



License Commission, Room 118
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The Haverhill License Commission held a **Meeting** on **Thursday April 4, 2019 at 6:00 p.m.**
Room 202, City Hall.

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

1. PLEDGE OF ALLEGIANCE

2. APPROVAL OF THE MINUTES:

A. APPROVAL OF MINUTES OF MARCH 14, 2019

Motion to approve the minutes of March 14, 2019 made by Commissioner Carter, seconded by Commissioner Sewell. No public comment on this matter. Vote unanimous, motion passed.

B. APPROVAL OF MINUTES OF MARCH 15, 2019

Motion to approve the minutes of March 15, 2019 made by Commissioner Carter, seconded by Commissioner Sewell. No public comment on this matter. Vote unanimous, motion passed.

3. CONTINUED BUSINESS

A. JAMES TEAGUE, MANAGER

HAVERHILL FORD, LLC, D/B/A AUTOFAIR FORD OF HAVERHILL
501 BROADWAY

**CONTINUATION OF ITEM FOR DISCUSSION: POSSIBLE VIOLATION OF NUMBER OF CARS AS LISTED
IN LICENSE**

B. JOSE OLIVER, MANAGER

HAVERHILL SUBARU, LLC, D/B/A AUTOFAIR SUBARU
503 BROADWAY

**CONTINUATION OF ITEM FOR DISCUSSION: POSSIBLE VIOLATION OF NUMBER OF CARS AS LISTED
IN LICENSE**

Items 3A and 3B were taken together. James Teague, General Manager of AutoFair Ford and Jose Oliver, General Manager of AutoFair Subaru appeared on this matter. Inspector Richard Wentworth of the Haverhill Fire Department was also present. Chairman Edwards inquired about the medical call made to the dealership last week. Inspector Wentworth indicated that the call went fine. He also stated that code enforcement went

out and counted cars – they were below the license number and the fire lanes were open. Chairman Edwards inquired of the dealership managers if they had done anything. Jose Oliver responded for both that they have 170 cars in port hold, which is an inconvenience to the customer and the dealership. They are still working on the additional lot. Commissioner Sewell stated he was going to suggest a reduction in the number of cars on the lot to 550, but they have brought their numbers down so he won't at this time. Motion not to take further action, maintain compliance and deal with future issues when they arise made by Commissioner Carter, seconded by Commissioner Sewell. No public comment on this matter. Vote unanimous, motion passed.

4. MISCELLANEOUS APPLICATIONS/REQUESTS

NO SCHEDULE

5. ONE DAY APPLICATIONS

A. CYNTHIA GRAHAM

HAVERHILL FIREFIGHTING MUSEUM
75 KENOZA AVENUE

**APPLICATION FOR ONE DAY ALL ALCOHOL LICENSE FOR KENTUCKY DERBY GALA FUNDRAISER
AT THE HAVERHILL FIREFIGHTING MUSEUM ON MAY 4, 2019 FROM 5:00 PM TO 11:00 PM**

Cynthia Graham appeared on this application. Chairman Edwards had questions about last year's event. Commissioner Sewell indicated they have had no incidents in the past. Motion to approve application made by Commissioner Carter, seconded by Commissioner Sewell. No public comment on this matter. Vote unanimous, motion passed.

B. CHRISTINE KWITCHOFF

ROCKS VILLAGE MEMORIAL ASSOCIATION
59 WHARF LANE

**APPLICATION FOR ONE DAY WINES AND MALT ONLY LICENSE FOR OPEN HOUSE AT THE HAND
TUB HOUSE, 1 RIVER ROAD, ROCKS VILLAGE ON MAY 4, 2019 FROM 3:00 PM TO 6:00 PM**

Christine Kwitchoff appeared on this application. Chairman Edwards inquired who would be setting up the event and from whom they are buying the alcohol. The Tap will be serving the alcohol and the alcohol will be purchased from an authorized source. Christine Kwitchoff gave the Commission details about the event. Motion to approve application made by Commissioner Carter, seconded by Commissioner Sewell. No public comment on this matter. Vote unanimous, motion passed.

