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| City%20Seal2 | **Haverhill** |
| License Commission, Room 118  Phone: 978-374-2312 Fax: 978-373-8490  cityclerk@cityofhaverhill.com |

**License Commission Minutes**

**Thursday, April 4, 2024, at 6:00 p.m.-Room 202**

**VIRTUAL and in person meeting**

Attending: Chairperson Laura Angus, Commissioner Patrick Driscoll, Commissioner Linda Koutoulas, City Clerk Kaitlin Wright, Sergeant Kevin Lynch, HPD.

1. **Pledge of Allegiance**
2. **Approval of the Minutes**

2.1 Approval of the Minutes of March 7, 2024

**Commissioner Koutoulas made a motion to approve the minutes. This was seconded by Commissioner Driscoll. No public comment, vote unanimous, motion passed.**

1. **Continued Business**

No Schedule

1. **miscellaneous applications/ requests**

**No Schedule**

1. **one day applications**

**5.1 James Carbone, Applicant**

Harbor place Boardwalk

2 Merrimack Street

**-Application for one day beer and wine liquor license for Cider Feast event on June 20, 2024, at Harbor place from 5pm to 8:30pm.**

**-Pending clear tips cert, health department and city council approval.**

**-Has police approval.**

James Carbone appeared for this application. Chairperson Angus said the liability insurance that was uploaded to the portal seems to be general liability. James said he does have liquor liability too and this is the time of year that the policies renew. James said he will upload everything with the clerk.

Chairperson Angus asked what the connection is between James and Rutherford Food. James said that is his production company. Chairperson Angus asked if the liquor liability will specifically address this event? James said yes it will.

Chairperson Angus asked James to describe the event. James said this is the 4th year this event is being held in Haverhill. He said there is a lot of history and cider producers in the northeast. Its is to do something different and give people the chance to try cider. There are a group of people in Haverhill that come to the event and look forward to the event. This year La Pizza Diforno and Barrio are catering the event. The event will be the same as last year. Chairperson Angus asked James if there is a set place for the tastings. James said yes there is a specific location for the tastings. The area is wrist banded and there is a DJ. They have a fire and police detail for the event.

**Commissioner Koutoulas made a motion to approve the application pending updated insurance ,tips cert, health department approval and city council approval. This was seconded by Commissioner Driscoll. No public comment, vote unanimous, motion passed.**

1. **business certificates**

No Schedule

1. **entertainment applications**

**No Schedule**

1. **common victualler applications**

No Schedule

1. **outdoor dining applications**

No Schedule

1. **alcohol/ abcc applications**

Chairperson Angus announced the next three applications are for a section §15 package store license. The city currently only has 1 section 15 license available. She will hear from all of the parties that applied and then a decision will be made on the applications.

**10.1 Sharbel Azzi, Manager**

Grab N Go Market Inc.

d/b/a Grab N Go Market

387 South Main Street

**-Application for a new §15 package store wines and malt beverages license.**

Sharbel appeared for this application. Chairperson Angus asked if Sharbel submitted the floor plan of the basement. Sharbel said he did not know that he needed the floor plan for the basement. Chairperson Angus told him that it was not with the original application, and they will need a floor plan for the basement. Chairperson Angus told him that he could email it to the License Commission Clerk. Chairperson Angus asked Sharbel how much experience he has selling alcohol. Sharbel said that he helps his cousins at Groveland Liquors and Smith’s Tavern.

Sharbel said since they have opened the customer base has been looking for beer and wine.

Chairperson Angus asked Sharbel if he is well versed in checking Identification. Sharbel said yes, he has been looking at ID scanner machines. Chairperson Angus reminded Sharbel that it is important to talk to people when they come in to make sure they are not intoxicated.

Commissioner Koutoulas asked Sharbel if he will be working there at least 40 hours per week? She said that is one of the requirements of managers. Sharbel said yes, he would be there.

