



Haverhill

License Commission, Room 118
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LICENSE COMMISSION MINUTES
Thursday, October 3, 2024, at 6:00 p.m.-Room 202
VIRTUAL and in person meeting

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

1) PLEDGE OF ALLEGIANCE

2) APPROVAL OF THE MINUTES

2.1 Approval of the Minutes of August 1, 2024

Commissioner Driscoll said he had an opportunity to review the minutes, and he would like to approve them.

Commissioner Driscoll made a motion to approve the August 1, 2024, minutes. This was seconded Commissioner Koutoulas. Vote unanimous, motion passed.

2.2 Approval of the minutes of September 5, 2024.

Commissioner Koutoulas made a motion to approve the minutes of September 5, 2024. This was seconded by Commissioner Driscoll. Vote unanimous, motion passed.

2.3 Approval of the minutes of September 11, 2024

Chairperson Angus abstained.

Commissioner Driscoll made a motion to approve the minutes of September 11, 2024. This was seconded by Commissioner Koutoulas. Vote 2-0, unanimous, motion passed.

2.4 Approval of the minutes of September 19, 2024

Chairperson Angus abstained.

Commissioner Koutoulas made a motion to approve the minutes of September 11, 2024. This was seconded by Commissioner Driscoll. Vote 2-0, unanimous, motion passed.

3) CONTINUED BUSINESS

No Schedule

4) MISCELLANEOUS APPLICATIONS/ REQUESTS

4.1 Robert J Lapierre, Manager

Big Dawg's Eatery LLC

d/b/a Big Dawg's Eatery

75 South Main Street

-Application for Keno License with the Massachusetts State Lottery Commission.

Robert Lapierre was present for the application. Chairperson Angus said there was a discrepancy in the address the last time he was here. The address was listed as the Village Square and you did not have any licenses for the new location yet, so that was tabled.

Bob said he is well versed on the rules and regulations of the lottery.

Commissioner Driscoll made a motion to place this on file. This was seconded by Commissioner Driscoll. Vote unanimous, motion passed.

5) ONE DAY APPLICATIONS

5.1 Cynthia Graham, Applicant

Haverhill Firefighting Museum

75 Kenoza Street

-Application for one day All Alcohol liquor license for Chili Cookoff Fundraiser on October 19, 2024, at 75 Kenoza Street from 5pm to 9pm.

-Pending Police approval, updated tips certificate.

Patricia appeared online for this application. She is person who is tips certified and serving alcohol. Her tips certification is good until October 7, 2024. She will take new tips certification class and get recertified. Chairperson Angus reminded her that we cannot issue the License until we have the updated tips certificate.

Commissioner Koutoulas made a motion to approve the application pending updated TIPS certificate. This was seconded Commissioner Driscoll. No public participation. Vote Unanimous, motion passed.

5.2 Kim Dandurant, Applicant

Armenian Church at Hye Point

1280 Boston Road

-Application for one day all alcohol liquor license for the Consecration ceremony on October 25, 2024, from 4pm to 9pm.

-Pending police approval.

Kim was present for this item. It was taken together for the October 26, 2024, application. Kim said they are consecrating their sanctuary. It is a 3-day ceremony. Bishops and Priests come from throughout United States. This license is for the ceremony for the opening of the doors, and they are going to be having appetizers and drinks. Like a cocktail hour. All the servers are tips certified. The event does have police approval.

Commissioner Driscoll made a motion to approve one day license for October 25, 2024, and the event on October 26, 2024. This was seconded by Commissioner Koutoulas. Vote Unanimous, motion passed

5.3 Kim Dandurant, Applicant

Armenian Church at Hye Point

1280 Boston Road

-Application for one day all alcohol license for the Consecration dinner on October 26, 2024, from 2pm to 9pm.

-Pending police approval.

Kim was present for this item. It was taken together for the October 25, 2024, application. Kim said they are consecrating their sanctuary. It is a 3-day ceremony. Bishops and Priests come from throughout United States. This application is for the celebration dinner. All their servers are tips certified. The event does have police approval.

Commissioner Driscoll made a motion to approve one day license for October 25, 2024, and the event on October 26, 2024. This was seconded by Commissioner Koutoulas. Vote Unanimous, motion passed

5.4 Anastasia Dimopoulos, Applicant

Hellenic Orthodox Church

154-156 Winter Street

-Application for one day all alcohol license for the festival event on November 8, 2024, from 11am-10pm.

-1 police detail required for the nighttime hours

Anastasia appeared for this application. There are two applications. One application is for November 8, 2024, and the other is November 9, 2024. It is for their 2-day event. Anastasia is the president of the Greek Church. It is their yearly 2-day festival. They serve alcohol with the dinners. They have tips certified servers.

