



CITY OF TAUNTON  
LICENSE COMMISSION MEETING  
MINUTES OF THE MEETING  
February 17, 2016  
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 7:03 p.m. by Chairman Lamb.

1. Minutes of the meetings from January 20, 2016 and the February 5, 2016. Commissioner Mullen made a motion to accept the minutes from the January 20, 2016 meeting and the February 5, 2016 meeting. Motion was seconded by Commissioner Thomas. Motion passed unanimously.
2. **Wendy's Properties, LLC 2089 Bay Street** – Application for a Common Victualler License. Chairman Lamb asked if anyone was appearing on behalf of Wendy's. No one was present. Chairman Lamb asked Detective Lt. McCabe if there were any issues. There were none. Commissioner Mullen made a motion to approve the Common Victualler License for Wendy's Properties, LLC. Commissioner Thomas seconded the motion. Motion passed unanimously.
3. **Giatis, Inc. d/b/a Mediterranean Grill, 983 County Street** – Application for an Entertainment License. Appearing before the Board was Maria Dimarkis, Manager. Ms. Dimarkis stated that she was looking for an Entertainment License to have in the event one of parties wanted to do karaoke or bring in their own music. Additionally, the restaurant may want to have some Greek music from time to time. Chairman Lamb asked if it would be for special events and private parties. Yes. Commissioner Mullen made a motion to approve the application for an Entertainment License. Commissioner Thomas seconded the motion. Motion passed unanimously.

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4. **Store 44, 73 Winthrop Street; 44 Express Convenience Store, 400 Winthrop Street and Baha Brothers Pub & Restaurant, Inc., 64 Weir Street** – Applications for Amusement Devices. Appearing before the Board was Attorney James Fagan who represents the Baha Brothers Pub & Restaurant, Inc. Attorney Fagan stated that the manufacturer of the gaming device is Nutel Communications, Inc. Attorney Fagan went on to describe that the kiosk is a free standing device which is owned and installed and service entirely by his principal client, Nutel Communications out of Dartmouth, Massachusetts. Attorney Fagan added that they have machines in Fall River, Acushnet and New Bedford. These machines are installed in convenience stores, gas stations and restaurants, etc. The machine sells a data plus product which is in competition with AT&T and Verizon Wireless. This company has established a technology to access the web which will give you a voucher that you can use on any phone – a cell phone or a hardline phone and access that for instant information. In addition to that, you also receive 5 phone calls anywhere in the United States free. They also have a customer incentive program that a customer can participate in if they choose and that is the amusement portion of this which is entirely a game of skill. I showed this game of skill to Detective Lt. McCabe and Detective Smith. If you choose to play, and you don't have to, but if you do, the machine gives you a selection of games that you play to establish points. You have to do that as a game of skill, not chance. There are customer rewards based on a certain number of points; rewards are various different products or you can receive a merchandise certificate for food, beverages and items found in a convenience store. Chairman Lamb asked if the machine had two separate functions and Attorney Fagan said it did. Attorney Fagan stated that its principal function and item for sale is data information and telephone information. Commissioner Thomas asked what the cost was \$1.00, \$2.00. Attorney Fagan replied that it cost \$1.00 for 20 minutes of data information. Chairman Lamb asked what type of customers buy that data. Attorney Fagan stated that he felt it would be the people who would not have the ability to own a phone. The concept is very similar to a long distance card; it gives them long distance access. So for the \$1.00, the customer can get 5 phone calls, up to 10 minutes per phone call. Chairman Lamb asked if the \$1.00 purchase automatically rolls him into the entertainment aspect at no cost and Attorney Fagan said yes. In fact, stated Attorney Fagan, you can play the play the entertainment aspect of the machine at no cost at all. One can actually access the game for no money and no reward at all. Attorney Fagan explained that when you make the purchase, the video screen will ask the player if they want to participate in the customer rewards program. Then you will have several video games to choose from – but all of these games are games of skill, not chance. Chairman Lamb asked again if it was possible to play the game without paying the dollar. Yes, stated Attorney Fagan, but you will not win the merchandise certificate. Commissioner Thomas asked if the game automatically took the player to the game section. Yes. Commissioner Thomas asked if it was \$1.00 per game. Attorney Fagan replied that it was actually four games for \$1.00. But that one can play the games without paying any money; however, the player would not receive the reward

