



LICENSE COMMISSION MINUTES

Thursday, June 1, 2023, at 6:00 p.m.-City Council Chambers

VIRTUAL and in person meeting

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

1) PLEDGE OF ALLEGIANCE

Election of Chairperson of the License Commission.

Laura Angus spoke. She said Chairman Joe Edwards resigned on May 17, 2023, after over 20 years of service and thanked him for his service. Linda Koutoulas, the former city clerk was appointed to his position. Linda Koutoulas made a motion to nominate Laura Angus as the chairperson for the License Commission.

Motion made by Commissioner Koutoulas to nominate Laura Angus as the chairperson. This was seconded by Commissioner Driscoll. No Public comment. Vote unanimous, motion passed.

2) APPROVAL OF THE MINUTES

2.1 Approval of the minutes of, May 4, 2023

Cori Thurlow spoke on the minutes of the May 4, 2023. She said she lives at 70 Washington Street and the minutes were not completely clear. She said she did not actually see a speaker outside that plays music from inside, but she heard what sounded like piped music outside and she was not sure where it was coming from, and the deck was empty, and it was too cold for people to be dining outside.

Motion made by Chairperson Angus to accept the minutes of April 6, 2023, as amended. This was seconded by Commissioner Koutoulas. No Public comment. Vote unanimous, motion passed.

3) CONTINUED BUSINESS

NO SCHEDULE

4) COMMON VICTUALLER APPLICATIONS

4.1 David Mahoney, Applicant

David Mahoney

d/b/a Craft Dog Deli

56 Locust Street

-Application for new common victualler license. Pending business occupancy.

David Mahoney appeared for this application. Chairperson Angus asked for an overview of what he wants to do at the establishment. David said that he plans on serving gourmet hot dogs and it will be an upscale restaurant. He said that it is very popular in the Midwest and there are not many here. They will be serving hot dogs, deli sandwiches and ice cream. He will be having dining inside. Chairperson Angus asked if he will be doing dine in and takeout and what his experience is in the industry. He said he will be doing dine in and takeout and that he has owned businesses in the past, but this will be his first restaurant.

Motion made by Commissioner Koutoulas to approve the common victualler license pending business occupancy. This was seconded by Commissioner Driscoll. No Public comment. Vote unanimous, motion passed.

4.2 Nicole Lowe, Manager

Lowe's Donuts LLC
d/b/a Lowe's Donuts
145 South Main Street

-Application for new common victualler license. Pending business occupancy, corporate vote, and completely signed lease.

Nicole Lowe appeared for this application. She is the owner of Lowe's Donuts. Her donuts are free from the top food allergies. She has two sons who have life threatening food allergies, and they were not able to find donuts anywhere. She wants to start as take-out only and later on open up to have a few tables and chairs inside.

Chairperson Angus asked her if she has any experience in the industry. Ms. Lowe stated that she has done farmers markets and events, but she has not opened a restaurant before, but she has worked in several restaurants and catering.

Motion made by Commissioner Driscoll to approve the common victualler license pending business occupancy, corporate vote, and completely signed lease. This was seconded by Commissioner Koutoulas. No Public comment. Vote unanimous, motion passed.

4.3 Chris White, Manager

CM Culinary LLC
d/b/a Hummingbird Nutritious Eats
87 Washington Street. Unit 101

-Application for new common victualler license. Pending business occupancy and inspectional approval, and corporate vote.

Items 4.3 and 9.2 were taken together, they are applications for new common victualler and outdoor dining. Chris White and Matthew Morello appeared for these applications. Chris White spoke and said that he is in the process of getting Hummingbird Nutritious Eats up and running. He described Hummingbird as globally inspired and nutritiously inspired and it is refined fast casual. They will be offering takeout and eat in options of soups and salad bowls. Chairperson Angus asked if they are planning on doing mostly takeout? Chris White said no, he expects it to be about 50/50 take out and dine in.

Chairperson Angus asked how many seats Chris and Matthew are planning on having outside

because the application asked for 28 seats outside and they said they want 22 seats outside. Matthew Morello spoke and said that the plan of 28 shows the max seating square footage wise but they may not set up all of those seats outdoors. Chairperson Angus asked them what their experience is in the industry? Chris White said that he was a professional chef in Europe for about 15 years before he moved to California and worked for one of the leading nutrition companies.

Commissioner Koutoulas said, I see at this time you have an occupancy of 40. Matthew Morello spoke and said that they were granted up to 60 because they are able to use shared bathrooms. Commissioner Koutoulas informed them that the total occupancy counts both the indoor and the outdoor dining capacities at this time. Chris White and Matthew Morello said that they understand that, and they would not surpass that.

Motion made by Commissioner Koutoulas to approve the common victualler and outdoor dining license pending business occupancy, inspectional approval, and corporate vote. This was seconded by Commissioner Driscoll. No Public comment. Vote unanimous, motion passed.

5) MISCELLANEOUS APPLICATIONS/ REQUESTS

No Schedule

6) ONE DAY APPLICATIONS

6.1 Jennifer Matthews, Applicant

L'arch Boston North, Inc
53 Wingate Street

-Application for one day all alcohol liquor license- longest table event. Has police approval requires 1 detail.