Chairperson Angus verified that the alcohol is being purchased from an authorized source and told her to make sure to upload the receipts.

Commissioner Koutoulas made a motion to approve the one-day license for November 8, 2024, and November 9, 2024. This was seconded by Commissioner Driscoll. Vote unanimous, motion passed.

5.5 Anastasia Dimopoulos, Applicant

Hellenic Orthodox Church

154-156 Winter Street

-Applicant for one day all alcohol liquor license for the festival event on November 9, 2024, from 11am-1am.

-1 police detail required for the nighttime hours

Anastasia appeared for this application. There are two applications. One application is for November 8, 2024, and the other is November 9, 2024. It is for their 2-day event. Anastasia is the president of the Greek Church. It is their yearly 2-day festival. They serve alcohol with the dinners. They have tips certified servers.

Commissioner Koutoulas made a motion to approve the one-day license for November 8, 2024, and November 9, 2024. This was seconded by Commissioner Driscoll. Vote

unanimous, motion passed.

5.6 Allison Gagne, Applicant

NECC

100 Elliott Street

-Application for a one-day beer and wine liquor license on October 24, 2024, from 5pm to 7:30pm for the awards ceremony event,

-Pending police approval.

Allison was present for the application. This is for the annual Waystone Health and Human Services award ceremony. They get a caterer and have beer and wine. The event lasts for about an hour and a half.

Commissioner Driscoll made a motion to approve the one-day License for October 24, 2024. This was seconded by Commissioner Koutoulas. Vote unanimous, motion passed.

6) BUSINESS CERTIFICATES

No Schedule

7) ENTERTAINMENT APPLICATIONS

7.1 Florian Qoqi, Manager

Madison's LLC

d/b/a Jimmy K's Diner

91 Plaistow Road

-Application for new entertainment license for the hours of Sunday - Saturday 7am-2pm for Radio and TV.

-Pending entity vote.

This item was taken together with the common victualler license and alcohol license application. Florian was present for this application. He is going to keep everything the same and be open for breakfast and lunch.

Commissioner Driscoll made a motion to approve the entertainment license, the common victualler license and the alcohol license pending the signed lease, ABCC approval, TIPS certificates, Liquor liability insurance and 304 inspection This was seconded by Commissioner Koutoulas. Vote Unanimous, motion passed.

7.2 Ylkania Abad, Manager

La Nueva Lechonera Inc.

d/b/a La Nueva Lechonera Inc.

145 Winter Street

-Application for new entertainment license for the hours of Sunday 8am-1am, Monday-Thursday 8am-10pm, Friday 8am-2am, Saturday 8am-1am for D.J., Karaoke, Dancing by patrons, Radio, TV.

The entertainment License and the common victualler license were taken together. The Police are ok with the proposed hours. Amiris Rodriguez was present for the applications she is one of

the owners. Chairperson Angus reminded her that the occupancy is 40 and that everyone in the building counts against the occupancy number. This includes customers workers and entertainment. She said she made an area inside for the dancing. Chairperson Angus said she is in a residential area and said they ask all of their licensees to stop the entertainment a half hour early. This helps to get everyone of the premises. She was also asked to keep in mind the music levels.

Commissioner Koutoulas made a motion to approve the entertainment license with hours ending a half hour early and the common victualler license pending business certificate and signed lease. Vote unanimous, motion passed.

7.3 Gan Mina, Manager

Gino's Pizza of Haverhill Inc.,
d/b/a Gino's Pizza and Roast Beef
200 Main Street, Unit C

-Application for entertainment license for the hours of Sunday closed, Monday-Thursday 10am-9pm, Friday and Saturday 10am-10pm for Radio and Tv.

-Has Police and entertainment zoning approval.

Behsoy was present for this application. His business partner is at the store. This application already has Police and entertainment zoning approval.

Commissioner Koutoulas made a motion to approve the entertainment license for Gino's Pizza. This was seconded by Commissioner Driscoll. Vote unanimous, motion passed.

8) COMMON VICTUALLER APPLICATIONS

8.1 Florian Qoqi, Manager

Madison's LLC
d/b/a Jimmy K's Diner
91 Plaistow Road

-Application for new common victualler license for the hours of Sunday - Saturday 7am-2pm.

-Pending occupancy and entity vote.

This item was taken together with the entertainment license and the alcohol license application. Florian said he is taking over Jimmy K's restaurant. He is going to keep everything the same. Florian has been In the business for 15 years and owns other locations.

Commissioner Driscoll made a motion to approve the entertainment license, the common victualler license and the alcohol license pending the signed lease, ABCC approval, TIPS certificates, Liquor liability insurance and 304 inspection This was seconded by Commissioner Koutoulas. Vote Unanimous, motion passed.

8.2 Ylkania Abad, Manager

La Nueva Lechonera Inc.
d/b/a La Nueva Lechonera Inc.

