



License Commission, Room 118
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**LICENSE COMMISSION MINUTES
SPECIAL MEETING-
City Council Chambers
Haverhill City Hall
Monday July 18 2022 9:00AM**

Attendees: Chairman Edwards, Commissioner Angus, Commissioner Pat Driscoll, Acting License Commission Clerk, Linda Koutoulas, HPD Captain Wayne Tracy, HPD Sgt Kevin Lynch

- 1. PLEDGE OF ALLEGIANCE:**
- 2. APPROVAL OF THE MINUTES**
- 3. CONTINUED BUSINESS**
- 4. MISCELLANEOUS APPLICATIONS/REQUESTS**
- 5. ONE DAY APPLICATIONS**

MICHAEL CLIFFORD – WINE AND MALT ONLY

BRADFORD SWIM CLUB

07-30-2022, 6-11PM – FUNDRAISER

Has Police approval

Michael Clifford, applicant, appeared – Need updated liability policy adding City of Haverhill as additionally insured

Motion to approve, pending updated liquor liability, by Comm. Angus, second by Comm. Driscoll

No public discussion, Vote unanimous

a. TATTERSALL FARM – JOE NEWMAN- WINE AND MALT ONLY

TRUE ALES NORTH 09/18/22, 12-4PM

COMMUNITY EVENT

Has Police approval

Joe Newman of True Ales North appeared.

Motion to approve by Comm. Angus, second by Comm. Driscoll

No public discussion, Vote unanimous

- 6. BUSINESS WITH MULTIPLE APPLICATIONS**
- 7. ENTERTAINMENT APPLICATIONS**
- 8. COMMON VICTUALLER APPLICATIONS**
- 9. OUTDOOR DINING APPLICATIONS**
- 10. ALCOHOL/ABCC APPLICATIONS**
- 11. MOTOR VEHICLE APPLICATIONS**

a. TRANSFER – CAR DEALER CLASS II

FROM MICHAEL LAGANA, M & N AUTO WHOLESALERS DAVID MAGLIOCCHETTI – AUCTION ONLY
63 STETSON ST

HAVERHILL MA 01835

Mike Lagana, original owner, appeared with applicant David Magliocchetti.

Motion to approve, pending bond and bus certificate by Comm. Angus, second by Comm.

12. CARRY IN LICENSE APPLICATIONS

13. ITEM FOR DISCUSSION

14. SHOW CAUSE HEARING

a. MOONSHINERS, 103 WASHINGTON ST

BERNARD GOULET, MANAGER

INCIDENT THAT OCCURRED ON OR ABOUT APRIL 19 2022. AT APPROXIMATELY 7:46AM

***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**

--Failure to Maintain a Safe Environment for Patrons

Captain Wayne Tracy appeared for HPD and presented the police report. Incident extends over period of time. Police respond MV crash 2 vehicles. Operators out of vehicle, one has child in car seat in car – there were no injuries. One of the witnesses stated she believed one of the drivers was under influence of something, Police noted signs of impairment. They asked the driver how much she had to drink- she stated 1 vodka drink 5 hours ago. Failed field sobriety and was arrested for driving OUI. Vodka nips were found and breath test was .22.

Continues and included in next report-

b. MOONSHINERS, 103 WASHINGTON ST

BERNARD GOULET, MANAGER

INCIDENT THAT OCCURRED ON OR ABOUT APRIL 19 2022 AT APPROXIMATELY 13:54

***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**

--Failure to Maintain a Safe Environment for Patrons

Captain Wayne Tracy continues police report from prior item. Following this arrest for OUI, there was a report that operator was assaulted after hours at Moonshiners. Detectives begin investigation. Patron told witness that she has never been so drunk before and can't remember what occurred that night and morning – "so drunk, it felt like someone drugged me." GPS on cell phone showed her at Moonshiners at 6AM in morning. HPD checked city cameras – detectives observed 2 people leaving Moonshiners and getting into a vehicle in front of bar – one of the people appeared to be operator/victim. This was the reporting persons vehicle. Police tried to get video from inside of Moonshiners but were told there was no video.

JE (Chairman Joseph Edwards) – When operator was arrested, was there was a child in the car?

WT (Captain Wayne Tracy) – yes

LA (Commissioner Laura Angus)– was this her child?

WT – yes

JE – did she came from moonshiners?

WT – she did not remember

JE – Multiple nips? Report says one

WT -one

JE – do you have evidence she was drinking inside moonshiners?

WT – Cell phone GPS and City Cameras showing her leaving. 641AM.

JE – Why do police think she was drinking at Moonshiners?

WT – GPS ping and video of her leaving moonshiners at 6AM.

JE – do you have this video for commission?

WT – not at this meeting.

