



LICENSE COMMISSION MINUTES

**Thursday, March 16, 2023, at 2:00 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, Sargent Kevin Lynch, HPD.

- 1) **PLEDGE OF ALLEGIANCE**
- 2) **APPROVAL OF THE MINUTES**
No Schedule
- 3) **CONTINUED BUSINESS**
NO SCHEDULE
- 4) **MISCELLANEOUS APPLICATIONS/REQUESTS**
NO SCHEDULE
- 5) **ONE DAY APPLICATIONS**
No Schedule
- 6) **BUSINESS CERTIFICATES**
NO SCHEDULE
- 7) **ENTERTAINMENT APPLICATIONS**
No Schedule
- 8) **COMMON VICTUALLER APPLICATIONS**
No Schedule
- 9) **OUTDOOR DINING APPLICATIONS**
NO SCHEDULE
- 10) **ALCOHOL/ABCC APPLICATIONS**
No Schedule
- 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 Irwin Edwards, Manager

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

-Incident that occurred on or about January 28, 2023, at approximately 02:11

Items 14.1, 14.2, and 14.3 were taken together. Sargent Kevin Lynch spoke and described this incident. On January 28, 2023 officers responded to the East West Tavern. There was a man laying on the ground saying "they broke my leg". The victim was transported to the hospital and did have a broken leg.

Sargent Lynch said that he made several attempts to get the footage from inside of the bar that night. Detective Portner was also present. Detective Portner spoke and said that he went to the bar, left messages on the voice mail, and tried to make contact several times and the bar was not open.

Irwin Edwards spoke and stated that he did not get the voicemails because he does not check them. He said the line is for take out orders only and is not checked. He also said that once he spoke with the HPD the tapes had already been over written.

Chairman Edwards asked how the HPD thought he was cooperating with them. Detective Portner said that it took a lot to make contact with Irwin Edwards.

Irwin Edwards spoke again and said that he opens at 4pm, does not check his voice mails, and that city hall has his phone number. If they wanted to speak with him that much, that they could have got the phone number to call him directly.

Commissioner Angus spoke and asked why would you not check your voicemail on a business phone? She also asked why if his cook told him the police were looking for him, that he would not contact them to straighten everything out?

Irwin Edwards answered her and said that he was sure that the HPD would be back if it was important.

Commissioner Angus asked Irwin Edwards why he told the LLA he had new cameras on January 5, 2023 and they had a 30 day loop?

Irwin Edwards answered and said that is correct they do have a 30 day loop but when the officers spoke with him it was the 3rd week of February and the cameras has already over written. He also said that last call at East West Tavern is at 1:15 am and that everyone leaves the premises at 1:45am. He went on to state that because of the time of the incident it seems as though the two people involved in the incident left the bar for 20 minutes and came back to the parking lot.

Sargent Lynch said that it looks like Irwin Edwards has a lot of information. And asked why he did not share this information with HPD?

Irwin said that the HPD did not ask him any questions that night, they went right to the bystanders and asked them what happened.

LLA moved on to discuss the next incident and will make a decision at the end of the discussion.

14.2 Irwin Edwards, Manager

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

-Incident that occurred on or about March 3 2023 at approximately 21:22

Sargent Lynch spoke and described this incident as: On March 3, 2023, HPD were dispatched to the East West Tavern for a male that was bleeding and appeared to be highly intoxicated. Sargent Lynch stated that again he called the number they have on File for Irwin Edwards and he did not return the call. Sargent Lynch contacted Irwin Edwards to attempt to view the video footage leading up to the injury of the male.

Chairman Edwards spoke and said in the report it mentions that the male had a bottle with him when he was being transported to the hospital is that correct? And did that bottle contain alcohol?

Irwin Edwards spoke and said that yes, they noticed a bottle with the man while they were preparing him to be transported to the hospital. Irwin said the man came into the bar, he had 3

budweisers and when he was getting up and he fell. He said that the man did not want to go to the hospital. Irwin Edwards stated that when the HPD were there that night they were telling him that the man was punched in the face. Irwin said that he told the HPD that it was not an assault that the man fell when he was getting up. He fell face first onto the floor causing his injuries. Irwin said that he offered HPD to look at the video to show that the man was not punched in the face.

Chairman Edwards asked Irwin Edwards if he saw the bottle the man had?

Irwin Edwards responded that he saw the bottle that the man had and that he did not open the bottle and he did not see the bottle until the man was being loaded onto the gurney.

Chairman Edwards told Irwin Edwards that if the man had a bottle inside of the establishment he should have opened the bottle. He stated that Irwin Edwards just wants to make money and that he does not care about the business.

Comissioner Driscoll asked Irwin Edwards if he detected any level of intoxication?

Irwin Edwards said that no he did not detect any levels of intoxication. Irwin Edwards said that the man had 2 and a half budweisers and he was sitting at the bar playing Keno. He was not causing a disturbance, he was not being loud.

Sargent Lynch said that he wants to see the video from 5pm to 9pm to see how the man was prior to the fall.

Commissioner Angus asked if the man left the bar?

Irwin Edwards said that he did not leave the bar.

Commissioner Driscoll asked if he saw him drink from the bottle? He also said that if the man was drinking before he came in, then he would have became intoxicated from 3 beers in his bar. Driscoll also stated that he is very concerned about the amount of resouces that are being used at the East West Tavern.

