



License Commission, Room 118
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The Haverhill License Commission held a **Meeting** on **Thursday July 9, 2015 at 6:00 PM,**
Room 202, City Hall.

Attendees: Chairman Edward, Commissioner Sewell and Commissioner Coco.

1. **APPROVAL OF THE MINUTES:**

APPROVAL OF MINUTES OF JUNE 4 2015

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

2. **CONTINUED BUSINESS**

NO SCHEDULE

3. **MISCELLANEOUS APPLICATIONS/REQUESTS**

NO SCHEDULE

4. **ONE DAY APPLICATIONS**

A. CESAR LASTRA AND ANNA MAZHBITS

44 CAUGHEY STREET, #1, WALTHAM, MA 02451

APPLICATION FOR ONE DAY ALL ALCOHOL LICENSE FOR WEDDING RECEPTION AT WINNEKENNI CASTLE ON AUGUST 08 2015 FROM 5:30 PM TO 11:00 PM

Cesar Lastra and Anna Mazhbits appeared on their own behalf. They have applied for a one day license for their wedding reception. They will use Butlers and Bars for their bartending service. Motion by Commissioner Sewell to approve the application, seconded by Commissioner Coco. No public comment on this matter. Vote unanimous, motion passed.

B. ERNEST DiBURRO

HAVERHILL 375TH ANNIVERSARY COMMITTEE
CITIZENS CENTER

APPLICATION FOR ONE DAY BEER AND WINE ONLY LICENSE FOR HAVERHILL'S 375TH ANNIVERSARY CELEBRATION AT RIVERSIDE PARK ON SEPTEMBER 11 2015 FROM 4:00 PM TO 9:30 PM – PENDING POLICE APPROVAL - SEE RELATED REQUEST FOR WAIVER OF FEES

C. ERNEST DiBURRO

HAVERHILL 375TH ANNIVERSARY COMMITTEE
CITIZENS CENTER

APPLICATION FOR ONE DAY BEER AND WINE ONLY LICENSE FOR HAVERHILL'S 375TH
ANNIVERSARY CELEBRATION AT RIVERSIDE PARK ON SEPTEMBER 12 2015 FROM 12:00 PM TO
9:30 PM – PENDING POLICE APPROVAL - SEE RELATED REQUEST FOR WAIVER OF FEES

Items 4B and 4C were heard together. Ernest DiBurro appeared on behalf of the applicants. The Committee is putting together a program of events to celebrate the 375th anniversary of the City. For this event, they are looking for live entertainment – both local and professional. They will use a service for the bartending. The Committee knows they must hire a detail officer for the beer tent and they will do that. Commissioner Sewell was not in favor of a waiver of the fees. Chairman Edwards questioned whether an Entertainment License would be needed. License Commission Clerk will check into that matter. Commissioner Coco thanked Mr. DiBurro for his service to the City. Motion to approve the applications in agenda items 4B and 4C and waiving all related fees and granting an entertainment license if necessary made by Commissioner Coco, seconded by Commission Sewell. No public comment on this matter. Vote unanimous, motion passed.

5. ENTERTAINMENT APPLICATIONS

NO SCHEDULE

6. COMMON VICTUALLER APPLICATIONS

A. CHARLES STEARNS, MANAGER

CHARLES STEARNS, D/B/A SPAZIANOS PIZZERIA AND CATERING
64 WASHINGTON STREET

REQUEST TO CHANGE THE D/B/A FROM ANDINO'S TO SPAZIANOS PIZZERIA AND CATERING –
SUBJECT TO PAYMENT OF APPLICATION FEE

No one appeared on behalf of the applicant. Motion to approve the change of D/B/A, subject to payment of the application fee, made by Commissioner Coco, seconded by Commissioner Sewell. No public comment on this matter. Vote unanimous, motion passed.

B. STEVEN CLARKE, MANAGER

STEVEN CLARKE, D/B/A NORTHEAST SNACK SHACK
133 LAFAYETTE SQUARE

APPLICATION FOR NEW COMMON VICTUALLER'S LICENSE –SUBJECT TO PAYMENT OF
OUTSTANDING PERSONAL PROPERTY TAX

Steven Clarke appeared on his own behalf. He has been running the business for the prior owner for a while. He is changing the name slightly to incorporate the new menu changes. He also redid the inside a little. Commissioner Sewell asked if the business has been open. Mr. Clarke said no – he has only been there to do some work inside. Motion to approve the application made by Commissioner Sewell, seconded by Commissioner Coco. No public comment on this matter. Vote unanimous, motion passed.

