



*Commission Chairman William Rosen, Commissioner Brian Campedelli,  
Commissioner Elaine Reall*

March 9, 2016 Minutes (Proposed)

1. Members present/absent: Commission Chair William Rosen and Commissioner Brian Campedelli were present for the meeting. Commissioner Reall was absent.
2. Meeting Called to Order at 4:05 p.m. by Chairman Rosen
3. Announcement of Audio/Video Recording of Meeting was made.
4. **Public Comment** - None

**5. Violation Hearing**

Osaka Japanese Inc., 7 Old South Street Northampton

Date of Violation: February 4, 2016

Alleged Violation: 204 CMR 2.05, MGL Chapter 138 Sect. 34

Sgt. Brian Letzeisen and Chief Jody Kasper were present for Police statements. Ding Zhi Chen, owner, and Dong Dong Lin, server, were present for business statements.

Commission Chair William Rosen read the charge from the police record of February 4, 2016. Osaka allegedly served an underage person without identification. He gave a summary of the charge and allowed time for the police to describe in more detail.

Chairman Rosen swore in all in attendance who intended to speak here. They affirmed that they would speak the truth to the best of their knowledge. Sgt. Letzeisen reported that on February 4, 2016 at approximately 5:00 p.m. as part of a city wide compliance check with seven volunteers from the Northampton Prevention Coalition Officer Beaver observed three underage males enter Osaka with only cell phones and two \$20 bills. The minors were seated. One requested a Budweiser. The waiter returned to the table with the opened beer and left it at the table. The waiter came back to the table and the 3 males requested the check. The waiter asked at this point for an I.D. and took the open beer when one was not produced. The check was then brought to the table. The 3 males provided a description of the waiter to Officer Beaver and identified him upon return to the restaurant.

Upon return to the restaurant with the police officer, the minors identified Mr. Lin as the server.

Mr. Ding Zhi Chen spoke on behalf of the server. He stated that the server followed the steps of service incorrectly and brought the beer prior to asking for I.D. Mr. Lin, the server, has since this incident become TIPS trained and trained on the bar rules. Written bar rules from Osaka were provided to the Commission for review. Mr. Lin was reported to be a new server. Commissioner Campedelli agreed that he may be new as he has not seen him at the business in his past visits. Commission Chair Rosen acknowledged that the server did realize that he had not followed protocol correctly and did return to the table to take the beer.

Mr. Lin then gave his report on the incident. He stated that he got the beer from the bar, left it at the table, and then realized his mistake and came back to the table to request I.D.

There was an opportunity for further comment, no one had anything to add. Commission Chair Rosen moved to close the hearing portion of the meeting.

Commission Chair Rosen moved to discuss sanctions and violations. Statement was made that these violations are taken seriously. This is the reason for compliance checks and sanctions. Commission Chair Rosen stated that he had not previously heard of a server who went back to check ID immediately after serving. He also stated that there is no record of any previous violations by Osaka under current management. Commissioner Campedelli agreed. The commissioners reviewed the written service rules of Osaka and stated that they appear complete. There was some discussion regarding the length of probationary period for suspension. Commission Chair Rosen reported that per a conversation with Chief of Police, a 6 month period is more effective. Compliance checks are typically scheduled every 6 months so this time frame would work better as a re-check. **Commission Chair Rosen moved to find Osaka in violation of MGL Chapter 138 Section 34. Commissioner Campedelli seconded. The motion passed 2-0 unanimously with one commissioner absent. Commissioner Rosen moved to impose a sanction of a 2 day suspension of license not to be served unless another violation occurred within the next 6 months. Commissioner Campedelli seconded. The motion passed 2-0 unanimously with one commissioner absent.**

Chief had no further comment. Commission Chair Rosen thanked the police for conducting these investigations and making sure it is not easy for minors to be served in Northampton.