Sharbel was called back up. Chairperson Angus asked Sharbel what he has for cameras. Sharbel said yes, he does have cameras and they have a 30-day retention. Commissioner Koutoulas added that they will need an updated floor plan.

**Commissioner Koutoulas made a motion to approve the application for Sharbel Azzi based on the greater need in the Bradford area. This was seconded by Commissioner Driscoll. No public comment, vote unanimous, motion passed.**

**10.2 Vincent Nguyen, Manager**

Vincent Nguyen

d/b/a J&J Mini Mart

620 Primrose Street, Unit 4

**-Application for new** **§15 package store wines and malt beverages license. Pending notarized letter from Kevin.**

Vincent appeared for this application. Commissioner Koutoulas told Vincent that one of the documents that was submitted did not have a bank name. Chairperson Angus told Vincent they will need something from the bank indicating where that came from. Chairperson Angus asked Vincent if his brother was still financing the transaction. Vincent said no he is doing it now. Commissioner Koutoulas asked why that was not in the original application. Vincent said that he has the money now because he just refinanced his house.

Chairperson Angus asked Vincent if he has any experience selling alcohol? Vincent said no, but he has been helping someone at a liquor store in Boston. Chairperson Angus asked Vincent if he was versed on the laws about having a liquor license. Vincent said no he was not aware. Chairperson Angus told Vincent there are rules such as not serving to minors and intoxicated people.

Commissioner Koutoulas asked if he will be working with someone or by himself. Vincent said he would be working with his wife. Commissioner Koutoulas told Vincent that both Vincent and his wife would need to be tips certified. Chairperson Angus asked Vincent if he would get an ID machine or rely on the clerks to check for ID. Vincent said he would get a machine. Commissioner Koutoulas said the last thing that we are going to request is that you have a camera that records for at least 30 days. Vincent said he has one and it is set up. Commissioner Driscoll asked what package stores were close by this location. Chairperson Angus told him the gas station around the corner, American Grocery, Kenoza Variety, and Chris Ann.

Chairperson Angus asked Vincent if the store is still under construction. Vincent said yes and he hopes to open in 2 months.

**Commissioner Driscoll made a motion to Deny the application for Vincent Nguyen due to no license being available. This was seconded by Commissioner Koutoulas. No public comment, vote unanimous, motion passed.**

**10.3 Pritam Basnet, Manager**

Alpha Food Mart Corp.

d/b/a Sam’s Food Stores

93 Lafayette Square

**-Application for new §15 package store wines and malt beverages license.**

Attorney Scott Gleason appeared for this application. He is representing Alpha Food Mart Corp for this application. Pritam Basnet appeared also. Mr. Gleason said they have been in Lafayette Square since 2016 and have been tax paying solid citizens and working a successful business. He also said that Pritam worked for one year selling alcohol. The manager of the store Sunny also appeared. Sunny has experience selling alcohol as well. Mr. Gleason said they have been managing the business successfully and adhering to rules and regulations around tobacco sales. He also said they post signs to ensure there are no mistakes and are in full compliance. They will require everyone that works there to be tips certified.

Chairperson Angus said Jay is listed on one of the accounts and asked who he is? Mr. Gleason said that is Pritam’s cousin. His cousin was a signatory and helped to set up the accounts. He is no longer associated with the account. Chairperson Angus asked if they could have a notarized letter from him stating he has no interest in the business and the liquor license. Chairperson Angus said the other question was the account information that was listed is not quite enough to cover the costs. Mr. Gleason said they were not aware that they were not able to use the lottery account. When they did learn of that they transferred twenty-six thousand dollars into a business account and that transfer is pending.

Commissioner Koutoulas said the employment at the Willow Market mentioned earlier is not listed on the application. Mr. Gleason said this is not the man applying for the license. Commissioner Koutoulas asked how many hours per week will the manager be working there? Pritam said 40 hours per week and the other person here is his assistant. Commissioner Koutoulas asked Pritam if there were any cameras inside the store. Pritam said yes there are 20 cameras. She asked what the retention date is. Pritam said 15 days. Commissioner Koutoulas said we will be asking for 30 days.

