



LICENSE COMMISSION MINUTES

Thursday, April 6, 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 March 2, 2023

Items 2.1 and 2.2 were taken together.

Motion made by Commissioner Angus to accept the minutes of March 2, 2023, and March 16, 2023. This was seconded by Commissioner Driscoll. No Public comment. Vote unanimous, motion passed.

2.2 Approval of the minutes of March 16, 2023

Items 2.1 and 2.2 were taken together.

Motion made by Commissioner Angus to accept the minutes of March 2, 2023, and March 16, 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**

5.1 Maria Syrniotis, Applicant

Hellenic Orthodox Church
154 Winter Street

Application for one day all alcohol liquor license for April 29, 2023. From 7pm to 12am.

Maria Syrniotis appeared for this application virtually. She described this event as a Greek comedian special event. Commissioner Angus asked if they would be serving food. Ms. Syrniotis said they will be serving appetizer dishes and the event is on April 29, 2023

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

5.2 Cynthia Graham, Applicant

Haverhill Firefighting Museum

75 Kenoza Ave

Application for one day all alcohol liquor license – Kentucky Derby Gala May 6, 2023

Patricia Graham appeared for this application. She is Cindy Graham's sister and a member of the board for the firefighting museum. Chairman Edwards asked her to describe this event. She said it is the Kentucky Derby event and this year it is the 8th annual. Chairman Edwards stated they have done events before and not had any issues.

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

5.3 Kim Kazanjian-Dandurant, Applicant

The Armenian Apostolic Church at Hye Point

1208 Boston Road

Application for one day all alcohol liquor license- The cultural event on April 29, 2023, from 6pm to 11pm.

Mark Kazanjian appeared for this application. He is related to Kim and also part of the church. Chairman Edwards asked him to describe the event. Mr. Kazanjian said they had the same event last year. It is a vocal accapella show.

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

6) BUSINESS CERTIFICATES

NO SCHEDULE

7) ENTERTAINMENT APPLICATIONS

7.1 Wolker Georges, Manager

W & W Holdings Inc.,

d/b/a Costello's Famous Roast Beef & Seafood

63 Plaistow Road

Application for new entertainment license- amplifiers, amplified music, radio, TV- Pending signed lease extension and entertainment zoning approval.

Items 7.1 and 8.1 were taken together, they are applications for entertainment license and common victualler license. Wolker Georges appeared for this application. Chairman Edwards asked him why he was applying for these licenses. Mr. Georges said that he is in the process of buying Costello's. Commissioner Angus asked him if he has any experience in owning a restaurant. Mr. Georges stated that he currently owns a restaurant in Abington.

Motion to approve the application for entertainment and common victualler, made by Commissioner Angus. Seconded by Commissioner Driscoll. No Public Participation. Vote unanimous. Motion passed.

8) COMMON VICTUALLER APPLICATIONS

8.1 Wolker Georges, Manager

W & W Holdings Inc.,
d/b/a Costello's Famous Roast Beef & Seafood
63 Plaistow Road

Application for new common victualler license. Pending business occupancy.

Items 7.1 and 8.1 were taken together. Wolker Georges is in the process of buying Costello's. He owns a restaurant in Abington and has experience managing a restaurant. Commissioner Angus asked if he would be changing the menu. Wolker Georges stated that he will not be changing the menu but might make a few tweaks. Chairman Edwards said that he went to Costello's and got a roast beef sandwich, and it was delicious.

Motion to approve the application for entertainment and common victualler, 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 Robert Lapierre, Manager

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

Application for new section 12 Wines & Malt Beverages with Cordials/ Liqueurs

Robert Lapierre appeared for this application. Chairman Edwards asked Mr. Lapierre how it was going at the Bradford Village Square. Robert Lapierre said that it is going well. He said that he serves breakfast and lunch, and they are open from 6am to 1:30pm. He also said that he wants to increase his revenue stream and the way to do that is to add alcohol to his menu.

Commissioner Angus spoke and said that the city of Haverhill does not offer Cordial licenses. She said that he could do wine and malt only.

Commissioner Driscoll asked why he could not do all alcohol? Robert Lapierre said because of the cost for insurance of all alcohol. The cost of liquor liability insurance for all alcohol licenses is very expensive.

Commissioner Angus said we should table this application.

Motion to table the application for new section 12 Wines & Malt Beverages with

Cordials/ Liqueurs made by Commissioner Angus. Commissioner Driscoll seconded this motion. No public comment, vote unanimous, Motion passed.