C. RYAN MCCLUSKEY

216 MOUNT HOPE STREET, #2, LOWELL, MA 01854

**APPLICATION FOR ONE DAY WINES AND MALT ONLY LICENSE FOR A WEDDING RECEPTION AT THE
WINNEKENNI CASTLE ON APRIL 18, 2019 FROM 2:00 PM TO 10:00 PM – LIQUOR TO BE SERVED
FROM 3:00 PM TO 8:00 PM**

Ryan McCluskey appeared on this application. Chairman Edwards inquired who would be setting up the event. Butlers and Bars will be doing the event. Chairman Edwards also told Mr. McCluskey that they must stop serving at 8:00 PM. Motion to approve application made by Commissioner Sewell, seconded by Commissioner Carter. No public comment on this matter. Vote unanimous, motion passed.

D. CHRIS GEORGIADIS

HELLENIC ORTHODOX COMMUNITY

154-156 WINTER STREET

APPLICATION FOR ONE DAY ALL ALCOHOL LICENSE FOR EDUCATION FUNDRAISER AT 154-156 WINTER STREET ON MAY 4, 2019 FROM 7:00 PM TO 1:00 AM- POLICE APPROVAL REQUIRES ONE DETAIL OFFICER

Chris Georgiadis appeared on the application. Commissioner Carter asked about the event. This event is a fundraiser for the Sunday School and the Greek language school. Chairman Edwards inquired about a Fire Detail. They Fire Department does not sign off on the one day licenses. Chairman Edwards reminded the applicant that they must use a licensed wholesaler to purchase the alcohol. They cannot go to a package store as they have in the past. Motion to approve application made by Commissioner Carter, seconded by Commissioner Sewell. No public comment on this matter. Vote unanimous, motion passed.

E. CHRIS GEORGIADIS

HELLENIC ORTHODOX COMMUNITY

154-156 WINTER STREET

APPLICATION FOR ONE DAY ALL ALCOHOL LICENSE FOR SPRING FESTIVAL AT 154-156 WINTER STREET ON JUNE 7, 2019 FROM 11:00 AM TO 9:00 PM - POLICE APPROVAL REQUIRES ONE DETAIL OFFICER

Agenda Items 5E, 5F and 5G were all taken together. Chris Georgiadis appeared on these applications. Commissioner Carter asked about the event. This event is an annual fundraiser for building maintenance and other projects in the church. It is a festival with food, maybe some vendors, Greek music piped in and alcohol. Chairman Edwards inquired if they really wanted to close at 9:00 on Friday and Saturday. Mr. Georgiadis indicated they will have a Fire Detail at this event as they always do. Motion to approve application made by Commissioner Sewell, seconded by Commissioner Carter. No public comment on this matter. Vote unanimous, motion passed.

F. CHRIS GEORGIADIS

HELLENIC ORTHODOX COMMUNITY

154-156 WINTER STREET

APPLICATION FOR ONE DAY ALL ALCOHOL LICENSE FOR SPRING FESTIVAL AT 154-156 WINTER STREET ON JUNE 8, 2019 FROM 11:00 AM TO 9:00 PM - POLICE APPROVAL REQUIRES ONE DETAIL OFFICER

Agenda Items 5E, 5F and 5G were all taken together

G. CHRIS GEORGIADIS

HELLENIC ORTHODOX COMMUNITY

154-156 WINTER STREET

APPLICATION FOR ONE DAY ALL ALCOHOL LICENSE FOR SPRING FESTIVAL AT 154-156 WINTER STREET ON JUNE 9, 2019 FROM 11:00 AM TO 2:00 PM - POLICE APPROVAL REQUIRES ONE DETAIL OFFICER

Agenda Items 5E, 5F and 5G were all taken together

6. ENTERTAINMENT APPLICATIONS

IDA KATSOU LIS, MANAGER

JIMMY K'S RESTAURANT, LLC, D/B/A JIMMY K'S DINER

91 PLAISTOW ROAD

APPLICATION FOR NEW ENTERTAINMENT LICENSE FOR RADIO, TELEVISION, JUKEBOX, AMPLIFIERS, KARAOKE, DJ, DANCING BY PATRONS ONLY, AMPLIFIED MUSIC, PAINT NIGHTS AND TRIVIA – PENDING RECEIPT OF CERTIFICATE OF INSPECTION

