



License Commission, Room 118
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The Haverhill License Commission held a **Meeting** on **Thursday April 2, 2015 at 6:00 PM,**
Room 202, City Hall.

Attendees: Chairman Edward, Commissioner Coco and Commissioner Sewell.

1. **APPROVAL OF THE MINUTES:**

APPROVAL OF MINUTES OF MARCH 11 2015

Motion to accept the minutes of March 11, 2015 by Commissioner Sewell, seconded by Commissioner Coco. No public comment on the matter. Vote unanimous - Motion passed.

2. **MOTION TO SUSPEND THE RULES:**

Motion to Suspend the Rules to hear the application from The Quiet Man Pub & Restaurant for change of d/b/a made by Commissioner Coco, seconded by Commissioner Sewell. No public comment on the matter. Vote unanimous - Motion passed.

JOHN LOVETT, MANAGER

PJML, INC., D/B/A THE QUIET MAN PUB & RESTAURANT
27 LAFAYETTE SQUARE

APPLICATION FOR CHANGE OF D/B/A FROM THE QUIET MAN PUB & RESTAURANT TO BOSTON PIZZA & BAR AND TRANSFER OF COMMON VICTUALLER'S LICENSE AND ENTERTAINMENT LICENSE TO BOSTON PIZZA & BAR

John Lovett appeared on his own behalf. Commissioner Edwards asked who the current manager is. John is the current manager. Motion to change the d/b/a from The Quiet Man Pub & Restaurant to Boston Pizza & Bar and transfer the Common Victualler's License and Entertainment License to Boston Pizza & Bar made by Commissioner Coco, seconded by Commissioner Sewell. No public comment on the matter. Vote unanimous - Motion passed.

3. **CONTINUED BUSINESS**

A. SAMANTHA PETROU, MANAGER

SAMP BEVERAGE LLC, D/B/A BUTCH'S UPTOWN
63 LOCKE STREET

APPLICATION FOR APPROVAL OF OUTDOOR DINING PERMIT AND APPLICATION FOR ALTERATION OF PREMISES TO INCLUDE THE OUTDOOR DINING AREA 60 FT X 7 FT CONTAINING 28 SEATS AND 10 TABLES – SUBJECT TO THE PROVISION THAT APPLICANT, BUILDING INSPECTOR AND CITY ENGINEER MEET PRIOR TO THE INSTALL TO INSURE ADA COMPLIANCE AND PENDING RECEIPT OF AFFIDAVIT OF MAILING AND CERTIFIED MAIL RECEIPTS

Samantha Petrou appeared on her own behalf. Clerk confirmed receipt of affidavit of mailing and certified mail receipts. Commissioner Coco thanked Ms. Petrou for her efforts to clean up that corner. Commissioner Sewell questioned the number of seats. Ms. Petrou will be meeting with City officials prior to the set up to confirm ADA compliance. Motion to approve the application for outdoor dining and the application for alteration of premises subject to the provision that Applicant meet with Building Inspector and City Engineer prior to the install to insure ADA compliance by Commissioner Sewell, seconded by Commissioner Coco. No public comment on the matter. Vote unanimous – Motion to approve subject to conditions passed.

B. KEVIN M. MURPHY, MANAGER

MURPHY GOLF MANAGEMENT, INC., D/B/A BRADFORD COUNTRY CLUB
201 CHADWICK ROAD

APPLICATION FOR ALTERATION OF PREMISES TO CHANGE THE TENT SIZE FROM 40' X 60' TO 50' X 100'. DURING THE RENEWAL PROCESS IT WAS DISCOVERED THAT ALTHOUGH THE TENT SIZE HAD CHANGED YEARS AGO, IT WAS NEVER CHANGED ON THE ALCOHOL LICENSE – PENDING RECEIPT OF AFFIDAVIT OF MAILING AND CERTIFIED MAIL RECEIPTS.

