



License Commission, Room 118
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The Haverhill License Commission held a **Meeting on Thursday March 3 2016 at 6:00 PM, Room 202, City Hall.**

*Attendees: Chairman Joseph Edwards, Commissioner Sewell and Commissioner Coco
Clerk Laura Angus*

1. **APPROVAL OF THE MINUTES:**

APPROVAL OF MINUTES OF JANUARY 7 2016 AND FEBRUARY 4 2016

Motion to approve the minutes of January 7 2016 made by Commissioner Coco, seconded by Commissioner Sewell. No public comment on this matter. Vote unanimous, motion passed.

Motion to approve the minutes of February 4 2016 made by Commissioner Sewell, seconded by Chairman Edwards. No public comment on this matter. Vote two yeas, one abstain, motion passed.

2. **CONTINUED BUSINESS**

NO SCHEDULE

3. **MISCELLANEOUS APPLICATIONS/REQUESTS**

NO SCHEDULE

4. **ONE DAY APPLICATIONS**

A. **MIKE ADAMS**

NEXDINE LLC

905B SOUTH MAIN STREET, SUITE 203, MANSFIELD, MA 02048

APPLICATION FOR ONE DAY WINE AND MALT ONLY LICENSE FOR AMESBURY HALL OF FAME DINNER AT NORTHERN ESSEX COMMUNITY COLLEGE ON APRIL 29 2016 FROM 6:00 PM TO 9:30 PM – PENDING RECEIPT OF NAMES OF BARTENDERS AND EVIDENCE OF TIPS CERTIFICATION FOR SAME.

B. **MIKE ADAMS**

NEXDINE LLC

905B SOUTH MAIN STREET, SUITE 203, MANSFIELD, MA 02048

APPLICATION FOR ONE DAY WINE AND MALT ONLY LICENSE FOR WOMEN OF NORTHERN ESSEX COMMUNITY COLLEGE AT NORTHERN ESSEX COMMUNITY COLLEGE ON JUNE 11 2016 FROM 6:30 PM TO 9:30 PM – PENDING RECEIPT OF NAMES OF BARTENDERS AND EVIDENCE OF TIPS CERTIFICATION FOR SAME.

The Commission heard agenda items 4A and 4B together. Mike Adams appeared on behalf of the applicant. Chairman Edwards questioned if the applicant could file the application as there is a no alcohol

policy on the NECC campus. Mr. Adams stated that the rule has changed. Motion to approve the applications subject to receipt of letter from NECC stating that the no alcohol policy has been changed made by Commissioner Sewell, seconded by Commissioner Coco. No public comment on the matter. Vote unanimous, motion passed.

5. ENTERTAINMENT APPLICATIONS

NO SCHEDULE

6. COMMON VICTUALLER APPLICATIONS

NO SCHEDULE

7. OUTDOOR DINING APPLICATIONS

NO SCHEDULE

8. ALCOHOL/ABCC APPLICATIONS

JOSEPH M DiFRAIA, MANAGER

CHIT CHAT LOUNGE AND BAR LLC, D/B/A CHIT CHAT LOUNGE

101-103 WASHINGTON STREET

APPLICATION FOR TRANSFER OF SECTION 12 ALL ALCOHOL GENERAL ON-PREMISES LICENSE, ALTERATION OF PREMISES, COMMON VICTUALLER APPLICATION AND ENTERTAINMENT LICENSE FOR RADIO, JUKEBOX, TELEVISION, AMPLIFIERS, KARAOKE, DJ, DANCING BY PATRONS ONLY, AMPLIFIED MUSIC, PERFORMANCE, INCLUDING LIVE BANDS, WITH UP TO 10 INSTRUMENTS AND UP TO 6 VOCAL PERFORMERS AND COMEDY SHOW WITH UP TO 4 COMEDIANS – PENDING RECEIPT OF COMPLETED COMMON VICTUALLER’S APPLICATION, AFFIDAVIT OF MAILING AND UPDATED CERTIFICATE OF GOOD STANDING FROM THE DOR.

Joseph DiFraia appeared on behalf of the applicant. Chairman Edwards inquired if there were any objections by the Haverhill Police Department. There were none. Motion to approve the applications subject to receipt of completed Common Victualler Application made by Commissioner Coco, seconded by Commissioner Sewell. No public comment on the matter. Vote unanimous, motion passed.

