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

**License Commission Minutes**

**Thursday, March 7, 2024, at 6:00 p.m.-Room 202**

**VIRTUAL and in person meeting**

Attending: Chairperson Laura Angus, Commissioner Patrick Driscoll, Lic. Clerk Jennifer Sanchez, Sergeant Kevin Lynch, HPD.

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

2.1 Approval of the Minutes of February 1, 2024

Commissioner Driscoll said he reviewed the minutes, and they appear to be in order.

**Commissioner Driscoll made a motion that the minutes are accepted as presented. This was seconded by Chairperson Angus. No public comment, vote unanimous, motion passed.**

1. **Continued Business**

No Schedule

1. **miscellaneous applications/ requests**

**4.1 Allison Gagne, Applicant**

NECC

100 Elliott Street

-**Application for one day beer and wine license for the Athletics Hall of Fame event on March 20, 2024, from 6pm to 8pm. Has police approval.**

**Commissioner Koutoulas made a motion to approve this application. This was seconded by Chairperson Angus. No public comment, vote unanimous, motion passed.**

**4.2 Kim Dandurant, Applicant**

The Armenian Church at Hye Point

1280 Boston Road

**-Application for one day beer and wine license for a family graduation party on May 18, 2024, from 6pm to 11pm. Has police approval.**

1. **one day applications**

No Schedule

1. **business certificates**

No Schedule

1. **entertainment applications**

**7.1 Phil McCabe, Manager**

Bosa Restaurant, LLC

d/b/a Bosa Restaurant and Bosa Bar

160 Merrimack Street

**-Application for new entertainment license for the hours of Sunday- Saturday 10:30am-11:30pm for amplifiers, D.J., Karaoke, Music- amplified, Sporting events, Comedy shows ( 1 Comedian), Performers (3), Vocalists (2), Dancing by Patrons only, Radio, TV.**

**-Has police approval. Pending entertainment zoning approval and entity vote.**

This item was heard with 8.3 and 10.1 which are the common victualler, entertainment, and alcohol applications. Joe and Phil appeared for these applications. Chairperson Angus asked them if the entertainment would be inside or outside on the deck. Phil said they would like to have some entertainment on the deck, weather permitting. Chairperson Angus asked what the plan was for the entertainment on the deck. Phil said a small one-person band of live music if possible. Commissioner Koutoulas asked if it is acoustic. Phil said yes, it is acoustic music. Commissioner Koutoulas asked if there are any amplifiers. Phil said no.

Chairperson Angus said that is one of the concerns of the neighbors downtown. There are have some issues in the past and we do not allow amplification of music on the deck. Chairperson Angus also reminded them that the entertainers count in the occupancy number. Phil said yes, he understands.

**Commissioner Koutoulas made a motion to approve these applications pending business occupancy, liquor liability, tips certifications, business certificate, page 1 of the application, and zoning approval. This was seconded by Chairperson Angus. No public comment, vote unanimous, motion passed.**

**7.2 Jennifer Silva, Manager**

Fresh Start Brew Company LLC

d/b/a Aroma Joe’s

727 South Main Street

**-Application for new entertainment license for the hours of Sunday 6am-9pm, and Monday- Saturday 5am-9pm for amplified music and TV.**

**-Has Police Approval. Pending entertainment zoning approval.**

This item was heard with item 8.2. They are applications for a new common victualler license and entertainment license. Jennifer and Kevin Silva appeared for these applications. Chairperson Angus asked if they are planning anything new and what their experience is in the industry. Kevin said no they are not planning anything new. Jennifer said her first job was at Dunkin Donuts, but this is a new venture for them.

Chairperson Angus asked if the location is closed or if it still open under the previous ownership. Jennifer said that it was still open. They are going to remain open until the transfer on March 5.

Chairperson Angus told Jennifer she had some documents that she filed that were not signed. Chairperson Angus asked if they could send Jennifer the clerk the signed copies once they have been signed.

**Commissioner Koutoulas made a motion to approve these applications pending zoning approval and business occupancy. This was seconded by Chairperson Angus. No public comment, vote unanimous, motion passed.**

1. **common victualler applications**

**8.1 William J. Batista, Manager**

Union Supermarket HL

d/b/a Union Supermarket HL

420 Washington Street

**-Application for new common victualler license for the hours of Sunday 7am-8pm, and Monday-Saturday 6am-9pm.**

**Pending Business Occupancy.**

Willim Batista appeared for this application. Commissioner Koutoulas asked if the entity vote had been submitted. Jennifer said yes it was. Chairperson Angus asked William what the plan for this location is. William said that this location is a convenience store and also a restaurant. William said it has 2 high stools with a little breakfast table. William also said that the location is not very big and that it would be mostly take out.

Commissioner Angus asked if there is any television or radio. William said no.

**Commissioner Koutoulas made a motion to approve these applications pending business occupancy. This was seconded by Chairperson Angus. No public comment, vote unanimous, motion passed.**

**8.2 Jennifer Silva, Manager**

Fresh Start Brew Company LLC

d/b/a Aroma Joe’s

727 South Main Street

**-Application for new common victualler license. For the hours of Sunday 6am-9pm, and Monday- Saturday 5am-9pm. Pending occupancy and entity vote.**

This item was heard with item 7.2. They are applications for new common vctualler license and new entertainment licenses. Jennifer and Kevin Silva appeared for these applications. Jennifer and Kevin said they are not planning on doing anything new and this is a new venture for them. Commissioner Koutoulas asked if they have turned in the entity votes for these applications. License Clerk Jennifer said yes, they did.