145 Winter Street

-Application for new common victualler license for the hours of Sunday 8am-1am, Monday- Thursday 8am-10pm, Friday 8am-2am, Saturday 8am-1am.

-Pending business certificate, entity vote and signed lease

This was taken together with the entertainment license. Amiris Rodriguez was present for the applications she is one of the owners. She is going to keep everything the same except she is going to change the hours a little. The food and the workers will stay the same. She said later on she would like to do renovations and make the space bigger.

Commissioner Koutoulas made a motion to approve the entertainment license with hours ending a half hour early and the common victualler license pending business certificate and signed lease. Vote unanimous, motion passed.

9) OUTDOOR DINING APPLICATIONS

No Schedule

10) ALCOHOL/ ABCC APPLICATIONS

10.1 Florian Qoqi, Manager

Madison's LLC

d/b/a Jimmy K's Diner

91 Plaistow Road

-Application for transfer of section 12 Restaurant All Alcohol license.

-Pending updated bank statements, TIPS, Liquor Liability, ABCC approval, 304 certificate of inspection, signed lease

This item was taken together with the common victualler license and the entertainment license application. Florian was present for the applications. He said he is taking over Jimmy K's Diner and he plans on keeping everything the same. He will be keeping the employees. They are all TIPS certified.

Chairperson Angus said it looks like the application is in order and they have the amended financial page, and it all appears to be in order now. Florian will be on the premises for 40 hours per week and his business partner will be managing the other location.

Commissioner Driscoll made a motion to approve the entertainment license, the common victualler license and the alcohol license pending the signed lease, ABCC approval, TIPS certificates, Liquor liability insurance and 304 inspection This was seconded by Commissioner Koutoulas. Vote Unanimous, motion passed.

10.2 Jennifer L. Dick, Proposed Manager

Bradford Village square LLC

d/b/a Bradford Village Square

109 South Main Street

-Application for change of Manager.

-Pending TIPS cert.

Jennifer Dick was present for this application. She is the manager at Bradford Village Square.

She has been there since it opened. She has experience in service of alcohol. She does have a TIPS certificate. She will make sure that it gets to the Commission.

Commissioner Driscoll made a motion to approve the change of manager application pending TIPS certification. This was seconded by Commissioner Koutoulas. Vote unanimous, motion passed.

10.3 Diane Mazraani, Proposed Manager

Grab N Go Market Inc.

Grab N Go Market

387 South Main Street

-Application for change of manager.

-Pending updated TIPS certificate.

Diane appeared for this application. She has experience selling alcohol for many years. She is TIPS certified. She will send that to the Commission. She does work full time at the hospital remotely. She will be at the store for at least 40 hours per week.

Commissioner Koutoulas made a motion to approve the change of manager application pending TIPS certificate. This was seconded by Commissioner Driscoll. Vote Unanimous, motion passed.

10.4 Christopher Sargent, Proposed Manager

Haverhill Ridgerunners Fish & Game Club, Inc

d/b/a Haverhill Ridgerunners Fish & Game Club

462 Kingsbury Avenue

-Application for multiple amendments for change of manager and change of officers'/directors/ LLC Managers,

-Pending updated tips certificate.

Christopher Sargent was present for the application. He said that he used to own a candle pin bowling alley and has a lot of experience selling alcohol. He is TIPS certified. He will submit a copy to the Commission.

Chairperson Angus said the officers and directors' application is in order. She reminded them they need to do that every time they have a change of officers.

Commissioner Driscoll made a motion to approve the application for multiple amendments pending updated TIPS certificate. This was seconded by Commissioner Koutoulas. Vote unanimous motion passed.

11) MOTOR VEHICLE APPLICATIONS

No Schedule

12) CARRY IN LICENSE APPLICATIONS

NO SCHEDULE

13) ITEM FOR DISCUSSION

13.1 Carol Duggan, Manager

Haverhill Lodge #165 B.P.O.E of Haverhill
d/b/a Elk's Club
24 Summer Street

Item for discussion: Failure to attend the mandatory Liquor License renewal meeting on September 19, 2024

The Licensee was present. Chairperson Angus reminded the Licensees that we have been having the annual renewal meetings for over 10 years and they are mandatory. She told them we all have busy schedules, and this year they added another layer and had the ABCC present. This was to clarify some of the rules and regulations and help you avoid the pitfalls that other licensees have fallen into. She reminded them that if everyone else can take time out of their busy schedules there is no reason they cannot. She told them they could send someone in their place. Chairperson Angus wants to see everyone at the renewal meeting next year. It is the only way to relay important information. She reminded the Licensees that having a liquor license is a privilege.

