



CITY OF TAUNTON
LICENSE COMMISSION MEETING
MINUTES OF THE MEETING

May 15, 2013
7:00 p.m.

PRESENT:

Chairman Peter Lamb
Commissioner Brendan Mullen
Commissioner Bruce Thomas

For the Police Department:

Chief Edward Walsh
Detective Lieutenant Daniel McCabe
Detective Dennis Smith

Meeting was called to order by Chairman Lamb at 7:07 p.m.

1. Minutes of the April 17, 2013 License Commission meeting. Commissioner Mullen made a motion to accept the minutes and Commissioner Thomas seconded the motion. Motion passed unanimously.
2. Correspondence from Mayor Hoye requesting a vote to appoint Susan K. Barber as the recording secretary for the Board of License Commissioners was read into the record. A motion was made by Commissioner Mullen and seconded by Commissioner Thomas to accept the Mayor's recommendation. Motion passed unanimously.
3. **All About Records** – Application for an Entertainment License. Russell Orcutt was present on behalf of All About Records. Chairman Lamb reiterated that a temporary entertainment permit had been issued in April with a permanent permit to issue pending verification of inspections. Mr. Orcutt produced the necessary inspection reports and a copy of the occupancy permit. Motion was made by Commissioner Mullen and seconded by Commissioner Thomas to approve the license. Motion passed unanimously.
4. **Italian Naturalization Club, Inc. of Taunton** – Application for a Change of Manager. Francis J. Silvia, Jr. of 33 Wales Street appeared on behalf of the Italian Club. Mr. Silvia stated that was currently a paid employee of the Italian Club and that it was his sole employment. Chief Walsh questioned if the corporate paperwork reflected the current secretary, Robert Morin.

Detective Lieutenant Daniel McCabe performed an electronic research of the records of the Secretary of State and confirmed that Robert Morin was listed as the secretary of the Italian Club. A motion to approve the application for a change of manager was made by Commissioner Thomas and seconded by Commissioner Mullen. Motion passed unanimously.

5. **Weilsi Enterprise, Inc. d/b/a Holiday Inn** – Application for a Change of Manager. Len Velarde appeared on behalf of Wellsi Enterprise. Discussion ensued with regard to Mr. Velarde's employment background, his current residency and his employment hours. Mr. Velarde stated that he is not an official resident of Massachusetts at the present time, but resides in Boston. He currently works 57 hours a week and Wellsi Enterprise is his sole employment. Chairman Lamb questioned Mr. Velarde if he was familiar with the Rules and Regulations of the City of Taunton Board of Licenses, in which Mr. Velarde indicated he was. Motion to accept the application for the change of manager was made by Commissioner Mullen and seconded by Commissioner Thomas. Motion passed unanimously.

6. **UR of Taunton, MA, LLC, d/b/a/ UNO Chicago Grill** – Application for New Officers/Directors. No one needed to appear on behalf of UR Taunton as this application was a state wide filing and all paperwork was in order per the ABCC. Motion to accept the new officers/directors was made by Commissioner Thomas and seconded by Commissioner Mullen. Motion passed unanimously.

7. **Home Plate Properties LLC d/b/a Homeplate** – Police Incident Report 13005473. Robert Anderson appeared on behalf of Home Plate Properties. Chairman Lamb asked Detective Lieutenant McCabe to give a narrative of the police report. Detective Lieutenant McCabe stated that he had received an anonymous tip that there was an advertisement in the Taunton Daily Gazette on behalf of Home Plate Bar and Grill for Fajita Rita Night with a special of \$3.00 margaritas on Wednesday. Said advertisement gives the appearance that the price is discounted on Wednesdays and only available on Wednesdays. This is a violation of 204 CMR 4.03(2). Chairman Lamb asked Mr. Anderson to explain the advertisement. Mr. Anderson stated that they have two (2) different size margaritas: a 12 ounce glass and a 16 ounce glass. Most people order the 16 ounce margarita. The advertisement was placed to promote the 12 ounce margarita. The 12 ounce margarita is always \$3.00 – everyday. Commissioner Mullen suggests that the advertisement be changed to read “everyday” as opposed to “Wednesdays”. Mr. Anderson agrees.

