



License Commission, Room 118
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The Haverhill License Commission held a **Meeting on Thursday January 9, 2020 at 6:00 p.m. Room 301, City Hall.**

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

1. PLEDGE OF ALLEGIANCE

2. APPROVAL OF THE MINUTES:

A. APPROVAL OF MINUTES DECEMBER 5, 2019

Items 2A and 2B were taken together. Motion to approve the minutes of December 5, 2019 and December 27, 2019 made by Commissioner Carter, seconded by Chairman Edwards. No public comment on this matter. Vote two yeas, one abstain, motion passed.

B. APPROVAL OF MINUTES OF DECEMBER 27, 2019

Items 2A and 2B were taken together.

3. CONTINUED BUSINESS

NO SCHEDULE

4. MISCELLANEOUS APPLICATIONS/REQUESTS

NO SCHEDULE

5. ONE DAY APPLICATIONS

NO SCHEDULE

6. ENTERTAINMENT APPLICATIONS

A. GARY VAN GEYTE, MANAGER

VAN GEYTE FINE PROPERTIES, LLC, D/B/A 8TH AND CEDAR PIZZERIA
119 CEDAR STREET

APPLICATION FOR NEW ENTERTAINMENT LICENSE FOR RADIO, JUKEBOX, TELEVISION, AMPLIFIERS AND AMPLIFIED MUSIC – PENDING RECEIPT OF FINDING FROM THE ZONING BOARD OF APPEALS, WORKER’S COMPENSATION INSURANCE AFFIDAVIT AND DECLARATION PAGE OF THE WORKER’S COMPENSATION, A 304 CERTIFICATE OF OCCUPANCY AND LICENSE FEE

Items 6A, 7A and 9B were taken together. Attorney Michael Migliori, Gary Van Geyte and Mr. Lardiere appeared on these applications. Attorney Migliori explained the concept for the restaurant – it will be a neighborhood establishment. Both party’s present are TIPS certified. Commissioner Carter inquired what will make this establishment a success. The applicant answered the simple concept. They have another restaurant in Ipswich that is very successful. Commissioner Sewell voiced concerns about them being open until 2:00 AM in a residential area. The applicant agreed to closing earlier. There was a discussion on the number of seats in the restaurant versus the number of seats at the bar. Chairman Edwards put the hearing on hold for the parties to be able to redraw the plan to show the number of seats. Commissioner Carter inquired whether there would be any live bands. The answer was no. The Commission inquired about the amplified music to be certain it was kept at a moderate noise level for the residential area. Chairman Edwards inquired if the Haverhill Police had any input. The only concern of the Haverhill Police was the issue of live bands. Motion to approve the applications, pending receipt of the outstanding items listed for each and made by Commissioner Carter, seconded by Commissioner Sewell. No public comment on this matter. Vote three yeas, no nays, motion passed.

B. KYRA LEARY, MANAGER

PERIWINKLE CAFÉ, LLC, D/B/A PERIWINKLE CAFÉ
695 SOUTH MAIN STREET

APPLICATION FOR NEW ENTERTAINMENT LICENSE FOR RADIO AND TELEVISION – PENDING RECEIPT OF CERTIFICATE OF OCCUPANCY

Items 6B and 7C were taken together. Kyra Leary and Tony Cabral appeared on these applications. The applicant explained the concept. They will be doing breakfast only. There will be no renovations. Commissioner Sewell inquired about the hours. They will be open from 6:30 am to 1:30 pm – which was extended to 2:00 pm. Commissioner Carter inquired about the experience. Ms. Leary will be the bookkeeper and Mr. Cabral is the chef. Motion to approve the application pending receipt of the certificate of occupancy made by Commissioner Sewell, seconded by Commissioner Carter. No public comment on this matter. Vote three yeas, no nays, motion passed.