Commisioner Angus said that she is concerned because Irwin Edwards has only been open for 10 months and had 8 incidents in front of the LLA. She also asked if he could get video footage from the March 3 incident?

Irwin Edwards stated that yes he could get the video from the March 3 event and that he did not contact the police about that video since they already looked at it.

Irwin Edwards spoke again and said the incidents they are talking about are all happening outside and none of them are happening inside of the bar. Irwin went on to say that he thinks he is doing well beause he has not had any stabbings, shootings or sexual assualts at the establishment.

Chairman Edwards stated that you cannot fool a fooler and that these incidents are the same incidents that happened before.

LLA moved on to discuss the next incident and will make a decision at the end of the discussion.

14.3 Irwin Edwards, Manager

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

-Incident that occurred on or about February 18, 2023 at approximately 00:19

Sargent Lynch described this incident: On February 18, 2023 at 0:14 hours officers observed a

disturbance at East West Tavern. They spoke with a security guard who told them that someone was being removed. When HPD spoke with females that were involved they noticed that both females appeared to be intoxicated and wanted to drive home.

Irwin Edwards spoke and said that he does not have a security guard named Kevin. He said that he worked that night and that he told the females that they were not ok to drive home. He stated that he offered them a taxi and an uber. He said that during the time that the females were being removed the HPD took over and they assumed that he was going to let them leave the premises and they also assumed that he was not going to call HPD.

Chairman Edwards asked Irwin Edwards how many drinks the women had that night.

Irwin Edwards stated that they had 2 or 3 drinks. He also stated that anyone that has a drink will have a smell of alcohol on them.

Chairmen Edwards asked Irwin Edwards if he ever finds empty nip bottles?

Irwin Edwards said that he sometimes does find empty nip bottles.

Commissiner Angus spoke and said that earlier in the discussion you said that the females did not appear to be intoxicated but you also just said that they were not ok to drive due to intoxication level.

Irwin Edwards said that the females did not appear to be intoxicated when they were inside.

Chairman Edwards asked Irwin Edwards if he has seen the females at the establishment before?

Irwin Edwards said yes that her name is Norma and that she has been a regular for the last few months.

Sargent Lynch spoke and said that they are concerned about this incident because two intoxicated females were being removed and the HPD was not called. He also stated that the phone number from the liquor license application is not retained at the police station.

Irwin Edwards stated that he does not think that he is being treated fairly. Irwin Edwards stated that the police are not there every day and that he takes offense to the commission stating that he does not care about the business. He also stated that he is being attaked not matter what he does. Commissioner Driscoll stated that there are over 40 other restaurants in the city of Haverhill and none of them have the amount of issues that East West Tavern has.

Irwin Edward's fiance spoke. She was on remotely. She stated that she finds it very offensive that Irwin is being told that he does not care about his business. She said that he works very hard and stays late every day to make sure that everything is in order, working properly and the staff are trained. It is very upsetting to her that he is being told that he is careless.

Lauren Dembowski also spoke. She is the bartender at East West Tavern and she was working some of the nights that the incidents took place. She said that it is illegal to ask people if they are taking any kinds of medication due to hipa laws. She said that medications can play a big part in peoples level of intoxication. She said that she cannot control if people are taking drugs and drinking alcohol. Lauren said that she feels that this is an attack. Lauren also said that the word intoxicated is being thrown around so they come up with a reaon to bring Irwin Edwards in for hearings.

Sargent Lynch spoke and said that Police Officers receive exstensive training and knowledge about being under the influence of drugs and alcohol and how to spot what substance people are under the influence of and what their impairment level is.

Commissioner Driscoll said that something needs to be done. I recommend closing early.

Chairmen Edwards said what time should they close. Commissioner Driscoll said 11pm.

Chairmen Edwards said that is too late , they should close at 10pm. Commissioner Angus said how long do you want them to close early for. Chairmen Edwards stated for 2 full weeks and

then an additional weekend. Commissioner Angus looked at the calendar and stated that starting tomorrow until March 30, 2023 and the additional weekend of March 31, 2023 and April 1, 2023.

Comissioner Driscoll made a motion for Irwin Enterprises LLc d/b/a East West Tavern to close early at 10pm Starting on March 17, 2023 until April 1, 2023. This was seconded by Commisioner Angus. Vote unanimous, motion pssed.

15) PUBLIC PARTICIPATION

15.1 Martha Meads

Cedar Street

Concerns about the General On Premises license that was granted to Napolis Operators d/b/a Napolis Tavern, 119 Cedar Street

Martha Meads appeared and spoke. She said that she lives on Cedar Street, directly across from 119 Cedar Street. She said that she was at the June 15, 2022, meeting of the ZBA. She said at that meeting it was decided that the location of 119 Cedar Street would be a restaurant and not a bar. She asked if the ZBA decided this then why was a general on premises liquor license approved?

Commissioner Angus spoke and said that they were given a general on premises license because they are not able to get a restaurant license due to them not having a kitchen.

Commissioner Angus also said that the building inspector will determine if they are in compliance.

Martha Meads spoke again and asked if they need to sell a certain amount of food to remain a food establishment rather than a bar.

Commissioner Angus spoke and said that is a good question we will get in contact with inspectional department and find that answer.

16) OTHER BUSINESS

NO SCHEDULE

17) ADJOURNMENT

Motion to adjourn was made at 7:35 pm by Commissioner Driscoll, seconded by Commissioner Angus. Vote unanimous.