Kevin Murphy appeared on his own behalf. Clerk confirmed receipt of affidavit of mailing and certified mail receipts. Commissioner Sewell inquired about the noise complaint a few years back. This incident happened in 2011 and that neighbor has since moved. There have been no other noise complaints since then. Commissioner Coco indicated that this is was a small change and given the change of ownership, it was an honest oversight. Motion to approve the application by Commissioner Coco, seconded by Commissioner Sewell. No public comment on the matter. Vote unanimous - Motion passed.

4. MISCELLANEOUS APPLICATIONS/REQUESTS

HAFFNER'S
63 PLAISTOW ROAD

APPLICATION FOR KENO TO GO

Commissioner Coco recused himself from discussions on this matter. Motion to approve the application made by Commissioner Sewell, seconded by Chairman Edwards. No public comment on the matter. Vote two yeas, one abstain - Motion passed.

5. ONE DAY APPLICATIONS

A. AMIT NAR

GREAT VISION PRODUCTIONS, LLC
1908 CHERRY AVENUE, EASTON, PA 18045

APPLICATION FOR ONE DAY WINE AND MALT ONLY LICENSE FOR 5K CROSS COUNTRY RUN AND FESTIVAL AT KIMBALL FARM, 791 EAST BROADWAY ON APRIL 25 2015 FROM 10:00 AM TO 9:45 PM – PENDING APPROVAL OF HAVERHILL POLICE DEPARTMENT

B. AMIT NAR

GREAT VISION PRODUCTIONS, LLC
1908 CHERRY AVENUE, EASTON, PA 18045

APPLICATION FOR ONE DAY WINE AND MALT ONLY LICENSE FOR 5K CROSS COUNTRY RUN AND FESTIVAL AT KIMBALL FARM, 791 EAST BROADWAY ON APRIL 26 2015 FROM 10:00 AM TO 4:00 PM – PENDING APPROVAL OF HAVERHILL POLICE DEPARTMENT

The Commission heard both applications together. Amit Nar appeared on his own behalf with Tyler Kimball. Captain Pistone indicated that the Haverhill Police department had some concerns with the event. Amit Nar indicated that they are willing to work with the police. The times of the application have changed. The Sunday event will end at 4:00. On April 25th, the event will go from 10:00 AM to 8:00 PM. There will be camping, 20 campsites with four (4) campers per site. There will be no outside alcohol at the campsites. The camping area and outside alcohol at the campsites will be closely monitored. The application is also pending approval of the Department of Agriculture, due to meet April 9th. Commissioner Coco read a list of reasons the Fire Chief of Haverhill did not approve the permit for this event. Amit Nar addressed some of the concerns. Chairman Edwards indicated that there would be several contingencies placed on the approval, if the license is approved. Chairman Edwards is very concerned about alcohol at the campsite. Motion to approve two one day applications, subject to the following restrictions, to Great Vision Productions LLC, Amit Nar the applicant, first application for one day Wine and Malt only for 5K Cross Country Run and Festival at Kimball Farm, 791 East Broadway on April 25th from 10:00 AM to 8:00 PM, the second application for One day Wine and Malt only for the same event April 26th from 10:00 am to 4:00 PM, subject to the following conditions: No on street parking, Seven (7) detail officers at all times, Subject to the satisfaction of the Department of Agriculture, the satisfaction of the Fire Chief and the Haverhill Police Department and that there be no alcohol by patrons at the campsites, seconded by Commissioner Sewell. No public comment on the matter. Vote unanimous - Motion to approve subject to conditions passed.