**6. Application of transfer of Stock , Change of Corporate Name and approval of Form 43**

Hao Chen, Inc. to change to Jacob & Tina Chen d/b/a Sakura and Vegan Palate with transfer of stock from Yong Hao Chen to Yi Qiang Chen.

Limei Chen was in attendance with Mr. Yi Qiang Chen to assist with application and clarification because of language barrier. Mr. Chen has previous experience with service of alcohol in Oklahoma. He has been with Hao Chen for 3 years. Proof of citizenship was provided. **Commissioner Campedelli moved to approve transfer of stock and change of corporate name. Also moved to approve Form 43. Commission Chair Rosen seconded. The motion was approved 2-0 unanimously with one commissioner absent.**

**7. Application for Common Victualler License for El Conquistador**

89-93 Main Street, Florence, MA

Sarah Rivera and Josue Nunez were present for application.

Ms. Rivera explained that the plan is to open a take-out and delivery restaurant with Hispanic food in the center of Florence. She provided the signed lease to the Clerk. Approval from the Board of Health and Building Department are still pending. **Commission Chair Rosen moved to approve the Common Vic. License pending receipt of appropriate approvals and fees. Commissioner Campedelli seconded. The motion passed unanimously 2-0 with one commissioner absent.**

**8. Application for Common Victualler License for Gateau Inc. , d/b/a Pine Street Café**

176 Pine Street, Florence

Dr. Arnie Levinson was not present, but Clerk Cyndi Murphy had appropriate information to speak on his behalf. Also Attorney Mikal Weiss was available for informal comment. There were previously partners for Sunrise Over Florence Bakery. The Bakery did not have a Common Victualler License. Dr. Levinson is currently the sole owner and has renamed the restaurant the Pine Street Bakery. The proof of lease has been provided and Building Department and Board of Health approvals have been given. **Commissioner Campedelli moved to approve the Common Victualler License. Commission Chair seconded. The motion passed unanimously 2-0 with one commissioner absent.**

**9. Application for Pledge of License for Leap in Limp Out d/b/a Eastside Grill**

Attorney Mikal Weiss and Ms. Deb Flynn were present for the application. The business is solely owned by Deb Flynn. There was a refinance in 2015 that required a pledge of license. This Pledge request is just to make ABCC records show current information. All 3 notes were copied and provided with application. All are made to the same bank. **Commission Chair Rosen moved to accept the pledge application and the Form 43. Commissioner Campedelli seconded. The motion passed 2-0 unanimously with one commissioner absent.**

**10. Application for Change of Officers/Directors MMY Associates, Inc. d/b/a Zen Restaurant.**

Michelle Sun was present for application. The application is complete along with appropriate paperwork. The proposed directors have been in place for some time. This application is to be in compliance with ABCC. **Commission Chair Rosen moved to accept the change of directors and to approve Form 43. Commissioner Campedelli seconded. The motion passed 2-0 unanimously with one commissioner absent.**

**11. Application for transfer of license from MMY Associates, Inc. d/b/a Zen Restaurant to Fortune Creative, LLC**

Attorney Tom Reidy and Cheng Lee Ziang were present for application. Attorney Reidy stated that lease agreement is in progress. They are hoping for approval of the transfer pending all appropriate paperwork being provided to the commission. Mr. Ziang currently owns Oriental Flavor in Amherst as a successful business. He plans to keep the traditional Chinese food and continue with Sushi from Zen. This request is also pending ABCC approval of change of directors for ZEN. This is an all new business in the city. They will be requesting an application for Common Victualler License also. **Commissioner Campedelli moved to approve the application for transfer and authorize the Form 43. Commission Chair seconded. The motion passed unanimously 2-0 with one commissioner absent.**

The manager of record will remain the same for this time.

**12. Application for Short Term Wine and Malt License**

Adacemy of Music, 274 Main Street, Northampton

*Date/Time:* Friday, March 25, 2016 6:00 p.m. – 11:00 p.m.

