



License Commission, Room 118
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The Haverhill License Commission held a **Meeting** on **Thursday, September 4, 2014 at 6:00 PM, Room 202, City Hall.**

1. **APPROVAL OF THE MINUTES:**

APPROVAL OF MINUTES OF AUGUST 7, 2014

2. **CONTINUED BUSINESS**

A. SOHAN SAINI, MANAGER -PRESENCE REQUIRED

426-428 MAIN STREET D/B/A AMERICAN GROCERY
426 MAIN STREET

CONTINUED FROM JULY 10TH MEETING - ALLEGED VIOLATION OF 204 CMR 2.05 (2) PERMITTING AN ILLEGALITY ON THE LICENSED PREMISES TO WIT: CHAPTER 138, SECTION 69 SALE OR DELIVERY TO AN INTOXICATED PERSON ON JUNE 5, 2014

The Saini family had a death in the family and was unable to attend the meeting. This item has been continued to the October 2 2014 meeting.

B. RICHARD FOURNIER, MANAGER

BRADFORD ATHLETIC AND SOCIAL CLUB
187-189 SOUTH ELM STREET

CONTINUED FROM JULY 10TH MEETING - APPLICATION FOR NEW OFFICERS AND DIRECTORS.

Daniel Trainor appeared on behalf of the applicant. Discussion regarding name change – appears to be straightened out. Motion by Commissioner Coco to approve the application, seconded by Chairman Edwards. No public comment on the application. Vote two yeas, one present – Motion passed.

3. **MISCELLANEOUS APPLICATIONS/REQUESTS**

NO SCHEDULE

4. **ONE DAY APPLICATIONS**

A. LAURA HSU

411 BROADWAY, #2, CAMBRIDGE, MA

APPLICATION FOR ONE DAY ALL ALCOHOL LICENSE FOR WEDDING RECEPTION AT WINNEKENNI CASTLE ON SEPTEMBER 27, 2014 FROM 6:00 PM TO 10:00 PM

Jonathan Nye appeared on behalf of the applicant. He is the husband. The couple is already married and this is the east coast reception. Commissioner Sewell questioned the bartender service. Commissioner Coco reminded the applicant that the alcohol receipts are due to the City Clerk's office before the event. Motion to approve the application by Commissioner Coco, seconded by Commissioner Sewell. No public comment on the application. Vote unanimous, motion passed.

B. EDWARD MAHONEY

TATTERSALL FARM CHARITABLE FOUNDATION
40 SAWMILL RIDGE ROAD

APPLICATION FOR ONE DAY WINE AND MALT ONLY LICENSE FOR FUNDRAISER AT TATTERSALL FARM, 542 NORTH BROADWAY ON SEPTEMBER 14, 2014 FROM 12 PM TO 5 PM. APPROVAL FROM HAVERHILL POLICE DEPARTMENT REQUIRING ONE DETAIL OFFICER-AWAITING OFFICIAL CONFIRMATION THAT EVENT HAS BEEN CANCELLED

Written confirmation that the event was cancelled was received by License Commission Clerk late in the afternoon on September 4th. This application has been withdrawn.

C. HOLLY ROCHE

Sacred HEARTS SCHOOL
31 SOUTH CHESTNUT STREET

APPLICATION FOR ONE DAY ALL ALCOHOL LICENSE FOR 75TH ANNIVERSARY OF THE SCHOOL PARTY TO BE HELD IN THE SACRED HEARTS SCHOOL GYMNASIUM ON NOVEMBER 1, 2014 FROM 5:00 PM TO 12:00 MIDNIGHT – PENDING RECEIPT OF NAME OF AUTHORIZED WHOLESALER - APPROVAL BY HAVERHILL POLICE DEPARTMENT REQUIRING ONE DETAIL OFFICER.

Holly Roche appeared on behalf of the applicant. Applicant is using Horizon Beverage Company as the authorized wholesaler. Sacred Hearts will contact Haverhill Police to schedule a detail officer. Receipts to be sent to License Commission Clerk prior to the event. Motion to approve application pending discussion between applicant and Haverhill Police Department regarding the detail officer made by Commissioner Coco, seconded by Commissioner Sewell – No public comment on the application. Vote unanimous, motion approved

D. ROSE YOUNG

HOLY APOSTLES CHURCH
154 WINTER STREET

APPLICATION FOR ALL ALCOHOL LICENSE FOR THE GREEK FESTIVAL FUNDRAISER AT HOLY APOSTLES CHURCH ON OCTOBER 4 2014 FROM 11:00 AM TO 12:00 MIDNIGHT - APPROVAL BY HAVERHILL POLICE DEPARTMENT REQUIRING ONE DETAIL OFFICER.

George Valvanis, President of the Board of Directors, appeared on behalf of the applicant. Discussion regarding rules of the one day license. Motion to approve the application by Commissioner Sewell, seconded by Commissioner Coco. No public comment on the application. Vote unanimous, motion passed.