C. CATHERINE STANDRING

12 GREEN HILL ROAD, EXETER NH 03833

APPLICATION FOR ONE DAY WINE AND MALT ONLY LICENSE FOR CELEBRATION OF LIFE FOR LINDA PALMER AT WINNEKENNI CASTLE, 347 KENOZA AVENUE ON MAY 3 2015 FROM 11:00 AM TO 3:00 PM – PENDING RECEIPT OF NAME OF APPROVED WHOLESALER, APPROVAL OF THE HAVERHILL CITY COUNCIL AND APPROVAL OF THE MAYOR OF HAVERHILL

Catherine Standring appeared on her own behalf. Coordinating a celebration of life at the Winnekenni Castle. Chairman Edwards inquired as to who would be serving - Butlers and Bars. Motion to approve the application subject to approval of the Haverhill City Council and Approval of the Mayor of Haverhill by Commissioner Sewell, seconded by Commissioner Coco. No public comment on the matter. Vote unanimous - Motion passed.

6. ENTERTAINMENT APPLICATIONS

A. ROBERT DALY, MANAGER

ROBERT DALY, D/B/A SEAFOOD ETC.
330 AMESBURY ROAD

APPLICATION FOR NEW ENTERTAINMENT LICENSE FOR RADIO AND TELEVISION

No one appeared on behalf of the applicant. Commissioner Coco indicated that Robert Daly had been at City Hall and thought the meeting he was supposed to attend was cancelled. Motion to approve the application by Commissioner Sewell, seconded by Commissioner Coco. No public comment on the matter. Vote unanimous - Motion passed.

B. SALVATORE DIPRIMA, MANAGER

ITALIAN AMERICAN BENEVOLENCE ASSOCIATION, INC., D/B/A ITALIAN AMERICAN SOCIAL CLUB
210 WINTER STREET

APPLICATION TO AMEND THE ENTERTAINMENT LICENSE TO INCLUDE KARAOKE AND PERFORMANCE FOR THREE (3) INSTRUMENTS AND ONE (1) VOCAL PERFORMER

Salvatore DiPrima appeared on behalf of the Club. The license is for an outdoor cookout and would probably only use this portion of the entertainment license twice per year. Mr. DiPrima confirmed that the entertainment will be inside the club, alcohol to be in an appropriate area, and no alcohol will be taken outside. This change in the entertainment will not affect the area approved for alcohol already. Motion to approve the application by Commissioner Coco, seconded by Commissioner Sewell. No public comment on the matter. Vote unanimous - Motion passed.

7. COMMON VICTUALLER APPLICATIONS

A. RENEWAL OF COMMON VICTUALLER LICENSES FOR 2015

1. GREGG TARPY, MANAGER

BRADFORD SWIM & RECREATION CENTER, INC., D/B/A BRADFORD SWIM & RECREATION CENTER
328 SALEM STREET

2. JUAN MARTE, MANAGER

JACQUELINE CONVENIENCE STORE, INC., D/B/A JACQUELINE GROCERY #2
143 LOCUST STREET

Motion to approve the renewals listed in Agenda Items 6A1 and 6A2 by Commissioner Coco, seconded by Commissioner Sewell. No public comment on the matter. Vote unanimous - Motion passed.

B. RENEWAL OF COMMON VICTUALLER LICENSES AND ENTERTAINMENT LICENSES FOR 2015

1. SALIM VICENTE, MANAGER

SALIM VICENTE, D/B/A BOSTON PIZZA CO
150 WASHINGTON STREET

Motion to approve the renewal made by Commissioner Sewell, seconded by Commissioner Coco. No public comment on the matter. Vote unanimous - Motion passed.

2. JOHN GIOLDASIS, MANAGER

TUSCAN RESTAURANT GROUP, LLC, D/B/A TUSCAN PIZZA HOUSE
36 PLAISTOW ROAD

Motion to approve the renewal made by Commissioner Coco, seconded by Commissioner Sewell. No public comment on the matter. Vote unanimous - Motion passed.