10.2 Richard LeClaire, Manager

Napolis Operators Inc.,
d/b/a Napolis Tavern
119 Cedar Street

-Reconsideration of application for Section 12 All Alcohol General on Premises License.

Richard LeClaire and his attorney Bryan Chase appeared for this. Chairman Edwards said that he spoke to the city solicitor and was told that he can rescind this application with no repercussions from the ABCC and you can appeal this. Attorney Chase said Mr. LeClaire intends to be a good neighbor and that is my understanding that this would be an appealable issue. Chairman Edwards said he did go door to door in that neighborhood and several of the neighbors are here and we will hear from them tonight.

Kathy Wheadon spoke. She lives at 131 Cedar Street which is 1 building and 1 house away from the tavern. She has gone to several meetings in the past. She said they have had many problems with taverns in that spot. She asked the commission if this was going to be a pizzeria. Chairman Edwards said pizza only no other food. She said that if it is a restaurant the main revenue would be food and if it is not that means it is a tavern. She said Napolis Pizza has parking why not serve alcohol there? She also said there is no parking at this location. What are they going to do in wintertime? She said Cedar Street has worked really hard to make it better with decent people and more home ownership and they do not need a bar to bring back the old problems. People are not going to walk down the street for a piece of reheated pizza, they are coming for alcohol. She further said I am asking you to say no to this, this is not a family-oriented business. Kathy Wheadon said there will be the same problems there have always been parking, loud music, crowds and trash.

Chairman Edwards asked Richard LeClaire if he needed a full liquor license or if he would take a beer and wine license. Mr. LeClaire said that he needs a full liquor license. Paul S. spoke. He lives on Cedar Street also. Paul S. said there is a small crowd here. Most of the people that lives next to the establishment are renters and the abutters letters went to absentee landlords. He is concerned about this because it is a strictly residential area. They will be parking in front of people's homes, when they go outside, they will be gathering in front of people's homes and when they go outside to smoke, they will be smoking in front of people's homes. A tavern in a residential area is not a good fit. Paul S. also fears that eventually they will want to extend their hours of operation. He also said a lot of the problems that start in the bar end up being carried on outside of the bar such as fighting in the street. The area has been revitalized and will be a set back to the neighborhood. He describes having a bar in a residential area as having a party on the street.

Chairman Edwards asked Paul S how did he find the situation in the past when this was a bar? Paul S replied and said he found cigarettes everywhere, nip bottles, condoms, and needles. Commissioner Driscoll said that he did speak to people in urban development and that area is improving with more home ownership and more pride in the area.

Martha Meads was also present. She lives on Cedar Street and spoke as well. Her concerns are loitering, parking, massive numbers of cigarettes on the ground, nip bottles, cups, and used

condoms. She is concerned that it will attract the same clientele and the old problems will be present with the new owner. Chairman Edwards asked Mr. LeClaire if he would be able to take the trash out every night. Mr. LeClaire said that he has a commercial dumpster on the side of the establishment.

Attorney Bryan Chase spoke and said the last time the establishment was open was 9 years ago. All of the things that the neighbors are talking about what happened under someone else's ownership. The suggestion that Mr. LeClaire will operate the same as someone else and that is not the case. Attorney Chase also said that nip bottles on the ground for an establishment that is not even open yet is simply not the case. Finding nip bottles on the ground is unfortunately part of life in Haverhill and has nothing to do with Mr. LeClaire's ownership of the establishment. Mr. LeClaire is very cognizant of the concerns of the neighbors and is not going to have low prices that will attract unsavory people.

Richard LeClaire spoke again and said that he has experience in both a bar in Plaistow and Kingston. He does not want things to happen but sometimes they do. When there is a fight, they take one person outside and keep one person inside and call the police. They deescalate the situation, not make it worse. He said you cannot throw people into the street. That's now what you do in that situation.

Chairman Edwards asked HPD if there is a way to put a stop to the people causing problems in the street. Captain Wayne Tracey said that the neighbors' concerns are valid and what they are saying are things that did happen, and they did get called a lot and they dealt with it as it came. There is really no way other than having an officer there the whole time that you can prevent these things from happening. It becomes taxing on their resources when they have to respond constantly.

Chairman Edwards asked Mr. LeClaire if he can hire a security detail to handle the concerns.

Richard LeClaire said that he could have security, if necessary, but it does not seem necessary. He also said that at his Plaistow location, he goes there every morning and cleans any trash there. He also sweeps the lot once per week.

Commissioner Driscoll stated that his stance has not changed. He said there is no doubt that Mr. LeClaire is a good business owner, but this location is not the right spot.