**Commissioner Koutoulas made a motion to approve these applications pending zoning approval and business occupancy. This was seconded by Chairperson Angus. No public comment, vote unanimous, motion passed.**

**8.3 Phil McCabe, Manager**

Bosa Restaurant, LLC

d/b/a Bosa Restaurant and Bosa Bar

160 Merrimack Street

**-Application for new common victualler license for the hours of Sunday-Saturday 10:30am-11:30pm.**

**-Pending occupancy and Business certificate.**

This item was heard with 7.1 and 10.1 which are the common victualler, entertainment, and alcohol applications. Joe and Phil appeared for these applications. Chairperson Angus asked Phil what his experience is in the food industry. Phil said he has been working in the food industry for over 30 years. Commissioner Koutoulas asked if they turned in the entity votes on the applications. License Clerk Jennifer said yes, they brought those in today.

Chairperson Angus asked if they will be serving food on the top floor, or will it just be alcohol? Phil said they will be serving food on the top floor as well.

**Commissioner Koutoulas made a motion to approve these applications pending business occupancy, liquor liability, tips certifications, business certificate, page 1 of the application, and zoning approval. This was seconded by Chairperson Angus. No public comment, vote unanimous, motion passed.**

1. **outdoor dining applications**

No Schedule

1. **alcohol/ abcc applications**

**10.1 Phil McCabe, Manager**

Bosa Restaurant, LLC

d/b/a Bosa Restaurant and Bosa Bar

160 Merrimack Street

**-Application for new § 12 all alcohol license for the hours of Sunday – Saturday 10:30am-11:30pm.**

**-Pending 304 occupancy, liquor liability, tips certs, business certificate, completed page 1.**

This item was heard with 7.1 and 8.3 which are the common victualler, entertainment, and alcohol applications. Joe and Phil appeared for these applications. Phil said he has extensive experience in the food industry. Chairperson Angus asked if we got the abutters notification back. License Clerk Jennifer said yes, they emailed them back.

Commissioner Koutoulas asked if they have turned in liquor liability, tips certs, and completed page 1. Jennifer said liquor liability and tips certs have not been turned in yet and we are waiting on inspectional services to set an occupancy number to complete page 1.

Chairperson Angus asked Joe and Phil if they could look at the plans and get the square footage for the application.

Joe said they are wrapping up the construction, they applied for the certificate of occupancy, and they can get the square footage.

Chairperson Angus asked what the anticipated opening date. Joe said they would like to open in March.

**Commissioner Koutoulas made a motion to approve these applications pending business occupancy, liquor liability, tips certifications, business certificate, page 1 of the application, and zoning approval. This was seconded by Chairperson Angus. No public comment, vote unanimous, motion passed.**

1. **motor vehicle applications**

No Schedule

1. **carry in license applications**

No Schedule

1. **item for discussion**

No Schedule

1. **show cause hearing**

**14.1 Brett C. Yannalfo, Manager**

P & S Restaurant Group, LLC

d/b/a Roma Restaurant

23-35 Middlesex Street

**-Show cause hearing: Alleged violation of 204 CMR 2.05 Permitting an illegality on the licensed premises, to wit: 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 therefore, whether present or not.**

**-Possible overserving.**

Sergeant Lynch described the incident as on December 6, 2023, at approximately 8:15 officers responded the Lafayette Square for an MVA. Upon arrival they spoke with the female operator. She had slurred speech. She stated that she was at the Roma Restaurant and that she had 2 absolute vodkas. She was given field sobriety tests and performed poorly. She was arrested for OUI. She took a BT and blew over the legal limit. Sergeant Lynch said he did go to the Roma and review the cameras and she was at the establishment for about an hour and 20 minutes, and she did have two drinks.

Brett and Stephen were present for this item. They were sworn in.

Brett said the report was redacted but they were able to determine who the person was. Brett brought in sales paperwork and told the commission that she had 2 drinks in the course of one and half hours. Brett said that she left the establishment about a half hour before the MVA occurred. He said she had 2 drinks in an hour and a half, and she was not impaired when she left. Brett said she is a regular and most of the staff knew who she was. All the staff told Brett that she was fine when she left the establishment.

Brett said that if she was over served, he does not think that it has anything to do with them. He takes it very seriously. He installs jiggers and trains his bartenders on not overserving and not over pouring.

Chairperson Angus asked how often Brett is at the restaurant. Brett said he is there every day except for Sundays. Brett said he does consult during the day and that he is there at night. Brett said that everyone he spoke too about the incident, told him that the woman appeared fine that night when she came in and when she left and also that Stephen saw the tape and that he agreed as well.

Commissioner Koutoulas asked if all of the employees are tips certified? Brett said yes they are. Commissioner Koutoulas asked how often they get reviewed. Brett stated that that he checks them yearly when they submit the renewal application. Brett said that he also has files for everyone, and he has notes for when they need to renew their certifications.

Commissioner Koutoulas asked if the employees are tips certified in person or online. Brettsaid it is a mixture.

Chairperson Angus asked Brett what time the woman arrived at the restaurant. Brett said she arrived around 6:30pm. Chairperson Angus asked what she was drinking. Brett said one drink was wine and the other was a vodka tonic.

Commissioner Koutoulas said since she is a regular do we know what she usually drinks. Brett said according to the staff the drinks she had are the drinks she usually has.

Stephen said she has been a regular for about 15 years and that she has the same two drinks and comes in the same time. Stephen said he has never had an issue with her in the past.

**Commissioner Koutoulas made a motion to place the Roma Restaurant on probation for 1 month starting on February 2, 2024. This was seconded by Chairperson Angus. No public comment, vote unanimous, motion passed.**

**Commissioner Koutoulas made a motion to find a violation of 204 CMR 2.05. This was seconded by Chairperson Angus. 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 7:03pm.