Chairman Lamb then discussed that Mr. Anderson was to appear before the Board once his enclosed patio was completed with a copy of the as-built plans verification that the inspections were complete. Mr. Anderson produced a copy of the as-builts and copies of his inspection permit and occupancy permit.

Mr. Anderson presents the Board with a letter from the former Chairman Joseph Rose wherein Home Plate Bar and Grill were allowed to open on Sundays at 10:00 a.m. for their brunch. Mr. Anderson asks if he needs to appear before the Board to open at 10:00 a.m.? Chairman Lamb states that no, this is part of the brunch rules. Once it is accepted, it should be on the license as part of the renewal. Chief Walsh asks if it was on his renewal application? Mr. Anderson says no. Discussion that there is an administrative issue on behalf of the Commission

and that a new license will be reissued. Commissioner Mullen makes a two-fold motion: first part is to have the brunch letter made part of the file. Second part is to reprint the license with the proper hours on Sundays. Commissioner Thomas seconds the two-fold motion. Motion passed unanimously.

Reiterated discussion on the advertisement and the distinction of stating everyday as opposed to one specified day. Commissioner Mullen makes a motion for no action. Commissioner Thomas seconds the motion. Motion passed unanimously.

8. **Shuffle, Inc. d/b/a Curley's Pub** – Police Incident Report 13008343. Marianne Curley and Elizabeth Paiva appear on behalf of Curley's Pub. Chairman Lamb asked Detective Lieutenant McCabe to give a narrative of the police report. Detective Lieutenant McCabe stated that there was an advertisement in the Taunton Daily Gazette on behalf of Curley's Pub advertising a Cinco De Mayo Party on Sunday May 5th with a special of \$3.00 margaritas, \$3.00 frozen pina coladas and \$3.00 sangrias. Said advertisement gives the appearance that the price is discounted on Sunday, May 5th and only on that date. This appears to be three (3) separate violations of 204 CMR 4.03(2). Detective Lieutenant McCabe states that after the letter was received by Curley's Pub, he spoke with Elizabeth Paiva who indicated that the special was going on all week and not just for May 5, 2013. The parties produced their sales receipts from the week verifying that the sale was all week. There was a discussion on signage and the appropriate measures to take when advertising. Commissioner Thomas made a motion for no action, which was seconded by Commission Mullen. Motion passed unanimously.

9. **International Pizza, Inc** – request by the Board to appear and give a status of the impending opening of their establishment and package store license. Appearing on behalf of International Pizza is Attorney Alan Medeiros and Rui Figueiredo. Chairman Lamb states that they were issued the license back in October and that it has been over 6 months since that time and the store is not yet opened. Attorney Medeiros states that the new owners have worked very hard cleaning up the premises. The Board of Health has been scheduled twice to come out and inspect, but that they have had to cancel. There is still a little work to be performed. Chairman Lamb suggested that a reasonable timeframe would be 60 days. Attorney Medeiros agreed that 60 days should be sufficient. Chairman Lamb requested that this be calendared for 60 days and requested Attorney Medeiros keep the Board informed of the progress. Commissioner Thomas made a motion to review in 60 days, seconded by Commissioner Mullen – subject to notifying the Board if the store opens before 60 days. Motion passed unanimously.

10. **East Taunton Open-Slow Pitch Softball** – Application for Special Alcohol Permit. Appearing before the Board on behalf of East Taunton Open-Slow Pitch was Jason Torres and Robert Nunes. Chairman Lamb asked who would be running the concession stand. Mr. Torres stated that there were several paid employees who would run the stand. Discussion revolved around how to determine who was of age, who wasn't. Mr. Torres stated that they had a wristband system. There are check lists posted in the stands and outside the stands. Most customers are players who are identified by their t-shirts. Chairman Lamb explained that the league would need to apply for a Section 12 license next year. That these applications would only be good through July and someone else within the league would need to apply. Mr. Torres asked that the applications be amended to include Saturday and Sunday hours from noon to 11

p.m. Commissioner Thomas made a motion to approve both special permits as amended. Commission Mullen seconded. Motion passed unanimously.