13.2 Nancy Ann Pegnam, Manager

Crescent Yacht Club
d/b/a Crescent Yacht Club
30 Ferry Street (Rear)

-Item for discussion: Failure to attend the mandatory liquor license renewal meeting.

The Licensee was present. Chairperson Angus reminded the Licensees that we have been having the annual renewal meetings for over 10 years and they are mandatory. She told them we all have busy schedules, and this year they added another layer and had the ABCC present. This was to clarify some of the rules and regulations and help you avoid the pitfalls that other licensees have fallen into. She reminded them that if everyone else can take time out of their busy schedules there is no reason they cannot. She told them they could send someone in their place. Chairperson Angus wants to see everyone at the renewal meeting next year. It is the only way to relay important information. She reminded the Licensees that having a liquor license is a privilege.

13.3 Alexander Demorla, Manager

Crusttown Inc
d/b/a Crusttown
150 Washington Street

-Item for discussion: Failure to attend the mandatory license renewal meeting on September 19, 2024.

There was no one present for this item.

13.4 Peter Carbone, Manager

Haverhill Beef Company, LLC
d/b/a Haverhill Beef Co
117 Merrimack Street

-Item for discussion: Failure to attend the mandatory liquor license renewal meeting on September 19, 2024

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13.5 Sandra Sarbanis, Manager

Sandra L Sarbanis
d/b/a Kenoza Variety
68 Kenoza Ave

-Item for discussion: Failure to attend the mandatory liquor license renewal meeting on September 19, 2024

The Licensee was present. Chairperson Angus reminded the Licensees that we have been having the annual renewal meetings for over 10 years and they are mandatory. She told them we all have busy schedules, and this year they added another layer and had the ABCC present. This was to clarify some of the rules and regulations and help you avoid the pitfalls that other licensees have fallen into. She reminded them that if everyone else can take time out of their busy schedules there is no reason they cannot. She told them they could send someone in their place. Chairperson Angus wants to see everyone at the renewal meeting next year. It is the only way to relay important information. She reminded the Licensees that having a liquor license is a privilege.

13.6 Michael Pifko, Manager

110 Grill 1165 Haverhill LLC
d/b/a 110 Grill
1175 Main Street

-Item for discussion: Failure to attend the liquor license renewal meeting on September 19, 2024.

The Licensee was present. Chairperson Angus reminded the Licensees that we have been having the annual renewal meetings for over 10 years and they are mandatory. She told them we all have busy schedules, and this year they added another layer and had the ABCC present. This was to clarify some of the rules and regulations and help you avoid the pitfalls that other licensees have fallen into. She reminded them that if everyone else can take time out of their busy schedules there is no reason they cannot. She told them they could send someone in their place. Chairperson Angus wants to see everyone at the renewal meeting next year. It is the only way to relay important information. She reminded the Licensees that having a liquor license is a privilege.

13.7 Siddhartha Bhalodia, Manager

S & S Kitchen LLC

d/b/a Burrito Spice
225 Lincoln Ave

-Item for discussion: Failure to attend the mandatory Liquor license renewal meeting on September 19, 2024.

The Licensee was present. Chairperson Angus reminded the Licensees that we have been having the annual renewal meetings for over 10 years and they are mandatory. She told them we all have busy schedules, and this year they added another layer and had the ABCC present. This was to clarify some of the rules and regulations and help you avoid the pitfalls that other licensees have fallen into. She reminded them that if everyone else can take time out of their busy schedules there is no reason they cannot. She told them they could send someone in their place. Chairperson Angus wants to see everyone at the renewal meeting next year. It is the only way to relay important information. She reminded the Licensees that having a liquor license is a privilege.

13.8 Panayiotis Panourgias, Manager

The Fat Greek LLC
d/b/a The Fat Greek
15 Washington Street

-Item for discussion: Failure to attend the mandatory liquor license renewal meeting on September 19, 2024.

There was no one present for this item.

13.9 Parulben Patel, Manager

Hari Smuti, LLC
d/b/a Shamrock Liquors
400 Lowell Ave #6

-Item for discussion: Failure to attend the mandatory liquor license renewal meeting on September 19, 2024.

The Licensee was present. Chairperson Angus reminded the Licensees that we have been having the annual renewal meetings for over 10 years and they are mandatory. She told them we all have busy schedules, and this year they added another layer and had the ABCC present. This was to clarify some of the rules and regulations and help you avoid the pitfalls that other licensees have fallen into. She reminded them that if everyone else can take time out of their busy schedules there is no reason they cannot. She told them they could send someone in their place. Chairperson Angus wants to see everyone at the renewal meeting next year. It is the only way to relay important information. She reminded the Licensees that having a liquor license is a privilege.