E. CYNTHIA GRAHAM

HAVERHILL FIREFIGHTING MUSEUM
75 KENOZA AVENUE

APPLICATION FOR ONE DAY WINE AND MALT LICENSE FOR CHILI COOKOFF FUNDRAISER AT THE HAVERHILL FIREFIGHTING MUSEUM ON SEPTEMBER 27 2014 FROM 6:00 PM TO 9:00 PM

Cynthia Graham appeared on behalf of the applicant. Discussion regarding rules of the one day application. Question about the museum being on City owned property. Motion to approve application by Commissioner Coco, seconded by Commissioner Sewell. No public comment on the application. Vote unanimous, motion approved.

5. ENTERTAINMENT APPLICATIONS

A. 1. TERRI BARLOW, MANAGER

ACMBT, LLC, D/B/A TERRI'S PLACE
35 WASHINGTON STREET

**APPLICATION FOR NEW ENTERTAINMENT LICENSE FOR RADIO, JUKEBOX, TELEVISION,
KARAOKE, DANCING BY PATRONS ONLY, COMEDY SHOW – 1 -4 PERFORMERS PER SHOW**

COMMISSION CHOSE TO HEAR THESE ITEMS SEPARATELY:

Terri Barlow appeared on behalf of the applicant. Chairman Edwards clarified that dancing by patrons only means no dancing by any entertainers at the premises. Commissioners questioned applicant regarding the type of entertainment she would be having at the restaurant and amended the license application to include DJs and amplifiers. If she is looking for any form of entertainment not listed on the license, then she must apply for an amendment. Commissioner Coco made a motion to approve the application, as amended to include amplifiers and DJs, seconded by Commissioner Sewell. No public comment on the application. Vote unanimous, motion passed.

2. TERRI BARLOW, MANAGER

ACMBT, LLC, D/B/A TERRI'S PLACE
35 WASHINGTON STREET

**APPLICATION FOR TRANSFER OF COMMON VICTUALLER'S LICENSE FROM TSARGE, LLC, D/B/A
TOMA'S TO ACMBT, LLC, D/B/A TERRI'S PLACE**

Terri Barlow appeared on behalf of the applicant. Commissioner Coco made a motion to approve the application, seconded by Commissioner Sewell. No public comment on the application. Vote unanimous, motion passed.

B. SOHAN SAINI, MANAGER

SAINI GROUP, INC., D/B/A GIOVANNI'S ROAST BEEF AND PIZZA
298 MAIN STREET

APPLICATION FOR NEW ENTERTAINMENT LICENSE FOR RADIO AND TELEVISION

C. EDWARD J. DIBURRO, MANAGER

BARNBOARD PUB, INC., D/B/A ACADEMY LANES
725 SOUTH MAIN STREET

**APPLICATION FOR NEW ENTERTAINMENT LICENSE FOR TELEVISION, DANCING BY PATRONS
ONLY, AMPLIFIED MUSIC AND D.J.**

D. AMANDA BAYLISS, MANAGER

ACROPOLIS-OP, LLC, D/B/A DUNKIN' DONUTS
407 AMESBURY ROAD

APPLICATION FOR NEW ENTERTAINMENT LICENSE FOR TELEVISION

E. SANDRA CRONIN, MANAGER

BROADWAY-OP, LLC, D/B/A DUNKIN' DONUTS
600 BROADWAY

APPLICATION FOR NEW ENTERTAINMENT LICENSE FOR TELEVISION

F. **LUCIENE BAIA, MANAGER**
HELLAS-OP, LLC, D/B/A, DUNKIN' DONUTS
259 LINCOLN AVENUE
APPLICATION FOR NEW ENTERTAINMENT LICENSE FOR TELEVISION

G. **HOLLIE FAULKNER, MANAGER**
MARINA-OP, LLC, D/B/A DUNKIN' DONUTS
765 MAIN STREET
APPLICATION FOR NEW ENTERTAINMENT LICENSE FOR TELEVISION

H. **TRACY BERRY, MANAGER**
MOLAI Co, LLC, D/B/A DUNKIN' DONUTS
9 MIDDLESEX STREET
APPLICATION FOR NEW ENTERTAINMENT LICENSE FOR TELEVISION

I. **NATHAN SARGENT, MANAGER**
SPARTA-OP, LLC, D/B/A DUNKIN' DONUTS
727 SOUTH MAIN STREET
APPLICATION FOR NEW ENTERTAINMENT LICENSE FOR TELEVISION

J. **DANIELLE RIVARD, MANAGER**
WIN OP, LLC, D/B/A DUNKIN' DONUTS
215 WINTER STREET
APPLICATION FOR NEW ENTERTAINMENT LICENSE FOR TELEVISION

K. **SAMANTHA PELLETIER**
CHARTER FOODS NORTH LLC, D/B/A TACO BELL #29267
280 MAIN STREET
APPLICATION FOR NEW ENTERTAINMENT LICENSE FOR TELEVISION AND AMPLIFIED MUSIC

THE COMMISSION CHOSE TO HEAR THE APPLICATIONS FOR AGENDA ITEMS 5B THROUGH 5K ALL AT ONCE:

Edward DiBurro appeared on behalf of the applicant in Agenda Item 5C. He does not advertise dancing by patrons, but sometimes the people at the bowling alley do dance, so he added that to his application.

