



LICENSE COMMISSION MINUTES

Thursday, March 2, 2023, at 6:00 p.m.-City Council Chambers

VIRTUAL and in person meeting

Attending: Chairman Joseph Edwards, Commissioner Laura Angus, Commissioner Driscoll, Lic. Clerk Jennifer Sanchez, Captain Wayne Tracy, HPD, Officer DeCarvalho, HPD.

1) PLEDGE OF ALLEGIANCE

2) APPROVAL OF THE MINUTES

2.1 Approval of the minutes of February 2, 2023

Motion made by Commissioner Angus to accept the minutes of February 2, 2023. This was seconded by Commissioner Driscoll. No Public comment. Vote unanimous, motion passed.

3) CONTINUED BUSINESS

NO SCHEDULE

4) MISCELLANEOUS APPLICATIONS/REQUESTS

NO SCHEDULE

5) ONE DAY APPLICATIONS

5.1 Erin Padilla, Applicant

Creative Haverhill
351 South Main Street

Application for one day all alcohol liquor license for the celebratory party at the Cogswell Artspace May 11, 2023, from 6pm to 9pm.

This item was called, and the applicant was not present. This was tabled for later in the meeting. When this was taken later, Erin Padilla was present for this application. Ms. Padilla described this event as an outdoor social gathering. There will be light food and drinks. They will have music and are expecting to have 75 people. Captain Tracy spoke and said this is approved and no detail needed. Commissioner Angus spoke and asked if this is a 21 plus event and if they still have the fence at the location? Ms. Padilla said yes, it is a 21 plus event and yes, they do still have a fence on the premises. Commissioner Driscoll spoke and said that James Carbone is helping and that he is familiar with the rules and the process and they will do well with him.

Motion to approve this application made by Commissioner Driscoll, Seconded by Commissioner Angus. No public comment. Vote unanimous, motion passed.

5.2 James Carbone, Applicant

Whittier Birthplace
305 Whittier Road

Application for one day beer and wine liquor license. Whittier birthplace event May

18, 2023, 5:30pm to 8:30pm.

Items 5.2, 5.3, 5.4 (all the Whittier Birthplace events) were taken together. James Carbone appeared for these applications. Mr. Carbone described the events as simple food and drink tasting with historical talk. Captain Tracy spoke and said that the Whittier events were approved by HPD, and they do not require a detail. Commissioner Angus spoke and said that she did not see the liquor liability. Mr. Carbone said that he would send any of the information needed to License Commission Clerk. Chairman Edwards spoke. He asked if they are giving away alcohol for free. He said that this is not allowed. He asked how much the tickets were and how much a ticket would be for people that are not going to be having alcohol. Mr. Carbone stated that the cost of \$25 is for entry to the event, food and a drink. He said that people do not have to drink and there is no additional price.

Motion to approve the Whittier Birthplace events made by Commissioner Angus. This was seconded by Commissioner Driscoll. No Public comment. Vote unanimous, motion passed.

5.3 James Carbone, Applicant

Whittier Birthplace
305 Whittier Road

Application for one day beer and wine liquor license. Whittier Birthplace event June 3, 2023, from 12pm to 5pm.

James Carbone appeared for this application. It was taken together with all the Whittier events. HPD spoke and said that they approve this event and there is no detail needed.

Motion to approve the Whittier Birthplace events made by Commissioner Angus. This was seconded by Commissioner Driscoll. No Public comment. Vote unanimous, motion passed.

5.4 James Carbone, Applicant

Whittier Birthplace
305 Whittier Road

Application for one day beer and wine liquor license. Whittier Birthplace event June 15, 2023, 5:30pm to 8:30 pm.

James Carbone appeared for this application. It was taken together with all the Whittier events. HPD spoke and said that they approve this event and there is no detail needed.

Motion to approve the Whittier Birthplace events made by Commissioner Angus. This was seconded by Commissioner Driscoll. No Public comment. Vote unanimous, motion passed.

5.5 James Carbone, Applicant

Cider Feast
Harbor Place, 2 Merrimack Street

Application for one day beer and wine liquor license. Harbor Place event June 22,

2023, 5:30pm to 8:30pm.