13.10 Sunil Samtani, Manager

Sunil Samtani, LLC
d/b/a Liquor Warehouse
64 Locust Street

Item for discussion: Failure to attend the mandatory renewal meeting on September 19,

2024

The Licensee was present. Chairperson Angus reminded the Licensees that we have been having the annual renewal meetings for over 10 years and they are mandatory. She told them we all have busy schedules, and this year they added another layer and had the ABCC present. This was to clarify some of the rules and regulations and help you avoid the pitfalls that other licensees have fallen into. She reminded them that if everyone else can take time out of their busy schedules there is no reason they cannot. She told them they could send someone in their place. Chairperson Angus wants to see everyone at the renewal meeting next year. It is the only way to relay important information. She reminded the Licensees that having a liquor license is a privilege.

13.11 Ganesh Bisa, Manager

Bista and Bhandari LLC

d/b/a Tawa Tandoor

36 Plaistow Road

-Item for discussion: Failure to attend the mandatory liquor license renewal meeting on September 19, 2024.

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13.12 Paul Tomacchio, Manager

The Food Bros Corp

d/b/a Timeout Sports Bar

122 Washington Street

-Item for discussion: Failure to attend the mandatory renewal meeting on September 19, 2024.

The Licensee was present. Chairperson Angus reminded the Licensees that we have been having the annual renewal meetings for over 10 years and they are mandatory. She told them we all have busy schedules, and this year they added another layer and had the ABCC present. This was to clarify some of the rules and regulations and help you avoid the pitfalls that other licensees have fallen into. She reminded them that if everyone else can take time out of their busy schedules there is no reason they cannot. She told them they could send someone in their place. Chairperson Angus wants to see everyone at the renewal meeting next year. It is the only way to relay important information. She reminded the Licensees that having a liquor license is a privilege.

13.13 Phillip Charles Betham II, Manager

Hidden Pig LLC

d/b/a The Hidden Pig

130 Washington Street

-Item for discussion: Failure to attend the mandatory renewal meeting on September 19, 2024.

There was no one present for this item.

13.14 Dharmesh Dave, Manager

Anrush LLC

d/b/a Bradford Liquors

91 South Main Street

-Item for discussion: Failure to attend the mandatory renewal meeting on September 19, 2024.

The Licensee was present. Chairperson Angus reminded the Licensees that we have been having the annual renewal meetings for over 10 years and they are mandatory. She told them we all have busy schedules, and this year they added another layer and had the ABCC present. This was to clarify some of the rules and regulations and help you avoid the pitfalls that other licensees have fallen into. She reminded them that if everyone else can take time out of their busy schedules there is no reason they cannot. She told them they could send someone in their place. Chairperson Angus wants to see everyone at the renewal meeting next year. It is the only way to relay important information. She reminded the Licensees that having a liquor license is a privilege.

13.15 Barbara Glicklich, Manager

Wicked Axe LLC

d/b/a Wicked Axe

721 South Main Street

-Item for discussion: Failure to attend the mandatory liquor license renewal meeting on September 19, 2024.

The Licensee was present. Chairperson Angus reminded the Licensees that we have been having the annual renewal meetings for over 10 years and they are mandatory. She told them we all have busy schedules, and this year they added another layer and had the ABCC present. This was to clarify some of the rules and regulations and help you avoid the pitfalls that other licensees have fallen into. She reminded them that if everyone else can take time out of their busy schedules there is no reason they cannot. She told them they could send someone in their place. Chairperson Angus wants to see everyone at the renewal meeting next year. It is the only way to relay important information. She reminded the Licensees that having a liquor license is a privilege.

13.16 Vyomesh Patel, Manager

Nesh LLC

d/b/a Town's Variety & Liquor
277 Groveland Street

-Item for discussion: Failure to attend the mandatory renewal meeting on September 19, 2024.

The Licensee was present. Chairperson Angus reminded the Licensees that we have been having the annual renewal meetings for over 10 years and they are mandatory. She told them we all have busy schedules, and this year they added another layer and had the ABCC present. This was to clarify some of the rules and regulations and help you avoid the pitfalls that other licensees have fallen into. She reminded them that if everyone else can take time out of their busy schedules there is no reason they cannot. She told them they could send someone in their place. Chairperson Angus wants to see everyone at the renewal meeting next year. It is the only way to relay important information. She reminded the Licensees that having a liquor license is a privilege.

14) SHOW CAUSE HEARING

14.1 Jean-Pierre Saliba, Manager

Royal Crest Motors, LLC
d/b/a Royal Crest Motors
769 Amesbury Road

-Violation of Motor Vehicle 2 License.

Sergeant Lynch said on August 20, 2024, at 2:30pm he conducted a compliance check at Royal Crest Motors. At that time, he counted 104 vehicles on the lot for sale. He spoke with the owner and advised him that there were too many vehicles on the lot. He said that he just returned from vacation, and he had 9 deals pending and the cars would be gone.

