



Haverhill

License Commission, Room 118
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LICENSE COMMISSION MINUTES
Thursday, December 7, 2023, at 6:00 p.m.-Room 202
VIRTUAL and in person meeting

Attending: Chairperson Laura Angus, Commissioner Linda Koutoulas, Commissioner Patrick Driscoll, Lic. Clerk Jennifer Sanchez, Captain Wayne Tracy, HPD.

1) PLEDGE OF ALLEGIANCE

2) APPROVAL OF THE MINUTES

2.1 Approval of the Minutes of November 2, 2023

Commissioner Driscoll said that he had a chance to review the minutes, they appear to be in order, and he makes a motion to approve.

Commissioner Driscoll made a motion to approve the minutes of November 22, 2023. This was seconded by Commissioner Koutoulas. No public comment, vote unanimous, motion passed.

2.2 Approval of the Minutes of November 22, 2023.

Commissioner Koutoulas said she has read the minutes of November 22, 2023 and they appear to be in order and request approval for those minutes.

Commissioner Driscoll made a motion to approve the minutes of November 2, 2023. This was seconded by Commissioner Koutoulas. 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

No Schedule

8) COMMON VICTUALLER APPLICATIONS

8.1 Ken Moran, Manager

Opportunity Works

d/b/a The Perfect Blend Café
100 Elliott Street

-Application for new common victualler license for the café inside of NECC for the hours of Monday-Thursday 7am-2pm.
-Pending business certificate, and picture of the outside, corporate vote.

Ken Moran appeared for this application. He is from Opportunity Works. Opportunity Works is a nonprofit agency providing support to people with disabilities and they manage the café at NECC.

Commissioner Angus asked them if it was just for students or if it was for the public. Ken said it is for anyone.

Commissioner Angus said they have the vote and the picture of the outside, and asked what the status of the business certificate is.

Ken said the zoning was just approved this afternoon and they will take care of the certificate.

Commissioner Koutoulas made a motion to approve this application pending receipt of business certificate. 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 Susan Garland, Manager

Next Door Corp
d/b/a The Grill Next Door
653 Broadway

-Request to withdraw Application from August 2023 and submitted new application for Change of Officers and Change of Stock Interest.

Sue Garland appeared for this application. Commissioner Angus said this application was heard in August. There were some issues with the change of the corporate name. It has now been changed back to the original name and everything else remains the same. This is something that is done for correction for a transfer of stock that happened in 2017 to David Dalton.

Commissioner Angus said it is basically a correction of the record and this is a correction of that application. Commissioner Angus also stated that we have a letter from David and Sue stating although the corporation is dissolved as of December 1, 2023, they doing this as a way to wind up the affairs of Next Door Corp.

Commissioner Koutoulas said that she believed personal property tax was due. Sue said that she paid that today.

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

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

10.2 Matthew Lonardo, Manager

The Solid Slice Pizzeria LLC
d/b/a The Solid Slice Pizzeria LLC
653 Broadway

-Request to withdraw transfer application from August 2023. Submitted new transfer application for section 12 all alcohol license for the hours of Sunday, Wednesday-Saturday 11am-11pm. Pending liquor liability insurance, and October bank statements.

Matthew and Sue appeared for this item. Commissioner Angus spoke and said this is for a motion to withdraw the old application. The new application is a transfer of a section 12 all alcohol license. The hours applied for are Wednesday to Saturday and Sunday 11-11. Commissioner Angus said that we will include the basement in the description of the premises.

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

Commissioner Koutoulas made a motion to approve the new transfer application for the hours of Sunday and Wednesday- Saturday 11-11 pending liquor liability and bank statements. This was 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 Ronald Clermont, Manager

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

-Item for discussion: Incident that occurred on or about November 18, 2023, at approximately 00:56.

Captain Tracy described the incident as the following: On Saturday November 18, 2023, Officers were dispatched to Oriental Gardens for an unwanted person. An employee stated that a female attempted to take a coat that did not belong to her. When confronted by the employee an argument ensued. She got into a jeep and left the establishment. The jeep was located, and they spoke with the woman. The woman in the jeep was swaying back and forth. The female was arrested for OUI liquor.

Ron Clermont came up to speak. Ron said the person who called the police was Sean Angrove.

He is a hired security guard. Ron said that he hired Guardian Capital for security. They handle everyone going in and out and ensure that everyone has a proper ID.

Ron said the company is professionally trained and he did the right thing by calling the police. Commissioner Angus said she appreciates that he called the police, but her concern was that Sean said the woman was waisted and he was going to let her leave the premises. Ron said that Sean gets exaggerated sometimes. He also said that he spoke with the bartender and was told the women had two drinks and she seemed fine. Ron said that the women became angry when she was confronted by the Sean, and she left on her own and that Sean is not able to restrain her so he called the police.