Jennifer Matthews appeared for this application. Commissioner Driscoll spoke and said this is an exciting event that everyone looks forward to and asked the applicant to describe the event. Ms. Matthews said this is the fourth year they are having the longest table event. They are bringing the event back to the boardwalk downtown. She said the event is a wonderful partnership with lots of local restaurants. It is an exciting opportunity to bring everyone together. It is to support L'Arch Boston North. L'Arch Boston North is an organization that supports people with intellectual disabilities and supports them building homes and communities. The best way to support the community is to have everyone sit at the long table. Ms. Matthews said she thinks everyone is very happy with how they did things last year and she plans on doing things the same this year.

Commissioner Driscoll asked where she will be buying the alcohol from?

Jennifer Matthews said she is going to purchase them from the same vendors as last year that are listed on the application, and they work with the Peddler's Daughter to serve the alcohol.

Chairperson Angus asked if everyone who serves the alcohol is tips certified, Jennifer said yes, they are tips certified.

Commissioner Angus said you already have city council approval.

Motion made by Commissioner Driscoll to approve the application for L'arch Boston North one day all alcohol license. This was seconded by Commissioner Koutoulas. No

Public comment. Vote unanimous, motion passed.

6.2 Ismael West, Applicant

10 Welcome Street

-Application for one day beer and wine liquor license for a wedding. Pending Police and city council approval.

Ismael West appeared for this application. Chairperson Angus asked Ismael if he is getting married or he is helping out for the wedding. Ismael said that he is the groom at the wedding, and he is getting married that day. Chairperson Angus asked him if he will also be serving the alcohol? Ismael said yes, he would also be serving the alcohol. Chairperson Angus said that someone has to be in charge, and you have to maintain safe service of alcohol also and that would be very difficult if you are the groom at the wedding. Ismael agreed and said yes that would be difficult.

Commissioner Driscoll said he is not sure if we usually issue license on city property? If any of the other Commissioners can answer that question. Commissioner Koutoulas said yes, we do. Chairperson Angus said yes, we have in the past issued them at this location but no one has applied for one in a long time. Commissioner Koutoulas said that this does also require city council approval.

Chairperson Angus asked if there is someone else that is attending the wedding that can help out with the service of alcohol? Ismael said they are just planning on having beer and wine.

Chairperson Angus said it is not what is being served but that the person who is serving needs to pay attention to safe service and if you are the groom at the wedding, you are not going to be able to do that.

Commissioner Koutoulas asked Ismael if he could have another person get tips certified and help him at the event. Ismael said yes that is possible.

Chairperson Angus asked Ismael if he could get the tips certification for the other person for the July meeting. Ismael asked when the July meeting is? Chairperson Angus said the next meeting is July 6, 2023. Ismael said yes, he could have the additional tips certification by that meeting. Chairperson Angus said she would rather have Ismael having a good time at the wedding and have someone else pay attention to the service of alcohol.

Motion made by Commissioner Koutoulas to postpone to July 6, 2023, meeting and requesting that an additional person get a tips certification. This was seconded by Commissioner Driscoll. No Public comment. Vote unanimous, motion passed.

6.3 Maria Syrniotis, Applicant

Hellenic Orthodox Church

154 Winter Street

-Application for one day all alcohol liquor license for the fundraiser event on June 24, 2023, from 6pm – 12am. Pending police approval.

Maria appeared for this application. She attended virtually. Chairperson Angus asked Maria to describe the event. Maria said it is a fundraiser event for the Greek orthodox Church. The event will be held at 154 Winter Street. The event is a raffle dinner with a cash bar. Chairperson Angus

asked where they would be purchasing the alcohol from. Chairperson Angus said the application lists Atlas Liquors in Medford is this correct? Maria said yes that is correct. Chairperson Angus asked if they are on the list? Maria said yes, they always buy from there and they are on the list. Chairperson Angus asked if they would have food at the event. Maria said yes, they will be serving food at the event, and they are getting the proper inspections for that, Chairperson Angus asked Sargent Lynch if they have police approval. Sargent Lynch responded yes; they do.

Motion made by Commissioner Driscoll to approve this application. This was seconded by Commissioner Koutoulas. No Public comment. Vote unanimous, motion passed.

7) BUSINESS CERTIFICATES

8) ENTERTAINMENT APPLICATIONS

8.1 Paul Tomacchio, Manager

The food Bros Corp.,
d/b/a Stacks
122 Washington Street

- Entertainment license- Stacks wants to amend to include amplified music on deck.

Neighbors have complaints about volume.

TJ Lawrence appeared for this request. Chairperson Angus asked TJ to tell her what has been happening on the deck to date. TJ said he was under the impression that they had the correct permits to have the jukebox speaker outside on the deck and apparently, they do not. He also said for the record that the speaker has been disconnected since the end of last Fall. TJ also said that there has not been amplified music outside in months and he does not understand why the noise complaints are coming out now, and they were not aware they did not have that license.

Chairperson Angus asked what they have been having outside for entertainment? TJ said they have not been having anything outside. TJ said they have not had any music outside since last fall since before he took the position. Chairperson Angus said the music that was approved is acoustic music only, keyboard and maybe a guitar. TJ said he was not a part of the company when the licenses were approved.

Commissioner Driscoll said currently the only music approved outside is acoustic music. TJ said yes that is correct and the speakers we have outside for the piped music cannot be played. That is what we request today we have one guy who plays Caribbean vibes he has one small speaker, and acoustic single or duo. We would like to have these outside. There would be no 4 piece for 5 piece band, no drums, no electric guitar. It would be very lowkey.

Chairperson Angus said you can't have that, you are approved for one to two people and no amplifiers outside on the deck. TJ said he understands that and that is the amendment that he is looking for to have amplified music on the deck. They want the performers to be able to have an amplifier and play the background music from inside, outside on the deck.