Chairperson Angus reminded Pritam of the importance of speaking to customers to make sure they are not intoxicated.

**Commissioner Driscoll made a motion to Deny the application for Pritam Basnet due to no licenses being available. This was seconded by Commissioner Koutoulas. No public comment, vote unanimous, motion passed.**

**10.4 Amanda Smith, Manager**

99 Restaurants of Boston, LLC

d/b/a The 99 Restaurant

786 River Street

**-Application for change of manager.**

Amanda appeared virtually for this application. Chairperson Angus asked Amanda to give an overview of her experience. Amanda said she started with the 99 20 years ago. She has been managing the Danvers location for the last 10 years. Amanda said she is very familiar with alcohol service and monitoring the guests to ensure they are not being over served. Amanda said alcohol education is very important to her and to the 99 and they want to make sure they are serving alcohol responsibly. Amanda said all of the team members go through a training course every 2 years.

Chairperson Angus asked Amanda what kind of course they take. Amanda said it is an ecourse and they take the course in house with the supervision of the management.

**Commissioner Koutoulas made a motion to approve the new manager application. This was seconded by Commissioner Driscoll. No public comment, vote unanimous, motion passed.**

1. **motor vehicle applications**

No Schedule

1. **carry in license applications**

No Schedule

1. **item for discussion**

**13.1 Charle Maroun, Manager**

CM Direct of MA LLC

d/b/a Smith’s Tavern

124 Essex Street

**-Item for Discussion: Incident that occurred on or about March 1, 2024, at approximately 23:38.**

Sergeant Lynch described the incident as the following: On March 1, 2024, at 11:30pm an Officer was flagged down while driving by Smith’s Tavern for a fight that just occurred. When the officers arrived on scene, they spoke with the party involved. They were advised that security escorted the other party out of the bar. The Officers did note that the people involved had blood shot glassy eyes and they appeared to be intoxicated. Officers checked the area and located the other parties involved incident and they too appeared to be intoxicated too. HPD concern is that there was over pouring involved.

Charle Maroun appeared for this item. He said there was a group that came in, they were intoxicated. They refused to serve the group. He asked security to escort them out. They were escorted out. An ex-boyfriend came in looking for them. Then they got into a fight outside. Charle stayed inside, before he could call the police, they police were flagged down. Charle said they were never served, and they were the kind of people that he does not want in his establishment.

Commissioner Koutoulas said it sounds like they were doing the right thing. Chairperson Angus said there was not much else you could have done since you were going to call the police anyway. Chairperson Angus reminded Charle that if people are intoxicated, they cannot be thrown out to the streets. That the police need to be called to make sure that intoxicated people get home safely. Sergeant Lynch said Charle should call the police at the first indication that its going bad so they can intervene before it gets that far.

**Commissioner Koutoulas made a motion to place this on file. This was seconded by Commissioner Driscoll. No public comment, vote unanimous, motion passed.**

**13.2 Noreen Frances O’Neil, Manager**

Haverhill Lodge # 165 B.P.O.E. of Haverhill

d/b/a Elk’s Club

24 Summer Street

**-Item for discussion: Status of new manager paperwork- continued from March 7, 2024.**

Joe Michaud appeared for this item. Joe said he made an agreement with the DUA that the money will come out of his account. After that he will be able to get a compliance certificate. Joe said it has been a long road with them, but he thinks they are at the end. Commissioner Koutoulas asked if they had any issues with DOR. Joe said he spoke with DOR, and they should be able to get a new DOR certificate.

Chairperson Angus said file a new statement and get a new application into the clerk. The officers changed so the application will have to change. Chairperson Angus said it should be a multiple amendment application for change of manager and change of directors. This needs to be on the agenda for May or they will hold a show cause hearing.

Chairperson Angus reminded Joe to file the annual statement with the secretary of state for the new officers and directors and then file a new application for multiple amendments for the new officers and change of manager. Joe asked where he gets a copy of the officers and directors that have been filed. Commissioner Koutoulas told him that unless he filed it with the city he would need to contact the state for that.