On August 26, 2024, at 1:30 Sergeant Lynch conducted a follow up compliance check. He counted 104 vehicles on that day as well.

Jean-Pierre Saliba was present. He said there was a mistake because the Officer did not come on the 26th he came on the 28th. He presented a picture of Sergeant Lynch at the establishment.

Chairperson Angus told him it does not matter which date it is because there were still too many cars on the lot. Sergeant Lynch said his notes are typo and the police report is dated the 28th.

Jean-Pierre said he was out of state, and it was his first day back. He presented his boarding pass to the Commission. He said that he explained to Sergeant Lynch that some of the cars were people that came to visit him after his trip and that the owners were on the premises. He disputed the total amount cars. He said he took a video counting all the cars. He said he got 94 cars. He wanted to show the Commission the video. He said that the Officer mentioned there was junk on the lot and the video shows there is no junk on the lot.

Commissioner Koutoulas said your friends visiting you would count towards customer or employee parling because they are taking space on the lot. She also said we do have implicit trust in our Police Officer. She said we have to have a number, and the Sergeant came back and found too many cars on the lot twice.

Commissioner Koutoulas asked him how many cars he has for sale. Jean-Pierre said his count today was 78. Commissioner Koutoulas said the maximum number of cars for sale is 84. She said even if your customers or employees are not there you cannot have more than 84. Sergeant Lynch 87 is the correct number. He presented pictures of the Commission.

Sergeant Lynch said the second day when he went there, and he was leaving they were moving cars across the street. He owns the place across the street also. He said he asked his friends to leave that is why the cars were moving.

Chairperson Angus asked who is in charge when he is gone. Tony was present in the audience, and he said Tony is in charge when he is not there. He said that Tony does know the number of vehicles that are allowed on the lot. Chairperson Angus said because you are on vacation does not mean that you can stack the cars on the lot.

Jean-Pierre said he had 10 cars that were supposed to leave, and they could not leave in his absence because he has to sign the title over.

Chairperson Angus told him he cannot go over for any amount of time. Commissioner Koutoulas said this is for safety is emergency vehicles had to get it they would not be able to if there were too many cars.

Jean-Pierre said he should have flexibility and have a total maximum. He also said his license says 93 cars for display and sale. He said when his numbers were decreased, they did that so he could have flexibility.

Sergeant Lynch said according to the plot plan he submitted it says 93 total 6 spaces for employee and customer parking and 87 total sale and display.

Commissioner Koutoulas said usually the number is broken out this one is not, but it was your choice to have less room for your customers.

Chairperson Angus said he was still over the number. Chairperson Angus said the reason the license was reduced was because there were too many cars on the lot. Sergeant Lynch said there is a sign for customer parking, but he usually has other things parked there.

Chairperson Angus said she suggests the license is revised to show 93 spaces total and 87 for display and sale and 6 spaces for customer parking.

Chairperson Angus told Jean-Pierre that the 6 spaces must be used for customer parking or employee parking or people visiting they cannot be used for display of cars. There are 87 spots for display of cars for sale only.

Commissioner Driscoll made a motion place Jean-Pierre on probation for 60 days and to amend the license to 87 cars for display or sale, 6 for employee, customer, and visitor parking. This was seconded by Commissioner Koutoulas. Vote Unanimous, motion passed.

14.2 Jessica Williams, 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 August 9, 2024

Chairperson Angus announced that her son is an employee of the Haverhill Police Department. He is the author to the supplemental report. She has not discussed this matter with him. She said she can be impartial, and she is not swayed but the fact that his name is on the report. She asked if there were any objections. There were no objections.

Sergeant Lynch said on August 9, 2024, at 12:40 am officers were dispatched to 978 Lounge for a disturbance. The victim said he was singing karaoke when he pushed off stage by an employee

and hitting his head. The victim said he was never advised to get off the stage he was just pushed off the stage. The manager and the employee told police they asked the victim to get off the stage because karaoke was ending. The victim refused and when he did get off the stage he fell. He said other patrons that refused to provide their names stated the victim was being obnoxious and would not get off the stage. HPD requested video of the event. The video was not provided, and the officers were told the video must have been shut off at that time. The victim did receive treatment at the hospital and there was a criminal complaint. Sergeant Lynch has a concern about video. This was discussed last month, and they are still having problems with it.

Commissioner Koutoulas asked if this was the same employee that was talked about last time. Sergeant Lynch said yes, it is.

Attorney Chermis said they have already addressed the camera problem. He also told the Commission that no criminal charges have been issued as a result of this incident. He does think the charges made it past the clerk magistrate hearing. He said there was no arrest on scene there was summons and they are left with just allegations. He also said this incident took place while the bar was not on probation.

