



License Commission, Room 118  
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The Haverhill License Commission held a **Meeting on Thursday September 7 2017 at 6:00 p.m. Room 202, City Hall.**

*Attendees: Chairman Joseph Edwards and Commissioner Coco.  
Commissioner Sewell arrived at 6:03 p.m.  
Clerk Laura Angus*

**1. PLEDGE OF ALLEGIANCE**

**2. APPROVAL OF THE MINUTES:**

**A. APPROVAL OF MINUTES OF AUGUST 3 2017**

Motion to accept the minutes as read made by Commissioner Coco, seconded by Commissioner Sewell. No public comment on this matter. Vote unanimous, motion passed.

**B. APPROVAL OF MINUTE OF AUGUST 24 2017**

Motion to accept the minutes as read made by Commissioner Sewell, seconded by Chairman Edwards. No public comment on this matter. Vote two yeas, one abstain, motion passed.

**3. CONTINUED BUSINESS**

NO SCHEDULE

**4. MISCELLANEOUS APPLICATIONS/REQUESTS**

NO SCHEDULE

**5. ONE DAY APPLICATIONS**

**A. CYNTHIA GRAHAM**

HAVERHILL FIRE FIGHTING MUSEUM  
75 KENOZA AVENUE

**APPLICATION FOR ONE DAY ALL ALCOHOL LICENSE FOR CHILI COOK-OFF FUNDRAISER AT THE HAVERHILL FIREFIGHTING MUSEUM, 75 KENOZA AVENUE, ON SEPTEMBER 30 2017 FROM 6:00 PM TO 10:00 PM**

Cynthia Graham appeared on this application and explained the event. Motion to approve the application made by Commissioner Coco, seconded by Commissioner Sewell. No public comment on this matter. Vote unanimous, motion passed.

**B. CHRISTINA BONTEMPO**

237 CRESCENT AVENUE, #3, REVERE, MA 02151

**APPLICATION FOR ONE DAY WINE AND MALT ONLY LICENSE FOR WEDDING RECEPTION AT WINNEKENNI CASTLE ON SEPTEMBER 21 2017 FROM 5:30 PM TO 10:00 PM**

Christina Bontempo appeared on this application and explained the event. The Commission inquired about the bartending service and reminded the applicant to provide receipts for the purchase of the alcohol to the clerk. Motion to approve the application made by Commissioner Sewell, seconded by Commissioner Coco. No public comment on this matter. Vote unanimous, motion passed.

**C. DOUG FOWLER**

43 COLUMBIA PARK

**APPLICATION FOR ONE DAY ALL ALCOHOL LICENSE FOR WEDDING RECEPTION AT WINNEKENNI CASTLE ON SEPTEMBER 16 2017 FROM 1:00 PM TO 6:00 PM**

Doug Fowler appeared on this application. The Commission inquired about the bartending service and reminded the applicant to provide receipts for the purchase of the alcohol to the clerk. Motion to approve the application made by Commissioner Coco, seconded by Commissioner Sewell. No public comment on this matter. Vote unanimous, motion passed.

**D. TYLER KIMBALL**

791 EAST BROADWAY

**APPLICATION FOR ONE DAY WINE AND MALT ONLY LICENSE FOR FOAMFEST AT KIMBALL FARM ON SEPTEMBER 16 2017 FROM 11:00 AM – 6:00 PM – PENDING POLICE APPROVAL**

Tyler Kimball and Gina Piacentini both appeared on this application and explained the event. Commissioner Sewell inquired about the traffic problem last time he held a similar event. Mr. Kimball indicated that the traffic situation has been addressed. Motion to approve the application made by Commissioner Sewell, seconded by Commissioner Coco. No public comment on this matter. Vote unanimous, motion passed.

**6. ENTERTAINMENT APPLICATIONS**

NO SCHEDULE

**7. COMMON VICTUALLER APPLICATIONS**

NO SCHEDULE

**8. OUTDOOR DINING APPLICATIONS**

NO SCHEDULE

**9. ALCOHOL/ABCC APPLICATIONS**

**A. BRIAN P MURPHY, MANAGER**

UNO OF HAVERHILL INC., D/B/A UNO PIZZERIA & GRILL

30 CUSHING AVENUE

**APPLICATION FOR CHANGE IN BENEFICIAL INTEREST – CHANGE OWNERSHIP OF THE PARENT COMPANY KNOWN AS UNO RESTAURANT HOLDINGS CORPORATION**

Elizabeth Colson appeared on this application and explained the application. Chairman Edwards inquired about

compliance. The Clerk explained that the application has gone through the inverted approval process and has already been approved by the ABCC. Motion to approve the application made by Commissioner Coco, seconded by Commissioner Sewell. No public comment on this matter. Vote unanimous, motion passed.