1. **show cause hearing**

**14.1 Danielle Moschetto, Manager**

ACF LLC

d/b/a 978 Lounge

103 Washington Street

**-Show cause hearing: Alleged violation of 204 CMR 2.05 Permitting an illegality on the licensed premises, to wit.**

**-Incident that occurred on or about March 2, 2024, at approximately 01:56**

**-Possible Overserving.**

Sergeant Lynch described the incident as the following: On March 2, 2024, at approximately 01:56 an Officer Conducted a motor vehicle stop of a woman. The Officer noted that her movements were slow, and it took her a while to get the paperwork. When he spoke with her, she said she was coming from the 978 Lounge. The Officer could smell a strong odor of alcoholic beverage, her eyes were bloodshot glassy. She told the Officer she had 3 drinks.

Sergeant Lynch said he did call and requested to the video footage. He was advised that they had to come down that day because their footage only records 14 days because it is on a 24-hour loop. Sergeant Lynch said the IT person was not on that day and therefore not able to come down.

Attorney Hutchinson appeared for this item with Danielle. Attorney Hutchinson said it does state in the police report that open containers were found in the women’s car. He said that Danielle told him that the woman in question left the bar at 12:46 and that Danielle was cooperating with the police to view the footage. He said Danielle does not believe the woman was over served at her establishment and that she wants to be compliant.

Danielle told the commission that they found several open containers in the women’s car and she was stopped over an hour after she left the establishment.

Seargeant Lynch said that is the time she cashed out that does not mean that is the time she left the establishment. Commissioner Driscoll asked how many drinks she was served. Danielle said there was a party of 4 people and they each had 3 drinks during the time span they were there. Chairperson Angus asked Danielle what time they got there. Danielle said between 9 and 10 pm.

Commissioner Driscoll said there was a question of open containers in the car, and it looks like there was 1 open container half full and 3 not open containers.

Chairperson Angus asked Danielle if she has the ability to put the footage onto a drive. Danielle said they have only been open a few months and they were still running on a trial. The trial ended and they got booted down to 15 days, but she will extend the footage to 30 days. She also said she can save the footage onto a cloud.

Chairperson Angus said in the future if the police contact you and the footage is about to run out can you put it onto something to preserve the footage. Chairperson Angus asked Danielle if she knew how many drinks the woman had? Danielle said she does not know the specifics.

Danielle said her last drink was 12:46 when she cashed out. Commissioner Driscoll said that she could still order a drink with a cash or be drinking a drink after she cashed out.

Commissioner Driscoll said he does not like the fact that they have been open since Thanksgiving time and there is already a potential OUI.

**Commissioner Driscoll made a motion to find a violation of 204 CMR 2.05. This was seconded by Commissioner Koutoulas. No public comment, vote unanimous, motion passed.**

**Commissioner Driscoll made a motion to place ACF LLC on probation for 3 months with the condition to update their cameras to a 30-day retention within 1 week. This was seconded by Commissioner Koutoulas. No public comment, vote unanimous, motion passed.**

**14.2 Danielle Moschetto, Manager**

ACF LLC

d/b/a 978 Lounge

103 Washington Street

**-Show cause hearing: Alleged violation of 204 CMR 2.05 Permitting an illegality on the licensed premises, to wit.**

**-Incident that occurred on or about March 9, 2024, at approximately 00:28.**

**-Failure to maintain a safe environment for Patrons.**

**-Overcrowding.**

Sergeant Lynch described the incident as the following: On March 9, 2024, at approximately 00:28 Officers conducted an occupancy check at 978 Lounge. They spoke to the manager and security and advised there were 90 people in the establishment. The occupancy for the lounge is 85. At that time the manager had 5 patrons exit the establishment to come into compliance.

HPD is concerned because the management is aware of their occupancy, and they were not compliant. This is a major safety issue for the patrons.