points. Commissioner Thomas asked if there were different size machines. Attorney Fagan stated that there was a standard size machine that is similar to an ATM machine. Commissioner Thomas inquired if there was another size machine available such as a table top machine and was informed that yes, there is. Commissioner Thomas asked what the benefit would be to have one of these machines. Attorney Fagan stated that the machine is very much like an ATM machine wherein it counts all of the money and then that money is split in an even divide between his client, the owner of the machines, and the business which is hosting the machine. The company will also reimburse the store for any merchandise certificates that are cashed in off the gross receipts and then what is left after that is divided equally between my client and the business owner. Detective Smith asked what happens when you put \$10.00 into the machine and receive \$20.00 in credit; and only purchased a 99 cent bottle of water with your merchandise certificate; what happens to the other \$19.01. Attorney Fagan replied that the customer had the option of taking the change. Chairman Lamb stated that there was a payout of cash; that it was not strictly a credit for merchandise. Chairman Lamb asked if he had to buy anything at all with the credit. Attorney Fagan said yes, then qualified that there was a list of items you can choose from. Chairman Lamb stated that it appears to be a rewards based program, but there is a cash element to it. Detective Smith stated that was the point he was trying to make. Attorney Fagan stated that they were not trying to deny that; that they were up front about that with the State board and the Federal board. Commissioner Mullen inquired as to who would be paying the annual fee for the license. Attorney Fagan responded that the store would be paying the annual fee. Commissioner Mullen made a motion to approve the application for an Amusement Device License for Store 44. Commissioner Thomas seconded the motion. Motion passed unanimously. Commissioner Mullen made a motion to approve the application for an Amusement Device License for 44 Express Convenience Store. Commissioner Thomas seconded the motion. Motion passed unanimously. Commissioner Mullen made a motion to approve the Amusement Device License for Baha Brothers Pub & Restaurant, Inc. Commissioner Thomas seconded the motion. Motion passed unanimously.

5. **Fore Kicks III, Inc., 223 Fremont Street** – Chairman Lamb stated that the Board had asked Fore Kicks to come before the Board because there had been some conflicting information. There has been some communication with the President of the company and they have provided a letter in response. Chairman Lamb read the letter into the record. Chairman Lamb stated that Fore Kicks had asked to defer coming before the Board, however, in the general discussion there appears to be a few issues that need to be addressed. He added that Mr. Teager is not the named manager and that should be addressed, as well as operating the facility at his leisure and not within the hours designated Commissioner Thomas stated that the conversation he had with Mr. Teager does not necessarily reflect the what is in the letter. Commissioner Thomas added that he was the individual who originally saw the sign at the club which read “Kickback Club Closed – Only for Private Functions”. The sign said what the intention was. Commissioner Thomas added that Mr. Teager

thought that the Board was just trying to force alcohol sales. Commissioner Thomas clarified to Mr. Teager that the Board had nothing to gain by doing that and that was not what the Board's premise was. Commissioner Thomas added that he explained to Mr. Teager that he just wanted to make sure he was using his license within the means it was required to be used. Commissioner Mullen asked if Mr. Teager planned to use the license for anything more than a function room. Chairman Lamb stated that was a good question; that it appeared that Mr. Teager wanted to serve alcohol when he wanted to and to whom he wanted to. Commissioner Mullen stated that it appeared to him that Mr. Teager wanted to operate a function room and that was not how it was first described to the Board when they appeared with their license application two years ago. Commissioner Mullen further stated that it was the responsibility of the license holder to be open on the hours that appear on the license and to have staff on hand to do so. Chairman Lamb stated that there were other options that could be taken advantage of if the license holder wants to have limited service. Chairman Lamb stated that he felt Mr. Teager needed to come before the Board to clarify the contents of his letter. Commissioner Thomas stated that to clarify, he felt Mrs. Teager was the one who needed to appear before the Board as she was the named manager on the license. Commissioner Mullen made a motion to continue the discussion to the March meeting and that the Board send a letter to Mrs. Teager requesting her presence at our March meeting. Commissioner Thomas seconded the motion. Motion passed unanimously.

