



Haverhill

License Commission, Room 118
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LICENSE COMMISSION MINUTES
Thursday, November 2, 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, Sergeant Kevin Lynch, HPD.

1) PLEDGE OF ALLEGIANCE

2) APPROVAL OF THE MINUTES

2.1 Approval of the minutes of October 5, 2023

Commissioner Koutoulas reviewed the minutes and requested they be accepted.

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

3) CONTINUED BUSINESS

3.1 Approval of the 2024 License Commission meeting schedule.

Commissioner Angus said they are all the first Thursdays of the month except for in July because the first Thursday is a holiday.

Commissioner Driscoll said everything appears to be in order and he makes a motion to approve.

Commissioner Driscoll made a motion to approve the 2024 meeting schedule. This was seconded by Commissioner Koutoulas. No public comment, vote unanimous, motion passed.

4) ONE DAY APPLICATIONS

4.1 Allison Gagne, Applicant

NECC

100 Elliott Street

-Application for one day beer and wine liquor license for November 15, 2023, for the dinner event from 5pm to 7:30 pm. Has Police approval.

Allison Gagne appeared for this application. Commissioner Angus asked her who is Kristy Albert LLC that is listed on the liability insurance? Allison said they are using a new catering

company because the old one closed. She said the name is Michael Patrick catering. Commissioner Angus asked her if she could get a corrected insurance certificate?

Commissioner Koutoulas made a motion to approve this application pending updated insurance certificate. This was seconded by Commissioner Driscoll. No public comment, vote unanimous, motion passed.

5) BUSINESS CERTIFICATES

NO SCHEDULE

6) ENTERTAINMENT APPLICATIONS

6.1 Garrett Kattar, Manager

GDK Enterprises, LLC

d/b/a Raleigh's Tavern

27 Lafayette Square

-Application for new entertainment license for amplifiers, D.J., karaoke, amplified music, sporting events, comedy show (2 comedians), performers (3 performers), vocalists (2 vocalists), Dancing by patrons only, jukebox, radio, TV. For the hours of Sunday-Saturday 11am-11pm. Has entertainment zoning approval and police approval.

Items 6.1, 7.1 and 9.1 were all heard together. Garrett Kattar appeared for the applications. The commission is ok with the hours and the entertainment, and they reminded Garrett that he will need to stop the entertainment a half hour before closing.

Commissioner Driscoll made a motion to approve the hours, common victualler license and entertainment license. This was seconded by Commissioner Koutoulas. No public comment, vote unanimous, motion passed.

6.2 Paul Tomacchio, Manager

The Food Bros. Corp

d/b/a Time Out Sports Bar

122 Washington Street

-Application for amendment of Entertainment License: Change of DBA: From Stacks to Time Out Sports Bar.

-For amplifiers, D.J., amplified music, jukebox, radio, T.V., 1 Vocalist, For the hours of Sunday-Thursday, Saturday 8am-1am, Friday 8am-2am.

Has police approval. Pending entertainment zoning approval.

Paul and James Tomacchio appeared for these applications. Items 6.2, 7.2, 9.2 were heard together. Commissioner Angus stated that the entertainment will remain the same as they have now. James stated that for the inside entertainment they would want it in later hours. They are not interested in changing the outside entertainment that would stay the same.

Commissioner Driscoll reminded Paul and James that he should continue with good practices and have a good relationship with 70 Washington Street. Paul said they do not have amplifiers on the deck, and they have been being good neighbors. He said they will not be amplifying.

Commissioner Koutoulas made a motion to approve the change of dba for common victualler license and entertainment license and the alcohol license pending approval by inspectional services and that they serve food up to a half hour before closing. This was seconded by Commissioner Driscoll. No public comment, vote unanimous, motion passed.

6.3 Sam Boles, Manager

St Makarious, Inc.
d/b/a Hilldale Pizza
62 Hilldale Ave

-Application for new entertainment license (purchasing Hilldale Pizza) for TV for the hours of Sunday 12pm-9pm, Monday to Saturday from 10am-10pm.

-Has entertainment zoning approval and police approval.

-Pending Business certificate.

Sam Boles appeared for this application. It was taken together with 7.3 for new entertainment and new common victualler license.