9. MOTOR VEHICLE APPLICATIONS

IHAB ABU AL RAGHEB, MANAGER

SEAN’S AUTO REPAIR AND SALES, LLC, D/B/A SEAN’S AUTO REPAIR AND SALES

53 WHITE STREET

APPLICATION FOR NEW MVII LICENSE FOR THE SALE OF ONE MOTOR VEHICLE – SUBJECT TO APPROVAL BY THE HAVERHILL POLICE DEPARTMENT, ISSUANCE OF A CERTIFICATE OF INSPECTION AND SURRENDER OF CURRENT LICENSE HELD BY MICHAEL MALVERS, D/B/A ONE TEN TOWING

Ihab Abu Al Ragher and Shihab Abuelragheb appeared for this application. Commissioner Coco inquired about experience. Commissioner Sewell inquired about the warranty and who would be doing the mechanic work. Chairman Edwards inquired about the auction and suggested they have the reputation of being good merchants. Motion to approve the applications subject to approval by Haverhill Policy Department, issuance of a certificate of inspection and surrender of current license held by Michael Malvers, d/b/a One Ten Towing made by Commissioner Coco, seconded by Commissioner Sewell. No public comment on the matter. Vote unanimous, motion passed.

10. ISSUES FOR DISCUSSION

A. IVAN YEE, MANAGER

YEE ENTERPRISES, INC., D/B/A ORIENTAL GARDENS
400 LOWELL AVENUE

REQUEST FOR FURTHER DISCUSSION OF THE PLASTIC BOTTLE POLICY- SEE ATTACHED SAFETY PLAN FROM ORIENTAL GARDENS

Captain Pistone of the Haverhill Police Department stated that he met with Mr. Yee and the safety plan submitted outlines those matters they discussed. The police department is in agreement with the plan if Mr. Yee applies it to the business. Commissioner Sewell commented on a few of the items. Chairman Edwards stated if the licensee does not abide by the 13 points, then they will be brought in for a Show Cause hearing. Motion that the list of 13 items be filed to be a condition to the license. If any of the items change, the change must be filed with the Clerk and the Commission will decide if they are acceptable made by Commissioner Coco, seconded by Commissioner Sewell. No public comment on the matter. Vote unanimous, motion passed.

11. SHOW CAUSE HEARINGS

A. IVAN YEE, MANAGER

YEE ENTERPRISES, INC., D/B/A ORIENTAL GARDENS
400 LOWELL AVENUE

SHOW CAUSE HEARING – ALLEGED VIOLATION OF 204 CMR 2.05 (2) PERMITTING AN ILLEGALITY ON THE LICENSED PREMISES, TO WIT: (2) NO LICENSEE FOR THE SALE OF ALCOHOLIC BEVERAGES SHALL PERMIT ANY DISORDER, DISTURBANCE OR ILLEGALITY OF ANY KIND TO THE PLACE IN OR ON THE LICENSED PREMISES. THE LICENSEE SHALL BE RESPONSIBLE THEREFOR, WHETHER PRESENT OR NOT – OVERSERVING AND CROWD CONTROL

Captain Pistone of the Haverhill Police Department summarized the report for the record. Ivan Yee appeared on his own behalf. Mr. Yee indicated that he called the police. The parties were only there a short time. They both only had one drink each. Servers made sure they were not impaired at the time of service. Entered copies of the bar slips as evidence. Commissioner Sewell questioned how the aggressor could have been highly intoxicated if they only had one drink and were not intoxicated at the time of service. Commissioner Coco questioned if the licensee was cooperative with police at this time. Chairman Edwards asked if the licensed establishment was safer now than 5-6 months ago. Karen the bartender also spoke on behalf of the licensee. The Commission was in agreement to place this item on file for future reference. Motion to take no action made by Commissioner Coco, seconded by Commissioner Sewell. No public comment on the matter. Vote unanimous, motion passed.

B. JEAN-PIERRE SALIBA, MANAGER

ROYAL CREST MOTORS, LLC, D/B/A ROYAL CREST MOTORS
769 AMESBURY ROAD

CONTINUATION OF SHOW CAUSE HEARING - FAILURE TO COMPLY WITH THE SUBMITTED 1988 PARKING PLAN APPROVED BY THE HAVERHILL LICENSE COMMISSION. FAILURE TO MAINTAIN CUSTOMER AND STAFF PARKING THIS FAILURE CONTINUING AFTER BEING BROUGHT BEFORE THE LICENSE COMMISSION FOR THIS ISSUE ON MARCH 11 2015. ALSO PENDING APPLICATION FOR RENEWAL OF MVII LICENSE. LICENSE RENEWED ON INTERIM BASIS ON JANUARY 7 2016 AND EXTENDED FOR THIRTY DAYS ON FEBRUARY 4 2016