6. **UR of Taunton MA, LLC d/b/a Uno Chicago Grill, 904 County Street** – Application for a Change of Manager. Appearing before the Board is Blair Wells who stated he is the general manager and has been at the Taunton location for approximately five months. Chairman Lamb inquired as to how long Mr. Wells had been with the company and he stated approximately seven years. Chairman Lamb asked Mr. Wells if he was familiar with the City of Taunton's Rules and Regulations and Mr. Wells said no. Detective Smith provided Mr. Wells with a copy. Commissioner Mullen made a motion to approve the application for a change of manager for UR of Taunton MA, LLC d/b/a Uno Chicago Grill. Commissioner Thomas seconded the motion. Motion passed unanimously.
7. **Barbeque Integrated, Inc. d/b/a Smokey Bones, 1023 County Street** – Application for a Change of Manager. Appearing before the Board was Barbra Gremza, General Manager of Smokey Bones. Chairman Lamb asked Ms. Gremza how long she had been at the Taunton location. Ms. Gremza answered eight months with the company, six of those at the Taunton location. Chairman Lamb asked Ms. Gremza if she had a copy of the City of Taunton's Rules and Regulations to which she replied yes. Chairman Lamb asked if there would be any changes in the day to day operations was told there would not be any. Commissioner Mullen made a motion to approve the application for a change of manager for Barbeque Integrated, Inc. d/b/a Smokey Bones. Commissioner Thomas seconded the motion. Motion passed unanimously.

8. **B&DW, Inc. d/b/a Mama King Restaurant, 76 Weir Street** – Application for a Change of Manager and Change of D/B/A. Appearing before the Board was Arthur Wilbur. It had been noted that the restaurant had been closed for the past several weeks. Chairman Lamb asked Mr. Wilbur where he stood as far as the operation of the restaurant. Mr. Wilbur stated that he was pretty close to opening and it should only be a few more days. Chairman Lamb inquired about the issue regarding the unpaid police details. Mr. Wilbur stated that he never received the detailed billing. Detective Lt. McCabe stated that he would get that to him this week. Chairman Lamb asked Mr. Wilbur if he had been in touch with the City at all about working out the payments. Mr. Wilbur said no, he had been waiting for the itemized bill. Chairman Lamb stated that was fair; he understood. Chairman Lamb asked if there would be any changes with the operation of the restaurant and was told no. Chairman Lamb asked if Mr. Wilbur would be running things as the manager. Yes, but there will be a kitchen manager. Chairman Lamb asked if the kitchen manager would be an employee and Mr. Wilbur said yes. Commissioner Thomas inquired as to whether there would be two separate entities as there was previously. Mr. Wilbur asked Commissioner Thomas to explain. Commissioner Thomas asked to be clear, you are going to be in control of everything and Mr. Wilbur said yes. Commissioner Thomas followed by asking “You aren’t leasing out the bar or the kitchen” to which Mr. Wilbur replied “No. It is one entity.” Mr. Wilbur asked could he lease out the kitchen if he wanted to. Detective Lt. McCabe stated that he would need to appear before the Board for approval beforehand. Detective Lt. McCabe stated that it would need to be approved by the ABCC in Boston as well. Chairman Lamb added that you cannot split up operations; it causes issues with control, etc. The premises must all be under your control. Commissioner Mullen stated that Mr. Wilbur had tried that recently and it didn’t work out so well. Chairman Lamb stated that he didn’t see an issue with the application unless the ABCC came back with something. If something did come back from the ABCC, then the Board would have to address immediately the operation of the restaurant. Commissioner Mullen made a motion to approve the application for the change of the doing business name to Pub 76. Commissioner Thomas seconded the motion. Motion passed unanimously. Commissioner Mullen made a motion to approve the change of manager for B&DW, Inc. to Mr. Wilbur. Commissioner Thomas seconded the motion. Motion approved unanimously.
9. **Round One Entertainment, Inc. d/b/a Round1 Bowling & Amusements, 2 Galleria Mall Drive** – Application for a Change of Manager and new Officers/Directors. Appearing before the Board was Attorney John Connell and proposed new manager, Melissa Williams. Chairman Lamb commented that Ms. Williams was a current employee of Round1 and new the day to day operations. Commissioner Mullen made a motion to approve the application for a change of Manager for Round One Entertainment, Inc. Commissioner Thomas seconded the motion. Motion approved unanimously. Commissioner Mullen made a second motion to approve the application for the change of officer and director. Commissioner Thomas seconded the motion. Motion passed unanimously.

