



The Haverhill License Commission held a **Meeting on Thursday December 5, 2019 at 6:00 p.m. Room 202, City Hall.**

*Attendees: Chairman Edward and Commissioner Carter
Clerk Laura Angus*

Absent: Commissioner Sewell

1. PLEDGE OF ALLEGIANCE

2. APPROVAL OF THE MINUTES:

APPROVAL OF MINUTES OF NOVEMBER 7, 2019

Motion to approve the minutes made by Commissioner Carter, seconded by Chairman Edwards. No public comment on this matter. Vote two yeas, no nays, one absent, motion passed.

3. CONTINUED BUSINESS

NO SCHEDULE

4. MISCELLANEOUS APPLICATIONS/REQUESTS

NO SCHEDULE

5. ONE DAY APPLICATIONS

NICHOLAS MAKRIS

HELLENIC ORTHODOX COMMUNITY, INC.

154-156 WINTER STREET

**APPLICATION FOR ONE DAY ALL ALCOHOL LICENSE FOR BIRTHDAY PARTY AT HELLENIC
COMMUNITY CENTER ON DECEMBER 31, 2019 FROM 9:00 PM – 1:00 AM**

Nicholas Makris appeared on this application and explained the event. Commissioner Carter had questions regarding the event. Chairman Edwards inquired where they are purchasing the alcohol from to determine if they are using an authorized source. The Commission inquired about the entertainment at the event. Motion to approve the application made by Commissioner Carter, seconded by Chairman Edwards. No public comment on this matter. Vote two yeas, no nays, one absent, motion passed.

6. ENTERTAINMENT APPLICATIONS

A. MARGARET OSBORNE, MANAGER

BARRIO HAVERHILL, LLC, D/B/A BARRIO TACOS TEQUILA AND WHISKY
2 MERRIMACK STREET, SUITE 103

**APPLICATION FOR NEW ENTERTAINMENT LICENSE FOR RADIO, JUKEBOX, TELEVISION,
AMPLIFIERS, KARAOKE, DJ AND LIVE PERFORMANCE WITH UP TO THREE (3) INSTRUMENTS –
PENDING RECEIPT OF CERTIFICATE OF OCCUPANCY, A PICTURE OF THE EXTERIOR OF THE
PREMISES AND LICENSE FEE**

Items 6A, 7A and 9D were taken together. The applicant was represented by Attorney Michael Migliori and were unavailable due to a death in the family. Attorney Migliori gave a history on the restaurant and the experience of the applicants. Commissioner Carter inquired about the construction schedule and the entertainment they are considering. Chairman Edwards inquired about the hours requested being different from the hours set forth in the lease. Motion to approve all three applications, pending receipt of all outstanding matters, made by Commissioner Carter, seconded by Chairman Edwards. No public comment on this matter. Vote two yeas, no nays, one absent, motion passed.

B. APPROVAL OF RENEWAL APPLICATIONS FOR ALL ENTERTAINMENT LICENSES FOR 2020 UPON COMPLIANCE

Items 6B and 7B were taken together. Motion to approve the renewal applications listed in Agenda Items 6B and 7B made by Commissioner Carter, seconded by Chairman Edwards. No public comment on this matter. Vote two yeas, no nays, one absent, motion passed.

7. COMMON VICTUALLER APPLICATIONS

A. MARGARET OSBORNE, MANAGER

BARRIO HAVERHILL, LLC, D/B/A BARRIO TACOS TEQUILA AND WHISKY
2 MERRIMACK STREET, SUITE 103

**APPLICATION FOR NEW COMMON VICTUALLER LICENSE – PENDING RECEIPT OF APPROVAL OF
THE PLUMBING AND GAS INSPECTOR, ELECTRICAL INSPECTOR, BUILDING INSPECTOR, HEALTH
INSPECTOR AND FIRE INSPECTOR, RECEIPT OF CERTIFICATE OF OCCUPANCY, A PICTURE OF THE
EXTERIOR OF THE BUILDING AND THE LICENSE FEE**

Items 6A, 7A and 9D were taken together.

B. APPROVAL OF RENEWAL APPLICATIONS FOR ALL COMMON VICTUALLER LICENSES FOR 2020 UPON COMPLIANCE

Items 6B and 7B were taken together.