Chief Walsh asked if there would be a problem with the lease for next year. Chairman Lamb stated that the dates of the lease will have to be amended so they coincide with the license. Chief Walsh asked if anyone was TIPS certified. Mr. Torres stated no. Chairman Lamb suggested that they make it part of their plans for next year so they are prepared.

Taunton Slow Pitch Softball League - Application for Special Alcohol Permit. Appearing before the Board was Dawn Cambra (Women's Club), Frederick Cassiani (Maintenance), and George Faria (President). Chairman Lamb asked what the league's long-term plans were. Mr. Faria stated that he has previously spoken with Det. Lt. McCabe about acquiring a seasonal license. Commissioner Thomas stated that the lease must run consecutive with the special permit dates. Mr. Faria acknowledges that the league will need 2 more people to apply for special permits in order to fulfill the dates on the lease. It was acknowledged that the dates on the permit applications needed to be modified as follows: 5/20 – 6/18 and 6/19 – 7/18. Chief Walsh inquired about TIPS certification. Chairman Lamb encouraged the applicants to review the City of Taunton Board of Licenses Rules and Regulations. Commissioner Mullen motioned to approve both permits as amended. Commissioner Thomas seconded the motion. Motion passed unanimously.

Episcopal Church of St. Thomas – Application for Special Alcohol Permit. Appearing before the Board was Alexandra MacNamee. Ms. MacNamee stated that this was a fundraiser for her church. Chairman Lamb asked if it was a ticketed event. She stated no – invitations only. Chairman Lamb asked if the patrons would be paying and she stated yes. Discussion ensued as to the differences between a Section 12 license and a Section 14 permit. Wine tastings are only allowed under Section 12 and Section 15, not under Section 14. Chairman Lamb explained that the alcohol must be purchased through a distributor – not a package store. That if the organization is distributing alcohol from a distributor, that would be okay, but it cannot be a tasting. Chairman Lamb asked how many people are expected at the event. Ms. MacNamee indicated around 60. Commissioner Mullen made a motion to approve the permit with the following conditions: **May 29 – May 31 to store, sell and transport wine for the event. All alcohol will be purchased from a distributor and will be sold on premise on May 30 only, via a ticket system. No outside vendors will be permitted to take orders during the event.** Commissioner Thomas seconded the motion. Motion passed unanimously.

11. **William J. Stavardis, d/ba/ Game Time Vending** – Request to Operate Coin-Operated Video Games at the Silver City Galleria Food Court. Appearing before the Board was William Stavardis. Mr. Stavardis states that he has operated many coin operated games at the Galleria Mall for a number of years. He further states that pursuant to former Chairman Robert Donnelly, via Mary McGann, that he did not have to apply for a license. That “his business was assisting the Mall.” This was a practice that he adopted for the past 12 years. He relayed that it was his intention to remove several of the machines in the Food Court and keep 6 machines active. He is before the Board tonight requesting a license to operate these 6 machines. Chairman Lamb asked if this change is due operations. Mr. Stavardis stated that no, it is due to the license requirement and he is removing the unprofitable machines. The Board explained that they are

not looking for the back fees and that this is an issue of fairness. The Board stated that the fee is \$100/machine. Chairman Lamb stated that it is the expectation of the Board that the fees should be paid. Commissioner Mullen stated that he would like to see the fees paid within fifteen (15) days. Commissioner Thomas made a motion to approve the request and to receive payment within 15 days, that the license(s) issue and the other machines be removed. Mr. Stavaridis requested 30 days to remove the machines from the mall. Commissioner Thomas motioned that Mr. Stavaridis have until June 14, 2013 to remove the machines and payment to be received by May 30, 2013. Commissioner Mullen seconded the motion. Motion passed unanimously.

Rooming Houses – J&E Enterprises. Ed Correira appears before the Board. The Board explains that it has come to their attention that Rooming House licenses are a calendar year license. As it stands now, the licenses run from May 1st through April 30th. Chairman Lamb advises Mr. Correira that they will need to renew in December – that his current license is only valid from May through December. Det. Lt. McCabe mentioned that the city ordinance relative to rooming house inspections requires a May 1 inspection deadline and that should be changed to reflect the correct calendar year term. Further, by Det. Lt. McCabe observed that J&E Enterprises was the only entity present for the meeting – that a representative from Bobby’s Place did not appear. Commissioner Thomas makes a motion to issue the license to J&E Enterprises for the 5 properties identified (166 Winthrop St., 62 Broadway, 64 Broadway, 72 Broadway, and 305 Bay St.).

