



CITY OF TAUNTON  
LICENSE COMMISSION MEETING  
MINUTES OF THE MEETING

July 2, 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 7:06 p.m.

1. Minutes of the May 15 and June 21, 2013 License Commission meeting. Commissioner Mullen made a motion to accept the minutes and Commissioner Thomas seconded the motion. Motion passed unanimously.

2. **UR of Taunton, MA, LLC doing business as Uno Chicago Grill** – Application for a Change of Manager. Appearing on behalf of Uno's was Juan Montoya, General Manager. Chairman Lamb asked Mr. Montoya if he served as the manager and Mr. Montoya replied yes, and gave some background information regarding his work history. Detective Lt. McCabe asked if Uno's had submitted a letter rescinding the previous manager application that is still pending at the Alcoholic Beverage Control Commission and Detective Smith replied that, yes, there was a letter dated June 19, 2013. Commissioner Mullen made a motion to approve the application for a change of manager and Commissioner Thomas seconded the motion. Motion passed unanimously.

3. **Modification of the Rules and Regulations to Alcoholic Beverage Licenses** – Chief Walsh sent a communication to the Board requesting that the Board modify the Rules and Regulations of the Commission to require the licensee be responsible for paying the police detail(s). Chairman Lamb asked if the police department ever does prepay? Detective Lt. McCabe stated no, not as a general rule. Detective Lt. McCabe gave examples of incidents

wherein third parties may rent a hall, require a detail and then not pay the invoice. Chairman Lamb asked that the process of hiring a detail be explained. Detective Lt. McCabe gave an explanation of the process and indicated that invoices are sent out 7-10 days after the event and are due within 7-10 days. Chairman Lamb asked how will it be determined who is the licensee? Both Detective Smith and Detective Lt. McCabe indicated that the licensee will be determined by address. It was then discussed how the Board should keep track of any modifications to the rules. Detective Lt. McCabe suggested that any modification be placed on the License Commission website with an effective date of the revision. Chief Walsh asked if we could mail out copies of the modification to all license holders. Chief Walsh explained that in the past people would rent halls, hire a police detail and often not pay for the police detail. It would take months or years to collect the invoice and it would be much easier to collect it from the Licensee and then in turn, the licensee can collect the fees from the third party with whom they already have a contract. Chairman Lamb asked if the parties would be less likely to hire a police detail? Both Chief Walsh and Detective Lt. McCabe stated no. Detective Lt. McCabe stated that the Board should notify all licensees with the addendum and the rule change. Chief Walsh commented that if the police know who is doing this, they could stop by and speak with them beforehand. Chairman Lamb opened the meeting for discussion with regard to the change in the Rules and Regulations.

Speaking in favor of the rule change was Joseph de Mello, 2 Dean Street, Taunton, MA. Mr. de Mello stated that this is a good idea because if a police detail is not paid, the tax payers end up paying for it. Additionally, Mr. de Mello said that under the regulations, it is the Licensee who is responsible to hire the detail.

Detective Lt. McCabe stated that the request to modify the rules also included dividing Section 3.25 into subsections.

There was discussion as to the effective date of the changes and Commissioner Thomas made a motion to accept the rule modifications effective September 1, 2013. Commissioner Mullen seconded the motion. The motion passed unanimously.

4. **Taunton Sports Club, Inc.** – Application for a Change of Premise. Appearing on behalf of the Taunton Sports Club was Manuel Rodrigues. Mr. Rodrigues gave a brief description of the proposed alterations to the premise. Chairman Lamb asked Mr. Rodrigues if the Club wanted to include the back part as part of their alteration and Mr. Rodrigues replied yes. Detective Lt. McCabe asked if there was any delineation between the soccer field and the outside area. Detective Lt. McCabe further stated that the ABCC requires outside facilities to have some control of the area. He asked Mr. Rodrigues if he could put up some posts and a chain fence? Mr. Rodrigues replied yes. Detective Lt. McCabe stated that the financial part of the application is empty and since the Club is doing renovations, that section must be filled in. The Club needs to include the cost of the bathroom facilities in the financial section. Chairman Lamb stated that this is actually 2 issues: an alteration on the inside and an alteration on the outside. Chairman Lamb asks if the Club intends to use the outside section 12 months of the year? Mr. Rodrigues stated no, just the summer months. Chairman Lamb stated that the Board has been treating these licenses as seasonal licenses. Commissioner Thomas asked Mr. Rodrigues that if the Board was to grant a seasonal license from April 1<sup>st</sup> through October 31<sup>st</sup>, would the Club have an issue with