Commissioner Koutoulas asked TJ if he took over as the technical manager of Stacks? TJ said that he over sees that location and the other locations. Commissioner Angus told TJ that he should do a change of manager. TJ said there are a few other managers that are more on sight and if they were going to change it, it would be to one of the managers that is more on sight. The onsite managers would be more available than he is and they will get that taken care of.

Commissioner Driscoll said that there are a lot of neighbors here and he would like to hear what they have to say. TJ said they are not looking to have bands playing late at night they are looking for ambiance for people on the deck and they are more than willing to compromise.

Cori Thurlow came up to speak. Cori lives at 70 Washington Street. Cori said she wanted to clear up the confusion, she is not accusing Stacks of having loud music this season and she was sitting on her feelings from last season. She does not want to have another summer like that again like she did last year. Cori said she wants to have someone tell her how loud they are allowed to have their music, so she knows if they are within the scope of their approval. She said they seem to have a habit of doing things and getting permission later. Cori asked the Commission if they are having intolerably loud music now with only acoustic music what is going to happen when they get a permit for even louder music?

Commissioner Driscoll said the biggest thing that comes up is that TJ said they have not had loud music recently. Cori agreed and said no they have not. She said she could read the minutes if needed.

Chairperson Angus said we all have a copy of the minutes from that meeting. She also said Stacks did come back and ask if they could do acoustic music and acoustic music is not amplified music. Cori said that is not what they were doing. Cori said they had an electric keyboard hooked up to a speaker, rhythm machine and they played the same rhythm for hours. There was another performer that had more acoustic type music but also had speakers. Chairperson Angus said their intention was to have background music on the deck for the dining outside so they can enjoy and still talk to each other and that is what we granted.

Cori said that she was made aware that the police have meters to measure decibel levels and had she known that last year she would have called them to measure. Chairperson Angus told Cori that was not what they intended to grant them when they amended their license in September. Commissioner Koutoulas said they are not supposed to have any kind of electrical amplification. She said she understands that is not what Cori experienced. They also have the right to request an amendment and that is why they are here and that is why you are here also. Cori said it was so loud that she could not hear her TV in her living room, she could not have carried on a conversation. Commissioner Koutoulas said that she did research on this, and the police did check out all of the outdoor dining along the river and none of them have entertainment systems and none of them have amplification. Chairperson Angus asked Cori if there was anything else that she wanted to say. She said she is looking for a number, can someone give her a decibel number. Commissioner Driscoll said that would fall to what the ordinance is and that would go to the police department and that would tell us what the decibel is.

Sargent Lynch spoke and said that the city ordinance says that between 7am and 11pm the noise level is 70 decibels if we read it at one hundred yards. As far as the amplification during weekend nights they often get complaints that the noise is carried across the river. He also said allowing amplification outside on the deck would be quality of life issues for the residents. Sargent said HPD is not in favor of any amplification on the deck. Commissioner Koutoulas asked Sargent Lynch if he was ever called to measure the noise level at Stacks. Sargent Lynch said no they have never measured the noise at Stacks. Commissioner Koutoulas also asked him if he thought the noise would ever reach that level without the amplification. Sargent Lynch said usually when we show up everything gets quiet, then we leave and then it comes back.

Another resident of 70 Washington Street came up to speak. His name is Mr. Tariff. Mr. Tariff stated that they wanted a neighborly type of thing. He said that he talked to Mr. Driscoll and suggested that a representative from Stacks have a meeting with some of the members from 70 Washington Street and make a compromise. The officer asked Stack's if they would meet with members of 70 Washington Street and at first, they agreed. Two days after that they got a message no, they did not want to meet, and they were applying for a different type of license. Mr. Tariff said they were trying to meet with Stacks in a neighborly type of way and for some unknown reason someone from Stack's canceled the meeting. He also said they know they live downtown, and they were trying to be good neighbors and as the officer said the noise can get unbearable.

Another resident of 70 Washington Street came up to speak. His name is Anthony Batista. He said that he was at the initial meeting for the approval of the licenses. He said that if he was a business owner he would want to be involved in the business. Since the first meeting there was never any ownership. Managers and representatives attended the meetings. He said they have never met with anyone in ownership of Stacks. The initial meeting that he attended there was to be no outside music period, not acoustic, nothing. All of the sudden things just changed. This plan was not the original plan when they went for the license. He does not know what can be done about it and like the officer said the noise bounces off buildings.

Commissioner Driscoll asked if before any amendments are made to entertainment licenses are neighbors notified? Commissioner Koutoulas said no they are not. She said the agenda is posted to the public.

Chairperson Angus said the notice to abutters is for alcohol licenses only.

Juan Morales came up to speak. He also lives at 70 Washington Street. He said he moved to Haverhill 6 years ago and he was surprised about the noise level. He has previously lived in Cambridge and Salem. He likes to go to Newburyport at night and they are all silent at night. The reason that Juan Morales came to the meeting was to ask Haverhill why do they allow this level of noise? Why do they allow licenses to be loud on any day at any time. As a resident and owner in downtown Haverhill he sees his property value go down. He says the music should be inside and insulated. The noise level does not let people look at Downtown Haverhill as a place to live. The noise prevents residents from residents from being able to enjoy their properties. He does not understand why the City of Haverhill does not understand this. The other cities do understand this.

Commissioner Driscoll asked Chairperson Angus if she thought it would make sense for Stacks to meet with the residents of 70 Washington Street and find common ground and then come back to the July meeting.

