



CITY OF TAUNTON

LICENSE COMMISSION MEETING

MINUTES OF THE MEETING

February 18, 2015 7:00 p.m.

PRESENT:

Chairman Peter Lamb

Commissioner Brendan Mullen

Commissioner Bruce Thomas

For the Police Department:

Detective Lt. Daniel McCabe

Detective Dennis Smith

Meeting was called to order at 7:04 p.m. by Chairman Lamb.

1. Minutes of the meetings from January 21, 2015. Motion made by Commissioner Mullen to accept the minutes. Motion was seconded by Commissioner Thomas. Motion passed unanimously.
2. **Application for a Special Permit - Cage Fighting Xtreme.** Appearing before the Board is Linda Shields-Forman and her husband, Gary Forman. Mr. and Mrs. Forman explain that the date of their event had to be moved to March 14, 2015 because the National Guard Amory had concerns regarding the roof. Chairman Lamb asked how the last event went. It went great; everything went well. Detective Lt. McCabe asked if the hours would be the same and Mrs. Forman explained that everything would be the same except the date. Chairman Lamb asked if they should fill out a new application. Mrs. Barber stated no; she thought they should modify the existing one and initial it. Commissioner Thomas made a motion to approve the application for a special license for March 13 – 16, 2015 with actual service on March 14, 2015. Commissioner Mullen seconded the motion. Motion passed unanimously. Detective Lt. McCabe wanted to clarify that the operating hours were 6:30 p.m. to 11:30 p.m. Mrs. Forman confirmed that.
3. **Taunton Sports Club – Application for a Change of License Type.** Appearing before the Board is Attorney Alan Medeiros and the President of Taunton Sports

Club, Manuel Rodrigues. Chairman Lamb stated that the applicant wanted to go from a club license to a restaurant license. There was a discussion regarding the executed agreement between the tenant and the Taunton Sports Club. Attorney Medeiros stated that he had submitted the signed agreement to Mrs. Barber earlier in the evening and that he had the checks for the fees. Chairman Lamb asked if Detective Lt. McCabe needed any additional information and he said he did not. Commissioner Mullen made a motion to accept the application change of the license. Commissioner Thomas seconded the motion. Motion passed unanimously.

4. **Mercado Novo, Inc. – Application for a License Transfer.** Appearing before the Board is Attorney Medeiros and Kamlish Patel from 44 Express Convenience, LLC. Attorney Medeiros stated his client owns 44 Express Convenience, LLC, 400 Winthrop Street and is looking for a transfer from Mercado Novo, Inc. 322 Somerset Avenue. Chairman Lamb asked if this would be 100% financing and Attorney Medeiros said that it is 100% financing. Chairman Lamb questioned if this was just an outright purchase of the license only and the answer was that it was. Chairman Lamb asked Detective Lt. McCabe how that worked. Detective Lt. McCabe explained the process, but questioned as to why there was not a Certificate of Good Standing from Mercado Novo, Inc., which is required. Attorney Medeiros stated that he had spoken with Mrs. Barber and Chairman Lamb and explained that he had requested the Certificate of Good Standing, but they had not received it yet. He further stated that he and his client understand that it cannot go to Boston until it is submitted. Commissioner Thomas asked if Mr. Patel had confirmation from the bank regarding the financing and Mr. Patel said he did not. Attorney Medeiros stated that the financing was somewhat contingent on the approval for the transfer. Chairman Lamb asked Mr. Patel if he had experience and he stated that he does. Chairman Lamb asked if Mr. Patel intended to do any training with your employees. Mr. Patel stated that no, he hadn't as of yet. Attorney Medeiros stated that he explained to his client that this Board would want to have some training of the employees. Commissioner Mullen asked what kind of changes did Mr. Patel plan to make to his business to accommodate this type of business; did he plan to change the layout of the business and Mr. Patel said no. The Board stated that they needed a floor plan. Chairman Lamb stated that the Board actually needed three things: a Certificate of Good Standing, a commitment letter and a floor plan. Commissioner Mullen stated that they could approve the application contingent upon those three items. Commissioner Mullen made a motion to approve the application for a license transfer contingent upon the floor plan, the commitment letter from a financial institution and a Certificate of Good Standing from the Seller. Commissioner Thomas seconded the motion. Motion passed unanimously.
5. **Taunton Slowpitch Softball League, Inc. – Seasonal Licenses.** Applications Taunton Slowpitch Softball League, Inc. for seasonal pouring licenses covering Sikorski Field, 268-270 Middleboro Avenue and Hartshorn Field, 180 Longmeadow Rd. Appearing before the board is Jason Torres, Michelle Raposo, Dustin Arruda and Robert Nunes. Chairman Lamb asked when the leagues were looking to start. Mr. Torres stated May 1<sup>st</sup>. Chairman Lamb asked if everything was all set with the lease

