



NORTHAMPTON LICENSE COMMISSION

City Hall, Office of the Mayor
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COMMISSIONERS

Brian Campedelli, Chair
Natasha Yakovlev
Helen Kahn

Executive Assistant

Annie Lesko

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MEETING MINUTES

Wednesday, August 7, 2019
City Council Chambers, 212 Main Street
4:00 p.m.

- 1. MEETING CALLED TO ORDER** by Commissioner Campedelli at 4:00 p.m.
ROLL CALL – Commissioners Campedelli, Yakovlev and Kahn were present
ANNOUNCEMENT OF AUDIO/VIDEO RECORDING made by Commissioner Campedelli
- 2. PUBLIC COMMENT** - None
- 3. DISCUSSION WITH CITY SOLICITOR SEEWALD ON SETTING A PROCEDURE FOR ADMINISTERING FAIR WAGE BONDS**

Attorney Seewald was present to discuss wage bonds with the commission. He stated that last year wage bonds were set and imposed and licensees were not being informed. He stated that the commission has two options. The first is to fix a way of imposing a wage bond by picking a multiple of the judgement or any other rational way. The other option is for the commission to use its discretion to set the bond. In this case, the licensee will need to be notified and a hearing will have to be held. If the commission is to exercise its discretion each time, then it will need to come up with standards and determine what factors will apply so they are applied in each situation.

Commissioner Yakovlev stated that when wage bonds first started being imposed, the factor was three times the judgement amount and in the last case it became very large. She stated it will be helpful to have a discussion on how to determine the amount so it isn't determined by just one factor. She questioned whether a hearing with the licensee will need to be held regardless.

Attorney Seewald stated if there is a uniform way of imposing the amount of the wage bond and it is included in the commission's rules and regulations then a hearing doesn't need to be held. However, if the commission would like to use its discretion on each judgement, then a hearing will need to be held for each licensee.

Commissioner Campedelli remembers a conversation the commission had last year about the commission or the city having a second means of repercussion as it relates to licensees. He wonders if there is another action the commission can take other than imposing a wage bond.

Attorney Seewald stated that the license commission has no role in enforcing wage laws other than imposing wage bonds.

Attorney Seewald stated he is happy to help the commission put their ideas into language that is appropriate once it has been decided on how to proceed. He furthered that a decision needs to be made and something should be in place ready to go for the upcoming renewal season in November.

Commissioner Campedelli asked Attorney Seewald about the email from Valerie Carrier regarding Osaka's wage bond. The email read, "The bond company is working to get us a rate and payment will need to be made for the Osaka renewal bond in the very near future. I haven't yet contacted Mark as I wanted to check with your office first. Do we know if this is going to be required again this year? And if yes, has a decision been reached on the amount?"

Attorney Seewald stated that if a judgement has been found on the licensee within the last three years, then a wage bond is required.

Commissioner Campedelli stated that this licensee has already paid their dues and asked if the commission can impose a lower amount to make it fairer because it seems excessive.

Attorney Seewald stated he understands the numbers can get large but the judgement against them was large because the violations were egregious. It is not rational to say the bigger the violation, the less the penalty.

Commissioner Kahn referenced the email and asked if the commission decides on a way to impose the fees, would it then apply to the licensees who currently have wage bonds?

Attorney Seewald stated that it will apply to anyone required to get a wage bond during the upcoming renewal cycle.

The clerk asked if the amount can be changed for the upcoming year even though the amount has already been set from last renewal season.

Attorney Seewald stated that the commission has a right to decide the amount every year but it is something that should be in the regulations that spells out what the commission's intentions are.

4. APPLICATION FOR A FARM WINERY LIQUOR LICENSE TO SELL AT FARMERS MARKETS & AGRICULTURAL EVENTS

Godard's Red Hen Farm, LLC d/b/a Mineral Hills Winery

Dates/Times: August 30, 2019, 4 p.m. – 8 p.m.

August 31, 2019, 10 a.m. – 8 p.m.

September 1, 2019, 10 a.m. – 8 p.m.

September 2, 2019, 10 a.m. – 6 p.m.

Location: Three County Fairgrounds, 54 Fair St.

Event: Three County Fair

Type: Farm/Winery Liquor License to sell at Farmers Markets & Agricultural Events

Larry Godard was present for this application. There have been no changes in the last seven years from when they started selling at the fair.

Commissioner Yakovlev moved to approve the application for farm winery license to sell at farmers markets & agricultural events. Commissioner Campedelli seconded. The motion passed unanimously 3-0.

5. APPLICATION FOR FARM/WINERY LIQUOR LICENSE TO SELL AT FARMERS MARKETS & AGRICULTURAL EVENTS

Hardwick Vineyards & Winery, LLC

Dates/Times: August 30, 2019, 4 p.m. – 10 p.m.

August 31, 2019, 10 a.m. – 10 p.m.