**B. KEVIN DEYAK, MANAGER**

99 RESTAURANTS OF BOSTON, LLC, D/B/A THE 99 RESTAURANT  
786 RIVER STREET

**APPLICATION FOR CHANGE IN BENEFICIAL INTEREST – NEW OFFICERS AND DIRECTORS**

Attorney Joe Devlin appeared on this application and explained the application. This application has gone through the inverted approval process and has already been approved by the ABCC. Motion to approve the application made by Commissioner Sewell, seconded by Commissioner Coco. No public comment on this matter. Vote unanimous, motion passed.

**C. LUISA O. RIVERA, MANAGER**

BSOTO, LLC, D/B/A TOWN LINE CONVENIENCE STORE  
984 AMESBURY ROAD

**APPLICATION FOR TRANSFER OF SECTION 15 WINE AND MALT ONLY LICENSE AND PLEDGE OF LICENSE – PENDING RECEIPT EVIDENCE OF NOTICE TO ABUTTERS, RECEIPT OF SAFE SERVICE OF ALCOHOL CERTIFICATES FOR ALL SERVERS AND LICENSE FEE**

Attorney Arthur Broadhurst appeared on this application and explained the transaction and the experience of the applicant. He introduced the applicants, Luisa Rivera and Beilis Soto. Commissioner Sewell requested a photo of the business to be sent to the Clerk. Motion to approve the application made by Commissioner Coco, seconded by Commissioner Sewell. No public comment on this matter. Vote unanimous, motion passed.

**D. RAFILEIRY JIMENEZ, MANAGER**

VILLA MAR CARIBBEAN RESTAURANT CORP  
36 PLAISTOW ROAD

**RECONSIDERATION OF APPLICATION TO CORRECT INFORMATION MISSING OR INCORRECT FROM ORIGINAL APPLICATION WHICH WAS RETURNED NO ACTION FROM THE ABCC**

Victor Jimenez and Marina Brito both appeared on this application. Chairman Edwards questioned what was corrected and the Clerk identified the items. Chairman Edwards inquired where the proposed manager was and was told she was unavailable due to work. He did not want to act on this application without the manager present as there was difficulty getting in touch with the manager when the application was returned and he had heard they would only serve alcohol if the manager was on duty. Motion to postpone this application to the October 5<sup>th</sup> meeting to allow the proposed manager to be present made by Commissioner Coco, seconded by Commissioner Sewell. No public comment on this matter. Vote unanimous, motion passed.

**E. MAHAVIR ARVIND PATEL, MANAGER**

MAP, INC., D/B/A MINIT MART  
233 WINTER STREET

**APPLICATION FOR TRANSFER OF SECTION 15 WINE AND MALT ONLY LICENSE – PENDING RECEIPT EVIDENCE OF NOTICE TO ABUTTERS, RECEIPT OF SAFE SERVICE OF ALCOHOL CERTIFICATES FOR ALL SERVERS AND LICENSE FEE**

Attorney David Tamarin and Arvind Patel both appeared on this application. Attorney Tamarin detailed the experience of the proposed manager and indicated that proposed manager fully understands his responsibilities with regard to the sale of alcohol. Commissioner Coco inquired if the registers will require a check of the ID before the purchase – Yes. He also inquired if there was a surveillance camera on the premises – Yes. The

License Commission stated that the manager must be on premises at least 40 hours. Motion to approve the application made by Commissioner Sewell, seconded by Commissioner Coco. No public comment on this matter. Vote unanimous, motion passed.

#### **10. MOTOR VEHICLE APPLICATIONS**

**NOEL ORTEGA, MANAGER**

WELCOME MOTORS LLC, WELCOME MOTORS

25 WELCOME STREET

**APPLICATION FOR NEW CLASS II MOTOR VEHICLE LICENSE- SUBJECT TO PAYMENT OF EXCISE TAX**

Noel Ortega appeared on this application. Commissioner Sewell inquired about the applicant's experience. Commissioner Coco warned to make sure there is enough parking on the lot for customers as this area is very narrow. Motion to approve the application made by Commissioner Sewell, seconded by Commissioner Coco. No public comment on this matter. Vote unanimous, motion passed.

#### **11. ITEM FOR DISCUSSION**

**MARGARET CONNEELY, MANAGER**

AMSTEL ENTERPRISES, INC., D/B/A THE PEDDLERS DAUGHTER/SHOE CITY

45-51 WINGATE STREET

**ITEM FOR DISCUSSION: INCIDENT ON OR ABOUT APRIL 22 2017**

Margaret Conneely appeared on this matter. Mrs. Conneely explained what happened the night of the incident. Lieutenant Pistone of the Haverhill Police Department stated that they have had no problems with this establishment and there were no concerns by the police department. They do not want to infer anything happened if it didn't happen. The Commission was of the opinion that the Licensee had done nothing wrong. Motion to take no action made by Commissioner Coco, seconded by Commissioner Sewell. No public comment on this matter. Vote unanimous, motion passed.