that? Mr. Rodrigues stated no. Chairman Lamb stated that the plan needed to be better defined; the inside plan is very detailed but the outside plan looks like the whole property. Commissioner Mullen commented that it was not a clear delineation of the area. Chairman Lamb stated that the outside area needed to be a continuous surface and Commissioner Mullen suggested that Detective Lt. McCabe could make some suggestions. Chairman Lamb then suggested that this matter be tabled until the next meeting so that the Taunton Sports Club could give a better diagram of the outside area. He indicated that if the matter was sent to Boston now, it would be rejected. Detective Lt. McCabe stated that a corporate vote is needed for the change in the bathrooms. Commissioner Thomas made a motion for the Taunton Sports Club to return for the July 24, 2013 meeting. Commissioner Mullen seconded the motion. The motion passed unanimously.

5. **Yamato Japanese Steakhouse & Sushi, Inc.** – The Board confirmed that the appropriate paperwork had been submitted and that a new Form 43 could be sent to the ABCC for reconsideration.

6. **Kyle Santos for the benefit of the Portuguese American Civic Club, Inc.** – Kyle Santos appeared before the Board for a special permit for the benefit Portuguese American Civic Club, Inc. (PACC) for their annual Fiesta. Mr. Santos stated that he is the President of the PACC and that the hours for the Fiesta would be Friday 5 p.m. – 12 a.m.; Saturday 5 p.m. to 12 a.m. and Sunday 2 p.m. on August 9<sup>th</sup> through August 11<sup>th</sup>. Chairman Lamb stated that the application looked complete and asked if there were any changes from last year? Mr. Santos stated that there would be no rides this year. Detective Lt. McCabe asked about details? Mr. Santos asked what would be required as he had security lined up. Chairman Lamb asked how the security would be identified and Mr. Santos stated that they would be identified by wearing certain t-shirts. He also stated that it is a controlled crowd. Chairman Lamb asked about wristbands and Mr. Santos stated yes, that there would be wristbands for everyone; a different color on each day. Mr. Santos then went on to give a brief description of the outside area. Commissioner Thomas asked if there would be a detailed officer or a security guard posted at each location at all times? Mr. Santos stated yes. Chairman Lamb asked if the inside bar would be open during the Fiesta and Mr. Santos stated yes, they would be open the regular hours. Chairman Lamb asked about inter-mingling and if the inside guests would be wristbanded as well? Mr. Santos stated yes. Discussion followed regarding the details needed for the event. Commissioner Mullen made a motion to approve the special permit for Mr. Santos on behalf of the PACC from August 9-11 with the details worked out with the Police Department and all patrons drinking alcohol wear wristbands. Commissioner Thomas seconded the motion. The motion passed unanimously.

7. **Holy Ghost Society of East Taunton, Inc.** – Special Permit. Appearing on behalf of the Holy Ghost Society was Joseph de Mello who was requesting the special permit for July 12 through August 11, which will include the annual Fiesta which will be July 12, 13 and 14<sup>th</sup>. Chairman Lamb asked about the status of his reconsideration application for the alteration of premise and Mr. de Mello stated that it has not been completed yet, that he wanted to concentrate on the Fiesta at this time. There was a brief discussion as to what revisions the Holy Ghost needed to make to be in compliance with the ABCC recommendations for their alteration

application. Chairman Lamb indicated that he was hesitant to extend the special permit application for the extra days with the whole property, but he would restrict the area for after July 15<sup>th</sup> to the pavilion. He thereafter questioned if wristbands would be used and Mr. de Mello asked if he meant for the cookouts or the Fiesta? Detective Lt. McCabe stated for the Fiesta. Mr. de Mello stated yes and Chairman Lamb asked if the details were all set? Detective Lt. McCabe stated that he believed they were. Commissioner Mullen made a motion to approve the special permit application for July 12<sup>th</sup> through August 11<sup>th</sup> with the condition that after July 15<sup>th</sup> that the area be restricted to the pavilion and that wristbands be given to those drinking alcohol. Commissioner Thomas seconded the motion. The motion passed unanimously.