Commissioner Angus asked how long she was in the establishment, Ron said he does not have the exact time, but it was about 2 hours and according to the bartender she only had 2 drinks. Commissioner Angus asked Ron if he has cameras in the establishment. Ron said he is having cameras installed by the same group guardian capital. He said the hard drive has malfunctioned and he cannot get any recordings of it. He said they were trying to recover it and they have to order a whole new hard drive. Commissioner Angus asked what the estimated time for that would be. Ron said Monday.

Commissioner Koutoulas asked if the police requested the video. Ron said no they did not. Commissioner Koutoulas told Ron if he is willing to repair his security system the Commission would appreciate it.

Captain Tracy came up to speak. He said that they did a lot of things right and all they are talking about is she might have been over served. He recommends that management has a conversation with the bartenders about over serving. Captain Tracy said if he has the conversations and gets his camera fixed HPD would be asking for this to be placed on file.

Ron came back up to speak. He said that he did put up signs that say an ID is required to purchase alcohol and no overserving signs. Ron also provided a letter from Mr. Montero the owner of the security company stating that he has spoken with staff.

Commissioner Koutoulas said sometimes they need a tips reminder.

Commissioner Angus said as a new license holder we like to see you doing the right thing. She also said by the time the police tracked her down she was behind the wheel in a condition she should not have been. She suggested doing in-house tips training.

Ron is going to find out if the security guards are tips certified.

Commissioner Koutoulas made a motion to place this item 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: Update on parking lot lighting, updated security system, updated security plan.

Commissioner Angus said this is an update on the show cause hearing. Carol and Joe appeared for this item. They submitted a security plan and a bartender safety plan. Commissioner Angus asked if they sat down with the police on the security plan? Joe and carol said they did not know

they had to. Commissioner Angus said one of the things that was discussed was that they sit down with the police department and go over the security plan. Carol said she assumed he would be at the meeting to discuss.

Commissioner Angus said they need time to review the documents, and she wants Joe and Carol to make an appointment with Sergeant Lynch to review the documents and we will come back in January and talk about the security plan.

Joe said they added a new receiver, so everything does work. Commissioner Angus asked how long those are maintain for? Joe said 30 days. Joe also said both lights have been replaced in the parking lot and it is fully illuminated.

Commissioner Angus said until this is finalized, the rules that were put in effect for the functions will continue. She also said after you meet with Sergeant Lynch, if anything is changed get them to Jennifer before the meeting.

Commissioner Angus asked Joe if he has the dua certificate for the manager application. Joe said he is trying to get into a payment plan and trying to get ahold of them has been very hard.

Commissioner Angus said that it is very important to get that application taken care of. Carol said she was able to break down by item what was sold on the nights of the incidents. She turned these documents to the commission.

Commissioner Angus thanked them for their updates so far.

14) SHOW CAUSE HEARING

Commissioner Angus announced that her son is an employee of the Haverhill Police Department and he was involved in the sting operations that took place for the 3 show cause hearings. She said she feels that she can be impartial to these, and she will not give any extra weight for the police reports. She also has not discussed any of the incidents with him. She is putting this out there for public information. She asked if there were any objections and there were none.

14.1 Ripal Patel, Manager

JayPratham Corp.
d/b/a American Grocery
426-428 Main Street

-Show cause hearing: Alleged violation of 204 CMR 2.05 (2) Chapter 138, Section 34, Sale or delivery of an alcoholic beverage to a person under 21 years of age, Alleged Violation of 204 CMR 2.05 (2) Failure to display required signage, Alleged violation of City of Haverhill ordinance Article 2, Section 15: Selling alcohol without TIPS certification.

Captain Tracy described the incident as the following: On November 20, 2023, at 17:10 hours detectives went with an underage operative to American Grocery the underage operative purchased a 12 pack of Budweiser beer for \$13.99. The operative paid for the beer with funds supplied by HPD. The clerk never asked the operative for any identification. A short time later the clerk was advised of the violation. Detectives also spoke with Jay Patel who advised them she has only worked in the store for a month. They asked if she was tips certified and they were not able to provide a certification. Additionally, there was only one required poster. Patel was advised of all the violations.

Arthur Broadhurst came up he is the attorney for the establishment. Arthur said he is here with

Mr. Patel and that Mr. Patel takes this very seriously. Arthur said they have been in this business a long time and they know they cannot sell to minors. The person who was not trained has since been fired. Arthur said there were a few new employees who were not trained at the other stores, and they have made sure all employees at all stores are not tips certified. In addition, they do have machines in the stores to check the IDs and they have also done retraining. They do not dispute what happened. Arthur said there is some confusion about what is required for the posters and instructed them to ask the Commission. He said it was not by intent just by not knowing.

