



CITY OF TAUNTON  
LICENSE COMMISSION MEETING  
MINUTES OF THE MEETING

May 18, 2016

7:00 p.m.

PRESENT:

Chairman Peter Lamb  
Commissioner Brendan Mullen  
Commissioner Bruce Thomas

For the Police Department:

Detective Lt. McCabe

Meeting was called to order at 7:06 p.m. by Chairman Lamb.

1. Minutes of the meetings from April 20, 2016. Motion made by Commissioner Mullen to accept the minutes. Motion was seconded by Commissioner Thomas. Motion passed unanimously.
2. **Weils Enterprises, Inc. d/b/a Holiday Inn**, 700 Myles Standish Boulevard – Application for a Change of Manager. Appearing before the Board was Thomas Bethoney. Chairman Lamb stated that Mr. Bethoney had an extensive list of experience. Commissioner Mullen made a motion to approve the application for a change of manager. Commissioner Thomas seconded the motion. Motion passed unanimously.
3. **BaHa Brothers Pub & Restaurant, Inc. d/b/a Baha Brothers Sandbar Grill**, 64 Weir Street – Application for an Alteration of Premises. Appearing before the Board is Peter Hebert and Bill Strojny of the Baha Sandbar Grill. Mr. Hebert stated that they want to change the outside patio area to a bar area. Mr. Hebert then proceeded to go through the photos and explained the footprint of the area. Commissioner Mullen asked if there would be seating at the bar. Mr. Hebert said there would be probably 5 or 6 stools. Chairman Lamb asked if there would be a covering on the bar area. Mr. Hebert replied yes, that they had just started the process. Chairman Lamb asked how far out would the awning go. Mr. Hebert stated 14 feet. Chairman Lamb asked if it would be enclosed on both sides and Mr. Hebert said that it would be.

Chairman Lamb asked how that will affect the smoking area. Mr. Hebert informed the Board that there will be no smoking out there. Chairman Lamb asked if they were currently using the area for a smoking area and was told yes, but there were no tables or chairs in the area now. Once they start serving out there, there will be no smoking at all. Mr. Hebert further stated that the awning would cover the bar area and the rest of the tables would have umbrellas. Commissioner Thomas reminded Chairman Lamb that when the BaHa Brothers appeared back in August, they had discussed that there would be no smoking out there because it was against the law to smoke in an area where food is served. Chairman Lamb asked if we knew what the capacity was. Mr. Hebert stated that he thought it was 30 maximum. Chairman Lamb asked if it was still a one way gate and was told there was, it pushes out. Chairman Lamb inquired about entertainment. Mr. Hebert asked if there was any reason why they couldn't have entertainment out there. Commissioner Thomas stated that when the BaHa Brothers appeared before the Board in August, you stated that there would be no entertainment. Mr. Hebert stated that there would be no bands, but maybe an acoustic guitar. Chairman Lamb stated that he was concerned about the neighbors with entertainment; it's a congested area. Commissioner Mullen stated that his concern is if you start with an acoustic guitar then in 6 months - in the middle of next summer, it turns into a band out there, because you have the ability to have entertainment. My concern is that there would not be a limit. Mr. Hebert asked if the negative with the entertainment would be the residential neighbors. Commissioner Thomas stated it was a very controversial area. We approved it because it was going to be a serving area and now you want it to be a bar with entertainment. Mr. Hebert stated that they are in the business of service, it is going to be a light bar with draft beers and a couple of mixed drinks. They are doing it for the convenience of the customers. You learn as you progress. Chairman Lamb stated that he didn't have an issue with the service per say out there, but he was not a big fan of the entertainment. Mr. Strojny asked if there could be a radio or something like that. Commissioner Thomas stated that he was not a fan of that idea and questioned who would monitor the noise level. Mr. Hebert stated that they would do the monitoring and then added that he wanted to put a television set out there so people could watch the game, etc. Commissioner Mullen asked when they would like to have entertainment out there. Mr. Hebert stated during the afternoon and weekends. Chairman Lamb asked if they had been planning on putting a television out there and was told that they were. Commissioner Thomas stated that he would like to table it for a month so we can go out there and see exactly what is happening. Commissioner Mullen stated that we can vote on the service part. Commissioner Thomas stated that he would like to take a site visit before he voted on it. Commissioner Mullen asked Commissioner Thomas if he wanted to have the vote be for everything and Commissioner Thomas said yes, he would prefer it all in one vote. Chairman Lamb stated that he was not in favor of entertainment but he didn't mind voting on the service part of it. Mr. Strojny asked Commissioner Thomas if he wanted to come out and view the area. Commissioner Thomas stated that he didn't have an issue with the service on the deck from the inside, but he does not want to vote on anything until he went out there to see it. Discussion on the awning and the fence continued. Detective Lieutenant McCabe

read the law to Peter Hebert and Bill Strojny regarding alteration of premises. Chairman Lamb stated that if the ABCC came down to view your plans and the awning isn't part of your original application, you will have an issue. Mr. Hebert asked what he should do; stop the awning? Chairman Lamb told him yes. Discussion on how to proceed. Chairman Lamb stated that the question goes back to you – do you want to table this to include the awning and the entertainment. Mr. Strojny stated that he felt that was the way to go. Chairman Lamb added that this will give an opportunity to do a site visit. Commissioner Mullen made a motion to continue the application for an alteration of premises until the June 15, 2016 meeting. Commissioner Thomas seconded the motion. Motion passed unanimously.