Chairperson Angus said that does make Sense. TJ spoke again and said that he is more than willing to meet with the residents at 70 Washington Street to discuss parameters and music level. He said that he is not sure where the breakdown was with the meeting, and he was more than willing to meet with them. He also said the parameters that are set at the meeting will be followed.

Commissioner Driscoll asked TJ if they have anything planned on the deck that this would affect. TJ said no they do not have anything planned it is still early in the deck season. TJ said he is more than willing to discuss this with the neighbors and come to a mutual agreement.

Chairperson Angus said at a minimum nothing outside would be amplified. This would include background music coming from inside. She also said they want to have all entertainment stopped on the deck until they come to an agreement.

Sargent Lynch came up to speak again. He said he knows what happened with the meeting that was scheduled. After the meeting was scheduled, he was informed that Stacks applied to amend their entertainment license to include amplified music. Sargent Lynch determined that they are applying for a permit for amplified music so that is what they want.

Commissioner Driscoll spoke and said that Sargent Lynch can be a part of the meeting and that they can come to common ground and come back in July.

Someone in the audience asked if there was anything in the bylaws that prohibit amplified music.

Chairperson Angus said she met with inspectional service and there is nothing that prohibits it.

Commissioner Koutoulas said she wants to make sure that the residents of 70 Washington Street understand that the commission knows that it is a quality-of-life issue.

Alfred Disalvo came up to speak. Alfred lives at 70 Washington Street also. He said he has lived at this address for 6 years. He said before that he lived in upper Washington Street and the police are exactly right that it is a wind tunnel, and you can hear everything from the river. He lives on the other side of the building, and he can hear the noise. He also said the nature of the business is to turn up the music. The music starts low and slowly creeps up. Alfred said a lot of places have low music at the beginning and it creeps up over time.

Commissioner Koutoulas spoke and said that she understands there have been noise complaints over the years. Commissioner Koutoulas said it is a very hard thing to balance. Sometimes when people perceive it

as loud noise there might be an issue with windows being open and amplified music from the inside going out and I do not know what the solution is. Commissioner Koutoulas said we also have a responsibility to support businesses and we do not want them closing and we also understand that the quality of life of the people downtown is not good. I hope that we can come up with some kind of solution.

Motion to table the application for entertainment amendment to July 6 meeting and have a meeting with Stacks, police and the neighborhood made by Commissioner Driscoll. This was seconded by Commissioner Koutoulas. No Public comment. Vote unanimous, motion passed.

9) OUTDOOR DINING APPLICATIONS

9.1 Alexzander Demorla, Manager

Crusttown inc.,
d/b/a Crusttown
150 Washington Street

-Application for new outdoor dining. Pending inspectional approval.

Alexzander Demorla appeared for this application. He is the owner of Crusttown. Chairperson Angus said she was there yesterday, and he is doing a nice job in the buildout in the back. Chairperson Angus said one thing she did notice is that there are no windows in the back on the building. There will need to be staff outside while they are serving alcohol outside. Alexzander said yes, they will have a waitress outside. Chairperson Angus said the person outside cannot be walking back and forth they need to be outside watching everything. She also said that she talked yesterday with Alexzander about the occupancy inside and outside and evening them out. Commissioner Koutoulas said she spoke with Tom Bridgewater and was told that the current occupancy was 49. Alexzander said it is 49 because it is not counting his second exit and the egress he has. Commissioner Koutoulas said the approval would be based on the 49 number. The plan shows six tables outside. Commissioner Koutoulas said if he had all those tables full and had people inside, he would be over the occupancy number. Alexzander said he would like to meet with Paul and go over it with him because he spoke with him this week and was told the new handicapped bathroom and egress would bump his occupancy up. Commissioner Koutoulas said right now it is 49 and we are more than happy to have you come back if they do increase the occupancy.

Motion to approve this outdoor dining application pending inspectional approval made by Commissioner Koutoulas. This was seconded by Commissioner Driscoll. No Public comment. Vote unanimous, motion passed.

9.2 Chris White, Manager

CM Culinary LLC
d/b/a Hummingbird Nutritious Eats
87 Washington Street, Unit 101

-Application for outdoor dining. Pending inspectional approval.

Items 4.3 and 9.2 were taken together. They were applications for new common victualler and outdoor dining. Chris White and Matthew Morello appeared for these applications. They are the owners of the restaurant. The restaurant will be serving fast casual nutritional meals. They want to have indoor and outdoor seating. The outdoor seating will be in front of their establishment. They are requesting the maximum of 28 seats outside but may only have up to 22.

Motion made by Commissioner Koutoulas to approve the common victualler and outdoor dining applications pending business occupancy, inspectional approval, and corporate vote. This was seconded by Commissioner Driscoll. No Public comment. Vote unanimous, motion passed.

9.3 Paraskevas Kyriakou, Manager

Drop Café Inc.,
d/b/a Drop Café
781 River Street

-Application for new outdoor dining.

Elani and Paris appeared for this application. They own Drop Café. They want to have outdoor seating and are requesting 3 tables with 3 seats at each table. Elani said they are new to the city, and they are doing well, and they want to expand. Elani also said they want an option for people to be able to sit outside. It will be nonsmoking and accessible to all.

Commissioner Driscoll said the application states this is on a public sidewalk, is it in front of your establishment? Elani said yes it will be in front of the establishment. It is right in front underneath the awning.