Chairperson Angus asked if there is a person that works at the door? Danielle said yes from Capital Guardian security. Danielle also said there was a miscommunication from both ends. There were 8 people that were on the way out the door, she told the door man that and he sent more people in before they left. Danielle said within a matter of minutes the other party left and it was taken care of immediately.

Commissioner Koutoulas said she has an issue with this, and overcrowding is a serious issue. Commissioner Koutoulas said she has had people tell her they have been there, and it has been overcrowded, and that people would come to the door and say I know the manager and they would be let in.

Danielle said she agrees it is a serious issue, that it was a miscommunication, and it was taken care of immediately.

Commissioner Koutulas asked if the doorman has a clicker? Danielle said yes, he does.

Chairperson Angus asked if the police had not let Danielle know that she was over capacity if she would have known. Danielle said yes, she would because any time there is a line outside she checks in with the door person.

Chairperson Angus asked Danielle if she has communicated with the security team the importance of the capacity numbers. Danielle said that it was a miscommunication and that it would not happen again.

Chairperson Angus asked if they charge a cover charge. Danielle said no they do not.

Commissioner Koutoulas said she is very happy to hear they are successful in that location but there are some problems because this is a serious matter. She is concerned because Danielle had been warned about these issues before and there was this event and also over serving. Commissioner Koutoulas said that she recommends 2 weekends of closure.

Attorney Hutchinson asked if they could remain open and operate under capacity.

Commissioner Koutoulas asked for the police department’s opinion on this.

Sergeant Lynch said he has also had several reports of over crowding in that establishment, and that is why they went down there to see what the occupancy was. He also said it is probably not the first time this has happened.

Danielle stated that she feels that she is being punished for past things that have happened at the location. She said mistakes will be made and she wants to nip it in the bud.

Commissioner Koutoulas said she does not agree with that statement. Commissioner Koutoulas said she sees Danielle as a responsible business owner, and she did not see the previous owners that way. But because we have tried to communicate with her that overcrowding is such a big issue and we have had complaints about it. This is one of the 3 major offenses, and it rises to the top. Commissioner Koutoulas said the previous ownership did not have issues of overcrowding, but they had other issues between people.

Sergeant Lynch said the Police Department understands they run a business and need to be open and are ok with them staying open but running under capacity even if its 10 under.

Commissioner Driscoll said it sounds like the security company is trying to do the right thing however, they were still over capacity and over capacity is a serious violation.

**Commissioner Driscoll made a motion to find a violation of 204 CMR 2.05. This was seconded by Commissioner Koutoulas. No public comment, vote unanimous, motion passed.**

**Commissioner Driscoll made a motion to for ACF LLC to close 1 hour early this Friday and Saturday April 5 and 6 2024 and to lower capacity to 75 including all employees. This was seconded by Commissioner Koutoulas. No public comment, vote unanimous, motion passed.**

**14.3 Phillip Charles Bentham II, Manager**

Hidden Pig LLC

d/b/a The Hidden Pig

130 Washington Street

**-Show cause hearing: Alleged violation of 204 CMR 2.05 Permitting an illegality on the licensed premises, to wit.**

**-Incident that occurred on or about February 17, 2024, at approximately 23:02**

**-Failure to maintain a safe environment for patrons.**

Seargeant Lynch described the incident as the following: On February 17, 2024, at 23:02 Officers reported to the Hidden Pig for a report of a disturbance. The disturbance was over when they got there. They spoke to the bartender about the incident. He left messages for the manager and did not receive a call back. Sergeant Lynch finally spoke with the manger. He was told the manager was on vacation and that he was not sure if they could obtain the video or not. The manager told Seargeant Lynch he would call him back, but he did not. Seargeant Lynch said he understands that people go on vacation but there needs to be someone that has access to the cameras when they are gone.

Phillip appeared for this item. He wanted to put on record that they do not have physical fights at his establishment. He said they are mostly full of regulars and in the 6 years they have been open they have called the Police 2 times. When he was told about the incident, he was told that 2 men came in that the regulars did not know.

