



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

Proposed minutes for July 28, 2016 License Commission meeting.

1. **Commission Chair Rosen and Commissioner Reall were present for the meeting. Commissioner Campedelli was not in attendance.**
2. **Meeting Called to Order at 4:00 p.m. by Chairman Rosen.**
3. **Announcement of Audio/Video Recording of Meeting was made.**
4. **Public Comment - none**
5. **Violation Hearings for 6 establishments as a result of city wide underage liquor service compliance check were heard and considered one at a time for violation of 204 CMR 2.05, Chapter 138, Section 34. Chairman Rosen opened the public hearing portion of the meeting by swearing in anyone who would expect to speak on the alleged violations. He also announced that Catuogno Court Reporter was present to take official notes for the hearing portion of the meeting. There were 101 establishments checked the evening of June 30, 2016. 21 establishments were closed, 80 on premise and 21 off premise licenses were checked. During this check 6 alleged violations were observed.**

The Roost, 1 Market Street, Northampton

First to speak was Sgt. Brian Letzeisen who described the events at Roost on 1 Market Street, Northampton. Two underage volunteers had ordered a Pabst Blue Ribbon Beer and a water from the front counter. No identification was requested. The beer was served. A receipt was requested and provided, but with a \$0.00 total listed. The underage volunteers left the table to use the restroom and then left the restaurant with the change of \$17.75. A description of the clerk was given and later that evening the police returned with the volunteers. The clerk was identified as Alex Holm.

Adan Dunetz spoke next as the licensee. He made no argument. He stated that this was the first infraction in 5.5 years and he also expressed appreciation for the Police Department. All servers are TIPS certified and bi-annual meetings are held to keep rules fresh. The employee who served this beer is no longer employed and was at the time working within his notice of termination of employment period.

Chairman Rosen stated that the licensee acknowledged the violation. **He then moved to find that a violation occurred as outlined in the charge. Commissioner Reall seconded. The motion passed unanimously 2-0 in favor of finding that a violation occurred. One commissioner was absent.**

Commissioners discussed the appropriate sanction noting that in the past a 2-day suspension that would be suspended for 6 months had been issued. Commissioner Reall noted that there is no pattern of a history of violations. She also appreciated that the licensee accepted responsibility and **moved to issue the 2 day suspense as discussed to be in abeyance for 6 months not to be served if no further violations in that time period. If a future violation occurred the 2 day suspension would be served in addition to any new sanction. Chairman Rosen seconded. The motion passed unanimously 2-0 with one commissioner absent.**

Kung BAO LLC, d/b/a Taipei & Tokyo, 16-18 Crafts Ave, Northampton –

Sgt. Brian Letzeisen described the events at Taipei & Tokyo, 16-18 Crafts Ave, Northampton. Two underage volunteers entered Taipei & Tokyo and ordered Bud Light Beer. Identification was requested but the volunteer stated that she did not have it. The server said that it was okay and served the beer. Change was never provided to the volunteers.

Kulghuan Chen, the restaurant manager and Kai Chen (Alex) the server were present for the licensee. Alex stated that he did ask for identification and he was told that the volunteers did not have it with them. He took blame for the incident and claimed the fault for not being more thorough. Alex is new at serving and not yet TIPS trained.

Chairman Rosen stated that the licensee did acknowledge that the violation occurred. **He moved to find Taipei & Tokyo in violation of 204 CMR 2.05, Chapter 138, Section 34. Commissioner Reall seconded. The motion passed unanimously 2-0 with one commissioner absent.**

The commissioners made strong recommendation that the servers all be TIPS or Serv Safe trained and certified. Cyndi Murphy will provide this information to the licensee. **Commissioner Reall moved to impose a 2 day suspension of license to be suspended for 6 months. If any further violation in next 6 months, the 2 day suspension will be served in**

addition to any new sanction. Chairman Rosen seconded. The motion passed unanimously 2-0 with one commissioner absent.

Veracruz Foods Inc, d/b/a La Veracruzana, 31 Main Street, Northampton –

Sgt Brian Letzeisen reported on the event at La Veracruzana, 31 Main Street, Northampton. Two underage volunteers entered La Veracruzana. One ordered a Carona Light Beer at the counter. The cashier requested identification and when the volunteer said that he did not have any; the cashier asked, "You are not the police are you." The cashier then opened and served the beer. The volunteer was provided with a receipt for \$3.50 identifying the server at Kathalina. At the end of the evening Officer Perry and the volunteer returned to the establishment where the cashier was identified as Esther Garcia (also known as Katherina). The manager, Martin Carrera and Ms. Garcia were provided with notice of violation.

