



The Haverhill License Commission held a **Meeting** on **Thursday September 1 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 AUGUST 4 2016

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

2. **CONTINUED BUSINESS**

NO SCHEDULE

3. **MISCELLANEOUS APPLICATIONS/REQUESTS**

NO SCHEDULE

4. **ONE DAY APPLICATIONS**

A. RYAN BRADLEY

5 MILFORD STREET PLYMOUTH, MA 02360

APPLICATION FOR ONE DAY WINE AND MALT ONLY LICENSE FOR WEDDING RECEPTION AT WINNEKENNI CASTLE ON SEPTEMBER 23 2016 FROM 4:00 PM TO 9:00 PM

Ryan Bradley appeared on his own behalf. Motion to approve the application made by Commissioner Coco, seconded by Commissioner Sewell. No public comment on this matter. Vote unanimous, motion passed.

B. CYNTHIA GRAHAM

HAVERHILL FIREFIGHTING MUSEUM

75 KENOZA AVENUE

APPLICATION FOR ONE DAY WINE AND MALT ONLY LICENSE FOR CHILI COOK-OFF FUNDRAISER AT THE HAVERHILL FIREFIGHTING MUSEUM ON SEPTEMBER 24 2016 FROM 6:00 PM TO 9:00 PM – PENDING RECEIPT OF TIPS CERTIFICATES FOR THE NAMED BARTENDERS

Cynthia Graham appeared on behalf of the applicant. This year is the 10th year of the fundraiser. There will be about 25 different chilies and about 200 people. Chairman Edwards inquired about the

purchase of the alcohol. Motion to approve made by Commissioner Coco, seconded by Commissioner Sewell. No public comment on this matter. Vote unanimous, motion passed.

C. RENEE THEOFILOPOULOS, MANAGER

AMERICAN VETERANS OF HAVERHILL INC., D/B/A AMVETS
576 PRIMROSE STREET

APPLICATION FOR ONE DAY WINE AND MALT ONLY LICENSE FOR BLUES FEST IN THE PARKING LOT OF THE AMVETS ON SEPTEMBER 11 2016 FROM 12:00 PM TO 8:00 PM

Renee Theofilopoulos appeared on behalf of the applicant. This application is for the Blues Fest which is a benefit to raise money for the Veterans. Chairman Edwards inquired about the Boston approval and whether police were needed for this event. Ms. Theofilopoulos will be in touch with Captain Wrenn. Motion to approve made by Commissioner Sewell, seconded by Commissioner Coco. No public comment on this matter. Vote unanimous, motion passed.

5. ENTERTAINMENT APPLICATIONS

NO SCHEDULE

6. COMMON VICTUALLER APPLICATIONS

BRENDA FADDEN, PROPOSED MANAGER
7-ELEVEN INC., D/B/A 7-ELEVEN #37440H
5-7 DUDLEY STREET

APPLICATION FOR NEW COMMON VICTUALLER LICENSE – PENDING RECEIPT OF PAYMENT OF PERSONAL PROPERTY TAX

Doug Courtino appeared on behalf of the applicant. Chairman Edwards questioned if they needed the Common Victualler license. They do have a table on the premises. Motion to approve the application made by Commissioner Coco, seconded by Commissioner Sewell. No public comment on this matter. Vote unanimous, motion passed.

7. OUTDOOR DINING APPLICATIONS

NO SCHEDULE

8. ALCOHOL/ABCC APPLICATIONS

DAVID A ACCARDI, PROPOSED MANAGER
LIGURIA CLUB OF HAVERHILL, D/B/A THE GARIBALDI LIGURIA CLUB
86 WASHINGTON STREET

APPLICATION FOR CHANGE OF MANAGER FROM LARRY PANARO TO DAVID A ACCARDI

David Accardi appeared on his own behalf. Commissioner Sewell had questions about his experience. Commissioner Coco inquired if the previous manager was still there. Chairman Edwards inquired about how many hours he would be on the premises. Motion to approve the application made by Commissioner Sewell, seconded by Commissioner Coco. No public comment on this matter. Vote unanimous, motion passed.

9. MOTOR VEHICLE APPLICATIONS

NO SCHEDULE

10. ITEM FOR DISCUSSION

A. DIRCELIO BELUCO, MANAGER

DIRCELIO BELUCO, D/B/A WHITE ST MOTORS
69 WHITE STREET

ITEM FOR DISCUSSION – POSSIBLE LICENSE AND SALE VIOLATIONS

Dircelio BeLuco appeared on his own behalf. Milagros Calderon, the complainant also appeared. Commissioner Sewell gave an update of the case. Ms. Calderon explained what happened with the car she purchased from the finance manager of White St Motors. Mr. BeLuco has no knowledge of this transaction. The person she dealt with is no longer at the dealership. Commissioner Coco inquired if the Haverhill Police Department was available to help make a connection between the named defendant and White St Motors. Lieutenant Pistone of the Haverhill Police stated that although the police do not get involved in civil matters, they could look into this matter. Office Powell has contacted the dealership, but has not received a return call. Mr. BeLuco may want to return Officer Powell's call. Commissioner Sewell asked the two parties to get together to work out a solution. Motion to bring this matter forward to the October 6th meeting to see how it was resolved made by Commissioner Sewell, seconded by Commissioner Coco. No public comment on this matter. Vote unanimous, motion passed.

