



License Commission, Room 118
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The Haverhill License Commission held a **Meeting** on **Monday February 3, 2020 at 6:00 p.m.**
Room 202, City Hall.

Attendees: Chairman Edward, Commissioner Sewell and Commissioner Carter
Clerk Laura Angus

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. ENTERTAINMENT APPLICATIONS

NO SCHEDULE

7. COMMON VICTUALLER APPLICATIONS

NO SCHEDULE

8. OUTDOOR DINING APPLICATIONS

NO SCHEDULE

9. ALCOHOL/ABCC APPLICATIONS

NO SCHEDULE

10. MOTOR VEHICLE APPLICATIONS

MARIANA CASTRO DA CRUZ, MANAGER
CARS4U, LLC, D/B/A CARS4U
194 RIVER STREET

APPLICATION FOR REVISION TO CLASS II MOTOR VEHICLE LICENSE TO ADD TEN ADDITIONAL SPACES – TWO SPACES FOR CUSTOMER PARKING, TWO SPACES FOR EMPLOYEE PARKING, ONE SPACE FOR A MAINTENANCE VEHICLE AND FIVE SPACES FOR PRE/POST SALE CARS

Bruno Ceolin appeared on this matter. The Commission discussed this matter during the Show Cause Hearing listed as Agenda Item 13F. There was discussion about the new plan, the approval of the Building Inspector and the police department. Motion to approve the application made by Commissioner Sewell, seconded by Commissioner Carter. No public comment on this matter. Vote two yeas, one present. Motion passed.

11. CARRY IN LICENSE APPLICATIONS

NO SCHEDULE

12. ITEM FOR DISCUSSION

NO SCHEDULE

13. SHOW CAUSE HEARINGS

A. BERNARD JEAN GOULET, MANAGER
MOONSHINERS LOUNGE LLC, D/B/A MOONSHINERS
101-103 WASHINGTON STREET

CONTINUATION OF 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

Attorney Timothy Connors, Bernard Goulet and Steven Santoro appeared on this matter. Lieutenant Lance Powell of the Haverhill Police Department summarized the incident and introduced Officer Jason Pearl. Officer Pearl summarized the report for the record. Sarah was heavily intoxicated, and the physical altercation took place outside of Moonshiners. The Commissioners had questions regarding whether the person indicated that she was inside Moonshiners and whether she had drinks in Moonshiners. Officer Pearl stated that she did indicate she was inside Moonshiners but did not indicate if she had been served there. Attorney Connors indicated that there was no evidence she had been served in Moonshiners. There were three bartenders and four bouncers on that night. They had already called last call. Motion to take no action made by Commissioner Sewell, seconded by Commissioner Carter. No public comment on this matter. Vote unanimous, motion passed.

B. BERNARD JEAN GOULET, MANAGER

MOONSHINERS LOUNGE LLC, D/B/A MOONSHINERS
101-103 WASHINGTON STREET

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 – INCIDENT ON OR ABOUT DECEMBER 31, 2019.

Attorney Timothy Connors, Bernard Goulet and Steven Santoro appeared on this matter. Chairman Edwards inquired of Mr. Goulet if he was on the premises. He was not at the time of the event. Lieutenant Lance Powell of the Haverhill Police Department read the report into the record. Detective Matthew Woodman stated the gentleman was clearly overserved and should have been taken care of much sooner. The Commission had questions regarding the intoxication of the individual and what the police would do if someone called about a heavily intoxicated person. Attorney Connors submitted a narrative from Mr. Bell, the manager on duty. Commissioner Carter had questions about the narrative which were answered by Attorney Connors and Mr. Goulet. Chairman Edwards was reading the report which stated that the manager state he stopped serving and gave him water, which indicates to him that he was drinking in the establishment. Detective Woodman indicated that he understood the statement that way as well. Attorney Connors inquired how they should handle this situation. There is nothing to corroborate that the couple drank in the establishment. Commissioner Carter asked if they had any problems with the couple and if not, how did they know they left? Mr. Goulet indicated that they reviewed the tapes. The tapes were not available for this meeting. Attorney Connors inquired if they could hire a police detail at their own expense to prevent this situation from happening again. Chairman Edwards indicated that a police detail is not available in Haverhill. Commissioner Sewell made a motion to close at 11:00 PM on Friday February 14th and Saturday February 15th. Attorney Connors indicated that would be a substantial loss of revenue. Motion was revised by Commissioner Sewell and Commissioner Carter. Motion to close at 11:30 on Friday February 7, 2020 and Saturday February 8, 2020 and a sixth month probation period made by Commissioner Sewell, seconded by Commissioner Carter. No public comment on this matter. Vote unanimous, motion passed.