TC (Atty Tim Connors)– Says he did not receive that second report. Says operator had changed story from initial interview. There was 1 ½ hour where she went home, picked up child and then drove and had accident. He brings up the 2 doors in front of moonshiners – one for the bar and one for apartments upstairs. He asked that the commission dismiss this charge against his client.

LA – to police – is it clear the 2 people were leaving Moonshiners or adjacent door

WT – not clear

LA – wants to see video and also wants to know if child is operator's child or that of the other vehicle involved in accident.

Item including in motion for following item.

c. **MOONSHINERS, 103 WASHINGTON ST**

BERNARD GOULET, MANAGER

INCIDENT THAT OCCURRED ON OR ABOUT MAY 20 2022 AT APPROXIMATELY 23:39

***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**

--Failure to Maintain a Safe Environment for Patrons

Captain Wayne Tracy of HPD presented police report. 1145PM PD was in area of Moonshiners. Earlier in the evening police notice parties in front of Moonshiners looking like they were going to fight. They left but came back later and went into Moonshiners for a time. 2 people exchanged words and crowd started to gather. Group moved from Moonshiners to Keons. Several officers dispatched them parties started fighting physically. All parties were patrons of Moonshiners going in and out of bar all night. Police spoke with Manager who said she called the owner. Sgt Keenan spoke with owner and suggested they close bar early that night. Owner said incident happened outside, not inside the bar and would not close early.

LA – indication patrons were drinking according to report?

WT- not known

JE – when incident first happened earlier in evening, were employees aware of it?

WT – unclear

JE - When group came back later, were they in bar a short time and then going out to fight?

WT – Police – in and out all night long by police observance.

JE – manager need to be there more hours

LA – need to have people outside. Police need to have access to bar. Residents need to be considered. Put security people outside until crowd is gone. Need to tighten up ship. Also need to take further steps to prevent patrons from leaving intoxicated by car.

JE – That is violation of law – no intoxicated persons are to be allowed in bar.

LA – Ask if Attorney Connors can get unredacted report – Captain Tracy said no.

TC – no observation of impairment of participants who went outside. This was outside of bar, not inside. Looks like argument started as patrons were leaving. No proof of overserve, no signs of impairment. This all happened outside of bar. Asking that client not found in violation.

LA – were cameras working

TC – Cameras were not working from April 2022 from June 2022.

Bernie Goulet (BG) – explained process of cameras not working and what they have been doing to fix this.

CP - Crystal Pannino spoke as former manager on that evening. She does not know if anything started inside. She said patrons in question were females and were regular patrons

All witnesses sworn in by clerk

LA – patrons were males and females according to reports. Asked why bar did not close?

CP – at direction of owner

BG – sleeping at time of the call. Was told nothing was happening inside the bar and everyone having a good time

JE – when the police make a suggestion, you should follow their suggestion.

JE to CP – did you know notice if it was men or women fighting?

CP –told they were females – she was downstairs.

LA – you were downstairs? So who was upstairs managing the bar?

CP – I was managing and I was downstairs in office – doing inventory and watching cameras

LA – so who was on duty upstairs?

CP – I was but I need to go downstairs and do work down there. There are security upstairs who are observing.

PD (Commissioner Pat Driscoll)– did you say you were the former manager?

CP – no longer employed

PD – line of questioning should go to owner.

TC – there was security and TIPS certified bartenders upstairs. With the cameras, management can oversee remotely.

LA -if cameras were not working,

BG (Owner Bernie Goulet) – recorder not working but video was – live stream.

Motion to postpone to the end of meeting by Comm Driscoll, 2nd by Comm Angus. Vote unanimous.

Also included items A and B in this vote.

d. MOONSHINERS, 103 WASHINGTON ST

BERNARD GOULET, MANAGER

INCIDENT THAT OCCURRED ON OR ABOUT JUNE 18 2022 AT APPROXIMATELY 1:10 AM

***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**

--Failure to Maintain a Safe Environment for Patrons

--Possible Overserving

Captain Wayne Tracy appeared for HPD and presented police report. 105AM officer downtown found person was found on ground outside of Moonshiners, shown signs of impairment and was administered multiple doses of Narcan. Was transported to hospital – Officers asked witnesses if anyone had seen anything – no one had. Manager had stated had not seen person but that person had been in for about 3 hours, cameras were not working in bar that night. Detectives conducted follow up investigation and they spoke to OD Victim in ICU who stated he had taken the train to Haverhill and went straight to Moonshiners before midnight, had 2 shots of gin and 2 beers, then he took cocaine (bump) he bought from a girl at the bar. Detective spoke with owner over the phone. Owner stated he was not at bar when this occurred, but bar manager had called and made him aware. He was told customer OD'd outside of bar – cameras not working in bar. Manager was asked who was working but she only knew their first names. City video shows fight outside where 1 patron pushed the victim who then fell. Police spoke with this patron – said he had had 1 drink. Saw victim walking around bar grabbing people in the bar then fight went outside. Detective attempted to contact “Sunday” (doorman) but no response

JE – did person pass out from altercation or drugs

WT – not clear

Commissioner Angus – according the victim, got to the bar about midnight and he had 4 drinks in 1 hour –was “J” patron or employee?