with the City and Mr. Torres said it was, but they were waiting for a Park & Recreation Commission meeting on March 2, 2015. Chairman Lamb asked what they were doing about servers and education. Ms. Raposo stated that she was certified and the others would be. Chairman Lamb stated that there were no issues last year, so that was good. Detective Lt. McCabe stated that Sikorski Field was within 500 feet of a church and there should be an opportunity for the public to speak if there were any objections. There were none. Chairman Lamb asked if there were any additional items. No. Commissioner Mullen made a motion to approve the applications for seasonal licenses for Sikorski Field and Hartshorn Field. Commissioner Thomas seconded the motion. Motion passed unanimously. Detective Lt. McCabe noted that the Commission needed to make written findings that the premises located within the 500 foot distance is not detrimental to the spiritual activities of the church, under MGL c. 138, §16C.

6. **Police Incident Report 15001194:**

**Soap and Suds d/b/a Royal Restaurant** – No one appeared on behalf of Soap and Suds. The Board tabled this item for the time being.

**Weilsi Corporation d/b/a Holiday Inn** - Appearing before the Board was Leonard Velarde and Steven Sfarzo, General Manager of the hotel. Chairman Lamb asked if they had read the report and they said they did. Chairman Lamb asked if they had any questions and Mr. Sfarzo stated that he did not. Detective Lt. McCabe gave a summary from the report. Mr. Sfarzo stated that they were responsible. They had been there for about 20 years and never had an issue. Chairman Lamb stated that they have a policy here in the City to implement a training program when there is a violation in a compliance check. Mr. Sfarzo explained how Mr. Velarde is a TIPS certified instructor and all their servers are trained. Both gentlemen stated that they are very sorry. Commissioner Mullen stated that unfortunately we will be issuing a suspension for one day. We want to have an impact, but we don't want to kill business. We try to pick a Tuesday or Wednesday. Mr. Sfarzo asked if they could pick the date; I know that we messed up, so whatever you decide is fine. Commissioner Mullen stated that he didn't want to put the power in their hands, but what date would be better. Mr. Sfarzo stated that any customer we turn away will hurt, but we have catering businesses and corporate functions. Our lowest capacity is between February 28 and March 1, 2015. Commissioner Mullen stated that they would need to waive their appeal period. Mr. Sfarzo stated that they would. Chairman Lamb asked if they had a training policy and the answer was yes. Chairman Lamb asked if they had brought a copy for the Board and Mr. Velarde supplied documents.. Chairman Lamb stated that it was a three day suspension: one day served, two days held in abeyance. Commissioner Mullen made a motion suspend the license for three days; the first day to be served on February 28, 2015 and since there is proof of training, two days will be held in abeyance for two years. Commissioner Thomas seconded the motion. Motion passed unanimously.