4. **Clube Cabo Verde, Inc., d/b/a Club Espirito Santo, 88 Wales Street** – Application for a License Type Change. Commissioner Thomas recuses himself due to the fact that the applicant and the applicant's attorney are his brothers. Appearing before the Board is Attorney John Paul Thomas, applicant Peter Thomas and current manager, Diane Pavia. Chairman Lamb stated that the applicant wants to change the type of license from a club license to a restaurant license and was told that is correct. Chairman Lamb asked Detective Lt. McCabe if the application needed approval from Boston. Detective McCabe stated that he didn't believe that it did, but he was not sure. He suggested sending it to Boston at the same time we send the license transfer application. Chairman Lamb asked if they were requesting the change of license type to move forward on the transfer and the response was yes. Commissioner Mullen asked if they were changing the license from a club to a public restaurant and was told that was the case. Chairman Lamb stated that up until the time that this application is approved from the ABCC, Mrs. Paiva will still run the establishment and it will be a club and the response was yes. Commissioner Mullen made a motion to change the license type from a club to a restaurant. Chairman Lamb seconded. Motion passed unanimously.
5. **Clube Cabo Verde, Inc., d/b/a Club Espirito Santo, 88 Wales Street** – Application to Transfer the License to 88 Wales Inc. d/b/a Bar 88. Same parties as the above transaction. Attorney Thomas gives a brief explanation as to the type of establishment; a family restaurant with two bars. The hours of operation would be 7 days a week; Monday through Friday, 11 a.m. to 1 a.m., Saturday 10 a.m. to 1 a.m. and Sunday 9 a.m. to 1 a.m. Chairman Lamb asked if 88 Wales, Inc. d/b/a Bar 88 was going to enter into a lease with the club for the real property and was told that was the plan. Chairman Lamb states that he did see on the proposed plan that there is a proposed outside area. Attorney Thomas said he is now aware that they would need to come back at a later time for that. Let the record show that the outside area is not part of the application. Chairman Lamb inquired as to whether there would be any physical or alteration improvements to the building. Yes, Attorney Thomas stated, some painting, etc. Chairman Lamb asked if there would be entertainment and Attorney Thomas said yes, we would like to. Commissioner Mullen asked what kind of entertainment and was told it would most likely a live band, dancing, disc jockey. Attorney Thomas stated that once the current application is approved by Boston, then

a Common Victualler application and an Entertainment application will be submitted. Chairman Lamb asked if there were any additional questions from the Board and there none. Commissioner Mullen made a motion to approve the transfer of the alcohol license from Clube Cabo Verde, Inc. to 88 Wales Inc. d/b/a Bar 88. Chairman Lamb seconds the motion. Motion passed unanimously.

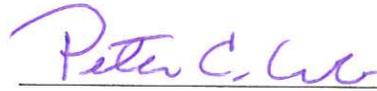
Commissioner Mullen made a motion to allow Commissioner Thomas back into the meeting. Chairman Lamb seconded the motion. Motion passed unanimously.

6. **Michael Borges**, 29 Oak Street - Application for a Special Alcohol permit under Section 14 of the Liquor Control Act. Appearing before the board is Michael Borges, President of Taunton Eagles. Chairman Lamb asked Mr. Borges to explain to the Board what his application was for. Mr. Borges stated the annual Holy Ghost Fiesta. Chairman Lamb asked Mr. Borges if he had been in touch with the police department for details and was told yes. Detective Lt. McCabe stated that the department had some concerns with the individuals crossing the street; that the club uses Bloom bus terminal for parking but then people need to cross the street and it is like Seekonk speedway so we would like to have an officer assist with the crossing of the street. Mr. Borges stated yes; we did that last year. Chairman Lamb inquired about wristbands, Mr. Borges said they be used again this year, a different color every night. Detective Lt. McCabe reminded Mr. Borges that the servers cannot drink while working, Mr. Borges agreed. Detective Lt. McCabe stated that there were three officers last year. One to assist with the street traffic and two for the feast. Commissioner Thomas asked Mr. Borges if he was okay with that. Mr. Borges replied that if that is what needs to be done, that is what needs to be done. Commissioner Mullen made a motion to approve the application for a special permit for Michael Borges pending details arrange for the Taunton Police Department. Commissioner Thomas seconded the motion. Motion passed unanimously.
  