C. VALENTINE KONG, MANAGER

DREAM TEAM AUTO GROUP, LLC, D/B/A DREAM TEAM AUTO GROUP
100 WHITE STREET

SHOW CAUSE HEARING – ALLEGED VIOLATION – CARS IN EXCESS OF LICENSE NUMBER AND INCIDENT INVOLVING SALE OF VEHICLE

Valentine Kong appeared on this matter. Sergeant Kevin Lynch of the Haverhill Police Department summarized the report for the record. He completed a compliance check today and he was still over his limit at 11 cars. Mr. Kong began to explain the car sale issue and then went on to explain the reason his cars were over the limit. Commissioner Carter indicated that it appeared that Mr. Kong had enough time to remove the vehicles. Chairman Edwards inquired if he had another place to store the vehicles. Mr. Kong indicated that he did not. Chairman Edwards emphasized that he was 50 percent over the number of vehicles that he is licensed for. Julius Kawuma was also there to speak about the sale of the vehicle. There was much discussion about the sale of the vehicle. Chairman Edwards stated that the matter was beyond the authority of the Commission and that the customer should seek action through the civil court. Commissioner Sewell indicated that if Mr. Kong could not be in compliance, he should not have a license. Commissioner Sewell was also concerned for the lack of respect of the police by not coming into compliance. Commissioner Sewell made a motion to revoke the dealer license. No second was received. Motion by Commissioner Carter to continue this hearing until March 5, 2020 during which time there are no times when the licensee is in violation with the cars and a six month probation period with a 30 days suspension held in abeyance for any violation during the six month probation, seconded by Commissioner Sewell. No public comment on this matter. Vote unanimous, motion passed.

D. MARIO NEHME, MANAGER

MARIO NEHME, D/B/A EXPRESS MOTORS
117 WINTER STREET

SHOW CAUSE HEARING – ALLEGED VIOLATION – CARS ON THE LOT IN EXCESS OF LICENSE NUMBER

Mario Nehme appeared on this matter. Sergeant Kevin Lynch of the Haverhill Police Department read the report into the record. Chairman Edwards inquired why it took so long to come into compliance. Mr. Nehme indicated that he was out of the country because his mom was sick. He came into compliance before he left the country and the person covering for him went over. There was discussion by the Commission about being in compliance and staying in compliance. Motion by Commissioner Carter to place the Licensee on probation for six months., seconded by Commissioner Sewell. No public comment on this matter. Vote unanimous, motion passed.

E. NOEL A. ORTEGA, MANAGER

WELCOME MOTORS, LLC, D/B/A WELCOME MOTORS LLC
25 WELCOME STREET

SHOW CAUSE HEARING – ALLEGED VIOLATION – CARS ON THE LOT IN EXCESS OF LICENSE NUMBER AND CONTINUATION OF ALLEGED VIOLATION – CARS IN EXCESS OF LICENSE NUMBER

No one appeared on this matter

F. MARIANA CASTRO DA CRUZ, MANAGER

CARS4U, LLC, D/B/A CARS4U
194 RIVER STREET

SHOW CAUSE HEARING – ALLEGED VIOLATION – CARS ON LOT IN EXCESS OF LICENSE NUMBER AND CONTINUATION OF ALLEGED VIOLATION OF CARS IN EXCESS OF LICENSE NUMBER

Bruno Ceolin appeared on this matter. Chairman Edwards inquired if his plan originally showed extra spaces. Mr. Ceolin answered yes. Chairman Edwards inquired if he thought he could just use the extra spaces. Anthony Polizotti, owner of the property took over for Mr. Ceolin. The license did not include the additional ten cars, but the plans have been redrawn to add the additional spaces. Chairman Edwards stated that Mr. Ceolin read the plans incorrectly. He inquired if the taco place uses spaces. Mr. Polizotti answered that they do not and have not used the spaces. The discussion then moved to agenda item 10, application to revise the plan to add ten additional spaces. Motion to take no action made by Commissioner Carter, seconded by Commissioner Sewell. No public comment on this matter. Vote two yeas, one present, motion passed.

G. TELLO BELLUCCO, MANAGER

DIRCELIO BELUCCO, D/B/A WHITE ST MOTORS
69 WHITE STREET

SHOW CAUSE HEARING – ALLEGED VIOLATION – CARS ON LOT IN EXCESS OF LICENSE NUMBER AND CONTINUATION OF ALLEGED VIOLATION OF CARS IN EXCESS OF LICENSE NUMBER

Tello Bellucco appeared on this matter. Sergeant Kevin Lynch summarized the report for the record. Commissioner Carter inquired why there was no return phone call to the police. Mr. Bellucco was in Brazil from December 28th to January 16th. He did not get the message until he got the compliance letter. His business was closed down. He got into compliance as soon as he returned. Commissioner Sewell inquired if he understood that he should let people know when he is going out of town. Motion to take no action made by Commissioner Carter, seconded by Commissioner Sewell. No public comment on this matter. Vote unanimous, motion passed.

14. COMMUNICATIONS

NO SCHEDULE

15. PUBLIC PARTICIPATION

16. OTHER BUSINESS

Chairman Edwards would like to create an ad hoc committee to establish the number of hours for the manager of an alcohol license to be on the premises. He would like to send letters to all managers to have them indicate the number of hours they will be on the premises and put them in their file and hold them accountable for the hours.

Meeting adjourned 8:22 PM

Attest: _____*Laura D Angus* _____
Laura D Angus