Commissioner Koutoulas said even though the employee was new it is still the responsibility of the management to train the new employee. They do have a time period in which they can become certified, and, in the meantime, they should have close supervision.

Commissioner Angus asked if the machine for the IDs requires the ID to be scanned to make the purchase or it can be overridden. Arthur said it can be overridden.

Commissioner Angus said it does not matter how old you are, that you should be asked for your ID for every sale. Also, if you are talking to people and asking for an ID you can also avoid selling to someone who is showing signs of intoxication. Commissioner Angus instructed them to contact the ABCC for the signs and they will send them out.

Captain Tracy said it seems like they have taken reasonable steps to rectify the issue and with that he would be looking for 6-month probation.

Commissioner Koutoulas made a motion to find there was a violation of the Mass CMRs and City Ordinance. This was seconded by Commissioner Driscoll. No public comment, vote unanimous, motion passed.

Commissioner Koutoulas made a motion to place American Grocery on Probation for 6 months starting today. This was seconded by Commissioner Driscoll. No public comment, vote unanimous, motion passed.

14.2 Dharmesh Dave, Manager

Anrush LLC

d/b/a Bradford Liquors

91 South Main Street

-Show cause hearing: Alleged violation of 204 CMR 2.05 (2) Chapter 138, Section 34 Sale, or delivery of an alcoholic beverage to a person under 21 years of age.

Captain Tracy described the incident as the following: On November 20, 2023, at 17:24 hours Detectives and an Operative went to Bradford Liquors. The underage operative purchased a 12 pack of beer for 15.99. The underage operative paid with funds provided by HPD and at no time during the transaction was the operative asked to show ID. They spoke with the clerk after, and he said he forgot to ask for ID. They were advised of the violations.

Dharmesh Dave appeared for this item. Commissioner Angus asked him if he was the clerk on duty that night. Dharmesh said no he left before this happened. Commissioner Angus asked Dharmesh if that was the same employee that was working during the incident in March when the intoxicated female was served. Dharmesh said he did not think so. The employee was with him at this meeting. Commissioner Angus asked the employee to come up to speak. She told him

that she was not happy to see him back before the board. Probation just ended in September so clearly there was not a lesson learned. Both of them apologize to the board. Dharmesh said he has been working there for 3-4 years and he has renewed his tips certification 3 times, and it is the first time they sold it to someone underaged. The employee stated that it was only him working the entire day and he was very busy that day and he forgot to ask for the ID. Commissioner Angus asked if they have a machine that is required to scan the ID to make a purchase. Dharmesh said it is an independent machine and they have started scanning it for every purchase. Commissioner Angus said if you go to a red sox game you have to show your ID for every sale, and it is a practice that you need to start immediately. Dharmesh said it is their fault, they accept responsibility, and they are going to improve on that. Commissioner Angus suggested they have a sign ID required for all sales. Commissioner Driscoll said you are here in front of the board again and it is paramount that you start asking for ID for every sale. Commissioner Angus also suggested having a person come out to do in person tips training rather than online. Commissioner Koutoulas said we see more problems as people turn to online rather than in person. In person they can take their time and answer any questions. Commissioner Angus asked what their hours are. Dharmesh said they open at 8:30am and they close at 10 at night. Captain Tracy said they appear to be taking it seriously, they did make it off the probation period, and they appear to be taking steps, so it does not happen again. HPD would just be asking for the 6-month probation.

Commissioner Koutoulas made a motion to find there was a violation of the Mass CMR. This was seconded by Commissioner Driscoll. No public comment, vote unanimous, motion passed.

Commissioner Driscoll made a motion to place Bradford Liquors on probation for 6 months starting today and to close early at 8pm on December 10, 2023, and December 11, 2023. This was seconded by Commissioner Koutoulas. No public comment, vote unanimous, motion passed.

14.3 Arvind Patel, Manager

Hilldale Convenience, Inc.
d/b/a Hilldale Convenience
66 Hilldale Avenue

-Show cause hearing: Alleged violation of 204 CMR 2.05 (2) Chapter 138, Section 34 Sale, or delivery of an alcoholic beverage to a person under 21 years of age, alleged violation of 204 CMR 2.05 (2) failure to display required signage, alleged violation of City of Haverhill Ordinance Article 2, Section 15: Selling alcohol without TIPS certification.

Captain Tracy described the incident as the following: On November 20, 2023, at 17:51 hours, Detectives and an operative went to Hilldale Convenience. The underaged operative purchased a 12 pack of Budweiser for 15 dollars. The operative paid with funds provided by the Haverhill Police department. At no time did the clerk ask the operative for an ID.. The clerk Sunny was advised of the violation. When speaking with the clerk, they were told he worked at the store for one month and he did not know what tips certification is. There were none of the required posters

on the wall.