8. **The Bartending Service of New England, LLC** – Appearing before the Board for a special permit application was William Fuller of the Bartending Service of New England, LLC. Mr. Fuller stated he had been contacted by Alyssa Garcia and Diane Nunes for the Christmas in July fundraiser for the 100<sup>th</sup> Lighting of the Green. Chairman Lamb asked Mr. Fuller how many of these types of functions does he do in a year. Mr. Fuller stated between 15 and 20. Chairman Lamb asked who would be purchasing the alcohol. Mr. Fuller stated that he would be. Commissioner Thomas made a motion to approve the permit with the condition of wristbands. Commissioner Mullen seconded the motion. The motion passed unanimously.

9. **East Taunton Slow Pitch** - Appearing before the Board for three (3) separate special permit applications was Jason Torres and Steven Johnson. Mr. Torres stated that two of the applicants, Mitchell Reed and Dustin Arruda, were unable to attend. Detective Lt. McCabe stated that there were 3 applications before the Board this evening and that all had permission from the City. Chief Walsh questioned whether the dates on the lease ran consecutively with the application dates. Detective Lt. McCabe stated that the league had spoken with Commissioner Marilyn Greene of Park, Cemeteries and Public Grounds about changing the lease dates. Commissioner Mullen made a motion to approve the permit with the condition of wristbands. Commissioner Thomas seconded the motion. The motion passed unanimously.

10. **Rooming House Applications** – Bobby and Denise Asack appeared before the Board. Leo Cyr did not appear. Chairman Lamb explained that this was more of a formality. Detective Lt. McCabe stated that the current rooming house licenses expire on December 31<sup>st</sup>. Mr. Asack asked if it was necessary to get all new inspections by that time. Detective Lt. McCabe stated that the inspections are good for one year and that he would need to have new inspections by May. Commissioner Thomas stated that it is now a calendar year cycle. Mr. Asack stated that was okay – that this was all new to them; they never had to do this before. Commissioner Mullen made a motion to approve the rooming house license for 62 Weir Street. Commissioner Thomas seconded the motion. The motion passed unanimously.

11. **Communication from Bobby's Place Corp. asking for extended hours** - Bobby and Denise Asack appeared before the Board for a request to extend their license on Thursdays from 1:00 a.m. to 2:00 a.m. The Asacks indicated that business has been down and they want to stay open the extra hour for a few weeks. Commissioner Mullen asked if they expected a lot of business between 1:00 a.m. and 2:00 a.m.? Mr. Asack indicated that they use to have a 1:30 a.m. closing; that the Chief had asked them to change it. Commissioner Thomas stated that he did not have a lot of issues. Commissioner Mullen asked if there were concerns from the Police

Department. Detective Smith stated that there was a detail police officer present. Chairman Lamb stated that if this request was granted, it would be going back to what they were trying to prevent. Mr. Asack stated that Chairman Rose asked them to take the rollback and they did. If there are any problems, they will shut it down right away. Detective Smith stated that other businesses lost hours and others were given hours. Chief Walsh explained that what Chairman Lamb was stating is that the Board wants uniform closings with Monday through Friday and weekends with either a 1 or 2 a.m. closing. Chairman Lamb described the regulations and stated that the Board is hesitant to go back. That the Board has done it on a case by case basis for special events and holidays, but he is very hesitant to do this. There is a public safety concern and a strain on emergency services. Mr. Asack states that he was told they could reapply. Detective Smith stated that Mr. Asack was told he could apply and would be considered, but there was never a promise or guarantee. Discussion continued with the Board expressing that there needs to be consistency and that they are hesitant to veer from what is in place now. Commissioner Mullen made a motion to deny the request. Commissioner Thomas seconded the motion. The motion passed unanimously.