Commissioner Koutoulas spoke and said she investigated this and there is an ordinance waiting to be acted on by the city council. It is an ordinance relative to outdoor dining. It is a complete rehash and a merging of a bunch of pieces of legislation, a lot of it changed during covid and now we are trying to make it for the whole city. This is good, it just means we are going to have to wait until the city council approves this. If it is on private property you have to apply online to pay the fee and there is no bond or liability required. It will be going before the city council on the next meeting.

Elani said she applied online already. Commissioner Koutoulas said that is great, it will just be a matter of waiting for the city council to approve this.

Motion made by Commissioner Driscoll to approve the outdoor dining application pending city council approval. This was seconded by Commissioner Koutoulas. No Public comment. Vote unanimous, motion passed.

10) ALCOHOL/ABCC APPLICATIONS

10.1 Dan Clapp, Applicant

1634 Meadery, LLC
3 Short Street
Ipswich, MA 01938

-Application to sell at a Farmer's Market.

This was called and no one was present. It was tabled to be called later in the meeting.
This was called again for a second time. No one was present.

Motion made by Commissioner Koutoulas to postpone until next meeting. This was seconded by Commissioner Driscoll. No Public comment. Vote unanimous, motion passed.

10.2 Jade Jalbert, Applicant

Willow Spring Vineyards, LLC
840 West Lowell Ave

-Application to sell at a Farmer's Market.

Jade Jalbert appeared for this application. She appeared virtually. Chairperson Angus said same story different location. Jade said yes. Chairperson Angus asked Jade how many years she has been doing the Farmer's market. Jade said she thinks this is her 13th year. Commissioner Driscoll said Jade runs a nice establishment and he looks forward to having them at the Farmer's Market again this year. Commissioner Koutoulas said that Jade sent over the transportation license and the application is in order.

Motion made by Commissioner Koutoulas to approve the Farmers Market application. This was seconded by Commissioner Driscoll. No Public comment. Vote unanimous, motion passed.

10.3 Ripal Kanaiyalal Patel, Manager

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

-Amended application- Need to vote on amended application that includes pledge of license.

Ripal Patel appeared for this application. Ripal spoke and said that for the last approval the previous owner forgot to include the pledge of license and that is why he is back. Commissioner Koutoulas said he provided the pledge documents and the bank statements. Commissioner Angus told Ripal do not forget about the business certificate. Ripal said he already spoke with the old owner when he gets the approval he will come on the same day and change the business certificate. Chairperson Angus said this is just to approve the pledge of license and the inventory because the rest of the application has already been approved.

Motion made by Commissioner Driscoll to accept the amended application. This was seconded by Commissioner Koutoulas. 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 Discussion of the adoption of chapter 138 section 12 relative to the sale of liqueurs and cordials.

Commissioner Koutoulas spoke and said that a few people have applied for this over the years. There is no current fee listed on the fee schedule. Commissioner Koutoulas said she is in favor of this. She said it is an application through the ABCC. It is a change of category. It does require ABCC approval and that part of the process.

Chairperson Angus proposed they charge a fee of \$2185 which is about halfway in between the current fees for all alcohol and the beer and wine licenses. Chairperson Angus said we need to attach a fee to this before it goes to the city council for approval.

Motion made by Commissioner Koutoulas to amend this order to include a fee for this license of \$2185 a year. This was seconded by Commissioner Driscoll. No Public comment. Vote unanimous, motion passed.

132. Margaret Conneely, Manager

Amstel Enterprises, Inc.,
d/b/a The Peddlers Daughter
45-51 Wingate

-Item for discussion- Incident that occurred on or about May 7, 2023, at approximately 01:05.

Margaret Conneely and her husband appeared for this. Sargent Lynch described incident as the following: On May 7, 2023, at 1:05 am, the on-beat officer that was working downtown when he witnessed a physical altercation between two people. When speaking with both parties, one of the parties said he was drinking at multiple places that day and he went to the Peddler's daughter for last call. This party did appear to be intoxicated. The second party did not appear to be intoxicated and also stated they were drinking at the Peddler's Daughter. Sargent Lynch also stated they went to the Peddler's Daughter and spoke to the staff. Their cameras were not working.

Margaret Spoke and said that she interviewed her staff, and they told her that no one showed any signs of intoxication. Margaret's husband spoke and said that they have no evidence if these people were inside the Peddler's Daughter. Margaret also said that all staff are tips certified. Chairperson Angus said it does appear that someone was intoxicated at the establishment. Commissioner Koutoulas said that is why it is so important to make sure your video system is working. It is to protect you as well.

Commissioner Koutoulas asked how long it will take to repair the cameras?

Margaret said that she did not know.

Chairperson Angus asked if they are open? Margaret said yes, they are open. Chairperson Angus said repairing the cameras should be a priority and asked if she is able to come back in July and give us an update?

Margaret said she is able to come back in July.

Motion made by Commissioner Driscoll to table until July meeting. This was

seconded by Commissioner Koutoulas. No Public comment. Vote unanimous, motion passed.

14) SHOW CAUSE HEARING

14.1 Julie Maloof, Manager

American Veterans of Haverhill Massachusetts, Inc.,
d/b/a AMVETS
576 Primrose Street

-Incident that occurred on or about April 7, 2023, at approximately 17:52

Sargent Lynch described this incident as the following: On April 7, 2023, officers were dispatched to the AMVETS for a well being check of an individual that consumed too much alcohol. When they arrived they located a male standing in the bar area who appeared to be highly intoxicated. The man was dropped off at the bar earlier in the day and had between 5 and 7 vodka drinks. His caretaker said he was at the AMVETS for about 3 hours. Officers spoke with the bartender and she told them that the man was dropped off and she served him 5 vodka drinks prior to the police arriving at the establishment. Casey told officers that he was with friends and he did not appear to be intoxicated. The man was transported to the hospital due his intoxication level and the care giver being unable to care for him.