Mr. LeClaire spoke again and said that he wanted to let everyone know that he is not serving gas station Pizza. Mr. LeClaire said that Napoli's pizza is unlike any other pizza in that it goes cold very quickly, and it tastes better the second time around cooking in a convection oven at high heat. He also said that he does not like everyone putting down his product and he takes that personally.

Kathy Wheadon spoke again. She thanked the Commission for not allowing the juke box but said that a radio with amplifiers would be just as bad.

Chairman Edwards made a motion to rescind the all alcohol general on premises license that was granted to Richard LeClaire, Manager of Napolis Operators Inc d/b/a Napolis Tavern. This was seconded by Commissioner Driscoll.

Attorney Chase asked Chairman Edwards if the motion to reconsider the license was rescinded. Chairman Edwards said no the entire application and granting of the license has been rescinded. Chairman Edwards the motion to grant the license has been rescinded. Attorney Chase spoke again and said on the last commission meeting there was a vote to grant the license which was allowed. On today's agenda was a motion to reconsider that vote. At the start of this agenda item

his understanding was that was going to be rescinded. That the motion to reconsider was going to be rescinded. Chairman Edwards said no we are not reconsidering it we are rescinding the motion to give him the license. Chairman Edwards told Attorney Chase that Mr. LeClaire can continue with his appeals to the ABCC or courts or wherever the Attorney advises him to. Attorney Chase said that is the issue Mr. Chairman the vote was taken, and passed so at this juncture procedurally I do not see how that is rescinded. That is not on the agenda to rescind the license. There was a motion to reconsider. Chairman Edwards told Attorney Chase it was taken off. Attorney Chase said to rescind the vote to reconsider is one thing but to rescind the license is another and it is not on the agenda. Chairman Edwards said it is rescinded. Attorney Chase said I understand appellate rights and what was on the agenda tonight was a motion to reconsider the vote from March that is what was on. And at the start of this item was a motion to reconsider and now what is being voted on is to rescind the license in the first place. Chairman Edwards said you have an appeal to that. Attorney Chase responded but that was not on the agenda. Chairman Edwards said you do not appeal it to me, you appeal it to the court. Attorney Chase said I understand Sir, please note my objection that, it was not on this agenda at all. Chairman Edwards said it does not matter we are not going to give license out to him unless you have something from somebody saying we cannot do that. Attorney Chase responded please note my objection sir. Chairman Edwards responded go to court.

Motion to rescind the all alcohol general on premises for Richard LeClaire Napolis Operators Inc., d/b/a Napolis Tavern at 119 Cedar Street made by Chairman Edwards. This was seconded by Commissioner Driscoll. Commissioner Angus voted no on this. Motion passed.

10.3 Beth Borges, Applicant

House Bear Brewing, LLC
25 Storey Ave, #238
Newburyport, MA 01950

Application by a farmer winery for license to sell at a farmer's market June 24, 2023- October 28, 2023.

Beth Borges appeared for this application. She appeared virtually. Commissioner Angus spoke and said that this is a new location for them. Beth Borges said yes, this location is new for them. She also said that they do the Farmers Market every year. Commissioner Angus asked if they have transportation license. Beth Borges said yes, they do have a transportation license.

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

11) MOTOR VEHICLE APPLICATIONS

11.1 Kambiz Bazazi, Manager

JJB Group Inc.,
d/b/a First Choice Auto Sales
1181 Boston Road

Transfer of Motor Vehicle 2 car dealer license. Approved for 27 display parking, 1 handicapped, 1 customer parking, and 1 employee parking.

Kambiz Bazazi appeared for this application. He is buying the car dealership. Kambiz said that he has worked in car dealerships over the last 30 years, and he has owned other dealerships before. He is familiar with owning and operating a car dealership. Chairman Edwards asked the HPD if they have any objections. They stated no, they do not. Chairman Edwards also said the prices of used cars seem to be coming down and good luck with the dealership.

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

12) CARRY IN LICENSE APPLICATIONS

NO SCHEDULE

13) ITEM FOR DISCUSSION

No Schedule

14) SHOW CAUSE HEARING

14.1 Ivan Yee, Manager

Yee Enterprises, Inc.,
d/b/a Oriental Gardens
400 Lowell Ave

Incident that occurred on or about February 11, 2023, at approximately 01:01

Sargent Lynch described this event as on February 11, 2023 at 1 am officers were called by a male who was concerned about his mother. The son said that he picked up his mother intoxicated at the Oriental Gardens. He told HPD that his mother fell twice inside of Oriental Gardens and twice at her home due to a high level of intoxication. Sargent Lynch said that he called Oriental Gardens spoke with the manager, The manager told him he reviewed the tapes and he does not have any footage of anyone falling.