C. SEAN NICKERSON, MANAGER

SLS FITNESS, D/B/A CHOICE FITNESS
2 WATER STREET

APPLICATION FOR NEW COMMON VICTUALLER'S LICENSE

No one appeared on behalf of the applicant. Chairman Edwards indicated that an entertainment license will be needed. Motion to approve the application pending proof of whether they need an entertainment license made by Commissioner Sewell, seconded by Commissioner Coco. No public comment on the matter. Vote unanimous - Motion to approve subject to conditions passed.

8. OUTDOOR DINING APPLICATIONS

NO SCHEDULE

9. ALCOHOL/ABCC APPLICATIONS

NO SCHEDULE

10. MOTOR VEHICLE APPLICATIONS

NO SCHEDULE

11. ISSUES FOR DISCUSSION

- A. REQUEST FROM COMMISSIONER COCO TO DISCUSS THE CONCEPT OF A NON-DISCRIMINATION POLICY –
SEE ATTACHED SAMPLE ADOPTED BY THE CITY OF SALEM

Commissioner Coco found that policies he has reviewed from other Cities and Towns relate to establishments regulated by the License Commission. Commissioner Coco suggests that this matter be placed on file for 30 days to discuss with other City Boards. Chairman Edwards suggested that Commissioner Coco be the point person on this matter. Commissioner Coco indicated that the City Council would be the one to make the ordinance. No vote necessary.

- B. REQUEST FROM COMMISSIONER COCO TO DISCUSS SIGNING THE RECEIPT OF OPEN MEETING LAW MATERIALS AND RETURNING THE SIGNED RECEIPTS TO THE CITY CLERK’S OFFICE FOR RETENTION

Commissioner Coco indicated that during Sunshine Week, Attorney General Maura Healy updated the regulations of the open meeting law. The receipts should all be signed by the Commissioners. No vote is required. Chairman Edwards also indicated that the Commissioners must also take the Ethics Exam.

12. SHOW CAUSE HEARINGS

A. JUAN LOJA, MANAGER

JUAN LOJA, D/B/A MARKET LATINA
111 WHITE STREET

FAILURE TO RENEW COMMON VICTUALLER LICENSE

Chairman Edwards indicated that the Commission should take action to suspend this license. Commissioner Sewell recommends that a letter be sent indicating that if they do not appear at the next meeting, they will not get their license. Chairman Edwards recommends the Commission revoke the license. Commissioner Sewell made a motion to serve the establishment by letter that they have ten (10) days to renew their license. If they do not renew within the ten (10) day period, the Commission will turn the matter over to the City Solicitor for further action, seconded by Commissioner Coco. No public comment on the matter. Vote unanimous - Motion passed.

B. SANDRO DOS SANTOS, MANAGER

BRAZCAR AUTO SALES, INC., D/B/A BRAZCAR AUTO SALES
25 WELCOME STREET

FAILURE TO RENEW MVII LICENSE- IN ADDITION TO FILING APPROPRIATE RENEWAL PAPERWORK, SUBJECT TO RECEIPT OF PAYMENT OF OUTSTANDING TAXES

Brenda Gasper, new manager appeared on behalf of the dealership. They are waiting for Sandro Dos Santos to come from Brazil to sign the paperwork. The business is currently not operating, they are just cleaning

up. Chairman Edwards indicated that the Commission needs to do something about this matter, especially since there are dealer plates out there. The Commission must notify the Registry of Motor Vehicles if the license is not renewed. Commissioner Sewell inquired when they anticipated coming in to renew the license. Ms. Gasper indicated that they would be in tomorrow. Commissioner Sewell indicated that the Commission should give the business until the end of next week to get the appropriate paperwork filed. Commissioner Sewell inquired as to the experience of Ms. Gasper. She has sold cars before and knows how to take care of the books. Sandro Dos Santos will be going back to Brazil. Commissioner Coco asked if there is a change of corporate ownership. Ms. Gasper indicated that the only change is the manager. Commissioner Sewell made a motion to hold up until April 10th. If all paperwork is not in by April 10th, the must reapply for a new license, Commissioner Coco inquired whether this motion would allow them to continue to operate, Commissioner Sewell indicated that they could do whatever they needed to as long as their paperwork was completed by April 10th. The motion was then seconded by Commissioner Coco. Chairman Edwards indicated he had a concern about them operating without a license, there is no bond, there are dealer plates out there and the Commission does not know who will be fixing the cars. The only way he will support the motion is if the business turns their plates into the City Clerk's office to be held there until the matter is resolved. Commissioner Coco withdrew his second to the original motion. Commissioner Sewell made a motion that the business does not sell any cars, that the business must turn the dealer plates by Friday April 3rd and all paperwork must be turned in to the License Commission Clerk unless all outstanding materials are turned into the City Clerk's office by April 10th, seconded by Commissioner Coco. No public comment on the matter. Vote unanimous - Motion passed.