Agenda Items 6 and 7 were taken together. Ida Katsoulis and Nick Katsoulis both appeared on the applications. Chairman Edwards inquired as to what was happening with the restaurant. They are moving to a new location in the new restaurant area on Plaistow Road and they would like to add beer and wine. Commissioner Carter asked why the common victualler application was a transfer. They need to transfer the current license to the new location. Motion to approve application made by Commissioner Sewell, seconded by Commissioner Carter. No public comment on this matter. Vote unanimous, motion passed.

7. COMMON VICTUALLER APPLICATIONS

IDA KATSOU LIS, MANAGER

JIMMY K'S RESTAURANT, LLC, D/B/A JIMMY K'S DINER

91 PLAISTOW ROAD

APPLICATION FOR TRANSFER OF COMMON VICTUALLER LICENSE – PENDING RECEIPT OF APPROVAL OF THE PLUMBING AND GAS INSPECTOR, ELECTRICAL INSPECTOR, BUILDING INSPECTOR, HEALTH INSPECTOR AND FIRE INSPECTOR AND CERTIFICATE OF INSPECTION

Agenda Items 6 and 7 were taken together.

8. OUTDOOR DINING APPLICATIONS

NO SCHEDULE

9. ALCOHOL/ABCC APPLICATIONS

A. IDA KATSOU LIS, MANAGER

JIMMY K'S RESTAURANT, LLC, D/B/A JIMMY K'S DINER

91 PLAISTOW ROAD

APPLICATION FOR NEW SECTION 12 RESTAURANT WINES AND MALT ONLY WITH CORDIALS AND LIQUEURS PERMIT – HOURS OF OPERATION FOR LIQUOR LICENSE MONDAY THROUGH SATURDAY 8:00 AM TO 9:00 PM, SUNDAY 10:00 AM TO 9:00 PM – PENDING RECEIPT OF LICENSE FEE, LIQUOR LIABILITY INSURANCE, TIPS CERTIFICATES, WORKER'S COMPENSATION INSURANCE AFFIDAVIT AND 304 CERTIFICATE OF INSPECTION.

Ida Katsoulis and Nick Katsoulis both appeared on this application. Chairman Edwards had questions about the statute regarding cordials and liqueurs. He did not want to act on this application until he understood the statute. There was some discussion about the license type and the cost of the license vs the cost of an all alcohol license. Motion to continue application made by Commissioner Carter, seconded by Commissioner Sewell. No public comment on this matter. Vote unanimous, motion passed.

B. KEVIN FITCH OSGOOD, MANAGER

STERLING GOLF MANAGEMENT, INC., D/B/A CRYSTAL LAKE GOLF CLUB
890 NORTH BROADWAY

APPLICATION FOR CHANGE OF HOURS TO BEGIN SERVING ON SUNDAY AT 10:00 AM

Jay Miller appeared on this application. Chairman Edwards had some questions about the early start. He also inquired about the alcohol golf cart start. The golf cart does not start until 12:00 on Sunday. Motion to approve application made by Commissioner Sewell, seconded by Commissioner Carter. No public comment on this matter. Vote unanimous, motion passed.

10. MOTOR VEHICLE APPLICATIONS

ADAM AWAD, MANAGER

USYNERGY EXPRESS, LLC, D/B/A MOBIL
767 MAIN STREET

APPLICATION FOR NEW CLASS II MOTOR VEHICLE DEALER LICENSE FOR THE SALE OF ONE CAR

Hayat Awadallah appeared on this application. Commissioner Carter had a question about the location of the station and work being done there. Chairman Edwards asked about the business. Motion to approve application made by Commissioner Carter, seconded by Commissioner Sewell. No public comment on this matter. Vote unanimous, motion passed.

