



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

September 7, 2016 Proposed Minutes

1. **Members present/absent: Chairman William Rosen and Commissioner Brian Campedelli were present for the meeting. Commissioner Elaine Reall was absent.**
2. **Meeting Called to Order at 4:30 p.m.**
3. **Announcement of Audio/Video Recording of Meeting was made by Chairman Rosen**
4. **Public Comment - none**
5. **Application for Addition to Arts Night Out Short Term License**
 Drs. Clayton, Kleinman, and Canby, 243 King Street, Northampton, MA
 Sue Phillips, the office manager, was present for the application. She explained that the person serving alcohol has experience and is serv-safe trained. The events will feature patient's artwork, hors d'oeuvres and some beverages. **Commissioner Campedelli moved to grant the application to be included in the Arts Night Out Short Term License. Chairman Rosen seconded. The motion passed unanimously 2-0 with one commissioner absent.**
6. **Application for Short Term Wine and Malt License**
Zoll Cellars Winery
 Date/Time: October 1, 2016 10:00 a.m. – 2 p.m
 Event: Meghan's Light, Look Memorial Park
 Frank Zoll was present for application. He described the event as the same as last year except that they have added a fun run to the 5K. The licensed part of this event will be at the Dow Pavillion. Distributors are ABCC approved. **Chairman Rosen moved to approve this application. Commissioner Campedelli seconded. The motion passed unanimously 2-0 with one commissioner absent.**
7. **Application for New Annual All Alcohol Restaurant License per Acts of 2016 Chapter 109 for Sylvester's Fine Foods, Inc. 111 Pleasant Street, Northampton MA**
 Maureen McGuinness and Peter St. Martin were present for application. Wine and malt is currently served here. If granted the all alcohol license the menu would be extended to include bloody marys and martinis. The hours would be m-Friday 7 a.m. – 7 p.m. or 8 a.m. – 8 p.m. for breakfast until early dinner patrons. No renovations will need to occur. Most staff members are Serv-safe trained with additional in-house training. **Chairman Rosen moved to approve the Form 43. Commissioner Campedelli seconded. The motion passed unanimously 2-0 in favor with one commissioner absent.** Chairman Rosen verified that all green cards from abutters had been received. **He then moved to approve the Form 16C. Commissioner Campedelli seconded. The motion passed unanimously 2-0 with one commissioner absent.** Chairman Rosen then explained the special restrictions of this license per MGL Chpt. 109 Acts 2016. This license may not be moved from this premise or transferred to another owner by the current licensee. The license would revert back to the city for issue. **Chairman Rosen moved to grant this license. Commissioner Campedelli seconded. The motion passed unanimously 2-0 with one Commissioner absent.**
8. **Application for Short Term Wine and Malt**
For Blue Paws Inc, d/b/a JJ's Tavern, 99 Main Street, Unit B, Florence, MA
 Date/Time: October 8, 2016 2:00 – 7:00 p.m.
 Event: Ok'Flo'berfest
 Jon Neumann was present for application. The rules of the one day license were explained to Jon Neumann and he responded that he understood and that the event will be the same as last year. **Commissioner Campedelli moved to grant this one day license. Chairman Rosen seconded. The motion passed unanimously 2-0.**

**9. Application for Short Term Wine and Malt
For Academy of Music, 274 Main Street, Northampton**

Request for fee waiver
Submitted by Alison Klejna

Date/Time: October 1, 2016 6:00 – 10:00 p.m.
Event: Best of Valley Voices Story Slam

Date/Time: October 28, 2016 7:00 – 11:00 p.m.
Event: Henry Rollins Show

Date/Time: November 3, 2016 7:00 – 11:00 p.m.
Event: Dave Mason Concert

Date/Time: October 16, 2016 6:00 – 10:00 p.m.
Event: Bela Fleck & Victor Wooten

Debra J'Anthony was present for the application. Chairman Rosen asked if there was to be anything different about these events in comparison to previously licensed events. There is nothing out of the ordinary. **Chairman Rosen moved to approve all 4 events. Commissioner Campdelli seconded. The motion passed unanimously 2-0 with one commissioner absent.**

**10. Application for Short Term Wine and Malt
For The White Lion Brewing Company**

Date/Time: October 23, 2016 10:30 a.m. – 6:00 p.m.
Event: Happy Valley Half Marathon at Look Park, Florence, MA

Raymond Berry was present for application. The licensed part of the event will be in the gazebo area of Look Park. The servers will be Serv-safe or TIPS certified. **Chairman Rosen moved to approve this one day license for 10/23/16. Commissioner Campedelli seconded. The motion passed unanimously 2-0 with one commissioner absent.**

11. Application for Short Term Wine and Malt

For New England Deaconess Association d/b/a Rockridge Retirement Community, 25 Coles Meadow Road, Northampton

Submitted by Beth Vettori

Date/Time: 10/20/16 5:00 – 9:00 p.m.