Sunia Hood was present for the hearing. She agreed with the description of events. Half of the staff are Serv-Safe/TIPS trained. An effort is made to get the staff trained in Spanish. Ms. Hood assured the commission that this staff member will be trained. Commissioner Reall asked why the server made the comment about the police. The server stated that it was a silly joke. She also acknowledged the violation. **Chairman Rosen moved to find La Veracruzana in violation of 204 CMR 2.05, Chapter 138, Section 34. Commissioner Reall seconded. The motion passed 2-0 unanimously with one commissioner absent.**

Chairman Rosen noted that there was a previous violation, but it was 7.5 years ago. The staff has changed in that amount of time. Commissioner Reall agreed that too much time had passed to consider the previous violation when determining sanction. **Chairman Rosen moved to impose a 2 day suspension of license to be suspended for 6 months. Any further violation in the next 6 months would cause the 2 day suspension to be served in addition to any further sanction. Commissioner Reall seconded. The motion passed 2-0 unanimously with one commissioner absent.**

Hao Chen Inc., d/b/a Sakura and Vegan Palate, 261 King Street, Northampton

Sgt Brian Letzeisen reported on the event at Sakura and Vegan Palate. Two underage volunteers entered Sakura and Vegan Palate. They ordered a Coors Light and a Cosmopolitan. No identification was requested. A receipt was provided and the volunteers gave a description of the server. The following evening Officer Van Buskirk delivered the notice of violation to Mr. Yi Qiang Chen. Mr. Chen stated that the waiter was Xiao Lin.

Yi Qiang Chen, his wife Limea and Xiao Lin were present for the licensee. Mr Chen stated that he and one other staff member are TIPS Trained. The server said that he forgot to ask for identification until after he served the open beer. He is a new server only employed for 3 months.

Chairman Rosen reported that Sakura had two prior violations, in 2010 and 2013. There was a different owner in 2010. In 2013 Mr. Chen appeared before the commission for a violation that resulted in a 4-day suspension of license suspended for 2 years. Commissioner Reall strongly suggested that to avoid any future violations employees should be trained. Cyndi Murphy will provide the licensee with the information on Serv Safe classes and/or TIPS training. Commissioner Reall acknowledged that three years had passed since the most recent prior violation.

Chairman Rosen stated that the licensee did admit to violation and moved to find that a violation of **204 CMR 2.05, Chapter 138, Section 34** had occurred. Commissioner Reall seconded. The motion passed unanimously 2-0 with one commissioner absent.

Chairman Rosen moved to impose a 2 day suspension of license to be suspended for 2 years barring any further violation. This suspension will be served in addition to any new sanction if another violation occurs within the two years. Both commissioners felt this was appropriate to use as incentive for the licensee to comply with the laws. **Commissioner Reall seconded and the motion passed unanimously 2-0 with one commissioner absent.**

ConVino LLC, d/b/a ConVino, 101 Armory Street, Thornes Market, Northampton

Sgt Brian Letzeisen reported on the event at ConVino, 101 Armory Street, Northampton. Two underage volunteers were seated at the bar and ordered wine. No identification was requested. A receipt was provided for \$17.66 and the name Scott was given as the bartender. Police officers were able to observe this encounter through the window.

Carolyn McDaniel was present for the violation hearing. She gave the name Scott Salus as the server and agreed to the events as described. She stated that as soon as the service occurred the mistake was realized. Both the owner and the server are serv-safe trained. The policy is to always ask for identification. There has been no prior violation.

Chairman Rosen noted that the licensee acknowledged the violation. Chairman Rosen moved to find ConVino in violation of **204 CMR 2.05, Chapter 138, Section 34. Commissioner Reall seconded. The motion passed unanimously 2-0 with one commissioner absent.**

Chairman Rosen moved to impose a 2-day suspension of license to be suspended for 6 months. Commissioner Reall seconded. The motion passed 2-0 unanimously with one commissioner absent.

Tala Management Inc. d/b/a Fairfield Inn and Suites, 115A Conz Street, Northampton

Sgt. Brian Letzeisen reported on the event at Fairfield Inn and Suites, 115A Conz Street, Northampton. Two underage volunteers entered the Fairfield Inn with \$11. They were served an unopened Blue Moon and were able to give a description of the server. No receipt was provided. The server was identified as Nicholas Costello. The manager and Mr. Costello were both provided with notice of violation. The Regional Director, Essie Motanez was present for the violation hearing. He stated that the corporation does require that all servers are trained and that the next session was scheduled for 8/8/16. Even previously trained employees will receive training. There is also a large red sign at the cooler stating a need for identification.

