



LICENSE COMMISSION MINUTES

**Thursday, May 4, 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, Sargent Kevin Lynch, HPD.

1) PLEDGE OF ALLEGIANCE

2) APPROVAL OF THE MINUTES

2.1 Approval of the minutes of April 6, 2023

Motion made by Commissioner Angus to accept the minutes of April 6, 2023. This was seconded by Commissioner Driscoll. No Public comment. Vote unanimous, motion passed.

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

7.1 Anita Imafidon, Manager

Afro-Infused LLC.,

d/b/a Afro-Infused Restaurant & Lounge

30 Emerson Street

**Application for new entertainment license- dj, amplified music, sporting event, tv,
(Pending entertainment zoning approval)**

No applicant was present when this was first called. The application was tabled for later in the meeting. On the second call Anita and Mardochee were present. Items 7.1, 8.1 and 10.1 were taken together. Anita said her plan is to run a restaurant and lounge that has an American, Nigerian, and Haitian menu. Commissioner Angus asked Anita what experience she has in the industry. Anita said that she was a bartender at the Hilton in Danvers. Commissioner Driscoll asked if this location was the location formerly Trianna's. Ms. Imafidon responded yes that is the location. Commissioner Angus asked who is Daniel Isobar? Ms. Isobar responded that is her brother. Commissioner Angus said he is on the lease so we will need a letter that is notarized from him stating that he has no interest in the liquor license. The Commission told Anita that this location is in a residential area. There are apartments

upstairs. They are not rented now but if someone moves in that Anita should talk to them. The Commission also explained that she should not be making a lot of noise. They did have noise complaints about that location in the past. The commission also stated that there are apartments with people living in them next door and it is a residential area so they will not be approving of a DJ, and they will restrict the amplified music until 10pm. The applications were approved.

Motion to approve the entertainment license for amplified music until 10pm, sporting events, TV, approve the common victualler license, and new section 12 liquor license pending 304, liquor liability, tips, and notarized letter from Daniel Isobar made by Commissioner Angus. Seconded by Commissioner Driscoll. No Public Participation. Vote unanimous. Motion passed.

7.2 Ronald Clermont, Manager

Worthy Idea LLC.,
d/b/a Oriental Gardens
400 Lowell Ave

Application for new entertainment license- amplifiers, DJ, karaoke, amplified music, radio, tv, comedy show, performers, amplified music, jukebox, dancing by patrons
Pending police approval

Ronald Clermont appeared for this application. Items 7.2, 8.2, and 10.2 were taken together. Chairman Edwards said it is a busy place you should do well. Commissioner Angus asked Mr. Clermont if he needed \$370,000 and now he need \$350,000 ? Ronald Clermont responded and said yes, I will no longer need the total of \$370,000. I made a down payment. Commissioner Angus asked if he is using an IRA and if the IRA and the Heloc are both in his name only? He responded that yes, he is using an IRA and the IRA is only his name, but the Heloc is in both his name and his wife's name. Commissioner Angus said we will need a notarized letter from his wife stating she knows that he is using the money for the purchase of the restaurant and that she has no interest in the liquor license. Commissioner Angus also said that Ron Clermont should check his occupancy number because 220 is the total occupancy. The performers and staff are counted towards the occupancy.

Commissioner Angus also asked Ronald Clermont what experience he has running an establishment? Ronald Clermont responded that he has not owned an establishment this size, but he does manage restaurants day to day operations on a regular basis. Mr. Clermont stated that he knows how businesses run, and how to manage costs and that he has been working with restaurant owners to assist them in managing their businesses. He also said the current owner will be on hand for 2 years to help him and to answer any questions.

Commissioner Angus also asked if Mr. Clermont is aware of the laws regarding alcohol service? She also said it is very important that he understands and abides by not overserving, and not serving any one underaged. Chairman Edwards stated that he should talk to Sargent Lynch and that he is available to give tips and information on how to manage.

Mr. Clermont was asked if he would continue to serve lunch and dinner only. He responded yes, he will still be serving lunch and dinner only.

Motion to approve these applications was made by Commissioner Angus. This was seconded by Commissioner Driscoll. No Public comment. Vote unanimous, motion passed.

8) COMMON VICTUALLER APPLICATIONS

8.1 Anita Imafidon, Manager

Afro-Infused LLC.,
d/b/a Afro-Infused Restaurant & Lounge
30 Emerson Street

Application for new common victualler license.

Pending business occupancy.

Items 7.1, 8.1, and 10.1 were all taken together. Anita and Mardochee appeared for these applications. Anita spoke for the applications. Anita said that the plan is to open a Restaurant and Lounge in the city of Haverhill. They will be serving American, Nigerian, and Haitian food at the establishment. The DJ was not approved, and the amplified music was approved until 10pm.

