



Haverhill

License Commission, Room 118
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LICENSE COMMISSION MINUTES

Thursday, August 3, 2023, at 6:00 p.m.-Room 202

VIRTUAL and in person meeting

Attending: Chairperson Laura Angus, Commissioner Linda Koutoulas, Commissioner Patrick Driscoll, Lic. Clerk Jennifer Sanchez, Captain Wayne Tracy, HPD, Sargent Kevin Lynch, HPD.

1) PLEDGE OF ALLEGIANCE

2) APPROVAL OF THE MINUTES

2.1 Approval of the minutes of, July 6, 2023

Commissioner Driscoll said that he looked at the minutes and they appear to be in order. He made a motion to approve the minutes.

Commissioner Koutoulas said that she would like to have the spelling of Lou Fossarelli's name corrected on page 8.

A motion was made by Commissioner Driscoll to correct Lou Fossarelli's name in the minutes of July 6, 2023. This was seconded by Commissioner Koutoulas. No Public comment. Vote unanimous, motion passed.

3) CONTINUED BUSINESS

NO SCHEDULE

4) MISCELLANEOUS APPLICATIONS/ REQUESTS

4.1 Hermis Luis Lopez Gomez, Manager

Restaurante Lechonera by Aurora Corp

d/b/a La Lechonera

145 Winter Street

-Request to amend hours from 8:00am to 10:00pm to 8:00am to 1:00am.

Commissioner Angus made a motion to hear this at the end of the meeting after the show cause hearing. That was seconded by Commissioner Koutoulas. No public comment, vote unanimous, motion passed.

This was called at the end of the meeting. Paul Magliochetti, Gary Ortiz and Jose Duran were present for this. Paul said there was a license that was issued that set certain hours and the application was different than that. Then the license was corrected to match the application. Paul requests to go back to the original license times on the first license that was issued. Which would be Friday until 2 am and the other days until 1am.

Paul said they are anticipating having some events after the restaurant is closed. They are

requesting the extended hours to stay open for the events. Commissioner Angus said a restaurant license requires them to be open to the public whenever their restaurant is open.

Commissioner Angus said if they are having a private party, they cannot prohibit the public. Paul said they understand that, and they will not do it. Paul said they do not have that kind of traffic late at night and it would not be an issue.

Commissioner Angus said her concern is that they want to extend their hours for parties which turns it into club in a residential area. Commissioner Koutoulas asked them if the restaurant closes at 9 why do they need to stay open beyond that?

Gary Ortiz came up to speak and said that for special events such as Independence Day and Cinco de Mayo. Just special days and special occasions.

Commissioner Koutoulas said her concern is the neighborhood and she suggests to close on Friday and Saturday at 1am and the other days 11pm.

Commissioner Angus said she suggests to start the extended hours after they have completed 2 months of probation. Paul said this is a concern because these are the months they need the hours and they are concerned they will lose employees if there are not hours available. Paul said this will really effect their business and he cannot stress it enough. Paul requested a compromise. He asked if they get one night to be open late. He said they know what works for them and all this time they had the hours of the original license and that worked for them. Gary came up to speak he said they will have to cut at least one employee because business will not support them to have employees with the cut hours on the corrected license. They were utilizing the hours on the original license. Gary said it will make a big impact on a small business. If they could have at least one night it would make a big difference.

Captain Tracey came up to speak. He said HPD is less concerned about the hours and more concerned with the other stipulations. For the hours part the only concern they have is the noise level. If they can keep the noise down and somehow RG's does it, and they are in a similar location. It can be done. Captain Tracey said it is more about how they are running the place then how late they are open.

Commissioner Koutoulas made a motion to amend the hours to Sunday Through Thursday 8am-11pm, Friday and Saturday 8am -1am, be careful of the noise. This will be in effect through the probationary period, and they can come back and request a change of hours pending all the approvals. This was seconded by Commissioner Driscoll. No Public comment. Vote unanimous, motion passed.

Commissioner Koutoulas reminded them that a half hour before closing alcohol service stops. Commissioner Angus reminded them that at 11pm and 1am that everything should be closed and everyone off of the premises except those that are there to clean up the restaurant.