Commissioner Angus asked him if he was new to the business. Sam said no he has been in Hilldale Pizza since 2005. He is buying the restaurant from his mother and there will be no changes.

Commissioner Driscoll made a motion to approve the entertainment and common victualler license. This was seconded by Commissioner Koutoulas. No public comment, vote unanimous, motion passed.

7) COMMON VICTUALLER APPLICATIONS

7.1 Garrett Kattar, Manager

GDK Enterprises, LLC
d/b/a Raleigh's tavern
27 Lafayette Square

-Application for new common victualler license. Hours applied for Sunday -Saturday 11am-11pm.

Items 6.1, 7.1, and 9.1 were all heard together. Garrett appeared for this application and said that the plan is to restore some of the history. He wants to have a cozy place for people to come in and sit and eat and enjoy some drinks.

Commissioner Angus asked him what he is going to have for a menu. Garrett says the menu is to be determined. He is working on the menu right now and it is not finalized yet. He says that it looks like his kitchen might need to be upgraded to have the type of food that he wants to serve. He wants to serve quality food with good presentation and not the normal frozen fast food.

Commissioner Driscoll made a motion to approve the hours, common victualler license and entertainment license. This was seconded by Commissioner Koutoulas. No public comment, vote unanimous, motion passed.

7.2 Paul Tomacchio, Manager

The Food Bros. Corp
d/b/a Time Out Sports Bar
122 Washington Street

-Application of amendment of common victualler license: Change of DBA. From Stacks to Time Out Sports Bar.

-For the hours of Sunday-Thursday, Saturday 8am-1am, Friday 8am-2am.

-Pending photo of the outside and entity vote.

James and Paul Tomacchio appeared for these applications. Items 6.2, 7.2, and 9.2 were heard together. James stated that the police noted online that they should close by 1am on Friday. Commissioner Koutoulas asked them what their current hours are. James said they are the same hours are on the application.

Commissioner Angus asked them if they are changing their menu? Paul said yes, they are changing the entire menu. Paul said the reason they are changing the name is they are looking for a fresh start and a totally new concept. He said the new concept is a sports bar with a full food menu.

James said that it will be similar, but they might add more TVs. The liquor portion will not be any different. The food will be stepped up to include steaks and larger burgers.

Commissioner Koutoulas told them because they are changing the menu that the inspectional services have asked to start from the beginning. Commissioner Koutoulas also told them that because they will be changing their sign, they will also have to make an appointment with the historic commission.

Commissioner Koutoulas made a motion to approve the change of dba for common victualler license and entertainment license and the alcohol license pending approval by inspectional services and that they serve food up to a half hour before closing. This was seconded by Commissioner Driscoll. No public comment, vote unanimous, motion passed.

7.3 Sam Boles. Manager

St Makarious, Inc.
d/b/a Hilldale Pizza
62 Hilldale Ave

-Application for new common victualler license (purchasing Hilldale Pizza) for the hours of Sunday 12pm-9pm, Monday to Saturday 10am-10pm.

Sam Boles appeared for this application. It was taken together with the entertainment application. Sam said that he has been in this location since 2005. It is a family business. His mother owns the business, he is buying it from his mother.

Commissioner Koutoulas asked if he is changing the menu. Sam said no he is not changing the menu.

Commissioner Driscoll made a motion to approve the entertainment and common victualler license. This was seconded by Commissioner Koutoulas. No public comment, vote unanimous, motion passed.

8) OUTDOOR DINING APPLICATIONS

No Schedule

9) ALCOHOL/ABCC APPLICATIONS

9.1 Garrett Kattar, Manager

GDK Enterprises, LLC

d/b/a Raleigh's Tavern

27 Lafayette Square

-Application for new section 12 restaurant all alcohol license. Pending business certificate.

Items 6.1, 7.1, and 9.1 were all heard together. Garrett appeared for this application. He wants to open a cozy place where people can sit and eat and have drinks. He does not want to be the last call bar. He does want the ability to possibly stay open past the time he applied for of 11pm. He wants it to be open later for holidays and events.

Commissioner Angus said that they can discuss later hours later and if they approve it today it will be until 11pm. She asked Garrett what his experience is in serving alcohol? Garrett said he does not have any experience serving alcohol but the bar manager that he has lined up has 18 years of experience. He also stated that he does have some previous restaurant experience.