Motion to approve the entertainment license for amplified music until 10pm, sporting events, TV, approve the common victualler license, and new section 12 liquor license pending 304, liquor liability, tips, and notarized letter from Daniel Isobar made by Commissioner Angus. Seconded by Commissioner Driscoll. No Public Participation. Vote unanimous. Motion passed.

8.2 Ronald Clermont, Manager

Worthy Idea LLC.,
d/b/a Oriental Gardens
400 Lowell Street

Application for new common victualler license.

Pending business occupancy

Items 7.2, 8.2 and 10.2 were taken together. They are applications for new entertainment license, new common victualler license and transfer of section 12 all alcohol license. Mr. Clermont intends to continue to serve lunch and dinner. Mr. Clermont was asked if he has any experience running an establishment and he said that he has not owned an establishment before, but he helps restaurant owners to manage the day-to-day operations of their establishments. He has been doing this for 25 years and he fully understands the day-to-day operations.

Motion to approve these applications was made by Commissioner Angus. 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 Anita Imafidon, Manager

Afro-Infused LLC,
d/b/a Afro-Infused Restaurant & Lounge
30 Emerson Street

Application for new section 12 All Alcohol License. Pending business occupancy.

The applicants were not present on the first call. This item was called a second time and both Anita and Mardochee were present. Anita spoke on the applications. Anita is going to be the manager of the establishment. Anita has experience being a bartender at the Double Tree Hilton in Danvers. She is very familiar with the rules and regulations of alcohol sales. The applications for new entertainment, common victualler and all alcohol were taken together. (Items 7.1, 8.1, and 10.1)

Commissioner Angus told the applicants that they would need a notarized letter from Daniel Isobar stating that he does not have any interest in the liquor license because he is on the lease for the premises. Commissioner Angus asked Anita about the large deposits to her bank account. Anita stated that the deposits are from a money saving app called digit. She sets a goal in the app and the app makes the deposits to her bank accounts. It is auto saving.

Chairman Edwards asked the applicant if there was anything that she wanted to talk to HPD about and she no. Chairman Edwards also asked if there are any apartments upstairs. Anita responded that no there are currently no apartments upstairs. Commissioner Angus stated that yes, it is in a residential area. Chairman Edwards said if someone does move in upstairs that Anita should go upstairs and talk to them. Chairman Edwards also said that Anita should be concerned about the neighborhood and make sure not to make too much noise.

The Commission explained to the applicant that they will not approve of a DJ, and they will allow amplified music only until 10pm.

Motion to approve the entertainment license for amplified music until 10pm, sporting events, TV, approve the common victualler license, and new section 12 liquor license pending 304, liquor liability, tips, and notarized letter from Daniel Isobar made by Commissioner Angus. Seconded by Commissioner Driscoll. No Public Participation. Vote unanimous. Motion passed.

10.2 Edwin Panemeno, Manager

K & J Services Inc.,
d/b/a K& J Services Inc.
297 Lincoln Avenue

Application for transfer of section 15 package store wine and malt liquor license. Pending business occupancy.

Sergio Perez, Edwin Panemeno, Carmen Panemeno, and Keysha Panemeno appeared for this application. Sergio is the business manager. They are purchasing the business and applying to transfer the license. Sergio said that this deal fell through a few months ago and it is now being picked up again. The lease will be updated with new dates after the attorney's finish working on it. Commissioner Angus asked if they are getting updated dor and dua certifications. The license clerk responded yes; I have already made them aware of this. Sergio told the Commission that he brought updated bank statements.

Sergio said they will be running the business together as a family business. He also stated that

Carmen is a financial advisor. Sergio said they would run the business with a manager that has 15 years' experience and split the rest of the duties between the owners. They will spend time at the location. Commissioner Angus stated that this license has been owned by the same person for quite a long time. Chairman Edwards asked what location this is, and Commissioner Angus said that it is the old Citgo station by the bridge.

Chairman Edwards asked the applicants if they knew the rules. He said they have certain hours they need to abide by. Chairman Edwards also said they should have a sign up about serving to minors. Chairman Edwards also stated the best practice is to check every ID every time.

Chairman Edwards asked Sargent Lynch if there was anything that he wanted to say or if he wanted to talk to them. Sargent Lynch said no.

Chairman Edwards said it is very important that you know what the rules are. You cannot serve intoxicated people and you cannot serve minors.

Commissioner Angus said it is also required at anyone that is selling alcohol also be tips certified.

Motion to approve this application pending business occupancy and tips certifications was made by Commissioner Driscoll. This was seconded by Commissioner Angus. No Public comment. Vote unanimous, motion passed.