Commissioner Angus asked Sargent Lynch if he reviewed the tapes. Sargent Lynch said no he did not review the tapes. Ivan Yee spoke and said he was not aware of anything that happened that night and he did not see anything on the tapes.

Commissioner Driscoll asked Ivan Yee if he was sure this person was in his establishment.

Ivan Yee said that Sargent Lynch asked him to review his tapes and look for someone that fell.

He said again that he watched the tapes and that no one on the tape fell that night.

Sargent Lynch said that incident is concerning because the woman's adult son called the police and he has no interest in doing so. The amount of times that she fell is alarming and that they were able to determine that she was at the Oriental Gardens and that this has happened before.

Commissioner Angus said that it sounds like she is repeat customer and this has happened before. You need to have a meeting with your staff and go over procedures with them.

Mr. Yee said that he does not want anyone to be over served and he is not open late and did not have any witnesses to anything.

Sargent Lynch said that he spoke to the victim's son and that is why he wanted to present this to the Commission, so that Mr. Yee could retrain his staff.

Commissioner Driscoll said that he is making a motion to place on file and go over best practices with staff.

Commissioner Driscoll made a motion to place on file and retrain staff on best practices. This was seconded by Commissioner Angus. No Public comment vote unanimous. Motion Passed.

14.2 Jonus Rustani, Manger

The New Lantern Café Inc.,
d/b/a New Lantern Cafe
240 Essex Street

Incident that occurred on or about March 8, 2023, at approximately 20:22

Jonus Rustani and the bartender appeared for this. Sargent Lynch described this incident as on March 8, 2023 at 8:27pm HPD were dispatched to the New Lantern Café for a male with a large gash on his head. When officers arrived and spoke to the male with the injury, he appeared to be heavily intoxicated and the two people that were with him also appeared to be intoxicated. After talking to the three people involved, HPD determined that at some point the male was asked to leave the bar. He went upstairs to his apartment. He came back down to the bar later on and had a gash in his head. HPD were not able to determine what happened to the man because there were no witnesses to how he obtained his injuries.

Jonus Rustani spoke. He said that he knows who the man is and the man was in the establishment that day. He was asked to leave because of his level of intoxication. They refused to serve him more alcohol. The man went upstairs to his apartment and continued to drink heavily. When he came back down stairs he had two head wounds. He was heavily intoxicated and he admitted to drinking upstairs. Jonus Rustani also said that he has a problem with neuropathy and that he was unsteady on feet not because of intoxication but because he has medical problems.

Sargent Lynch and the officer that was on scene spoke. They said that the two people that assisted the man upstairs to his apartment were also intoxicated and these people told HPD that they helped the man get upstairs because he was so intoxicated he could not get there by himself. Jonus Rustani said there was a witness that said they saw him fall.

Commissioner Driscoll asked Jonus Rustani what he has to say about the intoxicated patrons that helped the man upstairs. Commissioner Angus asked if he has any evidence of what time he left the establishment and what time he came back down. Chairman Edwards asked Jonus why do let him into the establishment. Jonus Rustani responded and said that just because he is unwell does not mean they should turn him away. Jonus Rustani also said that he was in the establishment for 1 to 1.5 hours before he left. Mr. Rustani said that he had two drinks during that time. He drank one of the drinks and he left the other one half full and requested help to go upstairs not because he was intoxicated but because he was losing feeling in his feet due to his neuropathy.

Commissioner Angus asked if the only time the people that were with him left was to bring him upstairs. Jonus Rustani said yes, that was the only time that they left the bar. Jonus Rustani also said that the man told him the next day that he was drinking natural ice when he went upstairs.

Sargent Lynch said the people that were with the man were intoxicated to the point that they would not be able to safely operate a motor vehicle. Jonus Rustani said the woman is socially handicapped and that she changes her story frequently. Commissioner Angus said she is concerned because there were 3 people intoxicated in the establishment and recommended probation for 6 months. Commissioner Driscoll said something is going on, there were several

people intoxicated in the establishment. Chairman Edwards said you can refuse service to anyone at anytime and I advise you to start doing it.

Commissioner Angus made a motion to place The New Lantern Café on probation for 6 months and if anything comes up during this time this incident and the new incident will be heard. This was seconded by Commissioner Driscoll. No Public comment vote unanimous. Motion Passed.

15) PUBLIC PARTICIPATION

No Schedule

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.