7. COMMON VICTUALLER APPLICATIONS

A. GARY VAN GEYTE, MANAGER

VAN GEYTE FINE PROPERTIES, LLC, D/B/A 8TH AND CEDAR PIZZERIA
119 CEDAR STREET

APPLICATION FOR NEW COMMON VICTUALLER LICENSE – PENDING RECEIPT OF FINDING FROM THE ZONING BOARD OF APPEALS, APPROVAL OF THE PLUMBING AND GAS INSPECTOR, THE ELECTRICAL INSPECTOR, THE BUILDING INSPECTOR, THE HEALTH INSPECTOR AND THE FIRE

**INSPECTOR, WORKER'S COMPENSATION INSURANCE AFFIDAVIT AND DECLARATION PAGE OF THE
WORKER'S COMPENSATION, A 304 CERTIFICATE OF OCCUPANCY AND LICENSE FEE**

Items 6A, 7A and 9B were taken together.

B. KIMBERLY HOSFORD, MANAGER

KIMBERLY HOSFORD, D/B/A A SWEET AFFAIR
151 SOUTH MAIN STREET

**APPLICATION FOR NEW COMMON VICTUALLER LICENSE – PENDING RECEIPT OF COMPLETE
LEASE AND CERTIFICATE OF OCCUPANCY**

Kimberly Hosford appeared on this application. This location will be a second location as they are downtown also. It is a smoothie shop. Commissioner Carter asked if they were doing anything different. The applicant said nothing different except the parking. Motion to approve the application pending receipt of complete lease and certificate of occupancy made by Commissioner Carter, seconded by Commissioner Sewell. No public comment on this matter. Vote unanimous, motion passed.

C. KYRA LEARY, MANAGER

PERIWINKLE CAFÉ, LLC, D/B/A PERIWINKLE CAFÉ
695 SOUTH MAIN STREET

**APPLICATION FOR NEW COMMON VICTUALLER LICENSE – PENDING RECEIPT OF CERTIFICATE OF
OCCUPANCY**

Items 6B and 7C were taken together.

D. ABDELAZIZ NASSIRE, MANAGER

ABDELAZIZ NASSIRE, D/B/A KALDI'S CAFÉ
22 WASHINGTON STREET

**APPLICATION FOR NEW COMMON VICTUALLER LICENSE – PENDING RECEIPT APPROVAL OF THE
HEALTH INSPECTOR AND RECEIPT OF CERTIFICATE OF OCCUPANCY**

Abdelaziz Nassire appeared on this application. Commissioner Carter inquired about the plans for this location. They will be serving Moroccan food. Chairman Edwards inquired if they were already opened. The applicant stated he has been open since June. Chairman Edwards told the applicant if they grant the license, he needs to do things correctly. Motion to tentatively approve the application pending approval of the health inspector and receipt of the certificate of occupancy and with the requirement that he return to see if they will continue the business made by Commissioner Sewell, seconded by Commissioner Carter. No public comment of this matter. Vote unanimous, motion passed.

8. OUTDOOR DINING APPLICATIONS

NO SCHEDULE

9. ALCOHOL/ABCC APPLICATIONS

A. MARGARET OSBORNE, MANAGER

BARRIO HAVERHILL, LLC, D/B/A BARRIO TACOS TEQUILA AND WHISKY
2 MERRIMACK STREET, SUITE 103

APPLICATION FOR NEW SECTION 12 ALL ALCOHOL RESTAURANT LICENSE – HOURS OF OPERATION MONDAY THROUGH SATURDAY 11:00 AM – 1:00 AM, SUNDAY 12:00 PM – 1:00 AM, OUTDOOR PATIO – MONDAY THROUGH SATURDAY 11:00 AM – 12:00 AM, SUNDAY 12:00 PM – 1:00 AM – PENDING RECEIPT OF AFFIDAVIT OF AND EVIDENCE OF NOTICE TO ABUTTERS, THE 304 CERTIFICATE OF INSPECTION, TIPS CERTIFICATES FOR ALL SERVERS, LIQUOR LIABILITY INSURANCE, WORKERS COMPENSATION INSURANCE AFFIDAVIT AND DECLARATION PAGE AND LICENSE FEE

Attorney Michael Migliori appeared on this application. He missed a page of abutters and didn't notify all abutters. Nothing has changed since last month. The work is continuing, and they are looking at late March, early April opening. Commissioner Sewell inquired if there was a picture. The Clerk supplied the picture. Chairman Edwards inquired if the Haverhill Police had any comment. They did not at this time. Motion to approve the application pending receipt of outstanding items made by Commissioner Sewell, seconded by Commissioner Carter. No public comment on this matter. Vote unanimous, motion passed.