September 1, 2019, 10 a.m. – 10 p.m.

September 2, 2019, 10 a.m. – 8 p.m.

Location: Three County Fairgrounds, 54 Fair St.

Event: Three County Fair

Type: Farm/Winery Liquor License to sell at Farmers Markets & Agricultural Events

Gigi from Hardwick Vineyards was present for this application and there have been no changes from previous years.

Commissioner Kahn moved to approve the application for farm winery license to sell at farmers markets & agricultural events. Commissioner Campedelli seconded. The motion passed unanimously 3-0.

6. APPLICATION FOR SHORT TERM LIQUOR LICENSE

Blue Paws, Inc. d/b/a JJ's Tavern

Date/Time: Saturday, October 5, 2019, 2 p.m. – 7 p.m.

Location: 99 Main St., Florence – Rear Parking Lot

Event: Ok'Flo'berfest 2019

Type: Wine & Malt

Jon Neumann was present for this application. This event will be held in the same way as the past with the area roped off with cones.

Commissioner Campedelli inquired about Mr. Neumann's most recent email regarding outdoor seating (attached). Mr. Neumann stated there was a cooler outside the back of his building with bollards to protect the cooler. The cooler has since been removed and he would like to include outdoor seating in that area. Mr. Neumann will be fencing in the area with something similar to a black pool fence. He furthered that this area is already licensed and it doesn't go into the parking lot.

Commissioner Yakovlev asked if there is a site line from the bar to the outdoor area.

Mr. Neumann stated that there is a window but he has installed a camera with a monitor that is behind the bar that only the bartender can see.

Commissioner Campedelli instructed Mr. Neumann to follow up with an email showing the fencing once it is in place.

Commissioner Yakovlev moved to approve the application for short term liquor license. Commissioner Campedelli seconded. The motion passed unanimously 3-0.

7. PUBLIC HEARING ON AN APPLICATION FOR TRANSFER OF LIQUOR LICENSE, PLEDGE OF LIQUOR LICENSE AND TRANSFER OF COMMON VICTUALLER LICENSE

Highbrow, Inc. d/b/a Highbrow Wood Fire Kitchen + Bar
12 Crafts Ave.

From: Spoleto, Inc. d/b/a Pizzeria Paradiso

Proposed Manager: Andrew Brow

Commissioner Campedelli moved to open the public hearing at 4:16 p.m.

Andrew Brow was present for this application. Mr. Brow stated that he will be painting, changing carpets, changing tables and chairs and changing the menu but will not be doing any structural changes. He furthered that he will be losing a few seats for a waiting area.

Seeing no public comment, Commissioner Yakovlev moved to close the public hearing at 4:18 p.m. Commissioner Campedelli seconded. The motion passed unanimously 3-0.

Mr. Brow is taking ownership on September 1st and the restaurant is still open as Pizzeria Paradiso. Mr. Brow is the director of operations for the Spoleto Restaurant Group so he is currently training his staff to allow for a seamless change over. September 7th will be the soft opening with September 9th being the grand opening. Highbrow will also be open for lunch.

Commissioner Kahn moved to approve the application for transfer of liquor license, pledge of liquor license and transfer of common victualler license. Commissioner Campedelli seconded. The motion passed unanimously 3-0.

8. APPLICATION FOR SHORT TERM LIQUOR LICENSE

Building 8 Brewing

Date/Time: Wednesday, August 14, 2019, 7:30 p.m. – 10:30 p.m.

Location: Northampton Center for the Arts, 33 Hawley St.

Event: Outdoor Screening of “Woodstock”

Type: Wine & Malt

O’Brian Tomalin was present for this application. This event will be set up behind 33 Hawley St. in the fenced in area. He will bring a table and a few cases of beer for patrons.

Commissioner Yakovlev moved to approve the short term liquor license. Commissioner Campedelli seconded. The motion passed unanimously 3-0.

9. APPLICATION FOR SHORT TERM LIQUOR LICENSES

Northampton Community Television

Location: Northampton Center for the Arts, 33 Hawley St.

Type: Wine & Malt

Date/Time: Friday, August 30, 2019, 6 p.m. – 7 p.m.

Event: Art and Film Reception

Date/Time: Friday, October 18, 2019, 6 p.m. – 10 p.m.

Event: Northampton Open Media Relaunch and Annual Meeting

Peter Albert Williams was present for this application. Northampton Community Television (NCTV) has a satellite location at 33 Hawley St. and the two events are part of the programming in their new space. The first event is an art and film, furniture and clothing reception. The second event is a relaunch of Northampton Open Media, which is NCTV’s new name because they don’t just do television anymore.

Commissioner Kahn moved to approve the short term liquor licenses. Commissioner Campedelli seconded. The motion passed unanimously 3-0.