Chairman Rosen stated that the licensee took responsibility for the violation and acknowledged that it occurred. **Chairman Rosen moved to find Fairfield Inn and Suites in violation of 204 CMR 2.05, Chapter 138, Section 34. Commissioner Reall seconded. The motion passed unanimously 2-0 with one commissioner absent.**

Chairman Rosen moved to impose a 2-day suspension of license suspended for 6 months as there has been no prior violation. Commissioner Reall seconded. The motion passed 2-0 unanimously with one commissioner absent.

6. Application for change of manager and pledge of license, Form 43

L.F.F.N.O. d/b/a Liquors 44 Northampton 238 King Street Northampton

Proposed manager David J. Crussana, pledge to People's Bank

Attorney Tom Griffin and David Crussana were present for application. Mr. Crussana has been an employee for 12 years. He is TIPS trained and has all paperwork provided. Attorney Griffin gave description of the pledge as financing expansion of other stores. **Commissioner Reall moved to approve the change of manager and the Form 43. Chairman Rosen seconded. The motion passed unanimously 2-0 with one commissioner absent. Commissioner Reall moved to approve the Pledge of License. Chairman Rosen seconded. The motion passed unanimously 2-0 with once commissioner absent.**

7. Application for New Annual All Alcohol License per Acts of 2016 Chapter 109 for Sierra Grille 41A Strong Avenue, Northampton MA, Form 43 and Form 16C

O'Brian Tomalin was present for application. He stated that the business would not be making any changes. They would be celebrating the 10th Anniversary of Sierra Grille. Single malt scotches and bourbons will be served, only craft cocktails. Currently the restaurant employs 28 people. They are up to date with payments to vendors and current with the DOR. Profits are 50/50 food/alcohol. Ninety percent of employees are TIPS trained. Most employees have been with the restaurant for more than five years. Mr. Tomalin stated that he feels good about Strong Avenue and downtown Northampton development. No alterations will be made to the premise. Abutters were notified and none came forward with issues. Chairman Rosen asked if there was anyone present to speak about this request. There was no one.

Chairman Rosen moved to approve application for Annual All Alcohol as authorized by Chapter 109 Acts of 2016 and also approve the 16C stating that there is no apparent detriment to the educational and spiritual community by granting this. Commissioner Reall seconded. The motion passed unanimously 2-0 with one commissioner absent.

The terms of this license were explained to Mr. Tomalin. If this current business ceases to exist or wish to hold this license it is to revert back to the city. Mr. Tomalin felt that this was a good solution and alternative. The commissioners confirmed that Mr. Tomalin has the right to sell his current Annual Wine and Malt License or use it at an alternative location. This must be done promptly so as not to become a pocket license.

8. Application for New Annual All Alcohol License per Acts of 2016 Chapter 109 for Local Burger Inc., 16 Main Street, Northampton, also request approval for Form 16C and Form 43.

Jeff Igneri was present for application. He stated that he wants the restaurant to stay very much the same. Spiked milkshakes would be added to menu along with a few other items. The plan is to serve alcohol until 10 p.m. on weekdays and 12 p.m. on weekend nights. Food will continue to be served until 3 a.m. No construction is planned. Chairman Rosen stated that the abutters were notified appropriately and there was nobody present to speak against this from the public. The terms and parameters of the potential issuance of this new license were explained to Mr. Igneri.

Chairman Rosen moved to approve the 16C form stating that there is no detriment to the activities of the education or spiritual institutions. Commissioner Reall seconded. The motion passed unanimously 2-0 with one commissioner absent.

Chairman Rosen moved to approve application for Annual All Alcohol Restaurant License for Local Burger Inc., d/b/a Local. Commissioner Reall seconded. The motion passed unanimously 2-0 with one commissioner absent.

9. Application for Common Victualler License –

Glazed Doughnut Shop, 8 Craft Ave., Northampton, MA 01060

Karen Rhoades was present for application. The production of the doughnuts will occur in Amherst and be delivered to the Northampton location. There will be an oven for gluten free baked products in Northampton. The hours will be 8:00 a.m. until 10:00 p.m. until further notice. **Commissioner Reall moved to approve the Common Victualler license for Glazed Doughnut Shop pending approval from the Board of Health and Building Dept. Chairman Rosen seconded. The motion passed unanimously 2-0 with one commissioner absent.**

10. Application for Common Victualler License –

Bamboo (Asian Cuisine), 311 Riverside Drive, Northampton

Tatiana Marroquin was present for application. This will be a new Asian Restaurant serving lunch and dinner. Waiting for Landlord to provide information. **Chairman Rosen moved to approve the request for Common Victualler pending occupancy permit, workman's compensation information and fee. Commissioner Reall seconded. The motion passed 2-0 unanimously with one commissioner absent.**

