



LICENSE COMMISSION MINUTES

**Thursday, February 2, 2023, at 6:00 p.m.-City Council Chambers
VIRTUAL and in person meeting**

Attending: Chairman Joseph Edwards, Commissioner Laura Angus, Commissioner Driscoll,
Lic. Clerk Jennifer Sanchez, Captain Wayne Tracy, HPD, Sgt Kevin Lynch, HPD.

1) PLEDGE OF ALLEGIANCE

2) APPROVAL OF THE MINUTES

2.1 APPROVAL OF THE MINUTES OF JANUARY 5, 2023

**Motion made by Commissioner Driscoll to accept the minutes of January 5, 2023.
This was seconded by Commissioner Angus. No Public comment. Vote unanimous,
motion passed.**

2.2 APPROVAL OF THE MINUTES OF JANUARY 26, 2023

**Motion made by Commissioner Angus to accept the minutes of January 26, 2023. This was
seconded by Chairman Edwards. No public comment. Vote unanimous, motion passed.**

3) CONTINUED BUSINESS

NO SCHEDULE

4) MISCELLANEOUS APPLICATIONS/REQUESTS

NO SCHEDULE

5) ONE DAY APPLICATIONS

5.1 ALLISON GAGNE, APPLICANT

NECC

100 ELLIOTT STREET

**APPLICATION FOR ONE DAY BEER AND WINE MARCH 2, 2023. ATHLETIC
HALL OF FAME 6PM-8PM.**

Allison Gagne was not present when this was first called it was voted unanimously to recall this later in the meeting. This was called again, and Allison Gagne was present. Ms. Gagne said that this is for the Athletic Hall of Fame on March 2, 2023. They have done this event in the past. It is for beer and wine only. Eloquent Catering is hosting the event and serving the alcohol. It will be from 6pm to 8pm. There will be mostly adults with the possibility of some children. Chairman Edwards spoke and said that NECC has done many nice events and they are always responsible.

**Motion to approve this application made by Commissioner Driscoll, Seconded by
Commissioner Angus. No public comment. Vote unanimous, motion passed.**

6) **BUSINESS CERTIFICATES**

NO SCHEDULE

7) **ENTERTAINMENT APPLICATIONS**

7.1 **Irwin Edwards, Manager**

Irwin Enterprises LLC.,
d/b/a East West Tavern
27 Lafayette Square

**APPLICATION FOR AMENDMENT OF ENTERTAINMENT LICENSE- TO
INCLUDE DANCING BY PROFESSIONAL DANCERS**

Irwin Edwards appeared on this. He is the manager and owner of East West Tavern. Irwin said that he is requesting to have an amendment to his application to have professional dancers. He described the dancers as 5 male dancers that put on show for the female patrons. Commissioner Driscoll spoke on this and stated that he did some research on this and that the male dancers are usually in jeans a construction outfit or a police outfit, they are topless, and they put on a show for the female patrons. The performers are encouraged to touch the patrons and the patrons are encouraged to touch the performers. Chairman Edwards asked HPD if they wanted to make a comment on this matter. HPD referred back to LLA. Commissioner Angus stated this is not the kind of entertainment they want in Haverhill and Chairman Edwards agreed. Commissioner Angus agreed.

Motion to deny the amendment application made by Commissioner Driscoll. This was seconded by Commissioner Angus. No public comment, vote unanimous. Motion passed.

8) **COMMON VICTUALLER APPLICATIONS**

NO SCHEDULE

9) **OUTDOOR DINING APPLICATIONS**

NO SCHEDULE

10) **ALCOHOL/ABCC APPLICATIONS**

10.1 **Kanaiyalal Sendhabhai Patel, Manager**

Jay Dave Corporation
d/b/a Chris Ann Liquors
74 Kenoza Ave

**APPLICATION FOR AMENDMENT- CHANGE OF STOCK INTEREST AND
CHANGE OF OFFICERS.**

Attorney Truax and Kenny Patel appeared on this. Attorney Truax said that Mr. Patel will still be the manager and still spend 40 hours per week at this location. Commissioner Angus asked if he still owns the second liquor store. Attorney Truax said that Yes, Mr. Patel does still own the second store and that he listed his ownership of Riley's Corner on the application. He also said that the son in law is being gifted the stock ownership and he is very familiar with the store he has been working there since it opened.

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

10.2 Michael Pifko, Proposed Manager

110 Grill 1165 Haverhill LLC.,
d/b/a 110 Grill
1175 Main Street

APPLICATION FOR AMENDMENT- CHANCE OF MANAGER

When this was first called Mr. Pifko was not present. This was put on for later in the meeting. When this was called the second time Mr. Pifko appeared virtually. Commissioner Angus asked Mr. Pifko what experience he has in the industry. Mr. Pifko stated that he was the manager at Legal Seafoods for the last 5 years. He worked before that for the Aldi Corporation. He worked at the Logan Airport Legal Seafoods. Prior to that he lived in Texas and Florida and worked as manager there as well. In total he has over 20 years of experience being a restaurant and bar manager. Commissioner Angus said that the employment information on his application only lists from 2020 to present. She requested that he forward information to the license commission clerk to include with his application.