Commissioner Angus also asked if he could submit additional bank statements that show his monetary contribution to the startup costs. Garrett said that he understands.

Commissioner Angus said they will stay with the 11-11 hours for now, see how it goes and if Garrett wants to come back for additional hours later that he can do that.

Commissioner Driscoll made a motion to approve the hours, common victualler license and entertainment license. This was seconded by Commissioner Koutoulas. No public comment, vote unanimous, motion passed.

9.2 Paul Tomacchio, Manager

The Food Bros. Corp

d/b/a Time Out Sports Bar

122 Washington Street

-Application for amendment: Change of DBA: From Stacks to Time Out Sports Bar.

Items 6.2, 7.2, 9.2 were taken together. Paul and James Tomacchio appeared for these applications; their plan is to bring a new concept to Haverhill. They want to become a Sports Bar and serve food. They will be changing their menu. They want to keep the hours the same.

Cori Thurlow came up to speak. She lives at 70 Washington Street. She asked what the hours of the Kitchen are going to be. Paul said it is not locked in yet, but they are thinking between 10pm and 11pm. Cori said she was told that alcohol cannot be served outside on the deck unless there was also food served. Cori asked how late people will be out on the deck. Paul said they would always have things ready to be served.

Commissioner Angus said patrons need to be able to order food if alcohol is being served. James said they have no problem keeping their kitchen open later. James said they would make sure they are compliant.

Commissioner Koutoulas stated that it has been the policy that if they are serving alcohol their kitchen needs to be open as well. If they close the kitchen at 10:30 then 11pm would be the closing time. James spoke and said they have no problem keeping the kitchen open until a half hour before they close.

Cori Thurlow asked if they would be out on the deck serving food until 1am? James said until a half hour before. Commissioner Koutoulas told Cori that there would be no amplified music or piped music.

Commissioner Angus asked James and Paul if they would be opposed to closing the deck earlier. James said it is too hard to close the deck when you have people outside. He said they do not have large crowds outside they only have people sitting and eating and enjoying a drink out there. Lou Fossarelli came up to speak. He lives at 70 Washington Street. Lou was very upset that he was at the hearing again for another meeting. Lou said they want to stay open too late. He was upset about the wording on the application, making no distinction between the deck and the inside. Lou requested that everything be spelled out, written, and advertised about the deck restrictions. Lou stated the motives behind the application are suspect and the application was very informal. Lou is very concerned about the application and how the rules will be enforced. Cori Thurlow came back up to speak. Cori stated she had only one day to prepare for the meeting because she was not notified. She also asked what does it mean pending entity vote and photo of the outside?

Commissioner Angus spoke and said that they require a photo of the outside of the premises so they can be familiar with the area. The entity vote is the corporate vote authorizing them to change their name. The reason there is no notification is because this is a change of dba who holds an existing license, and it does not need to be advertised.

Commissioner Koutoulas said that on the entertainment license it is outlined and very clear on the license there is no outdoor amplification and the deck hours are different than the inside. Commissioner Angus asked Paul if he could scale the hours back during the week. Paul said that with it being a sports bar, they really want to be able to stay open for the game. Paul said it is very hard in this industry to make a profit and they at least want to survive. Paul said he would have a hard time moving the hours back during the week. James said just to clarify their name as Stacks they are looking for the same thing just to change their dba. They do not want to do anything different than they were doing before.

Commissioner Angus clarified the hours they are asking for. The hours are Sunday 10am-1am., and Monday-Saturday 8am-1am.

Commissioner Koutoulas made a motion to approve the change of dba for common victualler license and entertainment license and the alcohol license pending approval by inspectional services and that they serve food up to a half hour before closing. This was seconded by Commissioner Driscoll. No public comment, vote unanimous, motion passed.

10) MOTOR VEHICLE APPLICATIONS

No Schedule

11) CARRY IN LICENSE APPLICATIONS

No Schedule

12) ITEM FOR DISCUSSION

12.1 Samantha Petrou, Manager

Samp Beverage LLC
d/b/a Butch's Uptown
63 Locke Street

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

meeting.

