated. Upon checking the status of the vehicle, it was observed that it was recently registered to a female that was twenty (20) years of age and a traffic stop was then conducted.

When asked by the officer if she purchased alcohol, the female stated yes. The black plastic bags contained 5 nips of Fireball, 5 nips of Pink Whitney Vodka, 1 can of Mikes Hard Lemonade, 1 bottle of Ciroc Vodka, and one bottle of Crown Royal Apple Whiskey.

When asked by the reporting officer, the female stated that she was not asked for her identification/license by employees when purchasing the alcohol.

Please note: Mark's Beverage is currently on a (6) month probation period for the same type of offence, that occurred on January 23, 2023, effective on 01/25/2023 and ending on 7/25/2023.

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

Police Report # 23-2703- OF 03/28/23

28. HEARING: Panchis Latin Food
Rafael Sanchez, Manager/Owner
363 Rivet Street

Your presence is requested at a hearing to determine whether you have violated certain provisions of the City of New Bedford's Licensing Board Rules & Regulations. **Panchis Latin Food is in Violation of operating without a current Common Victualler License** from our office. Our office has left several messages, emails and spoke with you on 3/17/2023, still you have not come in to renew your license. Based on our findings, the Licensing Board may take action to modify, suspend, revoke, or cancel your license.

Common Victualler License	\$125.00
Restricted Music	\$125.00
Late Fee	\$25.00
Total	\$125.00

Please also note that any taxes owed to the city must be paid in full before you can renew your licenses.

To avoid this hearing, **all outstanding matters must be resolved**, and **all fees must be paid up to date**. Bring us a copy of your 2023 Certificate of Inspection and a copy of your 2023 Health Inspection. The potential violations are as follows:

Violations

Operating without a License.

SO BE ADVISED

failure to appear at this HEARING will result in immediate suspension of your license until this matter is resolved.

CORRESPONDENCE

None

REVIEW POLICE DEPARTMENT INCIDENT REPORTS/ COMPLAINTS

<u>NAME</u>	<u>POLICE REPORT#</u>	<u>DATE</u>	<u>VIOLATION</u>
Sebastian's Café and Sports Bar	23-4169-OF	05/7/2023	Liquor Law Violation (Approximate Time of Violation 1:55 a.m.)

NEXT TWO MEETING DATES:

Monday June 26th at 6:00 p.m.

Monday July 24th at 6:00 p.m.

Both meetings will 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.