Event: Rockridge fundraiser, in large community room

Rachel Kania, food service director was present for the meeting. She described the event as an award ceremony and fundraiser. The proceeds will go to transportation. Servers will be certified. Commissioner Campedelli moved to grant the Short Term Wine and Malt License. Chairman Rosen seconded. The motion passed unanimously 2-0 with one commissioner absent.

12. Application for New Annual All Alcohol Restaurant License per Acts of 2016 Chapter 109 for Rias Baixas d/b/a Ibiza Tapas, 7 Strong Ave, Northampton, MA

Submitted by Sebastian Piekutowski

Form 43 and Form 16 C

Attorney Michael Gove and Sebastian Pietkutowski were present for the application. Sebastian is the manager of record for the current wine and malt license held at 7 Strong Avenue. Attorney Gove explained that the publicity driven information that has been given is not completely accurate. He assured the commission that all changes with the business will be done correctly and with approval. There will be no jumping ahead. There are some changes anticipated for the future. Mr. Suarez does hope at some point in the future to apply to transfer his shares of stock, but that will not be done without proper approvals. He also stated that the licensee would like to eventually request extension of premise to include a back patio space. He explained that not all paperwork had been signed by Juan Suarez yet and Mr. Suarez is not in attendance at this meeting as he is still out of the country. There is also one green card from the certified mail missing from the Roman Catholic Church. Attorney Gove requested approval for the application pending receipt of all items necessary by Cyndi Murphy. A description of the premise was given along with the terms of the lease. Mr. Pietkutowski will remain the manager of the license through and after any of these planned changes. The menu was described to include café

style breakfast, sandwiches, soups, full dinner menu some evenings as well as select tapas. The drink menu will be high end with no use or installation of soda guns. Staff numbers were listed and health insurance and contracts will be provided to all of them. The plan is for the restaurant to reopen under the current Wine and Malt License on 9/20/16 with the hope that a full license would come in due course.

Chairman Rosen reminded that the application needs to be processed by the ABCC after approval is given from LLC and all paperwork is submitted. He also stated that normally the LLC hears from the current licensee. Mr. Suarez is not present and the paperwork has not been signed by him. The applicant provided paperwork stating that both Sebastian Pietkutowski and Attorney Gove were given legal permission to serve as licensee for this application. Attorney Gove expressed that the licensee did not want to wait until the October meeting for consideration. The green card from the Roman Catholic Church was expected any day as well as signatures from Juan Suarez.

Chairman Rosen asked if the intention of the licensee is to request permission to alter the corporate make-up in October/November with Juan Suarez planning to withdraw. Attorney Gove stated that the intention is to transfer ownership to Sebastian Pietkutowski and two others. Commissioner Campedelli suggested that the request for Annual All Alcohol License as put forward at this meeting could be approved with the contingency of all appropriate paperwork and signatures being provided to the Cyndi Murphy. Chairman Rosen stated again that it is highly unusual to hear a request without the licensee present and without signatures. Attorney Gove stated that the signed paperwork has been reported to be sent by FedEx.

Chairman Rosen referred to an opinion given by the City Solicitor. Chairman Rosen stated that the LLC would need to rely on council when deciding how to proceed. Attorney Gove acknowledged the strict restrictions in the Acts of 2016 that require the license to be issued to Rias Baixas LLC, d/b/a Ibiza Tapas located at 7 Strong Ave. and that any change to this name or address would cause the license to be returned to the City of Northampton with all legal rights. He stated that the business would continue with that name and at that address recognizing that there is some name recognition. He also stated that the sign on the premise will highlight the address to help with the foot traffic.

Chairman Rosen stated that because the applicant is continuing operations as Rias Baixas LLC, d/b/a Ibiza Tapas, at the 7 Strong Avenue premise, this application is at this point acting within the special terms and in compliance barring any further direction from council or the ABCC. Commissioner Campedelli again asked if the approval for application, form 43 and 16 C finding could be granted on contingencies already stated.

Attorney Gove stated that he would provide documents by Monday.