10.3 Jahaida Maria Gonzalez, Manager

99 Restaurants of Boston LLC.,

d/b/a The 99 Restaurant

786 River Street

Application for change of Officers/ Directors/ LLC Managers

Elizabeth Pizano appeared for this application on zoom. Attorney Pizano spoke and said that this application is for a change of officers. She said they have four people leaving the corporate entity and six people replacing them. Attorney Pizano also said there will be no changes to the operations, and this is just at the corporate level.

Commissioner Angus and Commissioner Driscoll said they do not have any questions.

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

10.4 Ripal Kanaiyalal Patel, Manager

Jaypratham Corp.,

d/b/a American Grocery

426-428 Main Street

Application for transfer of section 15 all alcohol package store license.

Chairman Edwards asked if this is the store that is owned by the Sohani Family. Ripal said yes this is the store. Commissioner Angus asked Ripal if his wife is on the bank account with him. Ripal said yes, that is his wife. Commissioner Angus said we would need a signed notarized letter from her. Ripal said he turned it in earlier in the day. Commissioner Angus asked Ripal if he corrected page 2 of the application. Ripal said yes, he did correct that. Commissioner Angus asked Ripal if he understood the process and that he must be tips certified and that he cannot sell

to minors or anyone that is intoxicated. Ripal said yes does understand all of that. The commission told Ripal that he needs to apply for a business occupancy, and he should do it as soon as possible.

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

10.5 Ronald Clermont, Manager

Worthy Idea LLC.,
d/b/a Oriental Gardens
400 Lowell Avenue

Application for Transfer of section 12 All Alcohol license.
Pending 304 inspection.

Items 7.2, 8.2, and 10.2 were taken together. This is an application for a transfer. Ronald Clermont the applicant, is purchasing the Oriental Gardens. He has extensive experience in how restaurants run and operate, however has not owned his own restaurant. He understands that he must be tips certified and anyone who serves alcohol in his establishment must be tips certified as well.

Commissioner Angus requested a notarized letter from the applicant's wife that states she understands that the applicant will be using the money for the purchase of the establishment and that she has no interest in the liquor license. Mr. Clermont stated that would not be a problem and he will get that done as soon as possible. Commissioner Angus also told the applicant that he should contact the inspectional department because the total occupancy and the seating compacity on his application are the same. Commissioner Angus explained that all employees and that entertainers counts towards the occupancy number that they cannot be the same. Mr. Clermont also stated that he is becoming familiar with the rules and regulations regarding alcohol sales. Commissioner Angus also explained to Mr. Clermont that it is very important to the License Commission that the rules and regulations are abided by and that not over serving and not serving anyone underage are very important. These rules and regulations are to keep the citizens and the city safe. The hours will be Monday and Tuesday 11:30-8pm, Wednesday and Thursday 11:30-10 , Friday and Saturday 11:30-1 , and Sunday 12-10

Motion to approve these applications was made by Commissioner Angus. This was seconded by Commissioner Driscoll. No Public comment. Vote unanimous, motion passed.

10.6 Robert Lapierre, Manager

Bradford Village Square LLC.,
d/b/a Bradford Village Square
109 South Main Street

Application for new section 12 all alcohol license.
Pending 304 Inspection, signed lease.

Robert Lapierre appeared for this application. Chairman Edwards said he understands that the applicant is

here for an all-alcohol application. Chairman Edwards asked Mr. Lapierre what his current hours are. Mr. Lapierre said his hours are from 6am until 1:30 pm daily and on Sundays they are until 1pm. Chairman Edwards asked Mr. Lapierre if he knows how everything works with alcohol. Mr. Lapierre said he does know it works with alcohol sales. Chairman Edwards also asked if he wanted to set up a meeting with HPD. Mr. Lapierre said not yet. Chairman Edwards said OK see the Sargent before you leave. Commissioner Angus spoke and told the applicant that the certificate of occupancy is different for alcohol establishments. With a liquor license it is a 304 certificate. Commissioner Angus instructed the applicant to contact the building inspector's office to get the 304-process started. Commissioner Angus also informed Mr. Lapierre that everyone that serves alcohol needs to be tips certified and that he will need liquor liability insurance. Mr. Lapierre said he already has the insurance, and he will get all of his staff tips certified. Chairman Edwards asked Mr. Lapierre if he planned to increase his hours to stay open later. Mr. Lapierre said that he was thinking of it because he wants to be able to have functions in the evening when the restaurant is closed. The Commission asked him if he wanted to change his hours now. Mr. Lapierre said yes he would like to do it now. Commissioner Driscoll said he can increase his hours now, and that does mean that he needs to be open all those hours, but he has the ability to if he wants to. Mr. Lapierre said that he wants to have the hours of 6am until 10 pm nightly.