Motion made by Commissioner Coco to approve the applications for Entertainment licenses in Agenda Items 5B through 5K, seconded by Commissioner Sewell. No public comment on these applications. Vote unanimous, motion approved.

6. COMMON VICTUALLER APPLICATIONS

A. PRITAPA SAINI, MANAGER

558 RIVER STREET, INC., D/B/A GIOVANNI'S BLAST FROM THE PAST DINER
558 RIVER STREET

APPLICATION FOR RENEWAL OF COMMON VICTUALLER'S LICENSE AND APPLICATION FOR NEW ENTERTAINMENT LICENSE FOR RADIO, JUKEBOX AND TELEVISION

No one appeared on behalf of applicant due to a death in the family. Motion made by Commissioner Coco to approve the application, seconded by Commissioner Sewell. No public comment on this application. Vote unanimous, motion approved.

7. OUTDOOR DINING APPLICATIONS

NO SCHEDULE

8. ALCOHOL/ABCC APPLICATIONS

NO SCHEDULE

9. MOTOR VEHICLE APPLICATIONS

NO SCHEDULE

10. ISSUES FOR DISCUSSION

NO SCHEDULE

11. SHOW CAUSE HEARINGS

A. LI WU, MANAGER

LI'S ASIAN GARDEN, INC, D/B/A ASIAN GARDEN
1186 MAIN STREET

SHOW CAUSE HEARING ALLEGED VIOLATION OF 204 CMR 2.05(2) PERMITTING AN ILLEGALITY ON THE LICENSED PREMISES, TO WIT: ASSAULT AND BATTERY, FAILURE TO REPORT TO POLICE A DISTURBANCE AND FAILURE TO PROVIDE ADEQUATE SAFETY TO PATRONS ON OR ABOUT AUGUST 2 2014 AT 21:15

Lt. Pistone appeared on behalf of the Haverhill Police Department and summarized the police report. The charge is that the patron asked the staff to call the police and they would not call. Police were dispatched but no one could determine who had made the call to the police. Peter Joslin appeared on behalf of the licensee to help translate. Because the Wu's daughter was also available and was at the restaurant on the day of the incident, the Commission asked her to speak on behalf of the licensee. A handout was given by the restaurant to show where everyone was seated and also a statement by a patron who tried to break up the fight. This incident did not escalate due to alcohol – each party involved only had one round of drinks. Security cameras on the premises were not operational and are currently not operational. Chairman Edwards and Commissioner Coco both suggested getting the cameras functioning immediately. Commissioner Sewell told them to make sure they call the police when needed. No action was taken on this alleged violation as decided by all the Commissioners.

B. SAHAB U. CHOWDHURY, MANAGER

SHAPLA INTERNATIONAL LTD, D/B/A CONVENIENCE STATION
105 MAIN STREET

SHOW CAUSE HEARING ALLEGED VIOLATION OF 204 CMR 2.05 (2) PERMITTING AN ILLEGALITY ON THE LICENSED PREMISES, TO WIT: CHAPTER 138 SECTION 69, SALE OR DELIVERY TO INTOXICATED PERSONS ON OR ABOUT JULY 26, 2014 AT 18:50

Lt. Pistone appeared on behalf of the Haverhill Police Department and summarized the police report. He also indicated that this establishment is in one of the most challenging sites in the City. They generally turn away the intoxicated persons and they have been very cooperative with the police department. Attorney Robert Harb appeared on behalf of the store. This location has not had any violations for serving intoxicated persons. Attorney Harb presented photos of the inside of the store to show the clerk would not have very good visual of the person when they came in. The intoxicated person is a frequent customer who does not come into the store intoxicated. The clerk would not have paid much attention to him since he is a frequent customer, who buys the same thing every time he is in the store. The tape from the camera was not available for the hearing because it had been written over, but it would have shown that the customer did not appear intoxicated. The licensee has cameras inside the store and is willing to put cameras in the parking lot as well. Commissioner Sewell stated that because they sold to an intoxicated person, a violation has occurred. The person at the register must be sharp and paying attention at all times. Chairman Edwards stated that the clerk was informed right away of the alleged violation and efforts should have been made to preserve the tape of the incident. Lt. Pistone again indicated that this location sees many intoxicated people that they turn away on a daily basis and they are very cooperative with the police department. The police department has no recommendations for punishment. They leave that up to the Commission's discretion. Motion made by Commissioner Sewell to place the licensee on probation for six months. If a violation occurs within those six months, then the licensee will have to close four hours early (7 PM) on a Friday and Saturday night, seconded by Commissioner Coco. No public comment on this matter. Vote unanimous, motion passed.

12. COMMUNICATIONS

NO SCHEDULE

13. OTHER BUSINESS

There was no discussion regarding fees for Special Meetings.

Motion to adjourn made by Commissioner Coco, seconded by Commissioner Sewell. Meeting adjourned at 7:16 PM.

Attest: Laura Angus
Laura Angus, Clerk