B. GARY VAN GEYTE, MANAGER

VAN GEYTE FINE PROPERTIES, LLC, D/B/A 8TH AND CEDAR PIZZERIA
119 CEDAR STREET

APPLICATION FOR NEW SECTION 12 ALL ALCOHOL GENERAL ON PREMISES LICENSE – HOURS OF OPERATION MONDAY – THURSDAY AND SATURDAY 8:00 AM – 1:00 AM, FRIDAY 8:00 AM – 2:00 AM AND SUNDAY 12:00 PM – 1:00 AM - PENDING RECEIPT OF FINDING FROM THE ZONING BOARD OF APPEALS, AFFIDAVIT OF AND EVIDENCE OF NOTICE TO ABUTTERS, LIQUOR LIABILITY INSURANCE, TIPS CERTIFICATES FOR ALL SERVERS OF ALCOHOL, WORKER'S COMPENSATION INSURANCE AFFIDAVIT AND DECLARATION PAGE OF THE WORKER'S COMPENSATION INSURANCE, A 304 CERTIFICATE OF OCCUPANCY AND LICENSE FEE

Items 6A, 7A and 9B were taken together.

10. MOTOR VEHICLE APPLICATIONS

NO SCHEDULE

11. CARRY IN LICENSE APPLICATIONS

SCOTT REID, MANAGER

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

APPROVAL OF RENEWAL OF CARRY IN LICENSE

No one appeared on this application as it is a renewal. Motion to approve the renewal application made by Commissioner Sewell, seconded by Commissioner Carter. No public comment on this matter. Vote unanimous, motion passed.

12. ITEM FOR DISCUSSION

JORDAN TILDEN, MANAGER

TILDEN ENTERPRISES, LLC, D/B/A J & N AUTOMOTIVE SERVICES AND SALES
168 HILDALE AVENUE

ITEM FOR DISCUSSION – COMPLAINT RESPONDED TO BY INSPECTIONAL SERVICES – CARS ON THE LOT IN EXCESS OF LICENSE NUMBER AND BOATS STORED ON PREMISES

Jordan Tilden appeared on this matter. Mr. Tilden explained that he had three boats on his lot. Two were his boats and they are now stored at the marina. The other was a customer's boat, which is now gone. Commissioner Sewell had some questions on the report. Mr. Tilden indicated that some of the cars were parked in the adjacent lot, they were registered vehicles and he has permission to park vehicles there. Commissioner Carter stated that he should not have any cars parked there. Chairman Edwards inquired if there were any junk cars on the lot. Mr. Tilden indicated that there were not junk cars there now. Commissioner Sewell wants to give them a month to get in line and get clarification on the lot adjacent to this licensee. Chairman Edwards wants clarification on number of cars from the Building Inspector. Motion to continue the item for 30 days made by Commissioner Carter, seconded by Commissioner Sewell. No public comment on this matter. Vote unanimous, motion passed.

13. SHOW CAUSE HEARINGS

A. BERNARD JEAN GOULET, MANAGER

MOONSHINERS LOUNGE LLC, D/B/A MOONSHINERS
101-103 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 THEREFOR, WHETHER PRESENT OR NOT – POSSIBLE OVER SERVING

Attorney Timothy Connors appeared on this matter. Lieutenant Lance Powell from the Haverhill Police Department introduced the report and introduced Officer Pearl. Officer Pearl from the Haverhill Police Department summarized the incident for the record. The party was heavily intoxicated. Commissioner Sewell had questions about where the assault took place and the police officers experience. Chairman Edwards inquired if anyone said they were drinking in the establishment. The answer from Officer Pearl was that they stated they were inside the establishment but did not say they were drinking. Commissioner Carter inquired if the party was exhibiting signs of intoxication. The answer was yes. Commissioner Sewell indicated that the Commission should take some heavy-duty action. Motion to continue this matter to the next meeting made by Commissioner Carter, seconded by Commissioner Sewell. No public comment on this matter. Vote unanimous, motion passed.

