



CITY OF TAUNTON

LICENSE COMMISSION MEETING

MINUTES OF THE MEETING

April 29, 2015

7:00 p.m.

PRESENT:

Chairman Peter Lamb
Commissioner Brendan Mullen
Commissioner Bruce Thomas

For the Police Department:

Chief Edward Walsh
Detective Dennis Smith

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

1. Minutes of the meetings from March 18, 2015. Motion made by Commissioner Mullen to accept the minutes. Motion was seconded by Commissioner Thomas. Motion passed unanimously.
2. **Application for a Special Alcohol Permit** – Applause Academy. Appearing before the Board was Heidi Stipetic of 21 Main Street. Ms. Stipetic informed the Board that she had just recently acquired 25 Main Street and was combining both facilities with a grand opening gala on June 12, 13, 14, 2015. Ms. Stipetic would like to acquire a beer and wine license to offer to patrons; she would be selling alcohol from 6:30 – 7:00 and during 20 min intermission. Ms. Stipetic went on to explain that there will be a TIPS certified bartender to dispense the beer and wine and bracelets will be worn. She went over the floor plan and described where the alcohol will be served. Chairman Lamb asked where the alcohol would be purchased from and Ms. Stipetic said "a vendor." Chairman Lamb asked if everything would be inside and Ms. Stipetic said that it would be. Chairman Lamb asked Detective Smith if there would be a need for police details, Ms. Stipetic didn't believe so. Commissioner Mullen

made a motion to approve the application for a special permit. Commissioner Thomas seconded the motion. Motion passed unanimously.

3. **Holy Ghost Society** – Appearing before the Board is Joseph de Mello and Edward Valado. Chairman Lamb explained the dates on the permit and asked if anything had changed from previous years. Attorney de Mello stated that they had put up the rope fence and blocked the field. Chairman Lamb asked about wristbands and was told that they would be used. Attorney de Mello inquired about the outdoor liquor situation. He stated that they came before the Board back in 2013; they made the requested changes and the ABCC came out and inspected. Attorney DeMello asked if they covered or not. Chairman Lamb explained to him that the local Board had no issues with the outside seating area. That it was the ABCC and that the ABCC needed to come down and reinspect. Chairman Lamb agreed that it was time to move forward and perhaps Detective Lieutenant McCabe could get in touch with the investigator to see exactly what was needed. Commissioner Mullen made a motion to approve the special alcohol permit. Commissioner Thomas seconded the motion. Motion passed unanimously.

4. **Aaron Amaro – Application for a Section 12 license.** Appearing before the board is Aaron Amaro. Mr. Amaro stated that he was basically looking for a beer and wine seasonal pouring license. Chairman Lamb asked Mr. Amaro to walk the Board through the floor plan. Chairman Lamb asked if the parking was in the front. Yes. Commissioner Mullen stated that he had some concerns regarding the location of the bathrooms. Mr. Amaro stated that there was an entry way from the back for access to the bathrooms. Commissioner Mullen stated that was his one concern: access to the bathrooms and asked if the guests would need to go through the kitchen. Chairman Lamb asked if the guests would need to go outside to access the bathrooms. Commissioner Mullen stated that he would like to see access from the dining area directly to the bathroom. Mr. Amaro stated that it is a seasonal operation; if we stayed open year round, we would probably change it. He further added that it would be difficult to change it right now, but down the road, possibly. Chairman Lamb asked if he was doing this as a "doing business as" was he personally running this business and he explained that he was a sole proprietor. Chairman Lamb asked who the landlord was. Mr. Amaro and his brother own the building under a limited liability company. Commissioner Thomas stated that he thought the Board was going to need a lease between the LLC and Mr. Amaro because the LLC owned the building. Commissioner Mullen asked Mr. Amaro about the serving of alcohol. It would be a counter service. Chairman Lamb asked who was going to serve the alcohol; would it be the same people who served the ice cream. Mr. Amaro stated no; they are only kids who are 16 – 17 years old. Chairman Lamb inquired about storage. Mr. Amaro stated that he was still figuring that out. Commissioner Mullen asked if Mr. Amaro had gone through the Building Department yet and he said that he had. Mr. Amaro stated that he was going to start the food in three weeks, take out, etc. Commissioner Mullen stated that if it was take out, he was satisfied with the situation. Chairman Lamb stated he had a couple of issues: lease, storage and the bathrooms.

