



CITY OF TAUNTON

LICENSE COMMISSION MEETING

MINUTES OF THE MEETING

January 15, 2014

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 at 7:00 p.m. by Chairman Lamb.

1. Minutes of the meetings from November 13, 2013, December 4, 2013 and January 2, 2014. Motion made by Commissioner Mullen to accept the minutes. Motion was seconded by Commissioner Thomas. Motion passed unanimously.

2. **Atlantic Café – Request for a Change of Hours.** Appearing before the Board was Scott Medas of the Atlantic Café. Chairman Lamb read the letter of request into the record. Mr. Medas explained that this was a one-time request in honor to host a surprise birthday brunch for his mother. Motion made by Commissioner Mullen to approve the change of hours to open two hours earlier on January 19, 2014 with no alcohol being served at that time. Motion was seconded by Commissioner Thomas. Motion passed unanimously. Second item was an application for an amusement device: jukebox. Commissioner Mullen made a motion to approve the application for the amusement device. Commissioner Thomas seconded the motion. Motion passed unanimously.

3. **Italian Social Club of Taunton, Inc. – Change of Manager.** Appearing before the Board was Alan Medeiros, proposed Manager and Treasurer of the club. Mr. Medeiros stated that this is a non-paid position and that he understands all of the responsibilities. He further states that he is TIP certified and will be at the club a majority of the time. Commissioner

Mullen made a motion to approve the application of change of manager. Commissioner Thomas seconded the motion. Motion passed unanimously.

4. **Eva Mara Swami Corporation d/b/a Tremont Liquors – Communication regarding Manager’s Hours.** Appearing before the Board is Jignesh K. Pachani, owner and manager. Chairman Lamb stated that this matter came before the Board during the December 4, 2013 meeting wherein it was stated that Mr. Pachani was not at the premises 50% of the time. Chairman Lamb asked Mr. Pachani to give the Board some background as to why he felt he qualified as manager. Mr. Pachani stated that he spends approximately 40 hours a week at the store; that the employee that works there now is not a US citizen but he is applying for citizenship in April. Once he is a U.S. citizen, it is Mr. Pachani intent to make him the manager. Mr. Pachani stated that until that time, he is spending approx. 40 hours a week there. Chairman Lamb asked if he had another store. Mr. Pachani stated yes, in Worcester. Detective Smith asked if he was listed as the manager in the Worcester store. Mr. Pachani stated that yes, he was. Chairman Lamb asked how many violations were at this location for the EBT cards. Detective Lt. McCabe stated 16 times with the EBT card violations. Mr. Pachani explained that as soon as they were notified, they contacted the ATM machine company and had it blocked. Commissioner Mullen asked how many days a week are you at the store. Mr. Pachani stated about 5 – sometimes more. Chairman Lamb asked that once this other gentleman is eligible to be manager, you are going to make him the manager? Well, he is going to apply to be a US citizen in April so perhaps August. Commissioner Thomas asked if there is anyone else there now. Mr. Pachani stated that this man has been here for a while and he has done a good job; never sold to a minor – likes how he runs the operation. Chairman Lamb asked if he was TIP certified. Yes. Is anyone else TIP certified? Mr. Pachani stated that this gentleman is there approx. 30 hours a week and that his wife works there as well doing bookkeeping. He further stated that he would put in the hours until he is approved. Commissioner Thomas made a motion to put a letter in the file indicating that the EBT card matter had been resolved. Commissioner Mullen seconded the motion. Motion passed unanimously.

5. **Baha Brothers Sandbar Grill - Tiki Room.** Appearing before the Board was Peter Hebert and another gentleman, who did not state his name for the record. Chairman Lamb commented that the Baha Brothers had missed the deadline to bring paperwork in; that it was supposed to be in a week before the meeting. Mr. Hebert stated that he brought it in Monday. Commissioner Mullen inquired as to the status of the alterations and the permits. Mr. Hebert stated that all the paperwork is there. Chairman Lamb asked Detective Lt. McCabe is he had an opportunity to do the background? No. Commissioner Mullen stated that part of the application was to do the outside seating area; what has been done on that. Mr. Hebert stated nothing yet. We are hoping to do it in April. Chairman Lamb asked Mr. Hebert if he understood that the application for the outside seating area had been withdrawn and that they would now have to start over. Chairman Lamb went on to state that what may have been considered in 2012 is now over; it is a done deal. The Board sent everything up to Boston knowing that the Bahas had some other issues with the abutters, but that there is no application before them for an outside seating area. Mr. Hebert stated that those circumstances were not their fault. Chairman Lamb stated that the application had been withdrawn from the ABCC by the applicant. Mr. Hebert stated that he found that hard to believe. That he paid the fee, that they had gone to Court with the abutter and why should he have to pay again? Chairman Lamb asked went on to state that if you remember the discussion, when the Baha Brothers were before the Board with their attorney,