8. OUTDOOR DINING APPLICATIONS

APPROVAL OF RENEWAL APPLICATIONS FOR ALL OUTDOOR DINING LICENSES FOR 2020 UPON COMPLIANCE AND UPON RECEIPT OF APPROVAL OF SET UP OF THE OUTDOOR DINING AREA FOR THE 2020 SEASON BY THE CITY ENGINEER

Motion to approve the renewal applications upon compliance and upon receipt of approval made by Commissioner Carter, seconded by Chairman Edwards. No public comment on this matter. Vote two yeas, no nays, one absent, motion passed

9. ALCOHOL/ABCC APPLICATIONS

A. JONATHAN CODY OVESEN, MANAGER

CHIPOTLE MEXICAN GRILL OF COLORADO, LLC, D/B/A CHIPOTLE
89 PLAISTOW ROAD

APPLICATION FOR CHANGE OF LLC MANAGERS AND CHANGE OF MANAGER OF RECORD

Attorney Jon Aieta and Jonathan Ovesen appeared on this application. Attorney Aieta explained the applications to the Commission. He also gave an overview of the experience of the proposed manager. Commissioner Carter inquired about the reasoning behind the all alcohol license. Chairman Edwards inquired about any problems with alcohol at this location. Attorney Aieta indicated that beyond the training, Chipotle also does internal checks. Motion to approve the application made by Chairman Edwards, seconded by Commissioner Carter. No public comment on this matter. Vote two yeas, no nays, one absent, motion passed.

B. KEVIN DEYAK, MANAGER

99 RESTAURANTS OF BOSTON LLC, D/B/A THE 99 RESTAURANT
786 RIVER STREET

APPLICATION FOR CHANGE OF OFFICER AND CHANGE OF BENEFICIAL INTEREST

No one appeared on this application as it is a statewide application for internal changes to the business structure. Motion to approve the application made by Commissioner Carter, seconded by Chairman Edwards. No public comment on this matter. Vote two yeas, no nays, one absent, motion passed.

C. JENNIFER ANN FAXON, PROPOSED MANAGER

99 RESTAURANTS OF BOSTON, LLC, D/B/A THE 99 RESTAURANT
786 RIVER STREET

APPLICATION FOR CHANGE OF MANAGER

Jennifer Faxon appeared on this application. Commission Carter inquired about the applicants experience and if she had any concerns about taking over as manager. Chairman Edwards discussed their policy regarding serving drinks. Ms. Faxon indicated they have a very strict policy. Motion to approve the application made by Commissioner Carter, seconded by Chairman Edwards. No public comment on this matter. Vote two yeas, no nays, one absent, motion passed.

D. MARGARET OSBORNE, MANAGER

BARRIO HAVERHILL, LLC, D/B/A BARRIO TACOS TEQUILA AND WHISKY
2 MERRIMACK STREET, SUITE 103

APPLICATION FOR NEW SECTION 12 ALL ALCOHOL RESTAURANT LICENSE – HOURS OF OPERATION MONDAY THROUGH SATURDAY 11:00 AM – 1:00 AM, SUNDAY 12:00 PM – 1:00 AM, OUTDOOR PATIO – MONDAY THROUGH SATURDAY 11:00 AM – 12:00 AM, SUNDAY 12:00 PM – 1:00 AM – PENDING RECEIPT OF AFFIDAVIT OF AND EVIDENCE OF NOTICE TO ABUTTERS, THE 304 CERTIFICATE OF INSPECTION, TIPS CERTIFICATES FOR ALL SERVERS, LIQUOR LIABILITY INSURANCE, WORKERS COMPENSATION INSURANCE AFFIDAVIT AND LICENSE FEE

Items 6A, 7A and 9D were taken together.

E. APPROVAL OF RENEWAL APPLICATIONS FOR ALL ALCOHOL LICENSES FOR 2020 UPON COMPLIANCE

Motion to approve the renewal applications upon compliance made by Commissioner Carter, seconded by Chairman Edwards. No public comment on this matter. Vote two yeas, no nays, one absent, motion passed.

10. MOTOR VEHICLE APPLICATIONS

APPROVAL OF RENEWAL APPLICATIONS FOR ALL MOTOR VEHICLE LICENSES FOR 2020 UPON COMPLIANCE

Motion to approve the renewal applications upon compliance made by Commissioner Carter, seconded by Chairman Edwards. No public comment on this matter. Vote two yeas, no nays, one absent, motion passed.

11. CARRY IN LICENSE APPLICATIONS

NO SCHEDULE

12. ITEM FOR DISCUSSION

CARMEN YUSEIMA GARCIA, MANAGER
MAYA AZUL, LLC, D/B/A AZUL MEXICAN RESTAURANT
316 GROVELAND STREET
ENTERTAINMENT LICENSE GRANTED ON NOVEMBER 7, 2019

Attorney Emmanuel Gonzalez and Carmen Garcia appeared on this matter. Chairman Edwards had questions about the amplified music. Ms. Garcia indicated the amplified music was just for dining music.

13. SHOW CAUSE HEARINGS

A. WILLIAM F NILAND, MANAGER

THE COPPERHEAD SALOON & PUB, LLC, D/B/A THE COPPERHEAD
27 LAFAYETTE SQUARE

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 THEREFOR, WHETHER PRESENT OR NOT – POSSIBLE OVER SERVING, OVERCROWDING AND FAILURE TO MAINTAIN A SAFE ENVIRONMENT FOR PATRONS – INCIDENTS ON OR ABOUT SEPTEMBER 20TH AND 21ST.