Commissioner Koutoulas said she witnessed an incident in 2021, and she was still getting letters from the District Attorney 6 months ago that the case was still being reviewed. She said just because there is no dismissal does not mean the case is not going forward. Attorney Chermis said for the summons case it needs to go for a clerk magistrate hearing. There are differences between the cases. He said Commissioner Koutoulas' case that the criminal case probably already been issued. In the other case court proceeding have not even started.

Chairperson Angus is concerned that it is the same individual that was involved in the other incident. She said it was mentioned the only reason he is here is to pay the karaoke people. Chairperson Angus asked if he can do that before the bar gets into full swing and leave the check with someone. She thinks something needs to be done about this person. She is concerned because it is a short time period between that incident and this incident. She said something needs to be done to deescalate the situation.

Chairperson Angus asked what the solution is if someone is not listening. Jessica said they call the police or have the bouncer escort them out. Commissioner Koutoulas said the police need to be called in case the man is injured. Commissioner Koutoulas said you are leaving him to be a danger to himself or others if he is left outside.

Commissioner Koutoulas made a motion for early closing at 11pm for the period of probation for 8 months. This was seconded by Commissioner Driscoll. Vote unanimous, motion passed.

14.3 Jessica Williams, 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 August 18, 2024

Attorney Chermis and Jessica Williams were present for this item.

Sergeant Lynch said on August 18, 2024, at approximately 12:46 am, an officer that was assigned to the downtown beat was in front of the 978 Lounge when he heard a loud smack

coming from the bar. He heard the victim yell at the person who assaulted him and ran away. Officers attempted to stop the fleeing suspect. His brother intervened and pushed the suspect. He displayed signs of being intoxicated by slurring his words. It was noted that numerous parties were around when this incident occurred. They were intoxicated and yelling at officers. Sergeant Lynch said they requested video, and they could not get video. The person who was arrested at the bar was intoxicated.

Chairperson Angus reminded Jessica her oath continues through this hearing as well.

Attorney Cherms said this occurred before probation. This was a fight between brothers. He noted that CMR 204 states no illegality may occur in or on the licensed premises. The report states the Officer was not viewing the bar but heard a smack and then saw someone run out. He said this incident occurred outside. He said technically that is an assault and battery and that was not charged the only thing that was charged was the assault and battery on the police officer. That was the incident that took place outside of the bar.

Sergeant Lynch said that is because the victim did not want to press charges.

Attorney Cherms said all that was witnessed was a smack sound and it was not seen happen inside of the bar.

Chairperson Angus said her concern is the video and they did deal with that last month. She reminded Jessica how important the videos are. She said the cameras must be the top priority.

Attorney Cherms said there is an updated camera system with a 2tb memory. It holds for longer than a month.

Commissioner Koutoulas said they heard testimony that they put people on the street, and they do not know if that happened here because they did not have cameras.

Sergeant Lynch said it was not two brothers that were assaulted but it was a man that was assaulted by the brother of the person that was arrested. He said the one that did the smack was trying to run away and the officer was trying to stop him, and his brother intervened. He said one brother was trying to protect the other brother.

Commissioner Driscoll made a motion to place this item on file. This was seconded by Commissioner Koutoulas. Vote unanimous, motion passed.

14.4 Jessica Williams, Manager

ACF LLC

d/b/a 978 Lounge

103 Washington Street

-Show cause hearing: Alleged violation of M.G.L. Ch. 138 § 13- Serving alcohol after hours- Incident that occurred on or about 9/19/24.

Attorney Cherms and Jessica Williams were present for this item.

Sergeant Lynch said on September 19, 2024, at 3am an Officer passed by 978 Lounge. He observed the interior lights to be on and people sitting at the bar. The bartender was behind the bar. The officer observed 3 plastic cups with straws half full. He knocked on the window and spoke with the manager. He advised them they cannot consume alcohol as it was 3am. The manager advised they were shift drinks. It should be noted that the officer drove through the downtown area twice between 1 and 2 am and observed the lights on at that time. Sergeant Lynch is concerned as the manager should be well versed on the limitations of the license. Sergeant Lynch wanted to remind everyone that you are not allowed to cover the windows. He

said it can only be covered from the sidewalk to 5 feet up.

Chairperson Angus reminded Jessica her oath is still in effect.

Attorney Cherms said this incident occurred while they were on probation. He said it was after the completing of the 2 weekend shutdowns. He said the business was not open. He said the 3 individuals inside were the manager, the bartender, and the security guard. He said the security guard was not drinking they are never allowed to drink. He said they do not know what was inside of the cups. He said there was no note of alcoholic beverage and no signs or symptoms of intoxication. No open alcohol bottles out on the bar. He said this was a Wednesday night going into a Thursday. He said it was going to be the first weekend they would be open after a 2-weekend shut down. They were there to restock, clean and rotate all alcohol bottles. He said this usually takes 1.5-2 hours to complete and they were there working late preparing for the next weekend.