WT – not known

LA – no staff appeared to assist.

Captain Tracy thinks it strange that manager does not know names employees.

Crystal Pannoni - former manager employed at night of incident – she worked that evening when victim was patron.

LA – did victim buy 4 drinks?

CP – not 100% but he was a patron

LA – is “J” employee or patron?

CP – does not know patron “J” (woman who sold drugs) – said she had only beer and was there a short time – did not know last names.

Atty Connors- Says victim was there 3 hours, not 1 hour. “J” was not employee. Bernie Goulet was not involved in sale of drugs – says he does not believe sale would have happened in public area of bar with all the staff around. There is a criminal summons for the person who pushed victim to ground and this happened outside bar. Says Bernie has reached out to police when needs assistance.

Commissioner Driscoll – is security outside at the end of the night?

Bernie Goulet – That night “Sunday”, doorman, was outside at end of the night and 2 to 4 other employees. They get patrons to close out and leave. Sometimes people take their time and gather. But at that time doors are locked and security cleaning up inside. Our concern is inside the bar.

From 9PM to 1AM there is one person checking IDs. Thurs, Fri sat. All Cameras are fixed.

PD: If there is no one outside, you end up with a crowd of about 30 people. IF you had security outside this may not have happened.

BG – Hard as this is a public sidewalk. Police help many times

LA – were any of your employees outside when this happened?

BG – Believes doorman “Sunny” was outside. Bernie was not there that night. He was told police were present at that time.

LA – how many drinks did victim have?

BG – was not able to pull up his receipts – does not know name – Manager Crystal says 2 shots, 2 drinks in 3 hours.

JE – what is your occupancy?

BG: 84 including staff

JE – to WT – do you think bars should have working cameras? Chairman thinks places should not be open without cameras.

LA – any way to confirm time victim came to bar.

WT – can’t confirm but can clarify. Manager said he was there 3 hours. Victim says he arrived around midnight from train from Woburn - this aligns with the Haverhill midnight train.

CP – wants to clarify – bartender, not manager, said he was there 3 hours. She can say he was there but not how long and at what time.

LA – issue with at least overserving.

Motion to postpone to end of meeting by Comm Angus, 2nd by Comm Driscoll. Vote unanimous.

e. MOONSHINERS, 103 WASHINGTON ST

BERNARD GOULET, MANAGER

INCIDENT THAT OCCURRED ON OR ABOUT JUNE 26 2022 AT APPROXIMATELY 1:103AM

***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**

***ALLEGED VIOLATION OF MGL CH 138 SEC 63 – PREVENTING ENTRY OF LICENSING AUTHORITIES OR THEIR AGENTS UPON LICENSED PREMISES**

--Failure to Maintain a Safe Environment for Patrons

Captain Wayne Tracy of HPD provided police report. Officer dispersing crowds that continually gather at end of night at Moonshiners -crowd excessively loud affecting quality of life for neighbors. Officer looked inside and saw female patron being escorted out of bar by doorman - heard her screaming at unidentified parties at back of bar. Officer attempted access but door locked. He was met by manager Crystal – he’s had prior interactions with her. Manager told him he did not need to go into establishment and that there was no issue. Officer demanded manager open the door due to disturbance – the police banged on the door with no response. He says manager made light knocks on the door to open leading him to think she was slowing his attempt to enter so people could get out the back.

JE – he spoke with Officer Woodman, whom he has known for a long time. Says it is nonsense about statement that police was not knocking loudly – he was yelling and banging on door.

Atty Connors: there was some difficulty with the removal of a patron from the restroom (non payment of bar tab and patron was confrontational). Crystal was outside and door locks automatically after closing. Police tried to enter bar after manager Crystal but the inside staff did not hear her. She didn't have her keys. Staff tried to remove patron, no intention to delay – they were trying to resolve issue in the bar. No signs of impairment of patron reluctant to pay tab and leave at last call.

LA – according to statements from employees, there were 2 patrons still inside bar – on in bathroom and other trying to not pay tab. Also, appears employees were aware that police were trying to enter the bar. Why didn't the employees try to assist manager or police?

Bernie Goulet (BG)– security in back of bar trying to get patron to pay and leave. No security was in the front of the bar.

Crystal stated there were no signs of impairment on part of patron in restroom. Does not believe bar was trying to prevent entry to police to establishment.

Commissioner Angus – if last call was 1230PM why were people still in bar at 130? She cites statement from Crystal and workers. Workers were aware the police were trying to enter along with the manager. Why did they do nothing?