11. Application for change of Manager for Rias Baixes, d/b/a Ibiza Tapas and request approval of Form 43

5-7 Strong Avenue, Northampton

Attorney Gove and Sebastian Pieketowski were present for application to change manager from Sonia Blanco to Sebastian Piekutowski. Attorney Gove stated the Mr. Pieketowski has an unblemished record and is TIPS certified. He explained that Mr. Juan Suarez remains the licensee and the business is remaining Rias Baixes d/b/a Ibiza Tapas. The licensee expects to come to the commission in September 2016 to request change of ownership. The restaurant is currently closed, but is expected to reopen prior to the next meeting. It will re-open under the same name. **Chairman Rosen moved to approve the request for change of manager. Commissioner Reall seconded. The motion passed unanimously 2-0 with one commissioner absent.**

12. Application for Wine Tasting at Agricultural Event

Goddard's Red Hen Farm, LLC d/b/a Mineral Hill Winery

At: 3 County Fairgrounds, Goddard

Event: Three County Fair

Date/Time: 9/2/16 – 9/5/16 10 a.m. – 10 p.m.

Sue Goddard was present for application. The event will be the same as in the past. Chairman Rosen verified that all paperwork has been submitted as appropriate. **Commissioner Reall moved to grant the application for Farm Winery License to sell at an agricultural event. Chairman Rosen seconded. The motion passed unanimously 2-0 with one commissioner absent.**

13. Application for change of manager and approval of Form 43

Papa Ginos, 301 King Street, Northampton

From Tina Barbieri to Kimberly Goodrich

Kimberly Goodrich was present for application. She described her experience working at Bertuccis Restaurant.

She is Serv-Safe trained and experienced in proper service and checking identifications. **Chairman Rosen moved to approve the request for change of manager and the Form 43. Commissioner Reall seconded. The motion passes unanimously 2-0 with one commissioner absent.**

14. Application for One Day Wine and Malt License

Lonewolf, 63 Main Street, Amherst, MA

Made by Robert Watson

Date/Time: September 18, 2016 12:30 – 5:30 p.m.

Event: Northampton Bike Festival at Look Park

The applicant could not be present for the meeting. Cyndi Murphy presented the application to commissioners. The event will be the same as in the past. Chairman Rosen moved to approve the application for a One day Wine and Malt License. Commissioner Reall seconded. The motion passed unanimously 2-0 with one commissioner absent.

15. Application for One Day Wine and Malt License

Forbes Library, 20 West Street

Date/Time: August 3, 2016 6-8:00 p.m.

Event: Hosmer Gallery Art Reception for Drawings by David Andrews, Paintings by Karen Chapman and Sculptures by Nina Rossi

Faith Kaufman was present for application. Chairman Rosen noted that one commissioner was absent leaving 2 commissioners for vote on this request. He stated that Commissioner Reall may participate in this vote. She does hold a position on the board for Forbes Library but has no fiduciary responsibility associated with her position on that board. **Chairman Rosen moved to approve the One day wine and malt license with a fee waiver. Commissioner Reall seconded. The motion passed unanimously 2-0 with one commissioner absent.**

16. Application for One Day Wine and Malt Licensees

Academy of Music, 274 Main Street, Northampton

- Event: Lucinda Williams Concert
Date/time: August 26, 2016 6-11:00 p.m.
- Event: Chris D'Elia Comedy Show
Date/time: September 8, 2016 6-11:00 p.m.
- Event: Lucius Concert
Date/time: September 21, 2016 6-11:00 p.m.
- Event: Graham Nash Concert
Date/time: September 27, 2016 6 – 11:00 p.m.
- Event: Tom Cotter Comedy Show
Date/time: September 29, 2016 6-10:00 p.m.

Alison Klejna was present for applications. **Commissioner Reall moved to approve the one day licenses for the dates and events listed with fee waivers. Chairman Rosen seconded. The motion passed 2-0 unanimously with one commissioner absent.**

17. Review and approval for minutes of June 1 and June 29, 2016 meetings

Chairman Rosen moved to approve the minutes from both the June 1 and June 29, 2016 minutes. Commissioner Reall seconded. The motion passed unanimously 2-0 with one commissioner absent.

18. New Business –

Cyndi Murphy reminded the commissioners to return their expired parking passes to her. Chairman Rosen asked for an update on any other applications under the Special Legislation Acts 2016 Chapter 109. It seems likely that Ibiza Tapas will be making application soon. Cyndi Murphy explained that she had been in contact with Ms. McGuinness from Sylvesters but has not yet received any paperwork.

19. Adjourn

Commissioner Reall moved to adjourn the meeting at 5:30 p.m. Chairman Rosen seconded. The motion passed unanimously with one commissioner absent.

The next meeting of the License Commission is Wednesday, September 7, 2016

Contact:
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