Commissioner Thomas stated that they would need to know about the storage. Not the service, the storage. Commissioner Thomas asked Mr. Amaro where he planned to put the storage. Mr. Amaro answered that he hadn't figured that out yet. Commissioner Thomas stated that we would need to have this all figured out before it goes to Boston; it makes the process easier. Chairman Lamb stated that you need to show the ABCC that you have control over the alcohol at all times. Mr. Amaro asked what the Board suggested he do. Chairman Lamb stated that he needed a lease between the owners of the property and Mr. Amaro as the proprietor of the establishment. Commissioner Mullen stated that Mr. Amaro needed to establish a lock/storage area for the alcohol. Mr. Amaro asked if that was for the excess alcohol not in the cooler. Chairman Lamb said yes and added that the coolers should lock as well. Detective Smith suggested that Mr. Amaro have Detective Lieutenant McCabe take a walk through the building and check the bathroom access. Mr. Amaro stated that he could do everything with the exception of the bathrooms. Detective Smith suggested that Mr. Amaro contact the building inspector. Perhaps he could obtain something in writing from the Building Inspector that the bathrooms are acceptable because it is a seasonal business. Chairman Lamb asked about the outside service windows for the ice cream or alcohol. Mr. Amaro replied it was only for the food and ice cream, not for alcohol. Discussion of serving alcohol through the windows. Commissioner Mullen added that Mr. Amaro did not want his under-aged servers near the alcohol, it would need to be separated. Chairman Lamb suggested postponing the application for a month. Commissioner Mullen made a motion to continue the Section 12 application for Aaron Amaro for the May meeting. Commissioner Thomas seconded the motion. Motion passed unanimously.

5. **Sousa & Lee – Off Broadway. Status of License Transfer.** Appearing before the Board was Attorney Ken Leitner and Agostino Farese. Attorney Leitner explained how Mr. Farese purchased the building in September in 2014. The P&S included a provision to purchase the building with the approval of the liquor transfer. The investigator at the ABCC asked for more information regarding the 1031 exchange. The investigator called on January 22, 2015 and Attorney Leitner resent it. Attorney Leitner indicated that he spoke with the investigator that day and he said that they cannot locate the information; that they are overwhelmed at the ABCC and asked if I could resend it to them. Chairman Lamb asked Attorney Leitner if they were just waiting for the last piece of paper and was told that he was. Chairman Lamb asked if the Board was satisfied. Both Commissioner Mullen and Commissioner Thomas replied yes.
6. **Taunton Sports Club – Status of Change of License Type.** Chairman Lamb indicates that Attorney Alan Medeiros has sent a communication requesting a continuance request until the May meeting. Commissioner Mullen made a motion to continue the matter till the May meeting. Commissioner Thomas seconded the motion. Motion passed unanimously.

7. **New Weir House of Pizza – Corrective Measures.** Chairman Lamb asked the audience if anyone was at the meeting from New Weir Pizza. There was no reply. The Board discussed the fact that the licensee was required to bring in the paperwork as proof of the corrective measures and apparently they did not. Commissioner Thomas states that they will have to serve one of the two days held in abeyance. Commissioner Thomas made a motion that the license be suspended for one of the two days held in abeyance with that day being Monday, May 11, 2015. Commissioner Mullen seconded the motion. Motion passed unanimously.
8. **Weir Associates d/b/a McGrath’s Café – Corrective Measures.** Chairman Lamb made an announcement that the record should reflect that Weir Associates d/b/a McGrath’s Cafe did submit their paperwork indicating their compliance.
9. **Ilhia Brava, Inc. d/b/a TJ’s Diner – Alleged Violation of Rule 3.06(A).** Appearing before the Board is Mr. and Mrs. Pires who remarked that the restaurant was closed because they had gone on vacation. They added that they thought the law had changed and that they did not need to notify the License Commission. Commissioner Thomas stated that the law did not change. Commissioner Thomas asked Mr. and Mrs. Pires if they had a copy of the City of Taunton Rules and Regulations Relative to Alcoholic Beverage Licenses and Entertainment. Mrs. Pires said that she did. Chairman Lamb read Rule 3.06(A) into the record:

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- A. License are granted to serve the public needs and to that end Licensees are expected to operate the license for a substantial number of hours on all days when the Premises are permitted to be open under the terms of the license. No license under these Rules and Regulations may close its place of business for any reason other than the following:
 - (1) Upon approval of a request to the Commission for closing in order to do renovations for a reasonable time;
 - (2) For all holidays and religious days;
 - (3) A closing of one or more days per week upon approval of a request to the Commission and a showing by the Licensee that it does not have adequate business upon such days;
 - (4) Emergencies. The restriction in the preceding paragraph shall not apply to a closing due to an act of God, natural disaster, illness or some other business problem for which request had been made to the Authority and approval granted.
- B. Failure to provide such notice or obtain approval for such closing or cessation for more than fifteen (15) days may result in the suspension or revocation of the License."