Commissioner Koutoulas asked if his friends waited for the Police to come before intervening?

Phil said no they did not, they acted because there was a situation happening.

Commissioner Koutoulas asked how many hours per week Phil works there. Phil said about 40 maybe a little less because he has another location. Commissioner Koutoulas reminded Phil they require managers to be on the premises for a minimum of 40 hours per week. Commissioner Koutoulas asked Phil why there was no one else that had access to the video footage because this is considered hindering a police investigation.

Phil said that is something that he would not do. He has offered his videos to the police in the past. He said he does not have a problem showing them the footage. He discovered that there was no footage from that night. He figured out that someone had knocked out the plug.

Commissioner Koutoulas asked him how many days his videos record. Phil said 14 days but after hearing everything he will bump it up to 30 days. Commissioner Koutoulas also reminded Phil that they are still on probation for serving a minor which is major offense. Phil said he takes full responsibility for the major violation but doesn’t think they did anything wrong on this incident.

Commissioner Kououlas said the police did not hear back from Phil and that is the problem.

Commissioner Driscoll said there definitely needs to be someone else who has access to the cameras. Phil said that it s trust issue if he gives access to this person and they tell someone else there are no cameras here, and he is weary of that. Chairperson Angus said Phil should give access to some person other than the police and they should be available when he is not available.

Commissioner Driscoll said have a back up plan to have someone who can access the footage if you are not there and also clean up in the basement, so the plug does not go out again.

Sergeant Lynch said if there is an incident, and he is not there that does not help the police. Sergeant Lynch said he does not want to have login access to that system because he does not how to use that system. The Police IT is not always available. They need someone who can operate the system.

Chairperson Angus asked if he has someone that can access the computer when he is not there. Phil said yes. Chairperson Angus told Phil he needs to leave that person’s name and phone number with the person in charge. She also told him they need to have a way to get ahold of him.

Commissioner Koutoulas asked Sergeant Lynch what the police feel about this addition to the probation. Sergeant Lynch said what ever the commission feels is warranted.

Phil said that this was not a serious incident.

Commissioner Koutoulas said there were a lot of punches thrown and a woman almost being hit so it was a serious incident.

Chairperson Angus asked if they serve food up until closing. Phil said they serve food until 11 and if there are only a few people inside they do last call and start closing.

Commissioner Driscoll said the biggest takeaway from this is to have someone else to access the cameras. Be careful around the cameras to make sure they do not become unplugged again. Most importantly when the Police do reach out in a timely manner respond.

Commissioner Koutoulas said she wants to see the probation extended for 6 months because of the violation.

Phil said that he did not violate the probation, things happen in restaurants, and he has no control over someone punching someone else. Commissioner Koutoulas said the establishment is on probation. This is a violation of that. She also told Phil that he is responsible for anything that happens at his establishment if you are there or not.

Captain Tracey spoke. He said he did hear some good things. They did call the police. This is not an issue of someone being overserved. Phil is right, there are not a lot of incidents down there, but also they were on probation when this happened. Captain Tracey said he thinks there should be an extension of the probation and he recommends a month extra and maybe an hour early closing this weekend.

**Commissioner Driscoll made a motion to find a violation of 204 CMR 2.05. This was seconded by Commissioner Koutoulas. No public comment, vote unanimous, motion passed.**

**Commissioner Koutoulas made a motion that the Hidden Pig be closed this Saturday April 6, 2024, to close at 12 midnight and probation be extended to June 2, 2024. Commissioner Koutoulas made a condition to extend the camera to 30 recordings to be done within 1 week and assign someone to have access to the cameras. This was seconded by Commissioner Driscoll. No public comment, vote unanimous, motion passed.**

1. **communication**
2. **Public Participation**

No Schedule

1. **other business**

No Schedule

1. **ADJOURNMENT**
2. Commissioner Driscoll made a motion to adjourn at 7:28pm.