James Carbone appeared for this application. Cider Feast will take place at Harbor Place, HPD spoke and said they are requesting a police detail for this event. They need 1 detail.

Commissioner Edwards spoke and told the applicant that he will also need an event permit. And reminded him that event permits are signed off by the city council and the mayor.

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

5.6 James Carbone, Applicant

Tatersall Farm

542 North Broadway

Application for one day beer and wine liquor license. Tatersall farm event July 27, 2023, 5pm to 9pm.

James Carbone appeared for this application. He described this event as a sampling of food and drinks. The event takes place at Tatersall Farm. He makes a charitable donation to the farm after the event. Chairman Edwards asked what kind of event this was. Mr. Carbone stated that is a formal event and that everyone who enters gets a wristband. Mr. Carbone also said that this event is a 21 plus event and they pay one ticket price to get in.

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

6) BUSINESS CERTIFICATES

NO SCHEDULE

7) ENTERTAINMENT APPLICATIONS

7.1 Richard LeClaire, Manager

Napolis Operators Inc.,

d/b/a Napolis Tavern

119 Cedar Street

Application for new entertainment license. Pending entertainment zoning approval.

Richard LeClaire appeared for these applications. He applied for a new common victualler, new entertainment, and new general on premises licenses. These were all heard together (items 7.1, 8.1, and 10.1). Chairman Edwards spoke and asked the applicant how many abutters there are and if he knew who they were. The applicant told him the abutter's list contained 9 people and that he does not personally know them. Commissioner Angus spoke and asked him if he would apply for a restaurant license instead of a general on premises. Mr. LeClaire said that he would not be opposed to that. It was later realized that there is no Kitchen on the premises so he will not be eligible to apply for a restaurant license.

Captain Tracy spoke and said that the HPD is opposed music, live bands, and jukebox. They

request tv only. Chairman Edwards said they will not have a jukebox.

There were 2 neighbors present and wanted to speak and have concerns about the premises. The names of the neighbors are Paul Stapinidous and Martha Meads. They both live on Cedar Street. Mr. Stadpinidous spoke and said that he is opposed to granting this license because of the past history of problems with this location. His main concerns are parking, people going back and forth, trash, loitering, and noise. He asked the Commission what the occupancy for this location is. Commissioner Angus told him they are still in the planning stages and can not give an actual number yet but the previous occupancy was 50.

Mr. LeClaire spoke again and said that he will not tolerate any of the old issues there. He said that he successfully owns and operates bars in New Hampshire and has no issues with them. The closet one of them being Grumpy's in Plaistow. He also stated that he is not going to attract the same kind of clientele being discussed in the past. He is going to increase prices and serve Napoli's food. Prior establishments did not serve food. He will prepare the food at Napoli's on White Street and heat it up here as needed.

Martha Meads spoke. She is the other concerned neighbor on Cedar Street. She is concerned about syringes, condoms, beer bottles, and nips. These have always been the issues in the past. She also said that she was at ZBA meeting and they approved the serving of Pizza Only.

Commissioner Angus spoke and said that if the ZBA said Pizza only then he will be only able to serve Pizza. Commissioner Driscoll spoke and said that this establishment will not be considered a restaurant. Commissioner Angus asked what the hours would be because there are different hours listed on the applications. Mr. LeClaire said that the hours he was asking for the hours of Sunday 11-9, Monday to Thursday 3-9 and Friday and Saturday 11-10.

Motion to approve the application for entertainment for TV only, common victualler, and all alcohol general on premises (pending business occupancy, liquor liability insurance, and tips certification) made by Commissioner Angus. Commissioner Driscoll voted no on this. Chairman Edwards voted Yes on these applications. Motion passed.

8) COMMON VICTUALLER APPLICATIONS

8.1 Richard LeClair, Manager

Napolis Operators Inc.,
d/b/a Napoli's Tavern
119 Cedar Street

Application for new common victualler license. Pending business occupancy.