10. APPLICATION FOR CHANGE OF MANAGER AND CHANGE OF HOURS/REQUEST FOR EXTENSION OF HOURS

MP Majestic Enterprises, LLC d/b/a The Majestic Saloon

From: Michael Prosiak

To: Philip Peake

Requesting to serve food until 3 a.m. with wine & malt sales to cease at 1:30 a.m.

Philip Peake was present for this application. He stated that the bar has a number of events that it would like to move to the weekends. By moving these events it will be beneficial to extend closing hours to 2 a.m.,

7 nights a week. In addition, Mr. Peake requested a 3 a.m. closing time on Friday and Saturday for food service only - with alcohol sales ceasing at 1:30 a.m. (just like every other night).

Commissioner Kahn asked if the 2 a.m. closing time is sufficient for what is trying to be accomplished.

Philip Peake stated it would not be in respect to the food. They are looking for late night food service for weekends only – which is similar to the operating hours of Local Burger. He furthered that there are a lot of people that want food late night. The Majestic is working on a partnership with a chef who is cooking authentic tacos and burritos. The late night food service will include premade burritos that are made in the establishment. By having premade burritos, Mr. Peake hopes there will not be any lines outside.

Commissioner Kahn questioned, if the establishment is open until 3 a.m. for food service, how will the applicant make sure that consumption of alcohol ceases at 2 a.m.

Philip Peake stated that no alcoholic beverage will be served after 1:30 a.m.

Commissioner Kahn asked if glasses will be taken away from patrons if it is 2 a.m.

Philip Peake stated they will have to take away the glasses even if patrons are not finished.

Commissioner Campedelli questioned where the previous manager went.

Philip Peake stated that he is taking over 100% ownership and Michael is leaving the business. He furthered that transfer of ownership is still in process but there will soon be an application for change of ownership made.

Commissioner Yakovlev had a concern about the residents upstairs of the Majestic because with another establishment in close proximity that is open until 3 a.m. on the weekends might bring more people out. Commissioner Yakovlev asked if there are plans for mitigating the crowds.

Philip Peake stated that he believes by allowing a 3 a.m. closing time, it will alleviate some of the issues outside because people are currently waiting in line at Local Burger, but with the premade burritos, people will get their food more rapidly and won't be waiting in line as long.

Commissioner Yakovlev asked how long Mr. Peake has worked at the Majestic and if he has ever been a manager on a liquor license before.

Philip Peake stated that he started the project in December and opened in April and has been there for the duration. He has not been a manager on a liquor license before.

Commissioner Yakovlev moved to approve the change of manager to Philip Peake. Commissioner Campedelli seconded. The motion passed unanimously 3-0.

Commissioner Campedelli asked about security.

Philip Peake stated that if the extension from 1 a.m. to 2 a.m. is granted then security will be hired to be in charge of the door. Currently the bar is run with a bartender, a bar back and two people in the kitchen and has worked just fine with no problems.

Commissioner Yakovlev asked if there is security at the door checking IDs on night with busy events.

Mr. Peake stated he does have a person checking IDs and regulating the number of patrons.

The clerk asked how late the entertainment will go on weekends because if the establishment is open until 3 a.m. then it will affect the entertainment license.

Mr. Peake stated that he has no intentions of having entertainment go until 3 a.m. He plans on stopping at midnight and if he wants to change that in the future, he will come back to the commission to amend his entertainment license.

Commissioner Kahn moved to approve the application for extension of hours for liquor sales until 2 a.m., 7 days a week and the extension of house for food service only until 3 a.m. on Friday and Saturday. Commissioner Campedelli seconded. The motion passed unanimously 3-0.

11. APPROVAL OF MINUTES

- June 5, 2019

Commissioner Yakovlev moved to approve the June 5, 2019, minutes as written. Commissioner Kahn seconded. The motion passed 2-0 with Commissioner Campedelli abstaining.

- July 3, 2019

Commissioner Yakovlev moved to approve the July 3, 2019, minutes as written. Commissioner Campedelli seconded. The motion passed 2-0 with Commissioner Kahn abstaining.

- July 16, 2019

Commissioner Yakovlev moved to approve the July 3, 2019, minutes as written. Commissioner Campedelli seconded. The motion passed 2-0 with Commissioner Kahn abstaining.

12. CLERK'S UPDATE

- **Response from Country Hyundai, Inc. re: dealership audit**

The clerk read the response (attached) from County Hyundai regarding their non-compliant audit.

- **Parking passes**

The clerk provided Commissioner Kahn with her parking pass.

13. NEW BUSINESS

The clerk informed the commission that Fitzwilly's responded to the non-compliance letter regarding outdoor seating and provided photos (attached). The commission was satisfied after review.

14. ADJOURN

Commissioner Campedelli moved to adjourn the meeting at 4:43 p.m. Commissioner Yakovlev seconded. The motion passed unanimously 3-0.

The next meeting of the Northampton License Commission is scheduled for September 4, 2019.