#### **12. SHOW CAUSE HEARINGS**

**A. HARSHAD PATEL, MANAGER**

PURNAKAAM CORP., D/B/A TOWN'S VARIETY & LIQUOR

277 GROVELAND STREET

**SHOW CAUSE HEARING - ALLEGED VIOLATION OF 204 CMR 2.05 (2) PERMITTING AN ILLEGALITY ON THE LICENSED PREMISES, TO WIT: CHAPTER 138, SECTION 69 - SALE OR DELIVERY TO A PERSON UNDER TWENTY ONE YEARS OF AGE ON OR ABOUT JUNE 16 2017**

Harshad Patel and Eddie Patel appeared on this matter. Lieutenant Pistone of the Haverhill Police Department summarized the report for the record. This incident arose out of a compliance check being done in the city. The Commission had questions about the employee, why he was not present at the hearing, if he was still employed, the training of the employees and if they were still using the private company they were ordered to use after the last violation and whether there was a system in place to require an identification to make an alcohol purchase. The Licensee is currently looking to install these systems. Motion to suspend the sale of alcohol for three days – Friday September 15, Saturday September 16 and Sunday September 17 2017, to continue the use of a training company for all employees and probation for six months. If a violation occurs during this 6 months, they will re-evaluate this penalty and assess a penalty for the new violation made by Commissioner Coco, seconded by Commissioner Sewell. No public comment on this matter. Vote unanimous, motion passed.

**B. RICHARD A. COMEAU, MANAGER**

SHAMROCK HAVERHILL, INC., D/B/A SHAMROCK LIKKERS  
400 LOWELL AVENUE #6

**SHOW CAUSE HEARING - ALLEGED VIOLATION OF 204 CMR 2.05 (2) PERMITTING AN ILLEGALITY ON THE LICENSED PREMISES, TO WIT: CHAPTER 138, SECTION 69 - SALE OR DELIVERY TO A PERSON UNDER TWENTY ONE YEARS OF AGE ON OR ABOUT JUNE 16 2017**

Richard Comeau appeared on this matter. Lieutenant Pistone of the Haverhill Police Department summarized the report for the record. This incident arose out of a compliance check being done in the city. Mr. Comeau indicated that he takes this matter very serious. Although he visits the issue of checking IDs every day, he has placed identification scanners at each register and he is re-enrolling everyone in a TIPS class and is requiring them to take it again every year, even though the certificates are good for four years. He indicated that there were three stings that night and they passed the other two without a problem. Not trying to give excuses, but the person who sold the alcohol was distracted at the time. Mr. Peter Hurn, who sold the alcohol, was available to speak to the Commission. He deeply regrets that night and would do anything to take it back. Motion to place the establishment on probation for three (3) years, if another violation of this kind, sale or delivery to a person under 21, occurs there will be a three day suspension of alcohol sales and a new punishment to be considered for the new violation made by Commissioner Coco, seconded by Commissioner Sewell. No public comment on this matter. Vote unanimous, motion passed.

**C. PIERRE I EL HAYEK, MANAGER**

PIERRE I EL HAYEK, D/B/A TOPLINE IMPORTS  
534 RIVER STREET

**SHOW CAUSE HEARING - ALLOWING MORE CARS FOR SALE OR SERVICE ON THE LOT THAN THE NUMBER SET FORTH ON THE LICENSE ISSUED BY THE CITY OF HAVERHILL. NOT ALLOWING PROPER SPACE FOR CUSTOMERS AND EMPLOYEES**

Attorney Anthony Bisone and Pierre El Hayek appeared on this matter. Lieutenant Pistone of the Haverhill Police Department summarized the report for the record. Officer Lance Powell also spoke about the matter. The Commission questioned how many cars should be on the lot, if there is a problem with cars blocking and if there was room on the lot for fire apparatus. John Powers, owner of the lot spoke in support of Mr. El Hayek, but he was more concerned with not being able to park on Florence Avenue. Attorney Bisone stated that Mr. El Hayek instructs people not to park on Florence Avenue. He had a busy summer and fixes all the cars that come back to him. It is difficult to determine how many cars are coming in for service. He is looking for alternatives for parking the cars that are there for service. Motion to revisit this matter in November, Officer Powell to check on this business in the interim and report to the Commission made by Commissioner Sewell, seconded by Commissioner Coco. No public comment on this matter. Vote unanimous, motion passed.

**13. COMMUNICATIONS**

NO SCHEDULE

**14. PUBLIC PARTICIPATION**

**15. OTHER BUSINESS**

NO SCHEDULE

MEETING ADJOURNED AT 8:15 PM

ATTEST: \_\_\_\_\_*LAURA D ANGUS*\_\_\_\_\_

LAURA D ANGUS, CLERK