5) ONE DAY APPLICATIONS

5.1 Dan Clapp, Applicant

1634 Meadery

3 Short Street

Ipswich, MA 01938

-Application for one day beer and wine license for the historic reenactment on

August 26, 2023, from 10am to 3pm.
-Has police approval.

Dan Clapp appeared for this application. Commissioner Angus asked Mr. Clapp where this event is taking place? Dan said that it is taking Place at the Dustin Garrison House on Hilldale Avenue. Dan said he is interested in history, and they are doing a lot of reenactments. They invited Dan to serve the mead at the reenactment and do some period drinks. Dan feels they will be a good fit for the reenactment.

Commissioner Koutoulas said that the property is not city owned. The president of the Garrison House came up to speak. He said that the property is privately owned. He said they have a police detail due to the parking and the firing of the blank shots. This is their third year doing the event and they would like to add the meadery.

A motion was made by Commissioner Koutoulas to approve the one-day application for 1634 Meadery for the event on August 26, 2023. This was seconded by Commissioner Driscoll. No Public comment. Vote unanimous, motion passed.

5.2 John Cornejo, Applicant

Spicket River Brewery
56 Island Street
Lawrence, MA 01841

-Application for one day beer and wine application, for the event on August 12, 2023, from 12pm to 7pm at Haverhill Ice Center for the Cross Check Cancer Event.
Has police approval. Requires 1 detail, and those consuming alcohol must have wristbands.

No one appeared for this application when it was called. The application was put off until the end of the meeting.

No one was present when this was called again at the end of the meeting.

A motion was made by Commissioner Driscoll to postpone until Special Meeting on August 10, 2023. This was seconded by Commissioner Koutoulas. No Public comment. Vote unanimous, motion passed.

5.3 Kim Dandurant, Applicant

The Armenian Apostolic Church at Hye Point
1280 Boston Road

-Application for one day Beer and Wine Liquor License for a wedding reception at 1280 Boston Road on September 9, 2023, from 4pm to 1am.
Has Police Approval.

Kim Dandurant appeared for this application. She appeared virtually. She said it is for a wedding at the church. They listed 1am but they allow an hour for clean up so it should be done before that.

Commissioner Angus reminded Kim that on Saturdays they must stop serving alcohol by 1 am.

A motion was made by Commissioner Driscoll to approve the one-day application. This was seconded by Commissioner Koutoulas. No Public comment. Vote unanimous, motion passed.

6) BUSINESS CERTIFICATES

No SCHEDULE

7) ENTERTAINMENT APPLICATIONS

No SCHEDULE

8) COMMON VICTUALLER APPLICATIONS

8.1 James White Jr, Applicant

d/b/a Miss Ann Soul Food Kitchen & Catering
576 Primrose Street

-Application for new common victualler license.

James White Jr. appeared for this application. Commissioner Driscoll asked James what is happening at the AMVETS if he is doing catering. James said that he cooks food for people, and they can come and get it. He said it would be take out Uber Eats things like that. He wants the common victualler license so that the members of the AMVETS and their guests can get food and eat there.

Commissioner Angus asked James if he will be doing any service of alcohol? James said no. The hours of operation will be Monday through Sunday 10am to 11pm.

Motion made by Commissioner Koutoulous to approve this application. This was seconded by Commissioner Driscoll. No Public comment. Vote unanimous, motion passed.

9) OUTDOOR DINING APPLICATIONS

No Schedule

10) ALCOHOL/ABCC APPLICATIONS

10.1 Deanna Gaiero, Manager

Joseph's Trattoria & Bakery, Inc.

d/b/a Joseph's Downtown

6-8 Mouton way

-Application for new Section 12 All Alcohol License. Pending Business occupancy, tips certifications, liquor liability insurance.

Deanna appeared for this application. Deanna said that they will be building a new restaurant in the Bradford Location. In the meantime, they located another restaurant that they will probably end up keeping. The Bradford restaurant will close temporarily and then reopen after construction. Her application today is a new license for a separate entity. She is planning on keeping the Bradford license going and having this new license also.

Commissioner Angus reminded Deanna that when the construction is complete for the Bradford

location she will have to come back for an amendment to the license. Commissioner Angus also told Deanna that if she is using the basement for storage, she will have to correct the number of floors on the application to 2. Commissioner Angus also told Deanna to talk to the city engineer for her outdoor dining plan.