Commissioner Driscoll said the Manager told the Officer they were shift drinks. He said that it makes no sense they must restock at Thursday morning at 3am.

Attorney Cherms said it is customary practice to get the bar prepped and ready to go on Wednesday night to prepare for the busy weekend. He also said shift drinks are a customary thing, and they can be alcoholic or non-alcoholic.

Commissioner Koutoulas said you cannot serve free drinks to any person at any time, even if they are employees. She said after hours it is very clear there is no drinking. She said even if it is a custom, it is still a violation.

Chairperson Angus said when the officer went by t 1 and 2 they were sitting at the bar and when they came back at 3 they were still sitting at the bar. She asked if they were doing the rotation why were they sitting at the bar the while time. Chairperson Angus said at the mandatory meeting the owner of the establishment raised her hand and asked if serving alcoholic beverages to your employees after hours is a violation.

Attorney Cherms said in the citation for the show cause hearing it mentioned Ch. 138 §13.

Chairperson Angus said that should be section 12. Attorney Cherms said this is a show case for the wrong violation.

Commissioner Koutoulas said this will not become invincible.

She said they want to do the right thing and also protect their actions. They are going to convene this hearing to next month. They will consult with the City Solicitor, to find out if this shall go forward. She said the first action has already been voted on.

Commissioner Koutoulas made a motion to table for a month and to consult with the City Solicitor. This was seconded by Commissioner Driscoll. Vote unanimous, motion passed.

Attorney Cherms noted his objection for the record.

14.5 Jonus Rustani, Manager

The New Lantern Cafe Inc

d/b/a New Lantern Cafe

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 August 21, 2024, at approximately 00:56.

Sergeant Lynch said on August 21, 2024, at 12:56 am an Officer was driving past the New Lantern Café when he observed a group of 6 people arguing outside of the establishment. He stopped and spoke with them. And stated that he was in the New Lantern Café and an unknown male gave him a weird look. He said the owner told him that he should leave. The male that the Officer was speaking with was arrested for disorderly conduct. Everyone that was outside of the establishment was uncooperative and it was unclear what caused the incident. When Officers spoke with the owner, he said nothing happened inside of the bar. He said he heard the argument outside of the establishment regarding someone being too close to a car. The owner did not know which car it was regarding, and it was only outside. Sergeant Lynch said this is a pattern. He does acknowledge that it does not say if any of the parties are intoxicated.

Jonus Rustani was present for this item. He said not everything in the report is correct. He said a person went to bring a cell phone to the woman's boyfriend because he left it in the bar. He said she told him to get away from the car. He tried to explain to her that the guy is only returning a cell phone. He said as that was happening in front of the beauty salon a cruiser was driving up. They stopped and they got involved. He said at that point there is nothing that he can do. He said someone was returning a cell phone and she misinterpreted the situation. He said he knew what car was involved.

Chairperson Angus asked if any of this started inside of the bar. Jonus said no. Jonus said someone is returning a cell phone and she yells at the other person, and he cannot control that. Jonus mentioned his concern that on Monday night he was assaulted and someone attempted to drag him outside of the bar. He said they took over 20 minutes to show up. He said a Police Sergeant looked at him and told him to go back inside and continue drinking and stop acting like a juvenile and make tick tock videos. He threatened to arrest him. He was very upset and said he does not drink. He said he will take a lie detector and take a breathalyzer. He said it is not fair that he will have to close early because a woman misinterprets a situation.

Chairperson Angus asked if he has his video equipment working. He said they sent him 2 sets of videos. The one he installed does not work when you hit replay. It is defective. He has a return label, and he has another one that is coming in today. He is going to return the one that he has and set the other one up. He is going to test everything out and make sure everything works. He said he will keep getting video equipment until he gets one that works. Chairperson Angus reminded him that he has to have that done by tomorrow.

Chairperson Angus instructed him to update Jennifer on the status of the cameras tomorrow. Jonus said the online news article that came out after the last time he was there was not accurate. He said the things that were said came out of his brother's mouth. All the statement that has his name attached to it came out of his brother's mouth.

Chairperson Angus told him the city has nothing to do with that and that is something that he needs to ask WHAV. He was also advised that he can file a complaint with the Police Department for the other incident.

Commissioner Driscoll made a motion to place this item on file. This was seconded by Commissioner Koutoulas. Vote Unanimous, motion passed.

15) COMMUNICATIONS

No SCHEDULE

16) PUBLIC PARTICIPATION

No Schedule

17. OTHER BUSINESS

No Schedule

18. **ADJOURNMENT**

Commissioner Driscoll made a motion to adjourn at 7:46pm, Commissioner Koutoulas seconded this item. No public comment. Vote unanimous. Motion passed.