C. MAYA PATEL, MANAGER

KRIPALI, INC., D/B/A LUCKY'S PIZZA
251 PRIMROSE STREET

APPLICATION FOR TRANSFER OF COMMON VICTUALLER'S LICENSE AND NEW ENTERTAINMENT
LICENSE FOR RADIO AND TV

Maya Patel appeared on her own behalf. She is taking over the business from the current owner. She is keeping everything the same. Commissioner Coco asked if the business has been open. Yes because the current owner has been running it. 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

A. JOSHUA WALLACE, MANAGER

UNO OF HAVERHILL, INC., D/B/A UNO PIZZERIA & GRILL
30 CUSHING AVENUE

APPLICATION FOR TRANSFER OF STOCK AND APPLICATION FOR NEW OFFICERS AND DIRECTORS

Joshua Wallace appeared on behalf of the applicant. This is an application for shareholders reorganizing their holdings with no new shareholders being added. Additionally, the CEO has resigned, a current officer is being named as CEO and President and a new officer is being named CFO and Treasurer. Motion to approve the application made by Commissioner Sewell, seconded by Commissioner Coco. No public comment on this matter. Vote unanimous, motion passed.

B. MIA MUNOZ, MANAGER

GREEN SAUCE INC., D/B/A CASA BLANCA MEXICAN RESTAURANT
2 ESSEX STREET

**APPLICATION FOR OUTDOOR DINING PERMIT AND APPLICATION FOR ALTERATION OF PREMISES
ADDING AN AREA 16 FEET 10 INCHES BY 52 FEET 10 INCHES WITH FOUR TABLES AND SIXTEEN
SEATS. SEE RELATED COMMENTS FROM THE CHIEF OF POLICE AND THE CITY ENGINEER.**

Antonio Garces appeared on behalf of Casa Blanca. They are putting four (4) tables and sixteen (16) chairs on the sidewalk, about ten (10) feet from the handicapped access. The Commission asked the applicant to make sure they work with the City Engineer to be certain of the location and the amount of tables that can be placed in the area. Motion to approve, as designated by the City Engineer to add three (3) to four (4) tables as the area allows made by Commissioner Coco, seconded by Commissioner Sewell. No public comment on this matter. Vote unanimous, motion passed.

9. MOTOR VEHICLE APPLICATIONS

NO SCHEDULE

10. ISSUES FOR DISCUSSION

NO SCHEDULE

11. SHOW CAUSE HEARINGS

A. IVAN YEE, MANAGER

YEE ENTERPRISES, INC., D/B/A ORIENTAL GARDENS
400 LOWELL AVENUE

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 THEREFORE, WHETHER PRESENT OR NOT – ASSAULT AND BATTERY WITH A DANGEROUS WEAPON, ASSAULT TO MURDER, ARMED, ASSAULT WITH A DANGEROUS WEAPON, OVER SERVING

Ivan Yee appeared on behalf of Oriental Gardens. Detective Carlos Arriaga from the Haverhill Police Department summarized the incident in question. The incident clearly was a result of overserving. Mr. Yee indicated that he has taken measures to ensure this will not happen again. The door man has been let go, as he did not follow procedure and notify management that there was an issue. Inquiries were made as to how the police were called, whether the management was cooperative in the investigation, whether there are security cameras on the premises. All of the commissioners stated that it is important that Mr. Yee be vigilant about the safety of the patrons on the premises. Both the Commissioners and the Haverhill Police Department are requesting that the establishment immediately take all glass off the bar for Friday and Saturday to minimize the risk to patrons. Motion to place the establishment on six (6) months' probation, beginning on July 9 2015. If another incident occurs in the six (6) month time frame, the establishment will close at 8:00 PM on the Friday and Saturday night following the incident. All drinks are to be served in plastic containers on Friday and Saturday nights after 6:00 PM made by Commissioner Coco, seconded by Commissioner Sewell. No public comment on this matter. Vote unanimous, motion passed.

