



CITY OF TAUNTON

LICENSE COMMISSION MEETING

MINUTES OF THE MEETING

May 21, 2014
7:00 p.m.

PRESENT:

Chairman Peter Lamb
Commissioner Brendan Mullen
Commissioner Bruce Thomas

For the Police Department:
Detective Dennis Smith

Meeting was called to order at 7:03 p.m. by Chairman Lamb.

1. Minutes of the meetings from April 30, 2014. Motion made by Commissioner Mullen to accept the minutes. Motion was seconded by Commissioner Thomas. Motion passed unanimously.
2. Shuffle, Inc. d/b/a Curley's Pub – status of license transfer. Appearing before the Board was Maryann Curley and Attorney Robert Fredericks, who represents the transfer occupants. Chairman Lamb stated that the application has not been sent to Boston. Attorney Fredericks stated that this transaction has turned around about 3 times. Attorney Fredericks stated that this transaction has had about 3 different lenders and there is thought of reconstructing the loan, which would change the application anyway. Attorney Fredericks gave the Board an email from the lender stating that they are still trying to work it out: credits would be finished today; appraisals to follow. Loan application to be closed by June 17 and then we can appear before the Board again. Chairman Lamb asked Mrs. Curley if she was still actively involved in the place. She replied "Absolutely." Mrs. Curley stated that she just put out a new menu. Chairman Lamb asked Mrs. Curley if she was contemplating a soft transfer before this all takes place and she stated no. Attorney Fredericks stated that to be honest, I suggested it and they turned it down. Chairman Lamb stated that as you know once you come here it is a 6-8 week wait. Chairman

Lamb reiterated that Mrs. Curley is still the manager and she is still responsible. Commissioner Thomas asked if the restaurant would be closed until the approval comes back. Attorney Fredericks stated no. There were no additional questions. Chairman Lamb stated that the Board was satisfied.

3. Michael Borges – Application for a Special Permit. Appearing before the Board was Michael Borges, President of the Taunton Eagles Sports Club. Mr. Borges stated that the application was for their annual Holy Ghost Feast, held in the parking lot; there would be bands and vendors selling food. All alcohol is sold inside the building. Wristbands both inside and outside are used. Different colored bands for each night. Police Detail is usually two details. Sunday is the procession to church. Chairman Lamb asked how they were obtaining the alcohol. Mr. Borges explained that they would be getting the alcohol from Quality Beverages with an account in his personal name. The bar on the inside will be open. Chairman Lamb stated that there was an extensive list of people who will be responsible for the alcohol. Mr. Borges explained that those are all the people who volunteer; some are employees, some not. Chairman Lamb asked if Mr. Borges had contacted the Police Department regarding details and was told that they had not yet. Detective Smith asked when the event will be. Mr. Borges gave the dates of the event, May 30, 31 and June 1, 2014. Detective Smith stated that the details should have been scheduled by the 17th. He suggested that Mr. Borges call the department tomorrow. Commissioner Thomas stated that they may need another detail to assist the people crossing the street. Mr. Borges stated that they usually ask one of the officers to keep an eye out. Detective Smith asked if what is purchased inside stays inside and what is purchased outside stays outside. Mr. Borges said no – everything is in plastic cups. Chairman Lamb stated no, that isn't what your license says. Mr. Borges said okay, we can keep it separate. Commissioner Mullen explained the two licenses and two different accounts. Two separate licenses – beer and wine and all alcohol. Mr. Borges stated that he could have someone stay at the door and make sure that everything stayed separate. Chairman Lamb asked when they planned to have the alcohol delivered. Mr. Borges stated the day before the event, but they will not be selling it then. Detective Smith stated that it doesn't matter. The vendor will not deliver until you have the license with the correct dates. Commissioner Mullen suggested revising the dates so that it reflected a 5 day license as opposed to a 3 day. Mr. Borges stated that the Club was in the process of attempting to alter the licensed premises to include the outside area. He asked if the alteration would cover this event for next year. Chairman Lamb stated that it would be a move in the right direction but the Board may restrict your outside area; there would need to be restrictions, fencing, etc. to define the outside area. Then everything will fall under the entity's license and insurance liability, etc. Detective Smith stated that they would need to define their footprint of exactly what that area will be; it cannot be the entire parking lot. Chairman Lamb suggested investing in some portable fencing. Commissioner Mullen made a motion to approve the special alcohol permit for May 29 – June 2nd, but the dates for sales will be May 30 – June 1st. Commissioner Thomas seconded the motion. Motion passed unanimously.

4. Eagles Sports Club – Change of Managers application – Chairman Lamb asked if everything was in place. Mr. Borges stated that all the paperwork has been submitted and it should be all set. Chairman Lamb asked Mr. Borges how many hours he worked at the club. Mr. Borges stated that he was not an employee, but President; it is an “all volunteer” organization. He stated that he was there about 8 hours a day – 7 days a week. Chairman Lamb requested that a notation be made in the minutes that the Board approves the new Form 43. Commissioner Mullen made a motion to accept the manager’s application. Commissioner Thomas seconded the motion. Motion passed unanimously.

