



CITY OF TAUNTON
LICENSE COMMISSION MEETING
MINUTES OF THE MEETING

August 26, 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
Chief Edward Walsh

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

1. Minutes of the meetings from July 15, 2015. Motion made by Commissioner Mullen to accept the minutes. Motion was seconded by Commissioner Thomas. Motion passed unanimously.
2. **B&DW, Inc., d/b/a Mama King Spanish Restaurant, 76 Weir Street – Police Report #15013248** – Appearing before the Board was Miledys Valentin and Jose Santiago. Chairman Lamb asked if they had received a copy of the police report and they said that they did. Detective Lieutenant McCabe reads the report into the record and gave a brief synopsis. Chairman Lamb asked Ms. Valentin and Mr. Santiago if they agree with the facts of the police report and they answer yes. Mr. Santiago stated that the outside area did have chairs and umbrellas and a playground for the kids. He further stated that he and Ms. Valentin are trying to move the restaurant into a more family atmosphere; serving more food than alcohol. Mr. Santiago stated that they have a police detail now and there was a police detail on that evening. He stated that the gentleman went outside on his own. No one told him that he could go

outside. No, we never did ask permission for the chairs outside because we didn't want to sell alcohol outside. We are trying to cut down on the alcohol because it causes too many problems. We are losing money; a lot of money, but that is what we have to do. Chairman Lamb asked about the locked gate and if there was an issue. Detective Lieutenant McCabe said that he believed it was okay because there was another form of egress in the back. Chairman Lamb stated that he was glad to know that they are aware that they cannot serve outside and that they are training the staff. Chairman Lamb added that if they ever wanted to alter the premises, they needed to do it the proper way. Commissioner Thomas stated there were a lot of issues in the past; the Licensee has been reprimanded and they have listened and taken our advice. Chairman Lamb inquired if the details were working. Detective Lieutenant McCabe stated yes. Chairman Lamb asked if there was anything else. Detective Lieutenant McCabe asked if the increase in chairs was an increase in occupancy. Commissioner Thomas asked Ms. Valentin how many seats does your restaurant license have. Ms. Valentin answered 90 sets. Commissioner Thomas asked how many seats outside. Ms. Valentin stated 8 seats outside. Commissioner Thomas asked where did you get the chairs for outside. Mr. Santiago stated inside. Commissioner Thomas stated that was fine; as long as you don't exceed your 90 seats. Commissioner Mullen stated that the Board wouldn't be opposed to you having a patio, if that is something you want in the future. Ms. Valentin and Mr. Santiago said okay. Commissioner Mullen asked Mr. Santiago what his first name was for the record. He replied "Jose, Jose Santiago". Commissioner Mullen made a motion that the Board put a note in the file that there was an incident. Commissioner Thomas seconded the motion. Motion passed unanimously.

3. **Benjamin's Restaurant, Inc. d/b/a Benjamins, 698 Bay Street** – Appearing before the Board is Nancy Stokes Senior Vice President of Mechanic's Cooperative Bank. Chairman Lamb asked Ms. Stokes to explain why she was present. Ms. Stokes stated that Mechanic's took over the property, the assets and the licenses and they are having an auction on September 23, 2015 and want the license to go with it. She offered that she was there to protect the bank's interest. Chairman Lamb stated that he understood her position, but since she was not before the Board requesting a transfer, then the Board would just look at this as a license status. Ms. Stokes stated that she did not know what that meant. Chairman Lamb stated that the license is not a tangible license; it was not like a lease that you could step in and take over. Ms. Stokes stated that it was an asset of the corporation; that she had a UCC security interest in it. Chief Walsh advised her that the license belongs to the City. She stated she understood that. Detective Lieutenant McCabe read part of the statute (Chapter 138, Section 23) into the record which stated that there was no property right in the license unless there is an approval of a pledge by the local licensing board and the ABCC. Ms. Stokes stated that she understood that. Detective Lieutenant McCabe stated that had not been done in this particular case. I understand that responded Ms. Stokes. She added that someone had dropped the ball way back when and she was asking for 30 days. Commissioner Lamb stated that this Commission had the ability

to put the license holder on notice that at the end of a certain period that if the license isn't viable, we have the right to revoke it. I believe that we are already passed the 90 days of our initial notification that they were closing down their business, so I think that this Commission would consider putting them on a 90 day notice that we will not take any action to revoke the license for 90 days. We'll revisit it at our November or December meeting. Commissioner Thomas made a motion to extend the license until the December meeting. Commissioner Mullen seconded the motion. Motion passed unanimously.