B. HUSAM MOUSSA, MANAGER

HUSAM MOUSSA, D/B/A 7-ELEVEN
503 RIVER STREET

SHOW CAUSE HEARING: ALLEGED VIOLATION OF 204 CMR 2.05 (2) PERMITTING AN ILLEGALITY ON THE LICENSED PREMISES TO WIT: CHAPTER 138, SECTION 4 SALE OR DELIVERY OF AN ALCOHOLIC BEVERAGE TO A PERSON UNDER TWENTY-ONE YEARS OF AGE – SUBJECT TO OUTSTANDING EXCISE TAXES

Husam Moussa appeared on behalf of 7-Eleven. Sargent Dana Burrill from the Haverhill Police Department read the report into the record. This incident was part of a compliance check. Chairman Edwards asked about the swipe system in place at the store. The system requires a valid ID for the purchase of alcohol or tobacco and will not proceed with the transaction until the appropriate ID is scanned. Apparently the clerks' have been either overriding the system or using their own ID to allow the purchase to go through without asking for ID. The manager has started to disable the override button and the employee involved in this incident was terminated. Chairman Edwards indicated that this was only a test, but he needs to make sure he takes measures to ensure that no minor is able to buy alcohol. All employees should be properly trained. Motion to place the establishment on probation for six (6) months. If another incident occurs within the six (6) months, the Commission will issue a punishment for this incident and the new incident at that time made by Commissioner Sewell, seconded by Commissioner Coco. No public comment on this matter. Vote unanimous, motion passed.

C. ANKIT H PATEL, MANAGER

PATEL'S LIQUORS, LLC, D/B/A HARRY'S LIQUORS
239 LINCOLN AVENUE

SHOW CAUSE HEARING: ALLEGED VIOLATION OF 204 CMR 2.05 (2) PERMITTING AN ILLEGALITY ON THE LICENSED PREMISES TO WIT: CHAPTER 138, SECTION 4 SALE OR DELIVERY OF AN ALCOHOLIC BEVERAGE TO A PERSON UNDER TWENTY-ONE YEARS OF AGE

Ankit Patel appeared on behalf of Harry's Liquors. Sargent Dana Burrill from the Haverhill Police Department read the report into the record. This incident was part of a compliance check. Mr. Patel indicated that the employee involved in this incident is a very good employee and he was very surprised that he got

caught in this check. The establishment has hired a private company to do stings twice a quarter since 2012. Commission admonished the establishment to be consistent with all purchasers of alcohol, as there are consequences of minors being served alcohol. Motion to place the establishment on probation for six (6) months. If another incident occurs within the six (6) months, the establishment will close early for three days for this offense and additional penalties will be assessed for the new violations made by Commissioner Coco, seconded by Commissioner Sewell. No public comment on this matter. Vote unanimous, motion passed.

D. HAKIM SABRI, MANAGER

HAKIM SABRI, D/B/A RED HEN MARKET
56 RIVER STREET

SHOW CAUSE HEARING: ALLEGED VIOLATION OF 204 CMR 2.05 (2) PERMITTING AN ILLEGALITY ON THE LICENSED PREMISES TO WIT: CHAPTER 138, SECTION 4 SALE OR DELIVERY OF AN ALCOHOLIC BEVERAGE TO A PERSON UNDER TWENTY-ONE YEARS OF AGE

Hakim Sabri appeared on behalf of Ren Hen Market. Sargent Dana Burrill from the Haverhill Police Department read the report into the record. This incident was part of a compliance check. Mr. Sabri indicated that the employee involved in this incident is a very good kid, but not responsible enough. He is no longer employed at the establishment. They are going to be more careful about prescreening new employees. Chairman Edwards indicated they need to spend more time training employees. Motion to take no action at this time made by Commissioner Coco, seconded by Commissioner Sewell. No public comment on this matter. Vote unanimous, motion passed.

E. RICHARD A COMEAU, MANGER

SHAMROCK HAVERHILL INC., D/B/A SHAMROCK LIKKERS
400 LOWELL AVE #6

SHOW CAUSE HEARING: ALLEGED VIOLATION OF 204 CMR 2.05 (2) PERMITTING AN ILLEGALITY ON THE LICENSED PREMISES TO WIT: CHAPTER 138, SECTION 4 SALE OR DELIVERY OF AN ALCOHOLIC BEVERAGE TO A PERSON UNDER TWENTY-ONE YEARS OF AGE

Richard A Comeau appeared on behalf of Shamrock Likkers. Sargent Dana Burrill from the Haverhill Police Department read the report into the record. This incident was part of a compliance check. Mr. Comeau stated that he takes great pride in running a good store with good training. All of his staff is certified, except the employee that was involved in this incident. There was a lot going on that night, but that does not absolve him of the responsibility. He has currently changed his policy so that all of his employees are certified every year. From now on, no one will be employed at the counter without training. Motion to take no action at this time 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

PROPOSED LICENSE COMMISSION FEE INCREASES

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

Attest: Laura D Angus
Laura D Angus, Clerk