B. GREGG TARPY, MANAGER

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

ITEM FOR DISCUSSION – BYOB EVENTS

Richard Driscoll, President of the Board of Directors appeared on behalf of the Bradford Swim Club and read a letter detailing the history of the swim club. He also stated that members do bring in alcohol for their own consumption, but the club does not sell or provide alcohol to its members. Commissioner Coco inquired if the club has a Common Victualler license and other questions relating to the draft of the carry-in license regulations. Chairman Edwards inquired if it would be a hardship for the club to stop for the upcoming weekend and work with the Commission in the off-season to figure this matter out. The club is willing to work with the Commission in any way they can to resolve this matter.

11. SHOW CAUSE HEARINGS

A. JONUS RUSTANI, MANAGER

NEW LANTERN CAFÉ, INC., D/B/A NEW LANTERN CAFÉ
240 ESSEX 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 THEREFOR, WHETHER PRESENT OR NOT - ASSAULT AND BATTERY ON THE PREMISES AND OVER SERVING

Jonus Rustani appeared on behalf of the Licensee. Lieutenant Pistone summarized the police report for the record. Mr. Rustani offered his information from that night. The Commissioners had questions for Mr. Rustani. Motion that the Licensee be ordered to close at 9:00 PM on Saturday night, September 3 2016 and Licensee be placed on probation for one year made by Commissioner Coco, seconded by Commissioner Sewell. No public comment on this matter. Vote unanimous, motion passed.

B. JONUS RUSTANI, MANAGER

NEW LANTERN CAFÉ INC., D/B/A NEW LANTERN CAFÉ
240 ESSEX 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 THEREFOR, WHETHER PRESENT OR NOT – OPERATION OF ILLEGAL GAMING MACHINE.

Jonus Rustani appeared on behalf of the Licensee. Lieutenant Pistone summarized the police report for the record. Lt. Pistone also made note that inside the machine were three bundles of money, each bundle containing \$500.00. Mr. Rustani offered his information from that night. Sargent Fogarty of the Haverhill Police Department also spoke about the events of that night. The Commissioners had several questions of all parties. Lt. Pistone indicated that Mr. Rustani lied to the police department and fails to take responsibility for his actions. He would ask the Commission to take action and send a message. Sargent Fogarty indicated that she gave several opportunities for Mr. Rustani to be honest and he did not. Several options for a decision were discussed by the Commissioners. Motion that the license to sell alcohol be suspended for ten (10) days beginning Friday September 9 2016 through Sunday September 18 2016. Also Licensee shall be on probation for one year, to run concurrent with the probation for the violation heard earlier on this date. If there is any violation during probation, the Commission will consider revocation of the license made by Commissioner Coco, seconded by Commissioner Sewell. No public comment on this matter. Vote unanimous, motion passed.

12. COMMUNICATIONS

NO SCHEDULE

13. OTHER BUSINESS

A. RULES AND REGULATIONS FOR CARRY IN ALCOHOL LICENSES

Commissioner Coco summarized the policy. There is a limit to the Central Business District for the ease of policing this license. Chairman Edwards had several items he wanted to change, including the fee and not limiting to the central business district. The Commission is interested in expanding the boundaries or making the decision on a case by case basis. Motion to continue until there has been a discussion with the City attorney, the Mayor, the City Council and the Haverhill Police Department made by Commissioner Coco, seconded by Commissioner Sewell. No public comment on this matter. Vote unanimous, motion passed.

B. RULES AND REGULATIONS FOR ALLOWING THE PUBLIC TO ATTEND AND SPEAK AT
LICENSE COMMISSION MEETINGS

Chairman Edwards would like to add to the agenda an item to allow anyone from the public to be able to come in and add an item to be discussed at a later meeting. Commissioner Coco felt this would be a valuable proposal. Motion to give the Chairman the right to approve people to speak at the meetings made by Commissioner Coco, seconded by Commissioner Sewell. No public comment on this matter. Vote unanimous, motion passed.

MEETING ADJOURNED AT 8:04 PM

ATTEST: _____*LAURA D ANGUS*_____
LAURA D ANGUS, CLERK