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| City%20Seal2 | **Haverhill** |
| License Commission, Room 118  Phone: 978-374-2312 Fax: 978-373-8490  cityclerk@cityofhaverhill.com |

**License Commission Minutes**

**Thursday, March 7, 2024, at 6:00 p.m.-Room 202**

**VIRTUAL and in person meeting**

Attending: Chairperson Laura Angus, Commissioner Patrick Driscoll, Lic. Clerk Jennifer Sanchez, Sergeant Kevin Lynch, HPD.

1. **Pledge of Allegiance**
2. **Approval of the Minutes**

2.1 Approval of the Minutes of February 1, 2024

Commissioner Driscoll said he reviewed the minutes, and they appear to be in order.

**Commissioner Driscoll made a motion that the minutes be accepted as presented. This was seconded by Chairperson Angus. No public comment, vote unanimous, motion passed.**

1. **Continued Business**

No Schedule

1. **miscellaneous applications/ requests**

**4.1 Allison Gagne, Applicant**

NECC

100 Elliott Street

-**Application for one day beer and wine license for the Athletics Hall of Fame event on March 20, 2024, from 6pm to 8pm. Has police approval.**

Allison appeared virtually for this application. Chairperson Angus asked if this was one of the yearly events that she does. Allison said yes, it is. Chairperson Angus said her application looks to be in order that Allison knows the rules. Commissioner Driscoll said we know that Allison is well versed in this.

**Commissioner Driscoll made a motion to approve this application. This was seconded by Chairperson Angus. No public comment, vote unanimous, motion passed.**

**4.2 Kim Dandurant, Applicant**

The Armenian Church at Hye Point

1280 Boston Road

**-Application for one day beer and wine license for a family graduation party on May 18, 2024, from 6pm to 11pm. Has police approval.**

Mark appeared virtually for this application. Mark said they are purchasing the alcohol from an authorized source. Chairperson Angus asked Mark if he is the one who is going to be doing the bartending? Mark said yes, he is. Chairperson Angus asked him if he is well versed on checking ID’s and not over serving. Mark said yes, he is. Mark said it is just a family graduation party and only beer and wine.

Commissioner Driscoll asked if Simply Elegant is doing the catering. Mark said yes, he is doing the catering only.

**Commissioner Driscoll made a motion to approve this application. This was seconded by Chairperson Angus. No public comment, vote unanimous, motion passed.**

1. **one day applications**

No Schedule

1. **business certificates**

No Schedule

1. **entertainment applications**

**No Schedule**

1. **common victualler applications**

No Schedule

1. **outdoor dining applications**

No Schedule

1. **alcohol/ abcc applications**

Chairperson Angus announced there is one (1) section 15 wines and malt package store license available in the city currently. There are two applications on the agenda tonight. she said the commission will hear from both applicants and discuss and make a decision or continue the hearings to the next meeting.

**10.1 Sharbel Azzi, Manager**

Grab N Go Market Inc.

d/b/a Grab N Go Market

387 South Main Street

**-Application for a new §15 package store wines and malt beverages license, pending updated page 3, updated page 4, and notarized letter from Suzanne.**

Sharbel appeared for this application. He is the owner of Grab N Go Market. Chairperson Angus asked Sharbel how long they have been open? Sharbel said they recently opened it has been about 2 weeks. He said they renovated the whole place. He talked to customers in the area and got an idea of what they were looking for. He is stocking the store with things they need and one of the needs was beer and wine.

Chairperson Angus asked him if they have a good customer base there. Sharbel said yes, they are getting customers from other stores because it is very clean, new and customer friendly. Chairperson Angus asked if he is related to the former owners. Sharbel said no.

Commissioner Driscoll said it was a long-established place and there is a good customer base in Bradford. Chairperson Angus asked if there is a plan to use the basement? Sharbel said for storage. Chairperson Angus told Sharbel that the description of the premises also needs to be cleaned up. She instructed him to add on more than what is inside. She also told Sharbel to submit a plan of the basement with measurements. If there will be storage, then it needs to be licensed.

Chairperson Angus asked Sharbel if he has experience selling alcohol? Sharbel said he helps his cousins at the liquor store and Smith’s Tavern. She asked what the plans were for checking ID. Sharbel said it is just a family business, himself, his sister, and his father. They will all get tips certified and do what they need to do to safely sell alcohol. Chairperson Angus asked if they would check ID on all ages. Sharbel said yes, they will. Chairperson Angus asked if they have any plans on getting an ID scanner. Sharbel said yes, they are planning on it. Chairperson Angus asked if they have cameras. Sharbel said yes, they do have cameras. Sharbel said the security cameras have a 60-day loop.