Chairman Rosen asked if there would be any reason not to wait until the October meeting. Attorney Gove expressed that in the interest of time it would be best to have the decision earlier as the ABCC timeline could be unpredictable. Chairman Rosen noted that nobody from the Roman Catholic Church was in attendance with any concerns. Attorney Gove provided a copy of the letter that was sent to the Church. Chairman Rosen gave his opinion that the commission could act on contingency today. Commissioner Campedelli agreed and advised the applicant to check with FedEx to track the paperwork. Chairman Rosen restated the restrictions of this special license. He asked if tapas would be part of the menu. Sebastian Pietkutowski stated that there would be tapas as part of the menu. No members of the public came forward with questions or comments. **Chairman Rosen moved to close the public hearing. Commissioner Campedelli seconded. This motion passed 2-0 unanimously with one commissioner absent.** Chairman Rosen stated that he was inclined to grant this license as submitted contingent upon receipt of all documents. He also suggested that points may be raised regarding Chapter 109 Acts of 2016.

Chairman Rosen moved to grant the application per MGL Chpt 109 Acts 2016 for RiAx Baixas LLC d/b/a Ibiza Tapas contingent upon receipt of original signed documents from Mr. Juan Suarez. All requirements for 16C must be met also for approval of that. 16C Finding and Form 43 to be signed after receipt of all signed documents and green cards. Commissioner Campedelli seconded. The motion passed unanimously 2-0 with one commissioner absent.

Attorney Gove stated that he has been unable to reach Juan Suarez on this day but will get back to Cyndi Murphy in a reasonable time frame. The commissioners will allow three weeks as a reasonable time frame and if all documents are not provided by the three week point the request will need to go before the local license commission again in October. Cyndi Murphy is to alert commissioners when paperwork is received. If it goes beyond the 3 weeks Cyndi will alert the commissioners.

13. Application for Change of manager and directors for the Trustees of Smith College, 5 College Lane, Northampton, MA

Submitted by Elaina Paladino
Form 43

There was no representative for the Trustees of Smith College present. Cyndi Murphy explained to the commission that the request for change of manager had already been approved by the LLC at a recent meeting. The ABCC returned the request with no action pending update and approval of new directors. All information for

new directors was provided along with the new request. **Chairman Rosen moved to approve change of manager and new directors as requested. Commissioner Campedelli seconded. The motion passed unanimously 2-0 with one commissioner absent.**

14. Diva's Night Club request to retain license temporarily

Lori Conte formally requested allowance to retain the Annual All Alcohol License beyond the date of the restaurant closure of Oct. 31, 2016. She wants a reasonable time to allow for the sale of the license. She was unable to estimate a time frame but did state that there was interest in the license including for use at the former Hinge premise by Jason Newton. The building is currently stripped and may take some time to be ready. Chairman Rosen reminded Lori Conte that the license will need to be renewed at renewal time in order to remain active and able to be sold. He stated that the LLC could allow an extension of 6 months from the October 31 date providing that renewal was complete. Lori Conte is to keep in touch with Cyndi Murphy and the issue would be brought back to the commission if an extension beyond 6 months is needed.

There was a brief discussion about the current Diva's premise, terms of the rental. Cyndi Murphy offered to put Lori Conte in touch with the Economic Development Director. Lori said she would appreciate any assistance.

15. Review and approval for minutes of July 28, 2016 meetings – Postponed to the October 5 meeting.

16. New Business –

Cyndi Murphy presented an email from the attorney for the bank who holds the pledge for License of One Bar and Grill. The email formally asked for allowance to retain the license on the closed restaurant in order to have time for sale. Chairman Rosen stated that either an owner or the bank representative negotiating the sale of the license should attend the October 5 License Commission Meeting.

There was a brief discussion regarding the Diva's, One Bar, and Clarion licenses. They are over quota licenses with no special legislation and if they are revoked the license disappears and can't be reissued.

Cyndi Murphy presented the letter that she sent to these three license holders reminding them of renewal time.

The notice from the ABCC regarding a hearing for gambling on premise at the American Legion was presented to the commission.

17. Adjourn – Chairman Rosen moved to adjourn the meeting at 5:44 p.m. Commissioner Campedelli seconded. The motion passed 2-0 with one commissioner absent.

The next meeting of the License Commission is Wednesday, October 5, 2016

Contact:
Cyndi Murphy, Executive Secretary
cmurphy@northamptonma.gov 413-587-1212