Chief Walsh stated that there are some issues with regard to what one considers a rooming house and what one considers a sober house. Chairman Lamb suggests a working meeting to discuss this and other issues. Chairman Lamb states that Bobby’s Place should be present at the next meeting. Commissioner Thomas made a motion to send a letter to Bobby’s Place requesting their presence at the next meeting, which is seconded by Commissioner Mullen. Motion passed unanimously.

14. **Manual Soares d/b/a Ugly Duckling Restaurant & Bar – Notification of Intent to Close for Maintenance from July 2-July 6, 2013.** Manuel Soares appeared on behalf of the Ugly Duckling. Discussion about the annual closing. Motion by Commissioner Mullen to authorize the closing and place the communication on record. Commissioner Thomas seconds the motion. Motion passed unanimously.

Mr. Soares also stated that with regard to the his previous application for change in license type being rejected by the Alcoholic Beverage Control Commission, he has spoken with the Department of Revenue and has cleared up the issue involving his EIN number. Commissioner Thomas motion to approve the application. Motion was seconded by Commissioner Mullen. Motion passed unanimously.

15. **Holy Ghost Society of East Taunton, Inc. – Police Detail Waiver.** Appearing before the Board was Attorney Joseph de Mello on behalf of the Holy Ghost Society. Attorney de Mello stated that the Holy Ghost Society was requesting a waiver of all police details as most of the functions held at the hall are private. Attorney de Mello further stated that the Society will adopt the Board’s recommendations with regard to the Feast. Chairman Lamb asked Attorney de Mello if he realized that special events require an appearance before the Board? Attorney de

Mello stated that yes, he was aware of that. Commissioner Mullen made a motion to approve the request of the waiver, which was seconded by Commissioner Thomas. Motion passed unanimously.

16. **Taunton Eagles Soccer Club, Inc.** – Application for Special Alcohol Permit. Appearing before the Board was Michael Borges and Auggie Chaves. The Board recognizes that there is currently a license on the premises. Discussion ensued regarding a Section 12 license and a Section 14 license, changing of the premises with the exclusion of the Fiestas. Det. Lt. McCabe suggested that the easiest way to change the license for that weekend would be for the permit to be issued to Michael Borges and not the Taunton Eagles. Mr. Borges was permitted to amend the application from the Taunton Eagles to himself. Mr. Borges needs to have insurance liability in his name, solely. Chairman Lamb stated that the Board is trying to change things to reflect the correct manner in issuing permits. Det. Lt. McCabe inquired about wristbands. Mr. Borges stated that each day a different colored wristband is issued. Det. Lt. McCabe advised Mr. Borges that he will need to set up an account with a distributor and Chairman Lamb reiterated that Mr. Borges will have to obtain liability insurance. Commissioner Mullen made a motion to approve the amended application naming Michael Borges as the applicant with the conditions that he open an account with a distributor, obtain liquor liability insurance and police details. Commissioner Thomas seconded the motion. Motion passed unanimously.

17. **Taunton Lodge No. 150, Benevolent and Protective Order of Elks of the United States of America** – Application for a Change of Manager. Appearing before the Board is Attorney William Manganiello representing the Elks Lodge, Rene Menard, Proposed Manager and Joy Benevides, Board of Director for the Elks Lodge. Commissioner Mullen makes a motion to enter into Executive Session. Commissioner Thomas seconds the motion. Motion passed unanimously. The meeting entered Executive Session at 8:52 p.m. and returned at 9:03 p.m. The record should reflect that no motions were made while in Executive Session. Chairman Lamb stated that the application from the Elks Lodge requests Rene Menard as Manager and that the form appears to be in proper order. Commissioner Mullen disclosed that he is an Elks member and motioned to approve the change of manager pending ABCC approval. Commissioner Thomas seconded the motion. Motion passed unanimously.