7. **Holy Ghost Society of East Taunton, Inc.** – Application for a Special Alcohol Permit naming Donna Pittsley as the responsible person. Appearing before the Board is Edward Valadao, President of the Holy Ghost Society. Chairman Lamb stated that Mr. Valadao didn't look like Ms. Pittsley. Mr. Valadao agreed. The Chairman informed him that the application requires Ms. Pittsley's date of birth and social security number for the application to be complete. Mr. Valadao said that he would get that information. Mr. Valadao goes over the dates that are needed for the annual Feast and two other dates. Chairman Lamb stated that the Board was missing a few details - what are we doing for wristbands, etc. Mr. Valadao stated that there would be different colored wristbands for each night and police details were scheduled. Detective Lt. McCabe inquired as to whether it would be the same temporary fence and barriers for the Feast. Mr. Valadeo said yes. Commissioner Mullen made a motion to approve the application for a special alcohol permit pending completion of the date of birth and social security number on the application. Commissioner Thomas seconded the motion. Motion passed unanimously.

8. **Irmandade do Divino Espirito Santo de Taunton**, 29 Winter Street – Application for a Special Alcohol Permit. Appearing before the Board is Luis and Helen Cardoso. Chairman Lamb asked Mr. and Mrs. Cardoso to explain to the Board what you are here for. Mr. Cardoso stated that he would let his wife explain. Mrs. Cardoso stated that her husband just became President and the Club hadn't had a feast there in a number of years and we would like to have one on June 11, 12 and 13. We are coming before you for an alcohol license. Detective Lt. McCabe stated that the Ward 5 will be the financial obligor for the police details because they are the license holder of the premises. Chairman Lamb inquired about the details on how you plan to control the crowd. Mrs. Cardoso stated that the beer and wine stand will have tickets and we will have a stand next to the wristbands. I have already spoken with the police department and they told us to get back to them after we come before the Board. Detective Lt. McCabe asked if there would be different colored wristbands for each night. Mrs. Cardoso said yes. Commissioner Thomas stated that he had no issues. Detective Lt. McCabe stated that he didn't have any issues. Commissioner Mullen made a motion to approve the application for a special alcohol permit for the entity associated with Ward 5 Athletic Club, Inc., pending agreement on police details. Commissioner Thomas seconded the motion.
9. **Hong Kong City Ltd., d/b/a Hong Kong City**, 174 Broadway – Appearing before the Board is Fei Pan. He stated that the Board could address him as Philip and that he was the manager. Chairman Lamb stated that it has come to our attention that there is some inconsistency with the hours of your license. Commissioner Thomas asked Mr. Pan what were his hours of operation. Mr. Pan stated that they are open seven days a week; Sunday from noon to 10 p.m.; Monday through Thursday from 11 a.m. to 10 p.m.; Friday and Saturday 11 a.m. to 11 p.m. Chairman Lamb stated that he believed that the license ran until 1:00 a.m. You can modify the hours of your license if you wish. Mr. Pan stated that they have a second floor facility room which sometimes has a wedding or birthday party and sometimes they will book the function till 1:00 a.m. Commissioner Thomas stated that was fine, but he could have one or the other: a license from 8 a.m. to 1 a.m. or 11 a.m. to 10 p.m. or 11 a.m. to 11 p.m. Mr. Pan stated that yes, that those were the restaurant's regular hours. Commissioner Thomas explained that he was one of the customers who was there and was told that the restaurant was closing at 9:30 p.m. Mr. Pan explained that sometimes during the week, business is very slow. Chairman Lamb stated that you can't do that. If your license says that you are open till 1:00, then you need to be open till 1:00. If these earlier hours are going to be your operating hours, then this is what needs to be on your license. I know it may not make sense from a business standpoint, but from the Commonwealth and the local regulations this is how it has to be. Detective Lt. McCabe stated that there was an issue two weeks ago wherein all units were requested to report to Hong Kong City at 1:06 a.m. and it was 6 minutes after the hour that they should have been closed. Mr. Pan explained what happened – that the band was running late and the crowd was not happy. Chairman Lamb stated that Mr. Pan needed to come up with a consistent plan for his hours. You can't close when you want to and as Detective Lt. McCabe stated, if you have functions that you want

to run till 1:00 a.m., then you may need to come before us and request to stay open later. Commissioner Thomas stated that you need to either have a license wherein you are open till 1:00 a.m., even if you are slow, or you need to cut your hours. Mr. Pan stated that he understood. Commissioner Mullen asked how many functions they had and Mr. Pan said usually once or twice a month. Commissioner Mullen asked what time the functions usually run until. Mr. Pan stated that the popular hours were usually 6 p.m.-11 p.m. or 7 p.m.-midnight, Commissioner Mullen stated that he was going to need to make a business decision regarding the hours. Commissioner Thomas asked when most of the functions were, Friday and Saturday? Yes. Well you could go till 10 p.m. on Sunday through Thursday and then till 1:00 a.m. on Fridays and Saturdays, but that is up to you. Philip stated that this was the first complaint he had heard about. Chairman Lamb stated that it's not that people are complaining but you need to have consistency in your hours. Chairman Lamb stated that we want you to think about it. Mr. Pan stated that he needed to go over it. I want to see how other facilities work. Commissioner Mullen made a motion to continue this matter until June 15, 2016. Commissioner Thomas seconded the motion. Motion passed unanimously.

Commissioner Thomas made a motion to adjourn. Commissioner Mullen seconded the motion. Meeting adjourned at 8:31 p.m.



Peter C. Lamb, Chairman



Brendan P. Mullen, Commissioner



Bruce M. Thomas, Commissioner