Chairman Lamb advised Mr. and Mrs. Pires that they could just send a letter to the office and that would suffice. Commissioner Mullen made a motion to put a note in the file regarding this warning and advising the licensee to notify the Board for any

future closings for more than 1 day. Commissioner Thomas seconded the motion. Motion passed unanimously.

10. **La Familia – Request for Change of Hours.** Commissioner Thomas excused himself as he owns the property next door to the licensed premises. Appearing before the Board is Attorney Robert Fredericks, who represents the licensee. Attorney Fredericks stated that the current license has Sunday hours 12:00 noon - 9:00 p.m. and his client is looking for an earlier start of 9:00 a.m. to serve brunch. Detective Smith stated that they couldn't start at 9:00 a.m.; it had to be 10:00 a.m. Chairman Lamb asked the Board if there were any concerns. Chief Walsh stated that the parking situation on the road is getting dangerous. Attorney Fredericks acknowledged the situation and stated that his client was working on it. He wasn't sure why people were parking in the street. Chief Walsh stated that the road was actually under the jurisdiction of the Massachusetts Department of Transportation and if it continued being problematic, then it would need to be addressed. Attorney Fredericks stated that he understood and reiterated that they were working on it. Chairman Lamb asked if they had implemented any of the TIPS or STOP training, Attorney Fredericks indicated that the staff left over from the former Curley's Pub were all TIPS certified and any new waitresses were already TIPS certified when hired. Commissioner Mullen made a motion to approve the expanded hours for a start time of 10:00 a.m. on Sundays. Chairman Lamb seconded the motion. Motion passed unanimously.
11. **J.B.S. – Presentation of Alcohol Server Training.** Appearing before the Board was James Staples and Janet DeCarlo-Staples who indicated that they would like to be added to the Board's approved list of alcohol server trainers. They went on to state that they have over 10 years of experience and their program is similar to TIPS. They educate safe sales of alcohol beverages, how to deal with underaged kids, etc., and have received a high rating on their testing. Chairman Lamb inquired as to whether the training was in person and was told that everything is hands-on training. Chairman Lamb asked if they conduct the program for second languages and was informed that it is only available in English. Mr. Staples added that J.B.S. felt that one needed to read all of the information and know what it says. Ms. DeCarlo stated that J.B.S. would incorporate Taunton's regulations with the training; not just the State regulations. Commissioner Mullen asked how long their certificate is valid for and was told three years. Chief Walsh made a suggestion that the packet be referred to his office for review. Chairman Lamb stated that he was in favor of approving J.B.S. subject to the approval of the Taunton Police Department. Commissioner Mullen made a motion to include J.B.S. in the list of approved vendors subject to review by the police department. Commissioner Thomas seconded the motion. Motion passed unanimously.
12. **Prestige Gas & Carwash** – Appearing before the Board is Attorney Matthew Costa and Ronen Drory. Attorney Costa thanked the Board for continuing the meeting from the previous month. Attorney Costa went on to say that there was a concern