Julie Maloof, the manager if the AMVETS appeared for this. Casey the bartender that was present that day was also present. Julie came up to speak, she said this is all new to her and that she was not on site that day and she does know the customer in the report. She said he is a life member at the AMVETS and his routine is that his girlfriend drops him off , he has 3 drinks and then she picks him up or takes him home. On this particular incident she is not sure what happened because the girlfriend did not want to come pick him up. The girl friend was the one that called the police on him so that she did not have to bother picking him up. Julie said they have measure pourers on their alcohol and the man is harmless soul. Julie also said he comes in regularly and she does not understand what happened this particular time.

Commissioner Driscoll spoke and said that is why these rules are in place so that we are not relying on a girlfriend or a caregiver. The rules are in place so you do not serve intoxicated people. Then we would not get to the steps that we are now. Julie said she does not understand what happened this time and he was not intoxicated.

Commissiner Koutoulas said it is about math 5-7 drinks in a few hours makes someone intoxicated. Julie said he was not there for a few hours and the whole day had transpired and she had an incident report with her. Commissioner Koutoulas asked HPD how long he was at the establishment. Sargent Lynch said the police report stated that he was there for 3 hours and he had that amount of drinks in 3 hours. Sargent Lynch said his concern is they are serving people to the point of intoxication.

Commissioner Koutoulas reminded everyone how important the tips teachings are. She said sometimes people do not appear to be in intoxicated and they are actually intoxicated. Julie said the man in the report was offered many rides that day. She said he refused all the rides that he was offered that day. Julie said she knows the man and he did not want to put anyone out and that is why this situation escalated to this point.

Commissioner Koutoulas stated that it is still the responsibility of the bar and to call the police if necessary if the person will not leave. This is for the patrons protection and the establishments protection. Julie gave an incident report to the commission. Chairperson Angus said In the

incident report that Casey the bartender filled out it stated he arrived at 2pm and that is still a lot of driks to have in a short period of time. He could not find his phone that was right in front him and that indicated to me he was showing intoxication.

Casey the bartender came up to speak. She said she had not met the man in the report prior to this. He has been a member and he is a life member. He was with regulars that are there all the time. He seemed fine and the only thing that happened was that he had a phone in front of him and he was not able to find the phone. Casey said he was able to have a conversation without slurring. She said he was on his fifth drink when he was asking about the phone and that's when she realised something wasn't right and she took the drink. She called the last number that was on the call log and the woman said he was only allowed a certain amount of drinks per hour and had she known that she would not have served him more. Casey said she should have come in and told the person on duty this information. The woman on the phone would not allow any one to bring him home because there was no one at his home to care for him there. The woman requested they call the police. Casey said wheather he is drinking or not the man has a caregiver. Commissioner Koutoulas said what goes on in the mans life should not be the establishments problem. She said it should not be about his medication that is not their responsibility. Their responsibility is to observe him for signs of intoxication and that is why they have these numbers one drink per hour, because it may not be apparent right away. As far as the police, if you have a person who should not be there any more and does not have a ride call the police. This is to protect yourself, the business and that person. It is hard when you have a regular customer because you do not want to offend them but this is business and alcohol and that is why it is heavily regulated.

Casey said she takes full responsibility she is the one who served him. She has been a bartender for 18 years and you have to be able to read people and she did not see any signs on intoxication. Chairperson Angus said she still thinks it comes down to too many drinks in too short of a period of time. Commissioner Driscoll said he agrees.

Sargent Lynch came up to speak. He said when you do not know people and you do not know what kind of medications they are on it is an additive effect. If someone comes in after taking their medication they could be at more drinks, that is why you have to have conversations with them. It is the establishments repsonisility to determine if the patron is impaired.

The commisison recommended tips training for all staff and to be put on probation.

Commissioner Driscoll said if anything else comes up in the probationary time that they have the right to bring this back up along with the new incident.

Chairperson Angus said our hope is that you have a meeting with your staff and do a group trianing and have a refresher tips training. Keep in mind when they do the tips certification and they say one drink per hour and that is not unreasonable. Airing on the side of caution is much better for your business and the city of Haverhill. Commisisoner Angus said the police are willing to come in these situations. Sargent Lynch came up and said yes we are as we did in this situation. We have a few places we can take people the hospital, the police station, or a detox, or home if there is a responsible adult to care for the person. In this case we did not have a responsible adult.

Motion made by Commissioner Driscoll to place AMVETS on probation for 6 months. This was seconded by Commissioner Koutoulas. No Public comment. Vote unanimous, motion passed.

14.2 Jonus Rustani, Manager

The New Lantern Café , Inc.,

d/b/a New Lantern Café

240 Essex Street

-Incident that occurred on March 8, 2023.

-Incident that occurred on May 3, 2023.

Sargent Lynch came up to speak. He said we spoke about the earlier incident last time we were here. The gentleman that lived above the bar came into the bar with a head gash and he was drinking in the bar. He described the incident as on May 3 as the following: Officers were dispatched to the New Lantern Café for a report of a 77 year old man who was intoxicated in the bar and fell hitting his head. Officers located the male he was sitting while another patron was holding in ice pack on his head. He appeared to be heavily intoxicated and his friends told officers he had been drinking at several establishments that day. While he was sitting on the stool he fell back and hit his head. He was transported to the hospital. Sargent Lynch requested to download the video footage but their video system does not allow downloads. They were able to use a phone and get small clips of video but they do not have entire video from that night.