Items 7.1, 8.1 and 10.1 were taken together. Richard LeClair appeared for these applications. He stated that he wants to serve Napolis Food. The food would be prepared at the Napolis on White Street and brought over to the Cedar Street Location. At the Cedar Street location, the food would be heated up and served.

Two neighbors were present. Martha Meads and Paul Stapinidous spoke on these applications. They are very concerned about issues in the past they have had happening again. The main concerns are traffic, parking, loitering, and trash.

Commissioner Angus spoke and said that if the ZBA approved pizza only then they would only be able to serve Pizza.

Motion to approve the application for entertainment for TV only, common victualler, and all alcohol general on premises (pending business occupancy, liquor

liability insurance, and tips certification) made by Commissioner Angus. Commissioner Driscoll voted no one this. Chairman Edwards voted Yes on these applications. Motion passed.

8.2 Ben Graves, Manager

BMC Holdings LLC
d/b/a Roasted Café
181 Groveland Street

**Requesting to extend hours for common victualler and entertainment (radio, tv).
Current hours are 7am to 2pm. Requests to extend hours 7am-9pm.**

Ben Graves appeared for this. He said that business has been going well. The chicken sandwiches and chicken wings are a big selling item. He is requesting to open at night and serve fast food type foods in the evenings. They are doing mostly takeout and delivery, but some people do dine in the restaurant. Commissioner Angus stated that they have been hearing a lot of good things about this restaurant. Commissioner Driscoll said that this is the type of restaurant that they want to have in the community.

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

8.3 TJ Lawrence, Manager

Food Bros Corp
d/b/a Loaded
120 Washington Street

Application for new common victallers license. Pending copy of lease.

TJ Lawrence appeared for this application. Commissioner Angus spoke and reminded TJ that he needs a signed lease. She asked what the location was. TJ said that loaded is downstairs from Stacks. Chairman Edwards asked how business was going. TJ said they are doing well so far. He said they do mostly take out but they do have tables and chairs so he is here to apply for the common victualler license.

Commissioner Angus asked if they have any TV or radio. TJ said they do not have any TV or Radio. Chairman Edwards asked what kind of drinks they will be serving. TJ said they have canned soda and water.

Motion to approve this application pending copy of signed lease and corporate vote made by Commissioner Angus. This was seconded by Commissioner Driscoll. No Public comment. Vote unanimous, motion passed.

9) OUTDOOR DINING APPLICATIONS

NO SCHEDULE

10) ALCOHOL/ABCC APPLICATIONS

10.1 Richard LeClaire, Manager

Napolis Operators Inc.,
d/b/a Napolis Tavern
119 Cedar Street

Application for new general on premises license.

Richard LeClaire appeared for this application. The common victualler, entertainment, and new alcohol license were all taken together. Mr. LeClaire said that he is applying for a general on premises license because he wants to have an all-alcohol license. Commissioner Angus asked if him if he would be opposed to a section 12 restaurant license which Mr. LeClaire agreed but there is no kitchen on the premises so it would not qualify for a restaurant license.

The neighbors present spoke about their concerns of the past issues occurring again. Mr. LeClaire stated that he would not tolerate any of the issues they described. He also stated that he owns restaurants and bars in New Hampshire, and he does not have any issues. He told the concerned neighbors that they could come to the premises if they have any issues and that it would be handled. He also said that he lives close by and that his phone number would be posted.

Chairman Edwards asked him how many drinks he was going to serve. Mr. LeClaire said that he is going to serve 1 or 2 drinks to each person and food. Chairman Edwards asked if he was willing to serve only one drink per night per person. Mr. LeClaire said that he would be opposed to that and its not reasonable.

Commissioner Angus asked what the hours would be because there are different hours listed on the applications. Mr. LeClaire said that the hours he was asking for the hours of Sunday 11-9, Monday to Thursday 3-9 and Friday and Saturday 11-10.

Motion to approve the application for entertainment for TV only, common victualler, and all alcohol general on premises (pending business occupancy, liquor liability insurance, and tips certification) made by Commissioner Angus. Commissioner Driscoll voted no on this. Chairman Edwards voted Yes on these applications. Motion passed.