5. Bobby’s Place – Appearing before the board is Denise Asack and Bobby Asack. Mrs. Asack stated that they had a fire on March 28th. The fire affected the dance floor and the roof and since they needed to repair the premises, they thought we would move the bar to the opposite side and add an additional bar to the dance floor area. Chairman Lamb asked if they were changing the capacity. No. Have you met with the city officials? Mrs. Asack stated that the Board of Health had come in and made them empty the bottles of alcohol. The building inspector also made an appearance. Chairman Lamb asked about the portable cages Mrs. Asack wished to add to the premises. Mrs. Asack explained that people like to dance inside them. Chairman Lamb asked what the timing was on this project. Mr. Asack stated that this was a problem; they were having financial problems. He further stated that the insurance was not covered properly and there had been delays with the payments. The insurance company gave us some money to get started. Mrs. Asack stated that they were hoping it would be completed within 4-6 weeks. Commissioner Mullen asked if the project had been permitted already. Mrs. Asack stated yes; building permits and demolition permits. Commissioner Thomas asked when they anticipated starting the project. Mr. Asack stated as soon as they could. Chairman Lamb asked if the project would be funded with all cash. The Asacks stated no; insurance money. Chairman Lamb questioned a pledge. No. Commissioner Mullen made a motion to approve the application for an alternation of premise. Commissioner Thomas seconded the motion. Motion passed unanimously. Chairman Lamb stated that he had one other issue he wanted to address. He went on to state that it had come to the Board’s attention that Bobby’s Place was closing before 2:00 a.m. a few times and they had not come before the Board before doing so. Mr. Asack stated that he had a few conversations with the recording secretary regarding this and that they were closed due to parking bans. Chairman Lamb stated that yes, weather was an issue and parking bans are okay. But the Board needed to clarify this. Mr. Asack stated that he would like clarification as well. I called Detective Lt. McCabe and told him I had frozen pipes that would inhibit the sprinkler system and I told him that we needed to close. Chairman Lamb responded that this was fine but when the Board granted you the 2:00 a.m. license, we informed you that we didn’t want owners to make their own hours. We need to be consistent. Mrs. Asack asked if the Board only wanted them to close is if there is a parking ban. Chairman Lamb said yes. Chairman Lamb further said that he just wanted to make it aware; the matter came to the Board’s attention but we didn’t feel that it warranted a disciplinary action

6. Pete's Mart to KCB Liquors – Application for License Transfer. Appearing before the Board is Jack Silverstein counsel for KCB Liquor Corp and the two potential buyers. Chairman Lamb stated that there were a number of incomplete matters with the application. Attorney Silverstein agreed; he stated that he received a letter from Detective McCabe with some typos and outstanding items, but that he has since supplemented the application and given everything to the recording secretary. Attorney Silverstein further stated that the landlord was present to confirm that there is an agreement to lease the premises, but because they have reconstructed the trust they need to get all the principal owners to sign. Attorney Silverstein stated that this should be completed by next week. He added that the consent of the assignment of the lease is not signed by the landlord, but he is here and he can confirm that he assents to it. Chairman Lamb stated that there were a couple of items that came up on review: in the Purchase and Sale Agreement on page 6, it references a full service liquor license and this is beer and wine only. Attorney Silverstein stated that he can fix that. Chairman Lamb stated that he will have to. Additionally, we have the same issues on page 9; it references restaurants. Attorney Silverstein states that he can have the parties initial it. Chairman Lamb questions the floor plan. Chairman Lamb asked if the lease was going to cover the garage space as well. Attorney Silverstein stated yes. Attorney Silverstein further explained that there had been some issues regarding the licensed premises and how they were rectified. Chairman Lamb asked what was that space used for. Attorney Silverstein said that it is vacant and not approved for retail sales. He further stated that he believed that all parties are now under the understanding as to what the licensed premises are. The lease does cover the whole building. Attorney Silverstein stated that Rajesh P. Patel is TIPS certified. Tushar Patel will be certified. Attorney Silverstein further describes the gentlemen's retail management backgrounds. Chairman Lamb inquired about worker's compensation insurance? Attorney Silverstein stated that they were going to get it last week but thought they would wait until the application was approved. The Board instructed Attorney Silverstein that they would need to get worker's compensation insurance. Attorney Silverstein explained that they have submitted the worker's compensation application today but it will take a few days. Commissioner Mullen asked who was going to be the manager. Tushar Patel. Commission Mullen asked Mr. Patel where he lived, he replied that he lived in Southboro. Commissioner Mullen asked Mr. Patel how much time he would be spending at the store. Forty hours was the response. Chairman Lamb asked if the transaction is subject to the signed lease, changes in the asset agreement and the worker's compensation insurance, and the response was "Yes." Chairman Lamb stated that the Board does not have a completed application. Attorney Silverstein stated that the lease is the biggest of obstacles but that should be done next week. Detective Smith stated that he was concerned that we will be in the same position as we were with the first person on the agenda. Attorney Silverstein stated that if the Board doesn't get what it needs, then don't send it to Boston. Detective Smith and Chairman Lamb both stated that they couldn't send it to Boston. Commissioner Thomas stated that typos were not the issue, it is the lease and the assignment and the workers compensation insurance. Chairman Lamb stated that this is the form that we should be reviewing and now you are going to supplement the documents and when are we going to

review them. Commissioner Mullen stated that something being submitted in 2-3 days will be difficult for the Board to review. Chairman Lamb stated that he was not inclined to move this forward. Attorney Silverstein asked if the Board would hold a special meeting in 10 days. Chairman Lamb stated that his schedule was tight and he would prefer to have Detective Lt. McCabe back as well. He suggested deferring the vote until June 18th. Commissioner Mullen made a motion to defer the matter until June 18, 2014. Commissioner Thomas seconded the motion. Motion passed unanimously.

7. New Business – The Board acknowledge receipt of a letter from the Assistant City Clerk regarding the rejection from the State for the application of additional license. The Board asked the recording secretary to respond to the council.

Commissioner Thomas made a motion to adjourn. Commissioner Mullen seconded the motion. Meeting adjourned at 7:59 p.m.



Peter C. Lamb, Chairman



Brendan P. Mullen, Commissioner



Bruce M. Thomas, Commissioner