11. CARRY IN LICENSE APPLICATIONS

NO SCHEDULE

12. ITEM FOR DISCUSSION

BERNARD GOULET, MANAGER

MOONSHINERS LOUNGE, LLC, D/B/A MOONSHINERS
103 WASHINGTON STREET

ITEM FOR DISCUSSION – FUTURE OPERATIONS – AVOIDANCE OF OVERSERVING, AVOIDANCE OF OVERCROWDNG, CROWD MANAGEMENT – OUTSTANDING PERSONAL PROPERTY TAXES

Bernard Goulet and Attorney Tim Connors both appeared on this item. Captain Robert Pistone of the Haverhill Police Department indicated this matter was brought to his attention by the midnight supervisor. He did not bring it as a show cause hearing, but a matter of some concern because there have 9 incidents in 90 days. They have been doing a good job at removing unwanted patrons and not over serving. They are not doing anything wrong but the police are being called there regularly. He will meet with Mr. Goulet after the meeting. Chairman Edwards indicated that he would like them to get a crowd manager. Mr. Goulet stated he already is a crowd manager. They are using the wrist bands and they start a line when they are at capacity. Part of the issue is the location of the bar. There is lots of foot traffic down there. There was more discussion about the issues and what could be done to improve the issues. Mr. Goulet also indicated he has four bouncers on Thursday, Friday and Saturday. Attorney Connors stated that Mr. Goulet has no problem calling the police when necessary, they have cameras inside, they use bouncers and the cooperate with the police department. Motion to add a crowd control manager to avoid overserving, to avoid overcrowding and to deal with crowd management made by Commissioner Carter, seconded by Commissioner Sewell. No public comment on this matter. Vote unanimous, motion passed.

13. SHOW CAUSE HEARINGS

A. JAMES CASSELL, MANAGER

CASSMIT LUCKY, LLC, D/B/A LUCKY'S PIZZA
251 PRIMROSE STREET

SHOW CAUSE HEARING – ALLEGED VIOLATION: OPERATING WITHOUT A COMMON VICTUALLER LICENSE/FAILURE TO PROPERLY RENEW COMMON VICTUALLER LICENSE – FAILURE TO PAY PERSONAL PROPERTY AND REAL ESTATE TAXES

James Cassell appeared on this matter. Chairman Edwards inquired about his license for the establishment at Northern Essex. Mr. Cassell indicated that he was told by Inspectional Services that he did not need a Common Victualler License. Chairman Edwards told him to appear tomorrow or he will be shut down

B. MARGARET CONNEELY, MANAGER

AMSTEL ENTERPRISES, INC., D/B/A THE PEDDLERS DAUGHTER/SHOE CITY
45 WINGATE 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 – POSSIBLE OVER SERVING AND FAILURE TO MAINTAIN A SAFE ENVIRONMENT FOR PATRONS. INCIDENT OCCURRED ON OR ABOUT MARCH 14, 2019 AT APPROXIMATELY 1:24

Margaret Conneely and Michael Conneely both appeared on this matter. Captain Robert Pistone of the Haverhill Police Department summarized the incident for the Commission. Detective Sean Scharneck stated he reviewed the video obtained from Peddlers and they were very cooperative. The defendant was very uncooperative. Commissioner Sewell inquired if the alcohol consumed by the parties was consumed on the premises of Peddlers Daughter. Detective Scharneck indicated he could not answer where or how much alcohol was consumed. Commissioner Sewell would like to move ahead a month to see what the video footage reveals. Chairman Edwards told the licensee to have the bartenders get people out earlier. If there is a rowdy person, call the police. Motion to put this matter forward until such time as the police can give a more complete report based on the video footage and put Peddlers Daughter on probation until this matter has been decided. If another incident happens it will be compounded made by Commissioner Sewell, seconded by Commissioner Carter. There was more discussion on the incident and who is responsible. Commissioner Sewell withdrew his earlier motion. Motion to put this matter forward until such time as the video can be observed and the Commission can be informed made by Commissioner Sewell, seconded by Commissioner Carter. No public comment on this matter. Vote unanimous, motion passed.

14. COMMUNICATIONS

NO SCHEDULE

15. PUBLIC PARTICIPATION

16. OTHER BUSINESS

NO SCHEDULE

Meeting adjourned at 7:27 PM

Attest: Laura D Angus

Laura D Angus, Clerk