Jean-Pierre Saliba appeared on his own behalf. Captain Pistone of the Haverhill Police Department state that this individual has been spoken to about this matter several times. At the last meeting, he had cleared spaces, but did not mark them. He has now erected temporary signage which at this time is satisfactory to the police given the time of year. In the spring, the police department will look for a more orderly area with spaces clearly delineated on the ground and proper signage. The police have no objection to renewing this license for the remainder of the year. They will continue to monitor the premises. Commissioner Coco indicated that there are still cars parking on Route 110, which shouldn't be happening. Commissioner Sewell told the licensee that they must continue to work with the police to make sure that they are satisfied with the result. Mr. Saliba anticipates designating spots clearly on the floor and having signs on each space. Motion to approve the renewal application subject to the condition that permanent signage, with the approval of the police department, be placed on the premises, made by Commissioner Coco, seconded by Commissioner Sewell. No public comment on the matter. Vote unanimous, motion passed.

C. PATRICK DEAN, PRESIDENT

Haverhill Lodge #165 BPO Elks of Haverhill, D/B/A Elk's Club
24 Summer Street

SHOW CAUSE HEARING – ALLEGED VIOLATION: FAILURE TO SUBMIT NEW OFFICER AND DIRECTOR PAPERWORK TO COMPLETE THE CHANGE OF MANAGER APPLICATION. THE CLUB WAS NOTIFIED ON FEBRUARY 2 2015 THAT THIS ADDITIONAL PAPERWORK WAS NEEDED TO APPROVE THE PENDING APPLICATION FOR NEW MANAGER. THE CLUB HAS NOT HAD A MANAGER IN PLACE SINCE THE RESIGNATION OF KERRI GRUNDY ON NOVEMBER 3 2014, WHOSE LAST DAY AS MANAGER WAS DECEMBER 6 2014. THE APPLICATION FOR CHANGE OF MANAGER WAS SUBMITTED ON DECEMBER 31 2014.

Ernest Bostwick and Patrick Dean appeared on behalf of the licensee. They are still trying to get a certificate of good standing with the DOR. They anticipate having the certificate by the next meeting. Motion to postpone action on the Show Cause hearing until the next meeting made by Commissioner Coco, seconded by Commissioner Sewell. No public comment on the matter. Vote unanimous, motion passed.

D. BERNARD GOULET, MANAGER

Whiskey Barrel Bar LLC, D/B/A Whiskey Barrel Bar
27 Lafayette Square

SHOW CAUSE HEARING – ALLEGED VIOLATION OF 204 CMR 2.05 (2) PERMITTING AN ILLEGALITY ON THE LICENSED PREMISES, TO WIT: (2) NO LICENSEE FOR THE SALE OF ALCOHOLIC BEVERAGES SHALL PERMIT ANY DISORDER, DISTURBANCE OR ILLEGALITY OF ANY KIND TO THE PLACE IN OR ON THE LICENSED PREMISES. THE LICENSEE SHALL BE RESPONSIBLE THEREFOR, WHETHER PRESENT OR NOT – FAILURE TO REPORT AN ASSAULT AND BATTERY ON THE PREMISES

Attorney Tim Connors represented the Licensee. Also present were one of the owners, Steve Santoro and one of the bouncers on duty, Darren McQue. Captain Pistone of the Haverhill Police Department summarized the report for the record. This establishment is a new licensee. The Haverhill Police department wants them to understand there is a mandate that any issues that occur on the premises must be reported to the police forthwith for safety and investigatory reasons. Commissioner Sewell stated that if the incident occurred on the premises, it must be reported to the police immediately. Attorney Connors indicated that the victim and the assailant both agreed that the altercation did not occur in the Whiskey Barrel Bar. There was a verbal altercation and the parties were asked to leave. There was no physical altercation on the premises. Discussion went back and forth about the location of the altercation. Captain Pistone asked the bouncer, Darren

McQue if he noticed any physical marks on the victim when he was asked to leave the bar – the answer was no. Captain Pistone asked Attorney Connors if the victim gave a reason why he made a difference statement to the police. The answer was no. The Commissioners all wanted the Licensee to know the importance of calling the police for any matter that arises on the licensed premises for the safety of the business, the city and patrons of the business. Commissioner Coco stated that this will be an educational situation and they should be aware that this will stay in the file for future reference. Motion to place this item on file and take no action made by Commissioner Coco, seconded by Commissioner Sewell. No public comment on the matter. Vote unanimous, motion passed.

12. COMMUNICATIONS

NO SCHEDULE

13. OTHER BUSINESS

NO SCHEDULE

Meeting adjourned at 7:40 PM