4. **Aaron Amaro d/b/a Amaro Brothers Ice Cream & Burgers, 478 Middleboro Avenue** – Application for a Change of hours. Appearing before the Board is Aaron Amaro. Chairman Lamb stated that Mr. Amaro had put in an application to change his hours from 10:00 p.m. to midnight every night of the week. Aaron Amaro states that some people are showing up at 9:45 and we are currently closing at 10:00. He does not want to rush those customers out. Chairman Lamb asked Mr. Amaro when did he plan to close for the season. He said that was a question he had planned to ask the Board; but no later than December 20, 2015. Detective Lieutenant McCabe suggested that Mr. Amaro could just send the Board a letter so that they are aware. Commissioner Mullen asked if there were any plans to change from a seasonal to a year round license. Mr. Amaro stated right now, no, maybe in 2 or 3 years. Commissioner Thomas made a motion to change the closing hour from 10:00 p.m. to midnight. Commissioner Mullen seconded the motion. Motion passed unanimously.
5. **OV's Restaurant, Inc. d/b/a OV's Restaurant, 34 Old Colony Avenue** – Application for a Change of hours. Appearing before the Board was the owner Hovannes Dolarian. Chairman Lamb asked Mr. Dolarian if there was a specific time he wanted to start serving alcohol on Sundays. Mr. Dolarian stated no. He added that he had called around to see what other places do. Chairman Lamb stated that this would fall under the brunch rules and that would be 10:00 a.m. Mr. Dolarian stated that would be fine. Chairman Lamb asked what time did he open now and Mr. Dolarian stated 7:00 a.m. Detective Smith explained that his current license allows him to serve alcohol at 8:00 a.m., Monday through Saturday. With this approval, he can start serving alcohol at 10:00 a.m. on Sundays. Chairman Lamb asked what time does the restaurant close. Mr. Dolarian stated the he normally closes at 8:00 p.m. on Fridays, sometimes earlier on the other days and closed on Tuesdays. Chairman Lamb stated that your license does not indicate those hours. Please send us a letter stating that you are closed on Tuesdays. Mr. Dolarian stated okay. Detective Smith explained to Mr. Dolarian why he is supposed to be open when his license states. Commissioner Mullen made a motion to approve the change of hours. Commissioner Thomas seconded the motion. Motion passed unanimously.
6. **Ruby Tuesday, Inc. d/b/a Ruby Tuesday, 2097 Bay Street** – Application for a Change of Manager. No one from Ruby Tuesdays appeared for the meeting. The Board continued the matter till next month.

7. **Holy Ghost Society of East Taunton, Inc. 545 Middleboro Avenue** – Appearing before the Board is Attorney Joseph deMello and Ed Valadao. Attorney deMello gives a brief synopsis of the status. Attorney deMello goes over the new plan with the fence. Commissioner Mullen made a motion to resubmit the form 43 for reconsideration to the ABCC. Commissioner Thomas seconded the motion. Commissioner Mullen added that the motion was subject to Detective Smith’s inspection. Agreed. Motion passed unanimously. Mr. Valadao inquired about the special permit application as they have a function planned for September 27, 2015.