Motion to approve this application and hours of operation from 6am to 10pm made by Commissioner Angus, 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 Discussion regarding the adoption of G.L. 138, Section 12, relative to the sale of liqueurs and cordials.

Chairman Edwards said that he is retiring, and this is his last meeting. He said it has been a pleasure to be on the commission.

Commissioner Angus said the city never adopted the provision of cordials and we cannot grant cordial licenses with wine and malts. The gentleman that just applied for all alcohol license was interested in the wine and malt with cordials license. Commissioner Angus asked the Commission if this is something that they want to pursue. Commissioner Driscoll said this would offer one more category and asked if we need to do any research on what other cities and towns have done. Chairman Edwards asked if this was for package stores or restaurants. Commissioner Angus said this license is for restaurants only. Commissioner Angus also said we should investigate what other cities and towns have done and to have it approved we would submit to city council and city council has to vote on it. Commissioner Driscoll said we should table this for one month in.

Commissioner Angus said another thing we should consider is the fee. It is more than the wine and malt license and should be somewhere in between the wine and malt and all alcohol prices. Commissioner Driscoll said place this on file for one month and we will bring this up at the June meeting.

Motion to place on file and table for the June agenda was made by Commissioner Driscoll. This was seconded by Commissioner Angus. No Public comment. Vote unanimous, motion passed.

14) SHOW CAUSE HEARING

No Schedule

15) PUBLIC PARTICIPATION

15.1 Cori Thurlow

Has questions and concerns about the acoustic music at Stacks.

Cori Thurlow and several neighbors from 70 Washington Street appeared for this. Ms. Thurlow stated that she attended the original meeting for the application for Stacks. At the original meeting it was said Stacks wanted to have music for special occasions only. At this meeting it was discussed that music outside and piped music onto the deck was not allowed for decks in that area. Commissioner Angus made a motion to approve the entertainment license with the stipulation that all music be contained inside the premises. Last summer they started playing loud music on the deck. Cori called the city clerk's office and was told by the former city clerk that was not allowed and if it happened again to call HPD. Cori said that it did happen again, and she called HPD. The Sargent called her back and was told they amended their entertainment license the week prior to include that in the license. Cori said they had been doing it longer than a week. Cori said that when the music is playing it is so loud, she is not able to hear her own television. Cori also said that it does not happen every night. Cori also said that she understands they were given a license for acoustic music on the deck. She asked the commission what defines acoustic music. Does acoustic music include microphones for performers, electric keyboards, rhythm machines at a somewhat high volume?

Commissioner Angus said that her understanding is that it is supposed to be background music. Cori Thurlow also said that last summer at one point she went outside, and she saw they had a speaker on the deck and were playing music from inside, outside on the deck and per the meeting of June 3, 2021, that this was not allowed. Cori also stated that she measured the distance from the deck to her apartment building and it is approximately 175 feet.

Commissioner Angus said that acoustic music is not supposed to be amplified. It was the understanding of the commission that it was going to be background music.

Chairman Edwards said we need to have Stacks here to participate so they can be good neighbors. Another month will give HPD time to go down and check this out.

Chairman Edwards said you brought 12-14 people with you for this. Commissioner Angus said the next meeting is June 1, 2023.

Patricia Boyle spoke on this. Patricia also lives at 70 Washington Street. She said everyone who is sitting here lives at 70 Washington Street. She said she is happy to come back in June but what happens in the interim? If there is an issue, does it require that the police be called?

Commissioner Driscoll told her that he was just thinking about the same thing. He also said that the police should most definitely be called and whatever has been voted on should stand until the June meeting.

Patricia Boyle said that it is not a case that we do not want to be good neighbors we live in the restaurant district. It is a quality-of-life issue. Commissioner Driscoll asked the police to speak

on what would happen if they called for a noise complaint.

Captain Tracey came up to speak. Captain Tracey said they will go to Stacks and talk to them about this any way, and advise them and clarify to them of what is in their entertainment license. He will clarify what has been voted on. Captain Tracey also said it seems like that could be one of the issues it seems that their definition and your definition do not seem to be adding up.

Captain Tracey said at any time if the music problem to call the police they will come out and make a determination.

Chairman Edwards also asked everyone that came to contact the Clerk's office to let them know if it has gotten worse or better.

Commissioner Driscoll made a motion to add to the June agenda and invite Stacks to the meeting.

Motion to place on June agenda and invite Stacks was made by Commissioner Angus. This was seconded by Commissioner Driscoll. No Public comment. Vote unanimous, motion passed.

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.