regarding the three spaces which had been designated as employee spaces and were now expected to be designated as customer spaces. He stated that he looked back at the meeting minutes, and the video of the initial meeting and based on his review of all of that was that the motion made was for the approval of the license with the condition that the licensee comply with the approved site plan. However, Mr. Drory was not complying with the site plan. The spaces weren't being used by the customers and he needed to change the site plan. Chairman Lamb stated that when we looked at everything, there appeared to be quite a bit of activity on the location. Our concern was what was going on at the property. We referred to the site plan because we didn't want to counter what another City board was deciding. Commissioner Thomas stated that if he was not wrong, Mr. Drory agreed had to that. Attorney Costa made the comment that it is the vote of the commission that is the act of the commission; not the discussions beforehand. When the vote was taken, that was not the vote. The whole point of the dealer spaces was to keep that space to a minimum. The point of that was to keep that area safe. Chairman Lamb stated that it was the Board's concern regarding the number of stationary vehicles on the side of the building and in the front of the building. We still have concerns about the amount of activity going on in the location. We had a lot of discussions about how much activity would be going on. Mr. Drory stated that he only sells about \$50-\$70 of alcohol a day, it is not the main focus. Honey Dew was taken out so there is now less activity on the site. For me to agree to switch the spaces, I did not have jurisdiction to change that. The dealer had to change the spaces. Then I was told that I couldn't just do that. I had to add guardrails, etc. If I had known, I would have designated him to another spot. Chairman Lamb stated that it was the Board's original intent to determine how Mr. Drory was going to use the spaces. Attorney Costa stated he was not understanding what the requirement was for those spaces; is it that they are supposed to be customer spaces or employee spaces. Chairman Lamb stated that they were not supposed to be used as dealer spaces. Commissioner Thomas stated that when the Board approved this, there was a lot of opposition. There was a lot of activity on the site. We stated that if we were to add to this location, we wanted improved access. We talked about it – they said no problem. There were 14 spots amongst the side of the building. There were 3 cars on the side of the building and they said that they would move those cars and designate those spaces for us. Never was there a discussion on Mr. Drory changing the site plan. Mr. Drory asked if there was something against the dealer, Commissioner Thomas said no. Attorney Costa asked for clarification that those particular spaces should be empty. Yes. Attorney Costa stated that the vote wasn't that the spaces remain empty. Chairman Lamb argued that the spaces were not to be used as dealer spaces. Our concern was that they were on their way to be permanent dealer spaces. You subsequently, after the license was approved, went and turned them into permanent spaces. Mr. Drory answered for which is the best use for the space. In your opinion, replied Chairman Lamb. "You don't think so?", asked Mr. Drory. Chairman Lamb said no, the Board was concerned, not that there were cars parked there, but that they were clearly unregistered cars. At no time did you state that you were going to go in front of the Planning Board to switch the spaces. Mr. Drory replied that yes, he did.

Commissioner Thomas stated that yes, you did. You stated that you were going to move the three cars back to the dealer. Mr. Drory stated that if there was any confusion or misunderstanding, he wasn't trying to trick anyone into this. Chairman Lamb told him that was not what the Board thought. Mr. Drory stated that no one goes out of their way to come and buy beer at his place. Commissioner Mullen added that was the reason why the Board approved the application. Mr. Drory stated that perhaps he wasn't clear and Chairman Lamb stated that it was probably a miscommunication between all of us. Detective Smith stated that he thought that the confusion comes in when you applied for the license, I went down to your place and looked at the site plan and that is when we found that the 3 cars were not where they belonged, so we brought it to your attention. When your application was being processed, the cars were still there. I was on vacation the night you were granted with license. I think they said that you needed to comply with the site plan and you agreed. Then the cars were being moved; people got upset. You are in business and everyone wants to be in your business. There are a lot of car dealers out there that don't want the cars there, calls are made back and forth. I think that is when you told the dealer that he couldn't put the cars there again. Then we get a letter that says those three cars are now in place. So I think everyone here, including myself, felt duped. Mr. Drory responded that he thought there was a miscommunication between all of us, he thought he was fixing it the right way. Chairman Lamb stated that there will be a discussion between the Board regarding the spaces; one of the concerns is that there is a lot going on at the site. Need to review the overall traffic pattern. Commissioner Thomas made a motion to take the matter under review. Commissioner Mullen seconded the motion. Motion passed unanimously.

13. **BD&W, Inc. d/b/a Mama Kings – Request for Extended Hours.** Appearing before the Board was Miledys A. Valentin and Francisco Nova. Ms. Valentin and Mr. Nova stated that they wanted to extend the hours on Thursday, Friday and Saturday from 1:00 a.m. to 2:00 a.m. Mr. Nova acknowledged that they would have to hire a detail police officer if the request was granted. He admitted that it would cost them a lot of money, but they only wanted the extended hours on those three days. Commissioner Thomas asked Mr. Nova if they didn't think they needed a police officer now with a 1:00 a.m. license and he said no, we have a security guard. Commissioner Thomas commented that he didn't think the security guard was working. Commissioner Lamb stated that the Board liked to be consistent; we rolled everyone back to a 1:00 a.m. and then are making decisions on a case to case basis. So when we go to look at a 2:00 a.m. request, we look at the activity level in that neighborhood. We have had a number of issues. We look at the number of service calls that the police have to get involved in. I asked the police department to pull service calls. You have had three calls for fights just this month. They may not be all of your patrons, but there is an address associated with the call and it is your address. Upon review of the service calls, Chairman Lamb commented that there had been fourteen incidents in one year and three in the last month. The Board is not totally favorable of a 2:00 license, but it is based on a case to case basis. This will also put a 2:00 a.m. license next door in a district that we have already had an issue with. Ms.