Arthur Broadhurst came up to speak. He is the attorney for this establishment also. Arthur said he is here with the manager Mr. Patel, and they have been in that store for 8 years. Arthur said Sunny the person that was there that day is tips certified. He does not think there has been a violation at that store before. Arthur told the board this was a mistake they are taking full responsibility for this. He also said they have a scanner, and they are going to scan the ID for every purchase. They are requesting probation since they have not had any recent violations and they do their best.

Commissioner Driscoll said this is certainly a reminder to use best practices. Who knows how many times this may have actually happened. Arthur said that the machine to scan ID is not required to make the purchase, but they are going to start doing it for every purchase.

Commissioner Driscoll made a motion to find there was a violation of the Mass CMRs and City ordinance. This was seconded by Commissioner Koutoulas. No public comment, vote unanimous, motion passed.

Commissioner Driscoll made a motion to place Hildale Convenience on probation for 6 months starting today. This was seconded by Commissioner Koutoulas. No public comment, vote unanimous, motion passed.

14.4 Jonus Rustani, Manager

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

-Show cause hearing: Alleged violation of 204 CMR 2.05 (2) permitting an illegality on the licensed premises, to wit: Incident that occurred on or about November 25, 2023.

Captain Tracy described this incident as the following: On Saturday November 25, 2023, at 2:19 hours officers were dispatched to New Lantern Café for 2 females fighting outside. Upon arrival there was no active disturbance. Officers spoke with Jonus who advised them what had occurred and that all involved parties left the area. Officers observed that Jonus had a strong odor of alcoholic beverage. The concern of HPD is that the only employee there was drinking alcohol which can impair your judgment, so how is his judgement to judge others for being intoxicated when he himself may be intoxicated.

Jonus appeared for this item. Jonus said he does not drink. Jonus further stated he does have an occasional beer and does not drink alcohol to become intoxicated and the officer was 10 feet away from him. Jonus also stated that when making drinks he sometimes spills the drinks on himself. Jonus said for the incident in question, the place was closed, and the females were outside fighting. Jonus called the police because of that and the officer said he detected alcohol on his breath. Jonus resents that remark. Jonus said some of the information in the police report is incorrect. He said he never said the girls had drinks inside of his establishment. He also said the report states they found a purse on the sidewalk he said that never happened that he picked it up and gave it to the officer.

Commissioner Angus asked Jonus if he drinks while he is on duty at the bar. Jonus said no.

Jonus said he only drinks coffee, crystal light, water and soda while he is on duty.

Commissioner Angus said that is what our concern is, if you are drinking while you are working

at the bar. Jonus said that he was told not to drive his vehicle and he offered to take a BT but they did not give it to him. Jonus informed the commission he has never blown a positive on a BT in his life. Jonus described another incident when he was pulled over in Plaistow and they assumed he was intoxicated and took a BT and it came out at 0.0.

Commissioner Koutoulas told Jonus there were two females that were in his establishment, then they got into a fight. That is his responsibility. They said they were at the New Lantern, and they did say they did have drinks. Looking further on, there was an incident on November 11, as well as October 28 and October 7. There are a series of incidents that are occurring. Jonus asked what the incident on October 28 was. Commissioner Koutoulas said they were disturbances. Jonus said there was an incident where a woman locked herself in the ladies' room for a lengthy period of time and when she came out, she was incoherent. Jonus said the other incident a female party walked in there intoxicated and he called HPD to have her removed.

Commissioner Koutoulas asked Captain Tracy if he thought there was an issue with communication between Jonus and HPD. Captain Tracy said it seemed simple to him that they smelled alcohol on his breath. Commissioner Koutoulas told Jonus that they are working on regs and one of the regs are that it will not be allowed to drink while you are serving alcohol. She understands that he said that he did not drink but she wants to let him know and also that the regs are not in place now. Jonus said the people that are causing him problems will not be coming there at all.

Commissioner Angus said we also spoke to you about working alone in the bar. Jonus said that he has learned to slow down, and everyone waits on him. He watches the inside of the bar while he is serving.

Commissioner Koutoulas said we are reminding you for the safety of you and your business. Do not let anyone work behind the bar that may have been drinking.

Commissioner Angus said that includes while they are cleaning up. Last call has happened there is no drinking on the premises. You cannot have a quick beer while you are wiping down the bar.

Commissioner Koutoulas told Jonus he should keep an eye on his clientele, if they are going to cause trouble do not let them in.

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

15) COMMUNICATION

16) PUBLIC PARTICIPATION

No SCHEDULE

17) OTHER BUSINESS

No Schedule

18) ADJOURNMENT

19) Commissioner Driscoll made a motion to adjourn at 7:03pm.