18. **Discussion of Server Training** - Det. Lt. McCabe states that he has been solicited by companies that offer server training. Commissioner Thomas states that TIPS or the equivalent are required. Chief Walsh suggests that we check other communities to see what they require.

19. **Common Victualler Licenses** – Det. Lt. McCabe hands out a draft application and checklist, which includes a Tax Compliance form and a Worker’s Compensation Affidavit. Commissioner Thomas questioned what our fee should be. Det. Lt. McCabe stated it currently \$100/application. He further stated that Boston has a surcharge and additional fees based on the number of seats per establishment, established by a city ordinance in 1982. Commissioner Mullen suggests that we continue with the \$100 fee per application. Chairman Lamb states that the Board can revisit the fee per seat at a later date. It is noted that all the paperwork should be out by September 1st. Commissioner Mullen motions that the Board adopted the proposed Common Victualler application with the \$100.00 fee. Commissioner Thomas seconds the motion. Motion passed unanimously.

20. Communication from Chief Walsh - regarding Hall rental fees with a police detail included. Commissioner Mullen motioned to make a legal notice proposed rule change by Chief Walsh. Commissioner Thomas seconded the motion and it was passed unanimously.

Chairman Lamb requests that the recording secretary send a correspondence to the BaHa Sandbar requesting their presence at the next meeting to confirm that all permits are in place and that an occupancy permit has been issued for the Tiki Room.

Next meeting is scheduled for Wednesday, June 26, 2013.

Commissioner Thomas motioned to adjourn. Commissioner Mullen seconded the motion. Motion passed unanimously. Meeting adjourned at 9:35 p.m.



Peter C. Lamb, Chairman



Brendan P. Mullen, Commissioner



Bruce M. Thomas, Commissioner



CITY OF TAUNTON
LICENSE COMMISSION MEETING
MINUTES OF THE MEETING

June 21, 2013
8:00 a.m.

PRESENT:

Chairman Peter Lamb
Commissioner Brendan Mullen
Commissioner Bruce Thomas

For the Police Department:
Detective Lieutenant Daniel McCabe

Meeting was called to order by Chairman Lamb at 8:06 a.m.

1. **Holy Trinity Holy Ghost Brotherhood of Taunton** – Joao Arruda –Application for Special Alcohol Permit. Appearing before the Board on behalf of Holy Trinity Holy Ghost was Joao Arruda. Mr. Arruda stated that they will be having their annual Fiesta this weekend at Ward 5 on Winter Street and that he has requested police details. He also stated that has obtained liquor liability insurance and general liability insurance coverage and that a new Certificate of Liability Insurance should have been faxed late Friday afternoon. The recording secretary stated that she hasn't received it yet, but that she will check with the City Clerk to see if they received it in error. Chairman Lamb asked how the determination will be made to ensure that no one under 21 is served alcohol. Mr. Arruda stated that Quality Beverage is providing bracelets – 3 different colors for 3 different days. Det. Lt. McCabe stated that the police detail is to be prepaid 75% because of prior late payment history by this organization. Chairman Lamb informed Mr. Arruda that next year he needs to come before the Board earlier. Mr. Arruda stated that this is a new process for him; they have never had to do this before – it was different in the past. Chairman Lamb stated that this is a new process for everyone. Commissioner Thomas made a motion to approve subject to the conditions that 1) wristbands be placed on all persons who will be served alcohol; each day must be a different color; and 2) that 75% of the police details are paid prior to the event. Commissioner Mullen seconded the motion. Motion passed unanimously.

2. **Arthur Travers** – Mr. Travers appeared before the Boar for a Special Alcohol Permit for a fundraiser to be held at McGrath's. Chairman Lamb stated that the special permit must be in Mr. Travers' name and not the name of the club. Chairman Lamb asked Mr. Travers if he has a