Valentin stated that she was very surprised. Commissioner Thomas stated that the establishment was in the newspaper the other day. Mr. Nova stated that he sent a letter to the editor of the newspaper asking why the reporter mentioned Mama Kings. Commissioner Thomas asked Mr. Nova if he had read the article and Mr. Nova replied that he had. Commissioner Thomas added that the police stated that the customer had come from Mama Kings. Mr. Nova stated that Mama King's has a 1:00 a.m. license, and Bobby's Place has a 2:00 a.m. license. As soon as we announce last call, our patrons leave and go to Bobby's. Mr. Nova continued stating that he didn't even know who that individual was. He read the article and sent a letter to the editor to see how he got his information. According to what the girl said, she went to Bobby's after Mama Kings and after she paid the cover charge, Bobby specially asked her to get out because she was a trouble maker. Commissioner Thomas stated that according to the article, the police had an issue outside when she was coming down the street. Even the police officer left Bobby's and went down the street to the argument. Commissioner Thomas stated let's assume that isn't true. There are three more calls – all close to closing at 1:00 a.m. All of your problems are coming right at 1:00 a.m. Mr. Nova stated that the police just show up at the restaurant. Someone must call. Commissioner Thomas asked Mr. Nova if the restaurant address is 76 Weir Street and Mr. Nova said that it was. Detective Smith explained that it be someone outside; it doesn't have to be inside the establishment. We can get calls that state there is a fight outside of Mama Kings. Or it can be on Hill Street and once everyone is all calm, we'll ask what is going on. Someone might state that it started over at Mama Kings. Commissioner Mullen stated that since you took over in January, 2014 there have been eighteen calls, ten of which occurred after midnight. Chairman Lamb added that you are required to be a good neighbor. The Board feels that there are issues going on in your neighborhood that are a result of your establishment. Commissioner Mullen stated that he had an issue with requesting later hours; you have late hours now and if you add more alcohol, it is going to create problems, nothing good happens after midnight. Mr. Nova stated that is he was granted a 2:00 license, he would pay a lot of money for details. He added that his customers keep asking why Mamma Kings doesn't get a late license. Our customers go to Bobbys. Chairman Lamb responded that the Board was not having problems with Bobby's. Giving our experience with the 2:00 license, giving the issues, I am not in favor of issuing a 2:00 license. Chief Walsh explained to Mr. Nova that based on the occupancy permit, they would need three detail officers for a total of \$9,300. General rule is that there are guidelines based on occupancy. Commissioner Mullen stated that if the Board were to issue a 2:00 a.m. license, there would be a requirement for three detailed officers. Mr. Novo stated that if this continues to happen, then the next step is that we are going to lose the license. Chairman Lamb agreed; that if it continues to that level. Commissioner Mullen stated that you need to defend your establishment; this is your livelihood, this is your license. You need to make sure when they leave, that they actually leave. Commissioner Thomas added that we are making this decision with what we have received from the police department, and the Chief, and the report of Lieutenant John Joyce who was involved in an altercation just last weekend. Commissioner Mullen added that this is not based


on any other establishment; I have not heard any complaints. Ms. Valentin stated that they were going to try and control the outside issues. She added that she wasn't sure how, but they are going to try. Chairman Lamb suggested extending their presence to outside the building. Commissioner Thomas made a motion to deny the request for extended hours. Commissioner Mullen seconded the motion. Motion passed unanimously. Chairman Lamb stated he had one other question: where was Mama King's getting their alcohol from. Mr. Novo stated Quality Beverages, Horizon, etc. Chairman Lamb stated that the Board has had other issues and just wanted to make sure that you are in compliance.

14. **New Business:** Meeting dates scheduled for May 20th, June 24th, July 15th and August 19th.

Commissioner Thomas made a motion to adjourn. Commissioner Mullen seconded the motion. Motion passed unanimously.



Peter C. Lamb, Chairman



Brendan P. Mullen, Commissioner



Bruce M. Thomas, Commissioner