**Commissioner Driscoll made a motion to continue the applications until the April meeting. This was seconded by Chairperson Angus. No public comment, vote unanimous, motion passed.**

**10.2 Vincent Nguyen, Manager**

Vincent Nguyen

d/b/a J&J Mini Mart

620 Primrose Street, Unit 4

**-Application for new §15 package store wines and malt beverages license. Pending updated page1, and 2. Notarized letter from Kevin, and new lease.**

Vincent appeared for this application. Chairperson Angus asked him what his experience is in the industry. Vincent said he worked with his brother. His brother had a convenience store. Chairperson Angus asked if Vincent is tips certified. Vincent said no he is not. Chairperson Angus told him that he would have to get tips certified. Chairperson Angus asked him if he was going to be the manager and be on the premises. Vincent said yes. Chairperson Angus told Vincent that anyone who works there selling the alcohol would need to be tips certified. Chairperson Angus said that is a requirement that the certifications need to be filed.

Chairperson Angus asked if they are open yet? Vincent said no they are not open yet. He said they are in the process of remodeling.

Commissioner Driscoll asked if this was in the same plaza as Raff’s Café. Vincent said yes. Chairperson Angus asked if he is going to have cameras there? Vincent said yes, he is. Chairperson Angus asked if the tapes could be recorded for at least 30 days. Vincent said yes.

Chairperson Angus asked HPD if they have any input on the applications. Sergeant Lynch said no they do not.

**Commissioner Driscoll made a motion to continue the applications until the April meeting. This was seconded by Chairperson Angus. No public comment, vote unanimous, motion passed.**

1. **motor vehicle applications**

No Schedule

1. **carry in license applications**

No Schedule

1. **item for discussion**

**13.1 Noreen Frances O’Neil, Manager**

Haverhill Lodge #165 B.P.O.E. of Haverhill

d/b/a Elk’s Club

24 Summer Street

**-Item for Discussion: Status of new manager paperwork.**

**Ernie was not present; this was postponed until the end of the meeting.**

Chairperson Angus said this item is on the agenda because their manager passed away 6 months ago, and they are still trying to get their paperwork together to change the manager. We asked them to come in to give us an update.

Joe Michaud appeared for this item. Joe said he did have a hard time getting ahold of DUA. Commissioner Koutoulas gave them 2 people to contact. The representative finally got in contact with the DUA. Andy Vargas’s office was able to help them to make contact. Joe said there are two systems they are working with. One is old and one is new. They were sending messages in the old system, and no one was responding. Joe said they are in the new system now and they are getting in contact with them in the new system.

Joe said they will go back and do their filings for everything that was estimated, then they will contact them and set up some kind of payment plan.

Chairperson Angus asked if they have spoken with someone at the DUA. Joe said he did not speak to them, but they did get an email.

Commissioner Driscoll said it looks like they are on the right path, and we should have them come back next month to make sure they are still headed in the same direction.

Ernie did arrive and said that he will be working on getting these items ready.

**Commissioner Driscoll made a motion to place this on file for April meeting. This was seconded by Chairperson Angus. No public comment, vote unanimous, motion passed.**

1. **show cause hearing**

**14.1 Jonus Rustani, Manager**

The New Lantern Café, Inc.

d/b/a New Lantern Cafe

240 Essex Street

**-Show cause hearing: Alleged violation of 204 CMR 2.05 Permitting an illegality on the licensed premises, to wit: 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.**

**-Incident that occurred on February 14, 2024.**

**-Possible Overserving.**

Sergeant Lynch described the incident as on February 14, 2024, at 23:55 hours officers observed a female stumbling into traffic in Lafayette Square. Officers made contact with the female. She was extremely unsteady on her feet; detectives smelled a strong odor of alcoholic beverage on her person. They assisted her to sit down to prevent her from falling. When they spoke with her she told officers she was coming from the New Lantern Café. She told the officers she was there since 5pm. When the female opened her purse, she did have a 200 ml bottle of rum that was almost empty. The female did advise officers she was drinking in the bathroom at the New Lantern Café.

Sergeant Lynch did go to the New Lantern Café and spoke with the manager. The Manager did acknowledge the female was in the establishment. The manager told officers she only consumed 2 beers and a shot. HPD concerns are the amount of alcohol that she purchased and sbe should not have left her in the state that she was in. She was allowed to leave being highly intoxicated.

Jonus Rustani appeared for this item. Chairperson Angus asked Jonus about what happened. Jonus said all he could say is that while he was there, he gave her 2 beers and a shot and as far as he could see she appeared to be fine. Jonus said she was moving around ok inside of the building. Jonus said that he did not know she had a bottle in her purse. He said after she left, he had no idea what she was doing and as long as she was there, she did not stumble, or slur words or anything that showed any signs of intoxication.