Commissioner Angus asked Deanna what she is doing for parking. Deanna said there are two parking lots, one directly behind the restaurant and one under the bridge and that parking will not be a problem.

Motion made by Commissioner Driscoll to approve the application. This was seconded by Commissioner Koutoulas. No Public comment. Vote unanimous, motion passed.

10.2 Susan Garland, Manager

Next Door Corp.,
d/b/a The Grill Next Door
653 Broadway

-Application for multiple amendments- Change of Stock interest and Change of Corporate name or DBA.

Attorney Caroline O'Connell appeared for this application. She gave a background and said that there are 3 applications. Two of the applications are corrective applications and one is a transfer application. For the Grill Next Door, Susan transferred 50 percent of her shares to David and for One Stop Market, David transferred 50 percent of his shares to Susan. These are the corrective applications filed so this can be reflected by the board and the ABCC.

Commissioner Angus told Caroline the application for the Grill Next Door needs to be corrected to show the new corporation's name.

Motion made by Commissioner Koutoulas to approve the application pending updated paperwork. This was seconded by Commissioner Driscoll. No Public comment. Vote unanimous, motion passed.

10.3 Matthew Lonardo, Manager

The Solid Slice Pizzeria LLC,
d/b/a The Solid Slice Pizzeria
653 Broadway

-Application for Transfer of section 12 license, with pledge of license. Pending 304 inspection, tips certification, liquor liability insurance.

Caroline O'Connell appeared for this application also. Matthew also appeared for this application. Matthew came up and introduced himself, Matthew said he worked at the Grill Next Door as the head Chef for 14 years. He said he went from the bottom up. His family is ready to retire and he is ready to take over. The attorney said the corporation for the Solid Slice Pizzeria will be owned in equal parts by Matthew and his Mother Susan Garland.

Commissioner Angus asked Matthew how long the premises is going to be closed for? Matthew said he is planning on being done and reopening in October or November.

Motion made by Commissioner Koutoulas to approve the application. This was seconded by Commissioner Driscoll. No Public comment. Vote unanimous, motion passed.

10.4 David Dalton, Manager

Shadow Lake Corporation

d/b/a One Stop Market

651 Broadway

-Application for multiple amendments. Change of Officers/Directors/LLC Managers and Change of Stock Interest.

Caroline O'Connell appeared for this application as well. She said this is the same situation, the corrective application.

There were no questions on this application.

Motion made by Commissioner Driscoll to approve the application. This was seconded by Commissioner Koutoulas. No Public comment. Vote unanimous, motion passed.

11) MOTOR VEHICLE APPLICATIONS

No Schedule

12) CARRY IN LICENSE APPLICATIONS

NO SCHEDULE

13) ITEM FOR DISCUSSION

No Schedule

14) SHOW CAUSE HEARING.

14.1 Hermis Luis Lopez Gomez, Manager

Restaurante Lechonera By Auora Corp

d/b/a La Lechonera

145 Winter Street

-Show cause hearing. Incident that occurred on or about June 11, 2023.

Captain Tracey described the incident as the following: On June 11, 2023 at 1:15 am a detective observed approximately 60 patrons still in the establishment where there was live entertainment a dj, and alcohol consumption at 145 Winter Street. When back up officers arrived they observed 2 males consuming alcohol outside of the establishment. Officers spoke to the management at the establishment who were notified of the violations and the patrons were disbursed.

To summarise the concerns of the HPD, they were operating outside of the permitted hours, they were over occupancy, they had live entertainment, they were still serving alcohol, 2 parties committing an ordinance violation by drinking in public. By the description it seems they are operating more as a night club, all while abutting a residential area. For those reasons HPD is requesting early closings for 2 weeks and a 6 month probation.

Paul Maglichetti appeared for this item. Gary Ortiz was present as a translator, Jose Duran owner and his wife. Paul Maglichetti submitted a power of attorney for the owners of the establishment.