Samantha appeared for this item. Commissioner Angus reminded everyone they are here for an item for discussion for failure to attend the mandatory renewal meeting. Commissioner Angus reminded the license holders that this meeting is important because it streamlines the renewal process, and it is the only time that we get to meet with everyone and check in. The police come to discuss best practices and inspectional services also attended. If the manager is not able to come to the meeting the establishment should send a representative. It is important to attend the renewal meeting and she hopes that everyone will attend next year.

12.2 Phillip Charles Bentham II, Manager

Hidden Pig LLC
d/b/a The Hidden Pig
130 Washington Street

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

Phillip appeared for this item. Commissioner Angus reminded everyone they are here for an item for discussion for failure to attend the mandatory renewal meeting. Commissioner Angus reminded the license holders that this meeting is important because it streamlines the renewal process, and it is the only time that we get to meet with everyone and check in. The police come to discuss best practices and inspectional services also attended. If the manager is not able to come to the meeting the establishment should send a representative. It is important to attend the renewal meeting and she hopes that everyone will attend next year.

12.3 Juan Cepeda, Manager

D & B Supermarkets Inc.,
d/b/a Union Supermarket
233 Winter Street

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

Juan appeared for this item. Commissioner Angus reminded everyone they are here for an item for discussion for failure to attend the mandatory renewal meeting. Commissioner Angus reminded the license holders that this meeting is important because it streamlines the renewal process, and it is the only time that we get to meet with everyone and check in. The police come to discuss best practices and inspectional services also attended. If the manager is not able to come to the meeting the establishment should send a representative. It is important to attend the renewal meeting and she hopes that everyone will attend next year.

13) SHOW CAUSE HEARING

13.1 Hermis Luis Lopez Gomez, Manager

Restaurante Lechonera By Aurora Corp.

d/b/a La Lechonera

145 Winter 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, Alleged violation of City of Haverhill Ordinance Article 2, Section 15: Serving alcohol without TIPS certification.

Sergeant Lynch came up and gave the facts of the incident. On October 12, 2023, HPD conducted an underage sting. Detectives and the underage operatives went to 145 Winter Street. The operatives went in and ordered a Corona Beer. The operatives were served the beer, and they notified the detectives. Sargent Lynch went in the bar and spoke with the server. The server was asked if he was tips certified and he pointed to the tips jar. HPD understood that as no he was not certified. Sargent Lynch also said they were before the board not that long ago and their attorney at that time told us they did understand the rules.

Sargent Lynch also stated that they did have 6 bottles of wine on a wine rack that was accessible to anyone. He did advise the manager that they should take that down and they took it down that night.

Gary Ortiz was present to translate for Jose Duran. Gary stated that they understand what happened and they do not want to continue to sell alcohol and they want to drop off the license. Gary stated that they had a difficult time keeping employees and that they paid for employees to get tips certified and then they quit. Gary is the accountant for the establishment and as an accountant he recommended that it is too expensive for them to continue to sell alcohol. Gary said they want to continue their current hours serving lunch and food and they do not want the liquor license anymore. Gary stated that they do not sell enough alcohol to make a profit on it. Gary also stated that day the person working there was instructed not to sell any alcohol because he was not certified but he decided to sell it anyway. After the incident the owners removed all the alcohol from the premises.

Commissioner Angus asked if the alcohol is off the premises. Gary said it is in the shed on the back and they are waiting for Merrimack Valley to pick it up.

Commissioner Angus said she is sorry to hear this and that she hopes they stay in the restaurant business.

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

13.2 Phillip Charles Bentham II, Manager

Hidden Pig LLC

d/b/a The Hidden Pig

130 Washington Street

-Show cause hearing: Alleged violation of 204 CMR 2.05 (2) Chapter 138, Section 34 sale or delivery of an alcoholic beverage to a person under 21, and alleged violation of 204 CMR 2.01 Failure to display liquor license.

Sergeant Lynch spoke and gave the fact is the incident. He stated that on October 12 they

conducted the underage sting. Detectives and 2 underage operatives went to 130 Washington Street. The underage operatives requested down east cider. The detectives were notified. Sergeant Lynch went in and spoke with the bartender. He asked the bartender why he served the operatives, and he said it was because he was busy. The bartender told HPD they he tips certified. Sergeant Lynch stated that he asked for the current liquor license, and it was not displayed.