Chairperson Angus asked Jonus what time the woman left the establishment. Jonus said between 9 and 10. Chairperson Angus asked him if this happened 2-3 hours later.

Sergeant Lynch came up to speak, He said he reviewed the City cameras and the female was observed at 23:47 hours walking out of the alley behind The New Lantern. She left the establishment at 11:47 and not at 9pm. Sergeant Lynch said she left at 11:47 and HPD encountered her at 11:55.

Chairperson Angus asked Jonus who was on before he got there. Jonus said his brother was on. Chairperson Angus asked Jonus if he has any idea how much his brother served the woman. Jonus said he can only guess. He said 3-4 beers that he can guess but he was not there. Chairperson Angus asked Jonus if he talked to his brother about the incident. Jonus said when he talked to him he said 3-4 beers.

Commissioner Driscoll asked Jonus if that was in addition to the drinks that Jonus served the woman. Jonus said yes. Chairperson Angus asked Jonus what time the woman arrived. Jonus said he was told she was there at 5 but he does not know the exact time because he was not there. Chairperson Angus asked Jonus if he talked to her while she was in the establishment. Jonus said she was busy talking to other patrons. Chairperson Angus asked Jonus if he noticed her going to the bathroom frequently. Jonus said no. Jonus said you have to keep in mind that some of these people do not just do alcohol.

Jonus said when you go outside of the establishment that there are nips all over the ground. Jonus said that he cannot search people and when they go inside and that he cannot control people bringing them inside. Chairperson Angus told Jonus that he does need to be aware of the people in his bar. Chairperson Angus asked Jonus if she had anything to eat while she was there. Jonus said she had a hot dog.

Commissioner Driscoll said there was only an 8-minute difference between the time she left the establishment and the time HPD encountered the woman.

Chairperson Angus said it is still the licensed premises and that Jonus is still responsible, even if she was drinking in the bathroom because he should have noticed her intoxication level. Jonus said he did not know she was drinking in the bathroom. Chairperson Angus said there was no way that she was not showing any signs of intoxication.

Commissioner Driscoll said something is going on at The New Lantern Café because Jonus is constantly here in front of the Commission. Commissioner Driscoll said he does not know how to fix it but only Jonus can do that. Jonus said he can fix this situation by not serving her anymore because she brought in her own alcohol.

Chairperson Angus asked Jonus how many people were on that night. Jonus said just him. Chairperson Angus said he has already been talked to about having more than one person on. Jonus said it was not that busy that night. Chairperson Angus said that is not the issue.

Commissioner Driscoll asked if they were still on probation. Chairperson Angus said the probation ended.

Chairperson Angus told Jonus that she did not think Jonus and his brother have been vigilant enough watching people. The woman is lucky that she did not get hit by a car. Chairperson Angus asked if the woman was brought home or if she went to the hospital? Sergeant Lynch said she was brought home and left in the care of a responsible adult. Chairperson Angus asked if there are any employees that work there or is it just Jonus and his brother. Chairperson Angus said a stipulation will be that 2 people need to be working at night Thursday through Sunday.

Commissioner Driscoll said he wants to see something severe since Jonus had an early closing and a probation in 2023. He recommended closing for 2 weeks because this continues to happen.

Jonus said that he does not like coming here and that it is not easy watching everything that they do. Commissioner Driscoll said there are other establishments in Haverhill that do watch what people do and they are not in front of the Commission every 3 months. Commissioner Driscoll told Rustani that there is something going on there that needs to be addressed. Jonus described an event that he shut off a man that tried to push him down to get in to beat someone up. Commissioner Driscoll said the patrons have found Jonus’s establishment to the mecca of all of this.

Sergeant Lynch said HPD recommends that if there are patrons like that they should be trespassed, and that Jonus can call them. HPD will let them know if they come back to the establishment, they get arrested.

Chairperson Angus asked why it is so hard to keep an eye on everyone. Jonus said because he does not know what they will be doing if they go outside. Chairperson Angus said it is because there is only one person working and regardless of the decision that is made tonight, there will be a requirement for 2 people to be on Thursdays to Sundays from 6pm- close.

**Commissioner Driscoll made a motion for the New Lantern Café to be closed from Friday March 8 to Sunday March 17 and to reopen Monday March 18. When reopen to have 2 people working Thursday, Friday, Saturday and Sunday 6pm to closing. This will be readdressed in 6 months. This was seconded by Chairperson Angus. No public comment, vote unanimous, motion passed.**

**Commissioner Driscoll made a motion to find a violation of 204 CMR 2.05. This was seconded by Chairperson Angus. No public comment, vote unanimous, motion passed.**

1. **communication**
2. **Public Participation**

No Schedule

1. **other business**

No Schedule

1. **ADJOURNMENT**
2. Commissioner Driscoll made a motion to adjourn at 6:39pm.