11) MOTOR VEHICLE APPLICATIONS

NO SCHEDULE

12) CARRY IN LICENSE APPLICATIONS

NO SCHEDULE

13) ITEM FOR DISCUSSION

13.1 Joseph John Ceci Jr, Manager

Haverhill Golf and Country Club Inc.,
d/b/a Haverhill Country Club
58 Brickett Lane

Item for discussion- Attorney General's Last Drink List- Offense date 5/1/22

Joseph John Ceci Jr. appeared for this. He stated that he did not know what this what about. Chairman Edwards spoke and told him that after people are arrested for OUI, they are asked where they had their last drink when they go to court. They are on the listing because someone said they had their last drink at Haverhill Country Club. Mr. Ceci spoke and said that he looked into this before the meeting and he did not find any record of anyone there being intoxicated. He also stated that the Country Club did have several functions that day. He stated that all of his employees are tips certified and are trained what to do when someone is intoxicated.

Commissioner Angus spoke and told Mr. Ceci to review safe practices with staff and tighten things up.

No motion made. Will place on file.

14) SHOW CAUSE HEARING

14.1 Dharmesh Dave, Manager

Anrush LLC.,
d/b/a Bradford Liquors
91 South Main Street

Incident that occurred on or about October 18, 2022, at approximately 18:09

Dharmesh Dave and the sales clerk appeared for this. HPD spoke first and described the event as the following: HPD got called by a concerned citizen that they witnessed a woman get out of her car stumbling at Bradford liquors go inside and come out, get back into her car and drive away. The concerned citizen followed the woman until HPD arrived. When HPD arrived at the home of the registered owner of the vehicle they witnessed the woman getting out of the vehicle. She was unable to stand without holding onto the garage. She placed a black shopping bag on the front of the vehicle while she was exiting the vehicle. When the woman spoke with HPD she was visibly intoxicated and later had a BAC of .28.

Chairman Edwards asked the sales clerk from Bradford Liquors to come up. The sales clerk appeared and spoke his name but it was not understandable due to heavy accent. Commissioner Driscoll asked him if he was TIPS certified. He replied yes to this question. The sales clerk also said that he worked at the Liquor store for 4 years and has never had any issues. Commissioner Angus asked the clerk if he noticed the woman stumbling in the store. He responded no he did not observe this. Commissioner Driscoll stated that he might not have sold to the intoxicated woman intentionally but it is not disputeable that it did happen.

Dharmesh Dave spoke, He said that he was not able to check his cameras because the camera writes over it self after 8-10 days. By the time he got the letter for the meeting the footage had already been erased,

Chairman Edwards asked the officer on scene to come up. He asked the officers name. The officer stated Dicarbola. Chairman Edwards asked the officer what was in the black bag. The officer said that 2 four packs of sutter home wine the small packs.

Chairman Edwards asked Dharmesh Dave if they sell the small 4 packs of sutter home Wine. Dharmesh Dave responded yes they do sell those.

Commissioner Driscoll stated that this is serious. An uninterested party called the police and followed the woman from point A to B.

Chairman Edwards told Dharmesh Dave and the sales clerk that if someone comes in intoxicated they should not sell any more alcohol to them and they should not let them get into a vehicle and drive away. Chairman Edwards asked Dharmesh Dave if he ever speaks to his staff about the rules of alcohol sales. Mr. Dave responded that yes he does talk to the staff about the rules of alcohol sales. Chairman Edwards told Dharmesh Dave and the sales clerk they are lucky that no one was injured. Commissioner Angus said she recommends at least probation.

Commissioner Driscoll made a motion to put Bradford Liquors on a 6 month probation and to re-educate their staff. During the probationary period, if another incident occurs this will be brought back to the Commission. This was seconded by Commissioner Angus. No Public comment vote unanimous. Motion Passed.