B. WILLIAM F NILAND, MANAGER

THE COPPERHEAD SALOON & PUB, LLC, D/B/A THE COPPERHEAD
27 LAFAYETTE SQUARE

CONTINUATION OF 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, OVERCROWDING AND

**FAILURE TO MAINTAIN A SAFE ENVIRONMENT FOR PATRONS – INCIDENTS ON OR ABOUT
SEPTEMBER 20TH AND 21ST, 2019**

William Niland appeared on this matter. Lieutenant Lance Powell from the Haverhill Police Department read the report into the record. Officer Menzie expanded on the report. There were several incidents during the night that involved several police officers and the atmosphere was very chaotic. Mr. Niland explained his version of the evening. There was discussion about the deck overcrowding, the nineteen-year-old who was on the deck and the events of the evening. The Commission decided to include agenda item 13C with this item.

C. WILLIAM F NILAND, MANAGER

THE COPPERHEAD SALOON & PUB, LLC, D/B/A THE COPPERHEAD
27 LAFAYETTE SQUARE

**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, OVERCROWDING AND FAILURE TO
MAINTAIN A SAFE ENVIRONMENT FOR PATRONS – INCIDENT ON OR ABOUT NOVEMBER 16, 2019**

William Niland appeared on this matter. Lieutenant Lance Powell from the Haverhill Police Department introduced the report and introduced Officer Bergevine. Officer Bergevine summarized the report for the record. This incident involved a fight outside the establishment. Mr. Niland stated that they had already closed the establishment for the evening. Sergeant Maldonado also spoke about the incident and called it pure and utter chaos. She introduced five supplemental reports for the record from responding officers. Sergeant Maldonado indicated that people came out of the Copperhead with drinks in hand and they were clearly intoxicated and violent. Mr. Niland again indicated that he had already closed the establishment and that no one had alcohol in hand. Chairman Edwards had questions on the security at the establishment. Captain Pistone of the Haverhill police indicated that he has had other incidents that have not been brought forward so need to send a message. Captain Pistone indicated the number of people on the deck should be reduced and there should be a bouncer on the deck. Chairman Edwards indicated that the capacity on the deck be reduced to 54 and put security on there. Commissioner Sewell stated that they should rotate the people on the deck. Chairman Edwards recommended that they close at midnight on January 10th, January 11th, January 17th, January 18th, January 24th and January 25th. Commissioner Sewell made a motion to close early on those nights, seconded on Commissioner Carter. No public comment on this matter. Vote unanimous, motion passed.

D. JEAN PIERRE SALIBA, MANAGER

ROYAL CREST MOTORS, LLC, D/B/A ROYAL CREST MOTORS
769 AMESBURY ROAD

**CONTINUATION OF SHOW CAUSE HEARING – ALLEGED VIOLATION – FAILURE OF COMPLIANCE
CHECK – VEHICLES IN EXCESS OF LICENSE NUMBER, JUNK CARS STORED ON PREMISES, BOAT
STORED ON PREMISES-MUST HAVE EVIDENCE OF WORKING WITH THE BUILDING INSPECTOR AND
SURVEYOR TO DRAW A NEW PLAN SHOWING PROPER PARKING**

Jean Pierre Saliba appeared on this matter. Commissioner Sewell had questions about the items on the property – boat, junk cars and registered vehicles. Mr. Saliba indicated that he has been to an architect and has talked to the building inspector and needs another two months to complete the plans. Motion to continue for 60 days made by Commissioner Carter, seconded by Commissioner Sewell. No public comment on this matter. Vote unanimous, motion passed.

14. COMMUNICATIONS

NO SCHEDULE

15. PUBLIC PARTICIPATION

16. OTHER BUSINESS

NO SCHEDULE

Meeting adjourned 8:32 pm

Attest: _____*Laura D Angus* _____
Laura D Angus