Phillip came up to speak. Phillip said there was no excuse they got caught up being busy. He said they are tips certified. Phillip said the current license was in a folder with the other license and was not on display. The hustle and bustle between locations he had the license on his desk. Commissioner Angus asked if it was on the wall now? Phillip said yes, it is.

Commissioner Driscoll stated that there is no previous violations.

Commissioner Koutoulas told Phillip it would be helpful to have that employee go through tips training again. Commissioner Koutoulas said she requests that be a stipulation and they are going to place the establishment on probation for a period of 6 months.

Phillip asked what probation is.

Commissioner Angus told him that they cannot get another violation during that time, or they will address this violation and the next violation. If nothing happens in 6 months, it is complete.

Commissioner Koutoulas made a motion to have the employee go through tips training again and have The Hidden Pig on probation for 6 months. This was seconded by Commissioner Driscoll. No public comment, vote unanimous, motion passed.

13.3 Zhui Chen, Manager

Kobe Rice House Inc.

d/b/a Kobe Buddha House

89 Plaistow Road

-Show cause hearing: Alleged violation of 204 CMR 2.05 Chapter 138 Section 34 sale of delivery of an alcoholic beverage to a person under 21.

Sergeant Lynch gave the facts of the incident. On October 12 HPD conducted an underage sting. Two underaged operatives went to 89 Plaistow Road with two detectives. The underaged operatives ordered a Sam Adams and a bud light. They were served. Detectives were notified and went in and spoke to the server. The server was tips certified.

Lilly the manager appeared for this item. Lilly said that this incident did happen, and they had their server get tips certified again. She had a copy of the tips certification with her.

Commissioner Koutoulas said she does not think there is a tips certification program at Whittier Tech. Lilly said that the worker said that she did culinary there and that's where she did the test for the tips certification.

Commissioner Angus asked who was with Lilly at the meeting. Lilly said the bartender was with her but it is not the bartender that served that night. Commissioner Angus asked if the tips certification was the online tips. Lilly said yes, it is and she is waiting for the other version to come in the mail.

Commissioner Driscoll spoke and reminded everyone how important it is to keep best practices, and make sure the servers are tips certified. He also reminded everyone to be vigilant.

Commissioner Driscoll told them he knows they are not a frequent flyer at the board he does not want them to be.

Commissioner Angus reminded them about best practices also and that people over 21 usually don't mind showing their identification. Commissioner Angus told Lilly to instruct her staff on the importance of checking identification no matter how old the people are.

Lily said that she would meet with her staff every week and she would send her own people in to check on them.

Commissioner Driscoll made a motion to place Kobbe Buddha House on probation for 6 months. This was seconded by Commissioner Koutoulas. No public comment, vote unanimous, motion passed.

13.4 Russell Littlefield, Manager

Russ-Lynn Inc.

d/b/a R. G's Pub

242 ½ Winter Street

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

Sergeant Lynch gave the facts for this incident. He said on October 12 HPD conducted an underage sting. Detectives and underage operatives went into R. G's Pub. Each operative asked for a Corona beer, and they were served. Detectives were notified and went in and spoke with the bartender about the violation.

Russ Littlefield appeared for this item. Russ said since this happened the bartender has taken tips again for a refresher. Russ said that he is instructing the staff to ask for identification for anyone that they do not know.

Commissioner Angus said that it is good practice.

Commissioner Angus asked Russ if he is comfortable or if he knows the people that the serves know are of age. Russ said that he has been in that location for 40 years and a lot of the people that come in are regular people.

Commissioner Driscoll said the issue was with a person that you did not know, and they were served.

Commissioner Koutoulas asked if the person who served the operatives redid the tips training? Russ said yes, they did, and they were waiting for it to come in. Commissioner Koutoulas also requested that the tips certificate be given to the License Commission Clerk.

Commissioner Koutoulas made a motion to place R.G.'s Pub on probation for 6 months and provide a copy of the new tips certification. This was seconded by Commissioner Driscoll. No public comment, vote unanimous, motion passed.

14) COMMUNICATIONS

15) NO SCHEDULE

16) PUBLIC PARTICIPATION

NO SCHEDULE

17) ADJOURNMENT

Motion to adjourn was made at 6:46 PM by Commissioner Driscoll, seconded by Commissioner Koutoulas. Vote unanimous.