12. **BaHa Brothers Pub & Restaurant, Inc. d/b/a BaHa Brothers Sandbar Grill – Explanation of the Tiki Room** – Appearing before the Board was Peter Hebert. Mr. Hebert stated that he wanted an outside area, but that there was an issue with the abutter and there was a lawsuit which is now resolved. He will be pursuing both permits by the end of July. Chairman Lamb asked him if there will be an alteration of premises? Mr. Hebert states no. There is discussion with regard to whether alcohol can be served in the Tiki Room. Mr. Hebert states that they have a permit, but Commissioner Mullen states that it is not part of their license. Chairman Lamb states that the Board approved the outside deck and questions why that was not completed. Mr. Hebert states that the lawsuit stopped the construction of the outside deck, but that he was getting all the permits together to reapply. Chairman Lamb questioned how the occupancy in the Tiki Room with the main restaurant will apply? Mr. Hebert showed the doors on the diagram and stated that there are only functions in the function room. Chairman Lamb stated that there are concerns with regard to the occupancy limits. Commissioner Mullen stated that he was concerned with the overflow from the function room into the restaurant. Detective Smith states that Mr. Hebert will need to file an alteration of premises. There is a discussion about whether the restaurant and the function room should be 2 separate entities. Commissioner Thomas stated that they will need to come back once everything is completed. Mr. Hebert stated that the restaurant would be closed for the 4<sup>th</sup> of July holiday. Chairman Lamb made a motion to accept the request to close and Commissioner Mullen seconded the motion. The motion passed unanimously.

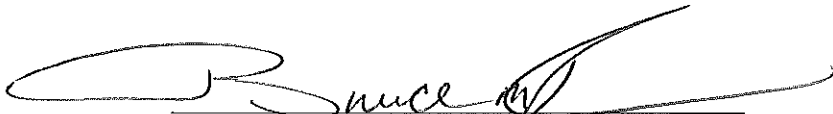
13. **International Pizza, Inc. – Application for a Common Victualler’s License.** Appearing before the Board is Rui Figueiredo and his brother-in-law, Antonio Augusto. Chairman Lamb asked if everything was in order. Detective Lt. McCabe stated that the only document needed was the Waiver of Worker’s Compensation Insurance, which Mr. Figueiredo presented at the table. Commissioner Mullen made a motion to approve the Common Victualler’s License. Commissioner Thomas seconded the motion. The motion passed unanimously.

14. **Discussion to Increase the License Quota** – Detective Lt. McCabe stated that the Board of License Commissioners could request the Council to petition legislature for special legislation to increase the license quota; that the City was currently at its limit for off premise establishments. Commissioner Thomas stated that he thought the Board should request an increase. Chairman Lamb asked if the Board was referring to Section 15 licenses? Detective Lt. McCabe stated yes, but that the Board would have to determine if they wanted an all alcohol increase, or a beer & wine (wine and malt beverage) increase or both. Chairman Lamb suggested 4 of each. Commissioner Mullen agreed. Chairman Lamb stated that he is in favor of petitioning Municipal Council for the increase. Commissioner Mullen made a motion to request the Municipal Council to petition special legislation for 4 additional all alcohol off premise licenses and 4 wine and malt beverage off premises licenses. Commissioner Thomas seconded the motion. The motion passed unanimously.

Discussion of the Board of the upcoming discipline items. Chairman Lamb asked how many offenders were there? Detective Lt. McCabe states that there were 15 total and that some were repeat offenders between the two compliance checks. The next meeting is scheduled for July 24, 2013 at 7:00 p.m. Commissioner Mullen made a motion to adjourn. Commissioner Thomas seconded the motion. The motion passed unanimously. The meeting adjourned at 8:39 p.m.

  
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Peter C. Lamb, Chairman

  
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Brendan P. Mullen, Commissioner

  
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Bruce M. Thomas, Commissioner