C. RAUL FRIAS, MANAGER

RAUL FRIAS, D/B/A R & K AUTO BODY
620 PRIMROSE STREET

FAILURE TO RENEW MVII LICENSE- AFTER REVIEW BY THE HAVERHILL POLICE DEPARTMENT, IT WAS DISCOVERED THIS LOCATION IS CLOSED

It was discovered by the Haverhill Police Department after the agenda posted that this business is now closed. Motion that the License Commission notifies the Registrar of Motor Vehicles that this dealership is closed made by Commissioner Coco, seconded by Commissioner Sewell. No public comment on the matter. Vote unanimous - Motion to notify the Registrar of Motor Vehicles passed.

D. SHARON COHEN, MANAGER

HAVERHILL BREWERY, INC., D/B/A THE TAP
100 WASHINGTON STREET

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 THEREFORE, WHETHER PRESENT OR NOT – ASSAULT AND BATTERY WITH A DANGEROUS WEAPON, OVER SERVING

Sharon Cohen appeared on her own behalf. Captain Robert Pistone of the Haverhill Police Department spoke. He indicated that this incident should not be a Show Cause hearing. There is no indication of intoxication. The Tap acted appropriately in quelling the disturbance. There is no proof of overserving. The Police Department wanted the Commission to know about incident. Commissioner Coco indicated that Ms. Cohen has attended meetings in the past that she didn't need to attend. She is very courteous and obeys the rules. Ms. Cohen indicated that they try to maintain a good place with cameras in place and managers walking around. Motion to take no action by Commissioner Coco, seconded by Commissioner Sewell. No public comment on the matter. Vote unanimous - Motion to take no action passed.

E. 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 THEREFORE, WHETHER PRESENT OR NOT – ASSAULT AND BATTERY WITH A DANGEROUS WEAPON, ASSAULT TO MURDER, ARMED, ASSAULT WITH A DANGEROUS WEAPON, OVER SERVING

Ivan Yee appeared on his own behalf. Captain Robert Pistone stated that this incident was a very serious incident. A person sustained life threatening injuries. Commissioner Coco asked Captain Pistone to highlight this incident and offer commentary. Captain Pistone indicated that although things have been quiet there, he has additional reports and will be bringing more incidents to the Commission. There may be a problem with a new bartender or overserving. This incident involved a large crowd that was agitated and intoxicated. There was no ability to control the crowd in this case. They need to tighten things up at Oriental Gardens if they are to continue serving alcohol. Chairman Edwards stated he was not sure where this incident occurred. It appears to have started inside and moved outside. There is no indication in the current report of overserving. Captain Pistone indicated that there are supplemental reports that are available to show the overserving. Mr. Yee indicated he would like to receive the supplemental reports. Chairman Edwards asked if all parties would like to postpone to the June meeting. Captain Pistone indicated that he would have the officers available to testify. Commissioner Coco indicated that Mr. Yee should bring his crowd manager information. Chairman Edwards suggested Mr. Yee brings the bartender as well. Motion to continue this matter until June 4 2015 made by Commissioner Coco, seconded by Commissioner Sewell. No public comment on the matter. Vote unanimous – Motion to postpone passed.