William Niland appeared on this matter. Lieutenant Lance Powell from the Haverhill Police Department summarized the report for the record. The police are concerned about overserving and an underage person on the deck. Commissioner Carter had questions about the deck being overcrowded and how the deck is monitored. Chairman Edwards inquired about people with drinks in hand out in the parking lot. Mr. Niland answered the Commission's questions and indicated he had videos of the events. He explained that he called the police that night when he witnessed one of the people punching cars. The people on the deck were only there because they were looking at what was going on. It is not indicative of a usual night. Chairman Edwards indicated that he would like to postpone the matter until January to allow the police officers that were there during this incident

to be present and to discuss another matter to be presented to the Commission. Motion to continue to the January 9th meeting made by Commissioner Carter, seconded by Chairman Edwards. No public comment on this matter. Vote two yeas, no nays, one absent, motion passed.

B. PIERRE I EL HAYEK, MANAGER

PIERRE I EL HAYEK, D/B/A TOPLINE IMPORTS
534 RIVER STREET

**SHOW CAUSE HEARING – ALLEGED VIOLATION – FAILURE OF COMPLIANCE CHECK – VEHICLES
IN EXCESS OF LICENSE NUMBER – NOTE – THERE ARE OUTSTANDING PERSONAL
PROPERTY AND MOTOR VEHICLE TAXES ON THIS LICENSEE**

Pierre I El Hayek and Anthony Azzi appeared on this matter. Sergeant Kevin Lynch from the Haverhill Police Department summarized the report for the record. Mr. El Hayek indicated that the extra cars were supposed to be picked up by the junk dealer. He has not been on site recently as he is a new dad. Commissioner Carter indicated that the licensee needs to create a buffer on the property to allow for situations like this one. Mr. El Hayek indicated that that he has rented warehouse space to store vehicles. Chairman Edwards asked him to create an employment chart to give to the Commission. Motion to take no action tonight, but to defer action if there is a third violation made by Commissioner Carter, seconded by Chairman Edwards. No public comment on this matter. Vote two yeas, no nays, one absent, motion passed.

C. JEAN PIERRE SALIBA, MANAGER

ROYAL CREST MOTORS, LLC, D/B/A ROYAL CREST MOTORS
769 AMESBURY ROAD

**SHOW CAUSE HEARING – ALLEGED VIOLATION – FAILURE OF COMPLIANCE CHECK – VEHICLES
IN EXCESS OF LICENSE NUMBER, JUNK CARS STORED ON PREMISES, BOAT STORED ON PREMISES-
NOTE – THERE ARE OUTSTANDING PERSONAL PROPERTY AND REAL ESTATE
TAXES ON THIS LICENSEE**

Jean Pierre Saliba and Attorney Tarlow appeared on this application. Sergeant Kevin Lynch from the Haverhill Police Department summarized the report for the record. The police have returned recently, and they are now in compliance. Chairman Edwards inquired as to who can cite for junk cars on the premises. Attorney Tarlow tried to explain why they were over the limit for the number of cars allowed on the lot. Chairman Edwards indicated that he felt they should not be open until they pay their outstanding taxes. Attorney Tarlow tried to explain the junk cars on the lot. Commissioner Carter inquired if there was a distinction as to the status of the cars to allow for more cars to be on the lot. To Sergeant Lynch's knowledge, there is no distinction. Motion to continue this matter to next month, before which time, the licensee is to go to the building inspector to get a breakdown of employee, customer and number of cars and not to conduct business until all taxes are paid and evidence brought to Ms. Angus made by Commissioner Carter, seconded by Chairman Edwards. No public comment on this matter. Vote two yeas, no nays, one absent, motion passed.

14. COMMUNICATIONS

NO SCHEDULE

15. PUBLIC PARTICIPATION

16. **OTHER BUSINESS**

CALENDAR OF MEETINGS FOR 2020:

JANUARY 9, 2020 (IN ROOM 301)	JULY 2, 2020
FEBRUARY 6, 2020	AUGUST 6, 2020
MARCH 5, 2020	SEPTEMBER 3, 2020
APRIL 2, 2020	OCTOBER 1, 2020
MAY 7, 2020	NOVEMBER 12, 2020
JUNE 4, 2020	DECEMBER 3, 2020

Motion to approve the calendar as presented made by Commissioner Carter, seconded by Chairman Edwards.
No public comment on this matter. Vote two yeas, no nays, one absent, motion passed.

MEETING ADJOURNED AT 7:29 PM

ATTEST: LAURA D ANGUS
LAURA D ANGUS, CLERK