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

11) MOTOR VEHICLE APPLICATIONS

NO SCHEDULE

12) CARRY IN LICENSE APPLICATIONS

NO SCHEDULE

13) ITEM FOR DISCUSSION

13.1 Michael Difeo III, Manager

Mr. Mike's Restaurant & Lounge, Inc.,
d/b/a Mr. Mike's Restaurant & Lounge
1149 Main Street

**ITEM FOR DISCUSSION- ATTORNEY GENERAL'S LAST DRINK LIST
NOVEMBER 22, 2021**

Michael DiFeo appeared for this. He said that this was in May 2021 and that he does not have any information on this because it has been so long. He did ask the bartender if he remembers anything about this and he did not. Commissioner Angus said that this item was already addressed with the LLA but they got it on the AG list because of the time lag. Chairman Edwards spoke on this and explained that this information comes from Haverhill District Court dockets. When defendants go through the court process they are asked where they had their last drink. Chairman Edwards reminded Mr. DiFeo to be more careful and stay vigilant.

13.2 Charlie Maroun, Manager

CM Direct of MA LLC.,
d/b/a Smith's Tavern
124 Essex Street

**ITEM FOR DISCUSSION- ATTORNEY GENERAL'S LAST DRINK LIST
JANUARY 13, 2022, AND MAY 16, 2022**

Charlie Maroun appeared for this. Charlie stated that he did not own the bar on January 13, 2022. Commissioner Angus asked when he bought the bar. He said that he bought the bar on January 22, 2022. The first listing was for the previous owner. He also stated that he did ask the bartender about the second listing on May 16, 2022. He said that was a Monday and that Mondays are usually not busy. The bartender did not have any memory of anyone being intoxicated.

Mr. Maroun was advised by the LLA to stay vigilant and use best practices and keep up the good work he has been doing.

13.3 Anthony Hans, Manager

Hans Enterprises Inc.,
d/b/a Hans Garden
114 Washington Street

ITEM FOR DISCUSSION- ATTORNEY GENERAL'S LAST DRINK LIST 14, 2022.

Anthony Hans appeared for this. He stated this was already addressed at a prior meeting. Commissioner Edwards spoke and said that this has worked its way through the courts and is now coming to us on the Attorney General's last drink list. He also said to continue to monitor patrons and stay vigilant his restaurant is in a busy area and he is doing good job and to continue with good practices.

13.4 Susan Stolworthy, Manager

Mardeb LLC.,
d/b/a Kruegar Flatbrad
144 Essex Street

ITEM FOR DISCUSSION- ATTORNEY GENERAL'S LAST DRINK LIST JUNE 7, 2022

No one appeared on this. Stephen called earlier in the day and said they would not be coming because they filed for bankruptcy and closed.

14) SHOW CAUSE HEARING

14.1 Anne DeCosta, Manager

Wilbur M. Comeau Post #4, American Legion Inc.,
d/b/a American Legion
1314 Main Street

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 **Incident that occurred on or about December 1, 2022, at approximately 00:54**

Anne DeCosta and the Legion Commander appeared for this. HPD were called for a disturbance. They arrived and found a heavily intoxicated woman sitting in the parking lot crying. She said she was assaulted by her boyfriend's sisters. She was taken to the hospital and HPD issued criminal complaint for A/B on 2 other females.

Anne Decosta spoke. She said that she was not there that night. Ms. Decosta said there was a function there that night. The function ended between 10 and 10:30 pm. Ms. Decosta was not sure if the female victim went into the members section after the event or left and came back. Commissioner Edwards asked HPD if any of the officers witnessed the assault. HPD said that no officers witnessed the assault. HPD also said that they knew all 3 females were at the American Legion because all three females said they were at the American Legion. HPD and LLA said they were concerned about the overserving. LLA advised Ms. Decosta they need to tighten things up. They had another recent event in November of possible over serving.

Commissioner Driscoll made a motion to place this in the American legion file and take no further action. This was seconded by Commissioner Angus. No Public comment vote unanimous. Motion Passed.

15) PUBLIC PARTICIPATION

15.1 David Ginieres

DISCUSSION OF QUESTIONS AND CONCERNS ABOUT CLUB RULES AND REGULATIONS

David Ginieres appeared. He is a member of the Kiwanis club. They hold events at different clubs in Haverhill. He had questions about the club rules. He said they have been holding events like this for a long time and does not understand why there are so many rules on club liquor licenses. He came into the clerk's office last week and spoke with clerk (Jennifer) about the advertising. She advised him it cannot advertise it open to the public. It must be advertised for members and guests of the Elk's club.

Mr. Ginieres also asked about the process of signing in guests. He said that it is not the usual practice of the rental club to provide the sign in book and sign in guests. He asked who is responsible to sign in the guests. LLA told him that the rental club is responsible to provide the sign in book and to sign in the guests. Also, the clubs have been spoken to about the sign in process and they are aware that this is the process.

Mr. Ginieres also asked about the liability of signing in guests. He questioned where the liability falls if there was incident to occur with a guest that someone signs in. The LLA told him that the person whom is serving the alcohol has most of the responsibility and the licensed premises also holds an insurance policy and they cannot give legal advice. He also asked if the guests need to be signed in even if they are not drinking. The LLA told him yes, they need to be signed in even if they are not drinking.

Mr. Ginieres stated that he would like to stay informed of the process of the new club rules and regulations that has been in the works. The LLA told him that he would get an invitation to the next meeting. The next meeting for the club rules is expected to take place in another two months and the rules and regulations are anticipated to be complete in early summer or late spring.

16) OTHER BUSINESS

NO SCHEDULE

17) ADJOURNMENT

Motion to adjourn was made at 7:05 pm by Commissioner Driscoll, seconded by Commissioner Angus. Vote unanimous.