14.2 John Tynan, Manger

BD Ale House LLC
d/b/a Barking Dog
77 Washington Street

Incident that occurred on or about February 9, 2023, at approximately 20:09

John Tynan appeared for this. HPD spoke on this and described the incident. On February 9, 2023 at 8:09pm they were called to the Barking Dog for a report of a domestic disturbance. The women, when speaking with officers appeared to be visibly intoxicated. She was later arrested for A/B and said she was at the barking Dog.

John Tynan spoke on this and said that he looked through his records and that all tabs were closed out that day. He did not see anyone who was intoxicated and did he did not see anyone who was over served.

Commissioner Angus spoke and said that this incident was concerning because the female was arrested just a short time after she left the Barking Dog.

Commissioner Driscoll spoke and said that Mr. Tynan needs to reiterate to his servers to check with people before serving to make sure they are not intoxicated.

Chairman Edwards spoke and said that he went to the Barking Dog with some friends one time and he saw a server deny service to a patron because they ordered a 3rd drink in a short amount of time. They did not serve him the third drink.

HPD spoke and said they usually do not have any issues at this establishment.

Commissioner Driscoll made a motion to place this in the Barking Dog file and take no further action. This was seconded by Commissioner Angus. No Public comment vote unanimous. Motion Passed.

14.3 David Brogna, Manager

Grande Mexico LLC
d/b/a Grande Mexico
108 Plaistow Road

Incident that occurred on or about February 4, 2023 at approximately 20:29

David Brogna appeared for this with his attorney Daniel Hutchinson. Also the two servers Claudia Perez and May Stewart that worked the evening of the incident appeared for this as well. HPD spoke and described the incident. There was a motor vehicle accident 2/5/2023 at 20:29 on Groveland Road. When HPD were talking to the operator of one of the motor vehicles involved in the crash he stated that he was at Grande Mexico on Plaistow Road and the next thing he knew someone was helping him out of his car. Officers noted that he was visibly intoxicated.

Attorney Hutchinson presented a receipt from the person involved in the motor vehicle accident from February 4, 2023 of what was purchased that evening. There were 4 drinks and tacos on the receipt.

The server Claudia Perez spoke. She said that the male purchased 4 drinks that night. He drank two of the drinks. He gave one of the drinks to a friend and he poured out the last drink. May Stewart also spoke she was the second server and also served some of the drinks. She said that he did not appear to be intoxicated and that the man is a regular and they know him and his routine well.

The attorney spoke and said that the man cashed out at 7:51 pm. The accident occurred roughly 40 minutes after he cashed out at Grande Mexico. The attorney suggested that he may have stopped someplace after leaving Grande Mexico.

Commissioner Angus asked what he ate while he was there. David Brogna responded that he ate the surf and turf and that was tacos. Commissioner Angus responded and said that it was cheap and probably not very big. She also said that this is very concerning because the man appeared to be very intoxicated when he was involved in the motor vehicle crash.

Commissioner Driscoll spoke and said that it was unlikely the man stopped anywhere after Grande Mexico because the time that he cashed out does not mean that was the time he left the establishment. Also, the time HPD arrived is not the time the accident occurred. It was more likely that the man did not go any place else after Grande Mexico.

HPD spoke and agreed with Statements from Commissioner Driscoll and also stated that they were not able to look at the cameras.

Commissioner Angus asked if they have cameras. David Brogna responded they had cameras but they stopped working and he did not replace them.

Commissioner Driscoll also said that there is a possibility that the man had a drink before coming into Grande Mexico and that he should not have been served.

Commissioner Angus said that the man drove a long distance driving under the influence and they are lucky that nothing happened. She also told Mr. Brogna to talk to the staff and tighten things up.

Commissioner Driscoll made a motion to place this in the Grande Mexico file and install working cameras within 90 days , notify the clerk when they are installed, continue to train staff on best practices and take no further action. This was seconded by Commissioner Angus. No Public comment vote unanimous. Motion Passed.

15) PUBLIC PARTICIPATION

No Schedule

16) OTHER BUSINESS

NO SCHEDULE

17) ADJOURNMENT

Motion to adjourn was made at 7:35 pm by Commissioner Driscoll, seconded by Commissioner Angus. Vote unanimous.