Bernie Goulet – security was in the back of the bar, not the front.

LA – why was not door opened by staff for manager or police?

Chairman Edwards- The bar should have been able to handle the 84 person occupancy. Maybe people too intoxicated. How many employees?

BG – 5 to 10 including band, DJ's, doorman.

JE – something wrong with those numbers.

LA – was someone outside at closing.

Bernie Goulet – “Sunny”, doorman, was outside but that ends when the bar closes (12:45AM on Sat, Friday 1:30AM) and that night.

Chairman Edwards – Bar is closing too late. Bar is letting patrons end drinking too late.

Motion to postpone to end of meeting by Comm Angus, Comm Driscoll seconded, Vote unanimous.

JE – would like to see them keep a record of how many drinks a person orders.

Commissioner Angus –when is manager on record on location?

Bernie Goulet- 35 – 40 hours a week, during the day till 10-11 PM. Not usually there at closing time.

f. MOONSHINERS, 103 WASHINGTON ST

BERNARD GOULET, MANAGER

INCIDENT THAT OCCURRED ON OR ABOUT JUNE 30 2022 AT APPROXIMATELY 1:07 AM

***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**

--Failure to Maintain a Safe Environment for Patrons

--Possible Overserving

Captain Wayne Tracy appeared for the HPD. Presented police report. Approx 110AM. Report of fight outside Moonshiners. Officer did not see any fights and spoke to patrons. They admitted to a verbal altercation. While interview was happening some other patrons were causing a disturbance. They became aggressive, showed signs of impairment, slowed traffic. These individuals were arrested for disorderly conduct.

Atty Connors –does not see any direct statement that anyone was in Moonshiners. No indication these people were patrons in Moonshiners. No field sobriety tests performed.

Comm Driscoll asked commission to refer to paragraph 1 of police report.

Commissioner Angus referred to paragraph 3 of same report. She does not believe police do field sobriety for fights but rather for OUIs.

Commissioner Angus – there are so many incidents directly outside of Moonshiners.

Atty Connors reports that these have happened outside of bar and that client concerned about bad

reflection of crowds outside his business. Client can only control what happens inside and regarding overserving.

Commission Angus – said it is too bad no cameras were working in the bar.

TC – this issue has been rectified and should protect the bar in the future.

Motion to table to end of meeting by Comm Driscoll, seconded by Comm Angus. Vote unanimous.

g. MOONSHINERS, 103 WASHINGTON ST

BERNARD GOULET, MANAGER, INCIDENT THAT OCCURRED ON OR ABOUT JUNE 24 2022 TO JULY 5 2022 AT APPROXIMATELY 12:36 PM

***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**

--Failure to Maintain a Safe Environment for Patrons

(This item is addressed along with the following matter)

h. MOONSHINERS, 103 WASHINGTON ST

BERNARD GOULET, MANAGER, INCIDENT THAT OCCURRED ON OR ABOUT JULY 5 2022 AT APPROXIMATELY 12:36PM

***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**

--Failure to Maintain a Safe Environment for Patrons

--Possible Overserving

Items G and H combined-

Captain Wayne Tracy presented police report. Orig report made on June 5. Officer sent to Holy Family for patient who was stabbed. Observed scar consistent with stab wound, Asked how he got cut – patient stated he was at some bar 2 weeks before. Bar was closing and was outside and was very intoxicated. He fell causing his stomach to hit something on the ground. He then walked home. He didn't go there with anyone – had trouble remembering the bar's name when questioned. Later in report named Moonshiners – victim is known to be regular customer at Moonshiners. Denied being stabbed.

JE – doesn't know if there is any reason to move forward with these items. Anything from insurance company on this case?

TC – no reports showing him at Moonshiners or of him walking down the streets so heavily intoxicated. Questions the victims statement.

LA – where cameras working at Moonshiners at this time?

TC – no they were not.

Motion to dismiss Items G and H by Commissioner Driscoll, seconded by Commissioner Angus. Vote unanimous.

LA – more steps need to be taken to protect patrons and establishment at Moonshiners and employees need to cooperate with Police. Residents deserve consideration. Need to tighten up ship and take steps immediately. Also need to provide assistance with transportation for customers who are intoxicated.

JE – no intoxicated people are allowed to be in bars – state law.

LA – can police provide unredacted report to business?

WT – no.

Motion to postpone Items C-F, to Sept 1 meeting by Commissioner Angus. Seconded by Commissioner Driscoll. Vote unanimous

15. COMMUNICATIONS

16. PUBLIC PARTICIPATION

17. OTHER BUSINESS

18. ADJOURNMENT

Motion to adjourn by Commissioner Driscoll, seconded by Commissioner Angus. Vote Unanimous
10:57AM