Chairman Lamb inquired as to how things were running. Ms. Williams said very well.

10. **Bartending Service of New England, LLC** – Application for a Special Alcohol Permit. Appearing before the Board is William Fuller of Bartending Service of New England, LLC and Bob Folcik of the Elks Lodge, #150. The ABCC returned the Elks application with no action because they were in need of additional items. Mr. Folcik stated that they had functions scheduled in advance and they hired Mr. Fuller to handle those functions while they awaited the approval from the ABCC. Chairman Lamb asked if it was one function on February 28, 2016. Mr. Folcik stated it was actually 3 separate functions over a 30 day period. Commissioner Mullen asked if there was any reason why the Board could not approve the license. Detective Lt. McCabe stated no; that there was a discussion regarding this application and that Section 14 does not prohibit the approval of this application. Chairman Lamb asked Mr. Fuller how he staffed the events. Mr. Fuller stated that he had a full-time staff that were assigned to separate events when they came up. Chairman Lamb asked what the general range of experience was. Mr. Fuller replied that he has had some of the same employees for over 20 years. Chairman Lamb asked who from the organization would be present at the functions. Mr. Folcik replied that there would be a member of the Elks there. Commissioner Mullen inquired as to whether or not Bartending Service of New England handled just the catering or the transactions as well. Mr. Fuller stated that he didn't quite understand the question. All Bartending Services of New England does is serve alcohol. Mr. Folcik replied that DeAvila's Catering would be supplying the food. Commissioner Mullen asked if it was a ticketed event, how would they pay for their drinks. Mr. Fuller stated that his company would handle all of the cash similar to a cash bar. Commissioner Mullen made a motion to approve the application for a special 30 alcohol permit for February 28 – March 28, 2016 for the Bartending Service of New England, LLC at the Elks Club, at 775 John Quincy Adams Road. Commissioner Thomas seconded the motion. Motion passed unanimously.
  
11. **Old Business** – The Board discussed the layout of (Interstate Theatres Corporation) Regal Cinemas, 2 Galleria Mall Drive and the concerns over the difference of the plans that had been submitted with the application for the alcohol license and the current layout of the floor plan. Detective Smith stated that he had visited the cinema after the last meeting and he took photographs of what he observed at the location. He also spoke with the manager. Detective Smith stated that the conversation with the manager did not go well; that she informed him that the plans were the plans and that the Board is mistaken that this was the way it was. Detective Smith stated that he informed the manager that they would be receiving a letter to appear before the Board. Detective Smith explained to the Board that there was really no control in the area. Commissioner Thomas made a motion to have Regal Cinema appear at the next meeting on March 16, 2016, for discussion of the alteration and what we see here today. Detective McCabe asked if we were asking the manager to appear.

Commissioner Thomas stated yes. Commissioner Mullen seconded the motion. It was agreed that the letter should be hand-delivered. Detective Lt. McCabe asked if he should do it or Detective Smith. Chairman Lamb stated Detective Lt. McCabe should do it because I want them to know that the Board will be taking whatever action we are allowed to take. Motion passed unanimously. There was also a request for the City Solicitor to appear at the next meeting on March 16, 2016.

**New Business** – Commissioner Mullen stated that he felt the Board needed to inform the Holiday Inn (Weilsi Corporation), 700 Myles Standish Boulevard, exactly what their hours of operation are under their license. He further stated that he had recently attended an event at the Holiday Inn and went to the bar and they had last call well before 12:30 a.m. Commissioner Mullen stated it was before midnight. Commissioner Mullen further stated that he did not inform the bartender that he was on the License Commission because he didn't feel it was the appropriate time; however, he does feel that it is an issue that needs to be addressed. Commissioner Mullen made a motion to send a request to the Holiday Inn to come before the Board for the March 16, 2016 meeting so that we can discuss the hours of operation for their bar. Commissioner Thomas seconded the motion. Motion passed unanimously.

Commissioner Mullen made a motion to adjourn. Commissioner Thomas seconded the motion. Meeting was adjourned at 8:24 p.m.



Peter C. Lamb, Chairman



Brendan P. Mullen, Commissioner



Bruce M. Thomas, Commissioner