Officer Faire came up to speak. He was the officer that was called to the scene that night. Officer Faire said when he got there the man was so intoxicated he could not stand. He said he reviewed the video footage. You can see the man enter the bar shaking hands with people he does not appear to be intoxicated. Throughout the night he is having drinks, he is laying with his head on the bar. When he reaches back to stretch he reaches to far and he falls back wards.

Commissioner Koutoulas asked the officer if we know how long he was the at the bar? The officer responds it was about 2 hours. And according to the report he had 3 drinks. The officer said yes. The officer also said he thinks it is hard liquor that the man was consuming. The video shows him consistently drinking but does not show how much he consumes. In the video the drink did not appear to be beer said the officer.

Jonus's brother appeared for this he said that Jonus was not able to be present because he had to take his wife to the hospital. He said as the officer said, he did come into the bar and he walked in fine. Chairperson Angus asked him to identify himself for the record. He said Paul Rustani. He said the man got 3 drinks, and everytime he got a drink back he gave the glass back half full. So he only had half drinks really. When he was in the chair he was leaning back in the chair. He was physically pushing himself away from the bar. It reminded him of when he was 5 years old and his mother told him not to do something. Paul said he was pretending he was a boxer and 10 minutes earlier he was flirting with a girl at the bar and he was not slurring his words. He brought the woman in and she was here if they want to talk to her. Paul said he did not see any problem with the guy he was fooling around and people do that when they are not intoxicated. Chairperson Angus asked what he was drinking. Paul said he had mixed drinks and they were so watered down and when he got it back it was half full.

Chairperson Angus asked so three times in 2 in hours he had watered down drinks?

Paul said like I said they were half full drinks and that happened 3 times. Chairperson Angus asked what they were watered down with? Paul said ice. Commissioner Koutoulas said so what he drank what was a much stronger drink in the first half and what was left over was water or ice. The first half of the drink was pretty solid alcohol. If it was half empty not, it is 3 mixed drinks. Commissioner Koutoulas asked Paul if they measure their shots? Paul said no they do not. Commissioner Koutoulas said her concern is they are still on probation from the last

incident. This is very concerning the man could have died. Commissioner Koutoulas also said that the mans actions are an indication that he was intoxicated.

Commissioner Driscoll said it says in the police report that the man was heavily intoicated and that he came from somewhere. Paul said not from the bar. Commissiner Koutoulas said if he came in sober where would it have come from? Paul said we served him two drinks.

Sargent Lynch came up to speak and said the man did say he was previously drinking at other establishments. He said once they walk through that door they are your responsibility. That's why you need to take the time to talk to people before you serve them a drink to determne their intoixication. This is why the tips training is so important.

Commissioner Koutoulas said she has deep concern about the lack of accessibility of the video cameras that should be repaired. Paul said he talks to every customer. Commisioner Koutoulas asked what is the story with the video equipment?

Officer Faire came up to speak and said they have been very forth coming with the police. He said he spoke to Jonus about the camera system. The video is viewable the problem is the video just cannot download. He told me he spoke with the company and he is having a hard time getting in contact with amazon and now it is a third party company. Officer Faire said he explained to him the importance of the camera. They said they were going to try to rectify.

Chairperson Angus asked Officer Faire if he was able to see the camera. Officer Faire said yes he was able to see the video clearly and they allowed them to view it right away they did not tell them no or to come back. Officer Faire thinks it is just something they have to rectify as soon as possible.

Chairperson Angus said she is not buying that they had watered down drinks. She said ice does not melt in an hour. She also said it does not look like they learned their lesson from the last time they were in here and this incident is way to similar to the last one.

Commisissoner Driscoll said he agrees and he said last time that something is definatly going on there.

Chairperson Angus asked what their hours are? Paul said their opening times vary and they are usally open until 1. He said they do not open at the same time everyday. They close at 1 am most days and 2 am on Fridays.

Commissioner Driscoll said he would want to see them close early for a period of time.

Chairperson Angus said she also wants to see them remedy their camera system.

Motion made by Commissioner Driscoll to amend the hours of New Lantern Café to close at 9pm Saturday Through Thursday and Friday at 10pm until July 3, 2023.

This was seconded by Commissioner Koutoulas. No Public comment. Vote unanimous, motion passed.

14.3 Kyle Bell and Nickolas Murrey

Nine Seven Eight Bar LLC
d/b/a Nine Seven Eight Bar
103 Washington Street

-Incident that occurred on or about March 17, 2023, at approximately 19:45

Sargent Lynch spoke and described this incident as on March 17 HPD responded to a disturbance that was occuring at 80 Wingate Street. The officers investigated and found a man