**UR of Taunton MA, LLC d/b/a Uno Chicago Grill** – Appearing before the Board was Juan Montoya, General Manager and George W. Herz II, Senior Vice President and General Counsel of Uno Enterprises, Inc., parent entity of UR of Taunton MA, LLC. Chairman Lamb asked if there were any questions or comments and Mr. Herz said there were not, Mr. Montoya and Mr. Herz accepted the report as is. Chairman Lamb asked if there was anything Detective Lt McCabe wanted to add. Detective Lt. McCabe added that the server did not check the identification at all. Commissioner Mullen asked what has become of the bartender that was on duty. Mr. Herz stated that he was fired and the manager on duty that night was suspended for a week. Chairman Lamb asked if they had a training policy in effect and they stated they did, it was Safe Serve. The day after the incident we went to the location and retrained the staff. Commissioner Thomas asked if Serve Safe is their alcohol training or food training. Mr. Herz said it was both. Commissioner Thomas stated that he thought that was food training program. Mr. Herz replied that no, there is an alcohol program as well. Detective Lt. McCabe stated that Serve Safe was not a program approved by this Board. Chairman Lamb stated that the first offense is a three day suspension with one day served, two to be held in abeyance. Commissioner Mullen made a motion to suspend the license for three calendar days, one day to be served on March 10, 2015. The licensee will not have to come back next month because they provided have the proper training and the remaining two days will be held in abeyance for two years. Commissioner Thomas seconded the motion. Motion passed unanimously. Detective Lt. McCabe stated that if there is a third party performing the alcohol training, they may want to come before the Board so can decide if they want to approve their training program.

**Taunton Liquors** – Appearing before the Board was Vui Le. Chairman Lamb asked if Mr. Le stipulated to the facts contained in the report, he stated that he did. Chairman Lamb stated that there were a few things that needed to be fixed with the license application such as the manager issue, and the doing business as ("d/b/a") name. Mr. Le stated that he would take care of the issues. Chairman Lamb addressed the sale of alcohol to a minor under the age of 21. Mr. Le stated that the employee misread the license. Chairman Lamb asked if this employee still worked for Mr. Le and he said she did not. Chairman Lamb asked if there was any training program in place. Mr. Le stated that at that location, he has 4 employees; two of which are not trained, one of whom is his daughter. Mr. Le added that the employees have 45 days from the start of their employment. Commissioner Mullen asked what kind of program did Mr. Le have in place. Mr. Le stated STOP. Commissioner Mullen asked if Mr. Le had anything he could show the Board. Mr. Le produced the STOP cards for himself and one other employee. Commissioner Thomas asked Mr. Le if he had hired any new employees within the last six months and said he had not. Commissioner Mullen asked for copies of all the employee STOP cards. Commissioner Mullen made a motion to suspend the license for three days, one day to be served on March 10, 2015. Commissioner Mullen further stated and made part of the motion that Mr. Le returns to the next meeting on March 18, 2015 to show a copy of the certification and proof that his daughter and the new employee have begun the process of being server trained and lastly, the last two days to be held in

abeyance for two years. Commissioner Thomas seconded the motion. Motion passed unanimously.

Commissioner Mullen made a motion that there a be change of manager for Regal Liquors to whomever is going to be on the licensed premises more than 50% of the time and that application be submitted prior to the next meeting on March 18, 2015. Commissioner Thomas seconded the motion. Motion passed unanimously.

Commissioner Mullen made a motion that Taunton Liquors submit to the Board an application for a change of the corporate name to add a d/b/a prior to the meeting on March 18, 2015. Commissioner Thomas seconded the motion. Motion passed unanimously.

**Taunton Portuguese American Civil Club, Inc.** – Appearing before the Board is John Arruda, manager of the PACC. Chairman Lamb asked Mr. Arruda received a copy of the report and stated that he had. Chairman Lamb asked him if he accepted it as is and said that yes. Chairman Lamb stated that the Board performed compliance checks to see how our license holders are doing. I understand that you have written a letter explaining what happened. The Board members read the letter. Commissioner Mullen asked Mr. Arruda if they had already had STOP training and Mr. Arruda said that they did. The report was discussed. Commissioner Mullen stated that he felt differently about this incident as the bartender retrieved the beer once he realized he made a mistake. Chairman Lamb added that this was the first time that had been done. Chairman Lamb asked if there was anything else to add, there was nothing. Commissioner Mullen stated that his suggestion would be for the one day with nothing held in abeyance. The Board agreed. Commissioner Mullen made a motion for a three day suspension for the alcohol license but that all three days be held in abeyance for two years. Commissioner Thomas seconded the motion. Motion passed unanimously.