*Event:* Steven Wright Comedy Show

*Date/Time:* Thursday, April 7, 2016 6:00 p.m. – 11:00 p.m.

*Event:* Yo La Tengo Concert

*Date/Time:* Friday, April 8, 2016 6:00 p.m. – 11:00 p.m.

Event: Jim Norton Comedy Show

*Date/Time:* Saturday, April 9, 2016 6:00 p.m. – 11:00 p.m.

Event: Barefoot Truth Concert

*Date/Time:* Thursday, April 21, 2016 5:00 – 11:00 p.m.

Event: Academy of Music 125<sup>th</sup> Anniversary Celebration

*Date/Time:* Friday, April 22, 2016 6:00 – 11:00 p.m.

Event: Colin Hay Concert

Alison Klejna was present for application. She gave a brief description of each event and also made request for Charity Wine Pouring license for the 4/21/16 event. **Commission Chair Rosen moved for approval of Short Term events with fee waiver for all 6 dates. Commissioner Campedelli seconded. The motion passes 2-0 unanimously with one commissioner absent.** Commission Chair Rosen verified that all appropriate paperwork was submitted for Charity Wine Pouring license. **Commission Chair Rosen moved for approval of this request. Commissioner Campedelli seconded. The motion to approve Charity Wine Pouring License passed unanimously 2-0 with one commissioner absent.**

**13. Application for Short Term All Alcohol License**

Greater Northampton Chamber of Commerce –Strong Avenue Parking Lot

*Date/Time:* Friday, April 29, 2016 5:30 – 11:00 a.m.

Suzanne Beck was present for application. Cyndi Murphy verified that Serv Safe information and Insurance are on file. Fee was submitted at the meeting. Ms. Beck gave description of the event as the 3<sup>rd</sup> annual Fundraising Auction. Transportation and Parking will hear the request for user of the parking lot later this month. The Chamber has been in touch with the local businesses to discuss parking concerns and to offer valet parking. Commissioner Campedelli moved for approval of the Short Term License. Commission Chair Rosen seconded. The motion passes unanimously 2-0 with one commissioner absent.

**14. Application for Short Term Wine and Malt License**

Jackson and Connor – 2<sup>nd</sup> Floor of Thorne’s Market  
Best Buddies Fashion Show

*Date/Time:* April 14, 2016 5:30 – 7:30 p.m.

Will Bideau was present for application. He reported that this will be the 7<sup>th</sup> year for this show. NAYP has teamed up with 3 local stores and students. Commission Chair Rosen moved to approve the Short Term Wine and Malt License. Commissioner Campedelli seconded. The motion passed unanimously 2-0 with one commissioner absent.

**15. Application for Short Term All Alcohol License**

Forbes Library, 20 West Street, Northampton  
Trustees Award Ceremony

*Date/Time:* April 30, 2016 2:00 – 4:00 p.m.

This event was described as an annual presentation to community members who have gone above and beyond in their support of the library. Seltzer and white wine will be served. **Commission Chair Rosen moved to approve the Short Term All Alcohol License with fee waiver. Commissioner Campedelli seconded. The motion passed unanimously 2-0 with one commissioner absent.**

**16. Renewal Process: Commission Chair Rosen moved to approve issuance of renewals for seasonal licenses that expired January 2016. Commissioner Campedelli seconded. The motion passed unanimously 2-0 with one commissioner absent.**

**17. Commissioner Campedelli moved to approve proposed minutes from the February 4, 2016 meeting and the December 2, 2015 meeting. Commission Chair Rosen seconded. The motion passed unanimously 2-0 with one commissioner absent.**

**18. NEW BUSINESS – none**

**19. Commission Chair Rosen moved to adjourn the meeting at 4:55 p.m. Commissioner Campedelli seconded. The motion passed 2-0 unanimously with one commissioner absent.**

*The next meeting of the Northampton License Commission is April 6, 2016.*

Contact:  
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