13. COMMUNICATIONS

NO SCHEDULE

14. OTHER BUSINESS

A. AUSTIN SPARKMAN, MANAGER

AUSTIN SPARKMAN, D/B/A ANCHORS UP!
58 RIVER STREET

APPLICATION FOR RENEWAL OF ENTERTAINMENT LICENSE FOR 2015. CONTINUED FROM FEBRUARY 5, 2015 MEETING DUE TO CONCERNS BY THE HAVERHILL POLICE DEPARTMENT

Austin Sparkman appeared on his own behalf. Captain Robert Pistone of the Haverhill Police Department asked to have Mr. Sparkman before the Commission due to the serious incident that occurred on 8/31/2014. The police would like to bring to the Commission's attention what happened there and the level of cooperation of the management. Commissioner Coco asked if the applicant held any other licenses. Answer – No. Detective Joseph Benedetti of the Haverhill Police Department gave a description of the incident. A patron of an event at the establishment left with the Crowd Manager's brother. It appears that the patron was lured away from the event and attacked by four thugs and beaten within inches of his life. He was left in a puddle of blood. He spent two months in the hospital and a month in rehab. The Crowd Control Manager was found at the scene and refused to talk to the police. At the establishment, while the police were investigating, Mr. Sparkman was not cooperative with the police and denied any knowledge of the events. He was more concerned about his venue than the victim. Commissioner Coco inquired if the police had witnessed this venue previously. Detective Benedetti indicated that the establishment seems to

have good control over the crowd during concerts. There is no alcohol on the premises during events, but there is no way to know what they are doing in their vehicles. These events attract 100s of kids from all over New England. The patrons tend to park all over the place for these events, including in the train parking lot. Mr. Sparkman indicated he had no questions of Detective Benedetti. Mr. Sparkman indicated that he has no idea what happened during this incident. He let his crowd manager go as a result of this matter. The club is inactive right now. He has fully cooperated with the police. Detective Benedetti indicated given the fact that they are in the same band and they are friends and he worked for him that Mr. Sparkman does not know what happened that night. Commissioner Coco asked Mr. Sparkman if he was aware of any improprieties on the part of his crowd manager. He answered no. Commissioner Coco asked that Mr. Sparkman be sworn in. After being sworn in, Mr. Sparkman was asked if he had any knowledge that his crowd control manager had any role in having the victim beaten. Mr. Sparkman answered no. Chairman Edwards inquired as to the occupancy permit. The permit expired on December 31, 2014. The occupancy load is 168. Mr. Sparkman counts the house. He has one crowd manager for every 100 patrons. Commissioner Sewell indicated that he was very disappointed. He felt that he had done a good job running the establishment. Someone is lying and he does not feel it is the police officer. This is not a small problem. Something needs to be done. Chairman Edwards asked if Mr. Sparkman would like to meet with the Detective to help him out. The answer is no. Chairman Edwards indicated that Mr. Sparkman needs to help the Detective out or he doesn't get his license. Commissioner Sewell wants to wait a month to make a decision, in effect suspending the license of this establishment. Mr. Sparkman indicated that he would not be able to wait another month. Commissioner Sewell made a motion to continue this matter until next month (May 7) and do not reinstate his license, seconded by Commissioner Coco. Chairman Edwards explained that he is out of business for a month. Captain Pistone stated that it is the position of the Haverhill Police Department that although they do not serve alcohol, they draw a young crowd that can sometimes make bad decisions. If they are running this type of business, they need to be responsible business owners and make sure that things like this do not happen and when they do, cooperate with the Haverhill Police Department. He has a month to decide if they want to be responsible business owners. Vote unanimous - Motion to continue this matter until May 7 2015 passed.

MEETING ADJOURNED 7:40 PM

Attest: Laura D Angus
Laura D Angus, Clerk