separate account with the wholesaler, because he cannot do it through the bar's account. He must have his own account. Mr. Travers indicated that he understood. Chairman Lamb asked that the Board be given 45 days' notice in the future for these special permits. Mr. Travers stated okay. Chairman Lamb reviewed the application and asked that the hours are from 12-6? Mr. Travers says yes. Chairman Lamb asked if it is a ticketed event – how will this work? Mr. Travers stated that yes, it is a ticketed event; that anyone with a ticket to the bike run will be allowed to participate in the chicken dinner. Chairman Lamb asked if access is going to be limited? Mr. Travers stated yes. Commissioner Mullen asked if they will be checking IDs? Mr. Travers said yes. Chairman Lamb asked how is the event accessed? Mr. Travers stated through the backdoor of the restaurant. Det. Lt. McCabe stated that although Mr. Travers applied for an all alcohol special permit, it has to be a Wine and Malt Beverage permit because only non profits are permitted to sell liquor under a special permit. Mr. Travers stated there will be wristbands. Commissioner Mullen stated that the alcohol cannot be outside, only beer and wine. Chairman Lamb stated, do not bring mixed drinks outside. Commissioner Thomas made a motion to approve. Commissioner Mullen seconded the motion. The motion passed unanimously.

3. **BaHa Brothers Pub & Restaurant, Inc. d/b/a BaHa Brothers Sandbar Grill** – Appearing on behalf of the BaHa Brothers was Peter Hebert. Chairman Lamb asked Mr. Hebert to explain why he is requesting to stay open an additional hour on Saturday evening. Mr. Hebert states that the restaurant is hosting a pre-Buffer show. That they have an artist performing during regular hours and it is a ticketed event. Then on Saturday, this particular artist will play in Mansfield for the Jimmy Buffet concert and that they asked if the BaHa Brothers would host an after party after the concert. He stated that they are looking for an extension on their license, that most people who will be attending have not been drinking. Commissioner Mullen asked how he plans to handle the patrons who will already be present in the establishment. He stated that he will give the patrons an option: they can pay a \$10 fee or be asked to leave. Chairman Lamb inquired about a police detail. Det. Lt. McCabe stated that if there is a \$10 fee, Mr. Hebert needs to post signs for a cover charge at every entrance announcing the charge for \$10.00 after 11:00 p.m. Additionally, if there is a cover charge, the patron needs to be given a serialized receipt and the licensee must maintain copies of those receipts for two years. Chairman Lamb stated that the BaHa Brothers could waive the cover afterwards, if they so choose. Chairman Lamb stated that they should post it for the day in the establishment. Mr. Hebert stated that the artist(s) may change their mind. The event may be canceled, if so, would he still have to hire a detail? Det. Lt. McCabe stated yes. But he should hire the detail for 10-2 or 10:30 to 2:30 a.m. Mr. Hebert can always cancel the detail before the officer arrives at no cost, if necessary. Mr. Hebert stated that all of our regular people will be there. That he expects around 100 people. Commissioner Thomas asked if the event will be held in the main room. Mr. Hebert stated yes.

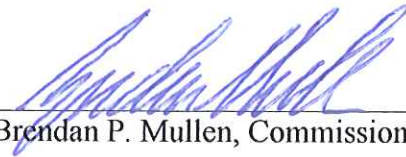
Det. Lt. McCabe handed Mr. Hebert a letter from the Commission requesting the BaHa Brothers to appear at the next license commission meeting (June 26th) regarding the Tiki Room. Mr. Hebert stated that he is putting the permits through, that he is working with Bob Pirozzi (building department) and has some changes to do to bring it up to fire code. Chairman Lamb asked Mr. Hebert to bring it all with him on Wednesday. Mr. Hebert asks Wednesday? Commissioner Thomas stated this Wednesday, June 26th. Chairman Lamb asked if there is any paperwork for the hour extension and Det. Lt. McCabe stated no. Commissioner Mullen made a motion to

approve to extend the hours this Saturday evening, June 22, 2013 until 2:00 a.m. Commissioner Thomas seconded the motions. Motion passed unanimously.

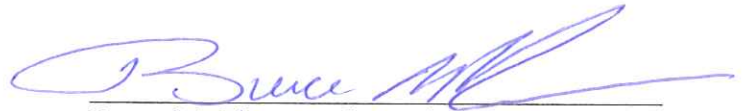
Chairman Lamb motions to adjourn. Commissioner Mullen seconded the motion. Motion passed unanimously. Meeting adjourned at 8:24 a.m.



Peter C. Lamb, Chairman



Brendan P. Mullen, Commissioner



Bruce M. Thomas, Commissioner