8. **BaHa Brother’s Pub and Restaurant, d/b/a BaHa Brothers Sandbar Grill, 64 Weir Stret – Application for an Alteration of Premise.** Appearing before the Board is Joseph E. O’Connell, corporate vice president and Attorney Bradford Louison. Chairman Lamb asked if everything had been submitted. Attorney Louison stated that he believed so. Chairman Lamb stated that he believed we have verification from the city departments and that everything is in order. Attorney Louison stated that the alteration had to do solely with the outdoor 30 seat patio for serving of alcohol, food, entertainment and no smoking. As you may recall they did construct the patio without coming to you beforehand but they have not used it. The special permit was granted by the Municipal Council in 2011 for a 30 person outside patio as well as a 100 seat function room. Due to some issues as to where the patio was going to be and a civil lawsuit, there was an application brought before this Board, and was withdrawn and never utilized. The owners inadvertently thought it was okay to build it, and they did build it. They realized thereafter that they needed to come before this Board for an alteration. The patio was contemplated by the special permit and if you recall looking at the photograph, the patio took up 3 parking spaces which were already there in existence. Commissioner Thomas inquired about 30 seats and a bar at the outside patio. Mr. O’Connell stated 30 people and a small bar for people to lean against; 4 or 5 tables. Commissioner Mullen asked if there was a service bar already on the patio. As of right now, no, stated Mr. O’Connell. Mr. O’Connell asked if that was something we would need to revisit later. Chairman Lamb stated yes, because right now you have a permit for a patio and seats. Not a service bar. Chairman Lamb asked how this worked as far as access for the fire department. Mr. O’Connell gave a brief explanation. Mr. O’Connell stated there was a one way gate with a latch. Detective Smith stated that he didn’t see a problem with it; that we could address it during renewal and the inspection. Commissioner Mullen stated that if the Building Department signed off on it, then it should be okay. Mr. O’Connell stated that they had also put up a No Parking sign in the spot next to the patio so that it would be clear. Commissioner Thomas asked about the handicapped spot. Mr. O’Connell replied that the handicapped space was still there. Commissioner Thomas stated that he did follow up with City Planner Kevin Scanlon and Building Inspector Robert Pirozzi and everything is in order. Commissioner Mullen stated that the Board’s concern is that you are in compliance with every other board and every other department and that is what we have confirmed. Chairman

Lamb asked if anyone wished to speak in favor or opposed to the application. Greg Koldys stated that he was the attorney for Robert Asack who owns Bobby's Place. He stated that he felt he didn't need to remind the Board that this was a troubled site; it has been a troubled site for a while. They did work on the patio without coming before the Board. They withdrew their petition in 2012, but did the work anyway. Attorney Koldys went on to state that the BaHa Brothers substantially enlarged this operation and put in a function hall that needed a waiver of 86 parking spaces. They were granted the waiver of the 86 parking spaces over the objection and concern of the police and fire departments, but I guess the City Council was not aware of those concerns when they granted the waiver. Now they are looking to reduce that parking even more by taking out an additional 3 or 4 spaces. It has created a difficult situation for my client because now with their enlarge operation next door, and with less parking, cars are now parking everywhere in that area. There was some litigation previously filed, as I am sure you are aware, and when the litigation ended, the discussion was that if the BaHa Brothers came back with any more work to do regarding installing a deck, or outdoor seating area, then it would be in a different location. I think that has been noted in the minutes of your meetings and I think the petitioner has acknowledged that was the case. The litigation was resolved and now they put the deck and seating area back in the original location and it creates a difficult parking situation for everyone. The building permit was just issued back in July or August. By allowing this to go forward, you are further creating a difficult and hazardous parking for everyone in this area. We say that the petition should be denied. Robert M. Asack then spoke. He stated that he was the owner of Bobby's Place, an abutter. He stated that they went to Court. The BaHa Brothers attorney asked his attorney what could be done to resolve the matter. Mr. Asack was told that they would move the patio if he dropped the case. They lied; they didn't send the paperwork to my lawyer. They lied to this Board last week. They have done nothing but lied. Mr. O'Connell asked Mr. Asack if he was calling him a liar. Mr. Asack said "Yes, I am." The Board advised Mr. Asack to calm down. Mr. Asack stated he has been there for 25 years; that there has been illegal parking and that he has two fire lanes on the sides of his building. I hope you deny this; I have spent \$10,000.00. This is a sin. I have been there 25 years and they are just renters. They don't respect anyone. Chairman Lamb stated that he agreed with some of what you said. I was on the Board at that time, we did agree to approve the alteration of premises subject to if the Court decided that it was not to be there through the civil action, we made it clear that they were subject to that risk. At the time, there was nothing in the record that if it was denied it would go in a different place. I think this has been a complicated matter; you gentlemen have not followed the process. We have tried to direct and guide you through it. The last thing we asked for was from the City Departments and we have received that approval and if there are other issues with Zoning or fire safety, I am not sure that this Board has enough to counter what the other departments are approving. Commissioner Thomas stated that there was a waiver for 86 spots. Yes. Commissioner Thomas asked if the 86 included the 4 spots for the patio. Attorney Louison stated yes. Commissioner Thomas stated it wasn't 86 plus 4; it's 82 plus 4