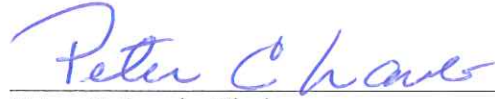
**Bertucci's Restaurant Corp. d/b/a Bertucci's Brick Oven Pizzeria** – Appearing before the Board is Sean Campbell, Area Manager and Ann Marie Escobar. Chairman Lamb asked if they had received the police report and accepted the facts contained in the report, Mr. Campbell and Ms. Escobar said yes. Chairman Lamb asked Detective McCabe to give a synopsis. Detective Lt. McCabe stated that this operative was the same operative used in the last compliance check. He further stated that the identification was checked. Mr. Campbell stated that this was the restaurant's second offense in a two year period. Mr. Campbell reported that the bartender and the general manager were terminated. Mr. Campbell further stated that he had taken over the responsibility of this restaurant and that he would be appointing someone soon to the management position soon. Everyone at the restaurant is TIPS certified. New employees have not been trained but there is a scheduled on March 12, 2015, and everyone will be retrained. Commissioner Thomas stated that the last time Bertucci's was before the Board, there were not given any days held in abeyance because they had such a strong policy. Detective Lt. McCabe wanted to discuss the manager issue. Mr. Campbell stated that the paperwork was in the process and that it

should be submitted to the Commission by weeks end. Commissioner Thomas asked if it was fair to say that by our next meeting we should be able to have a manager change application and Mr. Campbell said, yes. Chairman Lamb asked if there were any other items to discuss. Commissioner Thomas stated that he thought it should be a total of four or five days with some days held in abeyance. There will be a couple of days – not back to back. Probably to be served on a Tuesday or Wednesday. Chairman Lamb suggested five days total with two to be served with three held in abeyance. Commissioner Mullen thought that sounded good. Commissioner Mullen made a motion to suspend the license for five calendar days with one day to be served on March 10, 2015 and a second day to be served March 17, 2015. Because the Board feels that the licensee has proven proper training so the other three days will be held in abeyance for two years. Commissioner Thomas seconded the motion. Commissioner Mullen made a motion that the new manager be present for the March 18, 2015 meeting with the proper paperwork submitted at least two weeks prior. Commissioner Thomas seconded the motion. Motion passed unanimously.

**Soap & Suds, Inc. d/b/a Royal Restaurant** – No one appeared for the meeting. No communication was received regarding this hearing. Chairman Lamb suggested a discussion to move forward with the suspension for the failure to appear. Commissioner Mullen made a motion to suspend the alcohol license for seven calendar days. Five days to be served March 9, 10, 11, 12 and 13, 2015, consecutively and two days held in abeyance for two years. Additionally, another notification is sent to them describing the discipline and asking them to appear at the next meeting. Commissioner Thomas seconded the motion. Motion passed unanimously.

**Old Business – Prestige Carwash & Gas of Taunton, Incorporated.** The Board recently received a communication from Attorney David Gay stating that parking spaces were amended and accepted by the Planning Board. The Planning Board approved the plan. Detective Smith stated that there was an issue with the used car license and the parking for the patrons. Commissioner Thomas stated that when the Board approved this license application, it was approved for the parking on the west side. Chairman Lamb stated that Prestige changed the license as approved and Commissioner Thomas agreed. Detective Smith suggested that Prestige be invited to the next meeting. Chairman Lamb agreed. Commissioner Mullen made a motion to request the presence of Prestige Carwash & Gas of Taunton, Incorporated at the next meeting to explain the parking situation. Commissioner Mullen seconded the motion. Motion passed unanimously

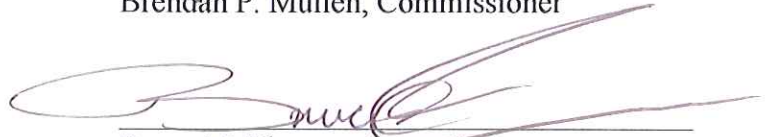
Commissioner Mullen made a motion to adjourn. Commissioner Thomas seconded the motion. Meeting adjourned at 8:32 p.m.



Peter C. Lamb, Chairman



Brendan P. Mullen, Commissioner



Bruce M. Thomas, Commissioner