Paul gave a description of what his clients said happened that night. Paul said that there were over 40 people in the establishment. Paul said there were a few issues in the report he wanted to address. There were two licenses that were issued to the establishment, One allowed them to serve alcohol until 1am and the other was a corrected license that limited the hours until 10pm. Paul said they were still going by the original license that said 1am. The 1 am license was the license referenced in the police report. The police arrived at 1:15am and that was 15 minutes after the patrons were served. According to the owners they were not serving at 1:15am when the police arrived. They were open, there was music and they were waiting for people to cash out and they were cleaning up the place.

Paul said the entertainment license lists the hours on Saturday until 1:30am which would be Sunday at 1:30am and they were within those listed hours on their entertainment license. Paul said they did not have entertainment outside of the hours they were supposed to have it as listed in the police report.

Paul said they are a small family run business and they run a clean business. They are working hard trying to make ends meet. They do not deny they were over capacity but they do deny that they were still serving. To give them the sanctions HPD is asking for would really hurt their business. Paul requested a warning because of the discrepancies with the licenses.

Commissioner Angus said her major concern is that when you have a liquor license in the city of Haverhill that does not mean that you can be open and serve liquor until 1am.

Paul said that he went over that with them when he met with them at the business. Paul said they did not understand that and he told them they should be stopping about a half hour before the closing. Commissioner Angus said her other concern is that when they came in for the license they told her they understood that.

Commissioner Angus also said that if they have a liquor license the closing time means that everything has to be closed, no entertainment, and that everyone has to be off the premises by the closing time.

Paul said that he agrees with that and that he explained that to them and they are going to post signs. They will also have a person at the door at all times. These things are already in motion and they were very receptive to Paul when he spoke with them. Paul also said having that restriction on them at this time of the year is very severe.

Commissioner Koutoulas said putting up signs and having people at the door, that sounds like a night club. Paul said they have Karaoke and that is what this was. Paul said they serve food the whole time.

Gary Ortiz came up to speak. Gary Ortiz does the accounting for the restaurant. He said they have not sold 1200 beers in a whole year and that he can provide the accounting books for proof. Gary said that 95 percent of their sales are food. Gary said people go there and they eat and dance. He said that he places the alcohol order and that he only ordered two cases and they still have part of this order right now.

Commissioner Koutoulas asked Gary if they understand the occupancy number. Gary said yes they do understand and they now have a counter.

Commissioner Koutoulas wanted to make sure they understood the count includes the total number of people inside including employees. Commissioner Angus said the count also includes entertainment. Gary said yes, they do understand this.

Jose Duran came up he is one of the owners of the establishment. Jose's wife also appeared. She is also Hermis daughter.

Commissioner Koutoulas asked Captain Tracey if they had any complaints about noise or the

establishment? Captain Tracey said not to his knowledge. Captain Tracey said that he does not know the owners but he does know Paul Magliochetti. He said he has no reason not to take them at their word and maybe there was some confusion about the licenses. Captain Tracey said he is willing to modify his recommendation to just the 6 month probation which will cost them 0 dollars if they agree to the following conditions. 1. They have a door man who keeps count. 2. No Loitering signs posted. 3. The noise is kept to minimum.

Commissioner Angus said for the record to she wanted to make Paul aware they were not going to be penalized for being open past their 10pm close but they were going to be penalized for being open past 1am. She also said the hours on the corrected license are the only hours they are approved to be open as of today. Commissioner Angus asked if they are going to have someone at the door with a counter as HPD requested? The door person should also be making sure that no one is going outside with alcohol.

Gary said he already ordered the signs that they are going to post and will have a door person keeping count, they will be making sure there is no alcohol going outside and they do understand the 40 occupancy count. They will also keep the noise level down.

Commissioner Angus also asked if Hermis is the manager and he is on the premises 40 hours per week? Gary said yes Hermis is there more than 40 hours per week.

Commissioner Driscoll made a motion for finding a violation of the CMR. This was seconded by Commissioner Koutoulas. No Public comment. Vote unanimous, motion passed.

Commissioner Driscoll made a motion to place on probation for 6 months. This was seconded by Commissioner Koutoulas. No Public comment. Vote unanimous, motion passed.

15) COMMUNICATIONS

16) NO SCHEDULE

17) PUBLIC PARTICIPATION

NO SCHEDULE

18) ADJOURNMENT

Motion to adjourn was made at 7:08pm pm by Commissioner Driscoll, seconded by Commissioner Koutoulas. Vote unanimous.