for 86. Yes. Commissioner Mullen stated that as far as we know, there is a signed permit for the deck, there is also been reviewed by the Planning Board and that is active. I believe those are the only two departments that play a role in this. Chairman Lamb agreed and stated that the licensee has met the Board's guidelines. Commissioner Mullen added that he understood the argument of Mr. Asack and his attorney but we cannot make our decision based on that; we need to make it based on our guidelines. Chairman Lamb asked Mr. O'Connell if he understood that this needed to be approved by the ABCC and it cannot be used until then. Mr. Asack asked if there was an appeal period. Chief Walsh stated that you don't have a right to appeal Mr. Asack; you aren't a party. Commissioner Thomas asked what the appeal process was. Chief Walsh stated Superior Court. Commissioner Mullen stated that based on the information and the documents we have in place, I make a motion to approve the alteration of the premises. Commissioner Thomas seconded the motion. Chairman Lamb as if there was any discussion. Chief Walsh stated that there was a concern about the fire egress. I would suggest checking with the fire department to ensure that it is okay. Commissioner Mullen stated that he would amend his motion to approve the alteration of premise subject to an inspection by the fire department for safety issues. Commissioner Thomas seconded the motion. Motion passed unanimously. We will hold the paperwork pending approval of the fire department.

New Business – Maria Palma, Carribbean Barbeque Grille – Application for a Common Victualler License. Appearing before the Board is Ms. Palma who gives a brief description of the business. Chairman Lamb asked if it was a sit down service. Ms. Palma stated that it is mostly take out but there is a small seating area. Chairman Lamb asked if there was an intention to serve alcohol. Ms. Palma stated maybe beer and wine. Chairman Lamb stated that she could always do that down the road. Commissioner Mullen made a motion to approve pending the other department approvals. Commissioner Thomas seconded the motion. Motion passed unanimously.

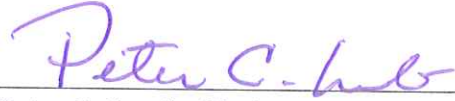
TGI Fridays, Inc. d/b/a TGI Fridays, 6 Mozzone Boulevard – Application for a transfer of Stock and New Stockholders. Commissioner Mullen made a motion to approve the transfer of stock and new stockholders. Commissioner Thomas seconded the motion. Motion passed unanimously.

Round One Entertainment, Inc. d/ba/ Round 1 Bowling & Amusement – Request for Reduction of Fees. Commissioner Mullen goes over the fees that Round 1 is paying in other states. Chairman Lamb asked the Police Chief what his thoughts were. Chief Walsh suggested that it may be a good idea to see what other communities are doing. Commissioner Thomas agreed. Commissioner Mullen stated that Round 1 was currently paying an average of \$58 per game in other venues. Chairman Lamb agreed that we should call around to see what the other communities are doing and keep that figure in mind. Commissioner Thomas made a motion to continue this matter for another month. Commissioner Mullen seconded the motion. Motion passed unanimously.

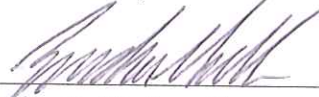
New meeting dates: September 16, October 21, November 18 and December 16, 2015.

Discussion regarding GeoTMS permitting process and the renewals.

Commissioner Mullen made a motion to adjourn. Commissioner Thomas seconded the motion. Meeting adjourned at 8:27 p.m.



Peter C. Lamb, Chairman



Brendan P. Mullen, Commissioner



Bruce M. Thomas, Commissioner