who was intoxicated. He was very uncooperative. A witness called to the police to report there was a fight outside behind the establishment. After the fight they went back inside of the proposed establishment. The other person went down the alley where the police encountered him. There was a second incident following this incident up in Plaistow that involved this individual discharging a firearm. It was all related to this particular incident. The police were able to obtain video footage from the downtown area. It should be noted that 978 does not have a liquor license at this time or an occupancy permit. The video shows several people coming and going from the proposed establishment. It also shows one person enter the establishment with a key. The police knocked at the door and they did not get a response. Sargent Lynch called in Kyle Bell and Nickolas Murrey during the investigation. Kyle Bell stated that he was working during this incident. Nickolas stated that he had his family at the bar and he was showing them the bar. Sargent Lynch said this establishment is so small that anyone can peek their head in and see it and they were in there for quite some time. Sargent Lynch asked them about the video showing 2 people exiting the bar and going to the apartment upstairs from the bar and Kyle and Nickolas said that was the old bartender that used to work at the bar. This discredits that he was showing his family the bar. Nickolas told them that no one was drinking there. Sargent Lynch advised them they would be receiving a violation from the city for having people inside the bar. Sargent Lynch did an inspection while he was there and he found alcohol in the basement. There was a long list of alcohol bottles that were located on the premises. Sargent Lynch confiscated the alcohol and asked Kyle Bell how long he worked in the bartending industry and he told them "long enough".

In Summary HPD found alcohol on the premises and they stated they were not drinking with any of those people, but we have all this alcohol in the establishment with no license.

Commissioner Koutoulas asked Sargent Lynch to explain the numbers and also asked if people are coming in any other doors. Sargent Lynch said there is a back door in the rear and there are no cameras back there and it would be possible for people to come in and to go from that door. Commissioner Driscoll said the alcohol must be from previous ownership. Is that supposed to be destroyed or picked up by the vendors? Sargent Lynch said yes the vendor should be called to pick it up. Sargent Lynch also said Kyle Bell has been in the bar industry a long time and he knows this. Commissioner Koutoulas asked what do you think he means by long enough?

Sargent Lynch said it means he knew better.

Chairperson Angus said at the very least if there was alcohol on the premises they should have made arrangements to have it removed immediately.

Commissioner Driscoll said he could understand in the industry someone having one or two beers at the end of the night but this is not the case because it was fully stocked. Sargent Lynch said you are right if it was a 6 pack in cooler not a big deal but this way too much.

Commissioner Koutoulas said if there is no building occupancy people should not be in there.

Sargent Lynch said only the people working. Commissioner Koutoulas said they should not be drinking anyway.

Commissioner Koutoulas said that she wants to mention that the application to the ABCC is still incomplete and the clerk has sent certified letters and regular letters to the applicants. These letters have been received by both parties and I am not sure what their intention is because the ABCC is not going to review this until we receive a response which we have not received.

An attorney Dan appeared for this. He said in preparation for tonight he reviewed Sargent Lynch's report and the video and the minutes of the January 5 meeting and I made myself familiar with the history of the bar. I do understand that this board gave conditional approval and

that was met with some opposition and the board trusted 978 bar. I also understand the allegations if we take everything in the report as true, and I instructed my clients not to come today. I understand that most likely this board is going to revoke its conditional approval. It is my understanding that the actions are explainable for a reason I cannot fully disclose due to privilege but I do not think that this board would find them to be reasonable. And if the board is so inclined to revoke the conditional approval we will accept the punishment. If the board is not so inclined I would consider having my clients speak before the board. It is a very serious action and I am not here to excuse it.

Commissioner Koutoulas asked Attorney Dan what he interprets conditional approval as. Attorney Dan stated that there was some change that needed to be done and until the ABCC approved it and it comes back to the city the license is not issued. Commissioner Koutoulas said they cannot order alcohol. Attorney Dan said the alcohol should not have been on the premises whether it was brought in or left over, and there is no excuse for that. It was wrong. If I could give you more facts I would but I don't think it will change the board's stance on this.

Chairperson Angus said she is very concerned. She told attorney Dan that he reviewed the video and that he knows the questions that were asked. Her concerns are if the full truth was told and they have a small check list from the ABCC that has not been completed. Attorney Dan said that he has different information on the status of the updated information from 978 bar about the ABCC application. But he is not here tonight to challenge any information. He said it is a minor point and he is here for the major point. Chairperson Angus said it is a minor point but it shows how serious they are about the license. Chairperson Angus also said that Kyle Bell has been in this business long enough to know the rules about alcohol and given the fact that he was involved in the situation with the previous establishment, he should have been on his toes. I know you probably have some circumstances but this is a serious situation. Attorney Dan said he is not here to dispute the facts. Attorney Dan inquired if his client was to come up with a corrected action plan and a new manager would the board entertain that? Or is that something that would not be possible? Chairperson Angus said if Kyle Bell is an experienced manager and he let this happen on his watch who is he going to find with more experience than him?

Attorney Dan said it could require an amendment and he has not seen an issue like this come up while the license is pending and maybe the board has seen this before. If the board says no to the corrected action plan his clients would need to sell their assets and take their losses. The report is striking and the report is serious and he is not here to minimize that.

Commissioner Driscoll said he agrees with the Attorney this is a very serious situation and they are not even open yet. Chairperson Angus said he stood here in January and said it was going to be a different place a classier different place.

Attorney Dan said whatever decision the board makes, that he cannot disagree with. And his clients will have to figure out if they can salvage their financial investment.

Commissioner Koutoulas said she recommends revoking prior given approval for this license.

Motion made by Commissioner Koutoulas to revoke prior given approval on January 5 from Kyle Bell and Nickolas Murrey for 978 Bar. This was seconded by Commissioner Driscoll. No Public comment. Vote unanimous, motion passed.

15) COMMUNICATIONS

16) PUBLIC PARTICIPATION

NO SCHEDULE

17) ADJOURNMENT

Motion to adjourn was made at 7:56 pm by Commissioner Driscoll, seconded by Commissioner Angus. Vote unanimous.