Jim Fagan, and we told you that we would allow it and whatever happened with your abutters and if you lost the case, that you understood the risk you were taking. Chairman Mullen reads the communication from the ABCC, which states that the “applicant has requested that this application be withdrawn. It will be resubmitted at a later date for an outside seating area in a different location”. Mr. Hebert remarks that they can take the outside seating area up at another time. Chairman Lamb stated that he just wanted to make clear that the Board would not be considering anything with the outside seating area this evening. Commissioner Mullen asked what was the plan for the outside seating area. Mr. Hebert stated that he believed it was a 25/30 seat outside deck that would be fenced in. It was also their intent to serve food out there. Commissioner Mullen asked where would that be; where the smoking area is on the side? Yes. Chairman Lamb asked if the function room was fully permitted. Detective Lt. McCabe stated yes. Chairman Lamb stated that the occupancy is 108. Will that room be used in conjunction with the Main Room; what is our rule for over 100? Detective Lt. McCabe stated that he did not know off the top of his head. Chief Walsh stated that they cannot cross between two rooms; has that been resolved? Commissioner Mullen stated that there were locks on the doors; it was all discussed at the last meeting. Chairman Mullen made a motion to put the clarification on file and note that there is a locked door on the premises and a function room. Commissioner Thomas seconded the motion. Motion passed unanimously.

6. **Shiven LLC, d/b/a Taunton Wine & Liquors - Application for Transfer.** Appearing before the Board was the proposed new manager Krunal Patel and Patchik Patel. Chairman Lamb asked if the Seller was present. No. Chairman Lamb asked if they understood that until this transfer is approved by the ABCC, the current owners need to stay on. Yes. Commissioner Mullen made a motion to approve the license transfer. Commission Thomas seconded the motion. Motion passed unanimously. Chairman Lamb stated that he had one last question and asked if Mr. Krunal Patel is TIP certified. Yes.

7. **Carlos Desa d/b/a Desa Fish Market – Application for a Section 15 License.** Appearing before the Board is Attorney Nikolas Schuttauf Carlos Desa, the son. Detective Lt. McCabe stated that he reviewed the application and has no issues. Commissioner Mullen asked Carlos if he was the manager or was father? Attorney Schuttauf stated that his father is the manager but he is out of the country at the moment. Chairman Lamb asked Mr. Desa if he was TIP certified. Yes. When did you become TIP certified? Mr. Desa responded 2 or 3 weeks ago. Chairman Lamb asked how many employees worked at the store. Mr. Desa responded 4. Are they all TIP certified? Three of us are. Commissioner Mullen made a suggestion that due to the lack of understanding with Mr. Desa’s father, if they could have an attorney present or if you (son) could appear, that would be helpful. Commissioner Mullen made a motion to approve the application to the ABCC. Commissioner Thomas seconded the motion. Motion passed unanimously. Attorney Schuttauf asked what the approximate time frame would be and the Board responded 6-8 weeks.

8. **2014 Common Victualler Licenses.** Detective Lt. McCabe gave a brief description for the procedure for proving worker’s compensation for any license holder. Commissioner Mullen asked who in the City should have such as license. Detective Lt. McCabe stated anyone who prepares food on their premises. Chairman Lamb asked prepared, not necessarily sold. Yes. Detective Lt. McCabe explained the requirements needed to issue a common victualler license.

Chairman Lamb asked why this was not enforced in the past. Detective Lt. McCabe stated that he was not sure. Chairman Lamb asked for confirmation that this falls under our jurisdiction. Yes. Detective Lt. McCabe explains that there are about 200 establishments that are not licensed. We went by last year's list; many are missing off the list. Chief Walsh stated that he thought Detective Lt. McCabe was suggesting that somewhere before we dropped the ball. Chairman Lamb stated that he understood, but that we need consistency and fairness; people should not be exempt from these fees due to the size and name on the door. Detective Lt. McCabe stated that Taunton is not the only City that has this issue. Most cities work with the Board of Health; our Board of Health is reluctant to assist us. They will share information with us, but that is it. Chairman Lamb questioned if the Board of Health is the starting point. Yes. Chairman Lamb stated that we would not know who was doing business in the City without some kind of information sharing from the Board of Health. Chief Walsh suggested that we issue a communication to the Mayor and the Board of Health to set up a meeting and perhaps all get on the same page. He also suggested with the GeoTMS system that will be implemented soon may take care of all of this. Chief Walsh then asked Detective Lt. McCabe to explain the GeoTMS system. Detective Lt. McCabe gave an overview of the new on-line permitting process. Chairman Lamb asked a few questions. Detective Lt. McCabe stated that there was an informational session on January 26<sup>th</sup>, which Chairman Lamb stated he would attend. Discussion ensued about the 4% increase in fees to implement this system. Detective Lt. McCabe needed to add one more on the list: A&A Restaurant d/b/a Little Caesars. Commissioner Thomas made a motion to accept the list not including the four that are missing proof of worker's compensation. Commissioner Mullen seconded motion. Detective Lt. McCabe asked if the Board would entertain conditional approval. Commissioner Mullen made a motion to do condition approval.

Commissioner Mullen made a motion to adjourn. Commissioner Thomas seconded the motion. Motion passed unanimously. Meeting adjourned at 7:55 p.m.



Peter C. Lamb, Chairman



Brendan P. Mullen, Commissioner



Bruce M. Thomas, Commissioner