



NORTHAMPTON LICENSE COMMISSION

City Hall, Office of the Mayor
210 Main St., 2nd Floor
Northampton, MA 01060
(413) 587-1212

COMMISSIONERS

Brian Campedelli, Chair
Natasha Yakovlev
Helen Kahn

Executive Assistant
Annie Lesko

alesko@northamptonma.gov

MEETING MINUTES

Wednesday, February 5, 2020
City Council Chambers, 212 Main Street
4:00 p.m.

1. **MEETING CALLED TO ORDER** by Commissioner Yakovlev at 4:01 p.m.
ROLL CALL - Commissioners Yakovlev and Kahn were present. Commissioner Campedelli was absent.
ANNOUNCEMENT OF AUDIO/VIDEO RECORDING made by Commissioner Yakovlev

2. **PUBLIC COMMENT** - None

3. **APPLICATION FOR SHORT TERM LIQUOR LICENSES**

Trustees of Forbes Library d/b/a Forbes Library

Location: 20 West St.

Type: Wine & Malt

Fee: Request Fee Waiver

Date/Time: Saturday, February 8, 2020, 2 – 4 p.m.

Event: Hosmer Gallery Art Reception: Kay Canavino and Jesse Merrick

Date/Time: Tuesday, March 16, 2020, 6 – 8:30 p.m.

Event: Hosmer Gallery Art Reception: I. Cook, C. Curtis, S. Valentine

Date/Time: Wednesday, June 3, 2020, 4 – 6 p.m.

Event: Hosmer Gallery Reception for Louis Leone

Faith Kaufmann was present for these applications and noted that the March 16th event is a Monday, not a Tuesday. This change was noted for the record. The aforementioned events will be held in the same manner as usual with no changes.

Commissioner Kahn moved approval of the short term liquor licenses, and fee waiver request, for February 8, March 16 and June 3, 2020. Commissioner Yakovlev seconded. The motion passed unanimously 2-0.

4. **APPLICATION FOR A SHORT TERM LIQUOR LICENSE**

Building 8 Brewing

Location: 320 Riverside Dr., Florence

Type: Wine & Malt

Date/Time: Saturday, February 15, 2020, 12 – 6 p.m.

Event: "Dark One Day" – Special Beer Release

Date/Time: Monday, February 24, 2020, 5:30 – 7:30 p.m.

Event: Caring for a Cure Benefit

O'Brian Tomalin was present for these applications. Mr. Tomalin stated that the February 15 event is to promote Building 8's imperial stout which is made once a year. He stated that cans will be sold at the store for off-premises consumption. The Florence Pie Bar will be making savory hand pies, YUP Coffee Roasters will be providing the coffee for the beer and will be on hand serving coffee, and dessert tapas will also be available. There will be 4 oz. and 8 oz. pours all to be consumed on the premises.

The February 24 fundraising event is being held in conjunction with Cooley Dickinson Hospital and 20-30 people are expected. Wine & beer samplings will be offered along with light fare.

Commissioner Kahn moved approval of the short term liquor licenses for Building 8 Brewing on February 15 and February 24. Commissioner Yakovlev seconded. The motion passed unanimously 2-0.

5. APPLICATION FOR CHANGE OF MANAGER ON AN ALL ALCOHOLIC BEVERAGES LICENSE

Bowl New England, Inc. d/b/a Spare Time Northampton
525 Pleasant St.

Previous Manager: Michael Perkins

Proposed Manager: Sarah Blais

Sarah Blais was present for this application. Ms. Blais is in her seventh year working at Spare Time Northampton and is aware of the responsibilities of the liquor license.

Commissioner Kahn moved approval of the Bowl New England, Inc. application for a change of manager to Sarah Blais. Commissioner Yakovlev seconded. The motion passed unanimously 2-0.

6. APPLICATIONS FOR SHORT TERM LIQUOR LICENSES FOR 2020 ARTS NIGHT OUT

Dates: 2nd Friday of the month: February 14, 2020; March 13, 2020; April 10, 2020; May 8, 2020; June 12, 2020; July 10, 2020; August 14, 2020; September 11, 2020; October 9, 2020; November 13, 2020; December 11, 2020

Time: 5 p.m. – 8 p.m.

Event: Arts Night Out

Type: Wine & Malt

Anchor House of Artists

A.P.E., Ltd.

Artisan Gallery

Bangsies, LLC d/b/a Bang Bang Body Arts

C. Hall, LLC d/b/a Thelo Home & Modern Wellness

Click Workspace, Inc.

Don Muller Gallery, Inc.

Forest Flowers

Living Art Studio

Lulublu, Inc. d/b/a PINCH

Marsam, LLC d/b/a R. Michelson Galleries

Megliola Real Estate, Inc. d/b/a Coldwell Banker Upton-Massamont Realtors

Northampton Center for the Arts

Silverscape Designs, Inc.

Sticks & Bricks

Thornes Marketplace, LLC

Amy Cahillane, Executive Director of the Downtown Northampton Association, and Steven Stover, Director of Arts Night Out, were both present for these applications. The events are small gallery openings with small bites and small beverages. Nothing has changed since prior years with the exception of a new venue, Forest Flowers on Market Street.

Commissioner Kahn moved approval of the applications for short term liquor licenses for 2020 Arts Night Out. Commissioner Yakovlev seconded. The motion passed unanimously 2-0.

7. APPLICATION FOR SHORT TERM LIQUOR LICENSE

Northampton Senior Services

Arts Night Out

Dates: March 13, 2020; April 10, 2020; May 8, 2020; June 12, 2020; September 11, 2020; October 9, 2020

Time: 5 p.m. – 8 p.m.

Event: Arts Night Out

Type: Wine & Malt

The clerk explained that she pulled this application out of the bulk Arts Night Out applications because the Senior Center is only holding six Arts Night Out events instead of the full 11.

Commissioner Kahn moved approval of the application for a short term liquor license to be included as an Arts Night Out venue on the aforementioned dates. Commissioner Yakovlev seconded. The motion passed unanimously 2-0.

8. APPLICATION FOR SHORT TERM LIQUOR LICENSE

Ireland Forever Foundation d/b/a Ireland Forever Festival

Date/Time: Saturday, May 30, 2020, 11:30 a.m. – 10 p.m.

Location: Three County Fairgrounds

Event: Irish Cultural Festival

Type: All Alcohol

The clerk explained that the organizers of the Ireland Forever Festival were not able to obtain their paperwork in time for the February meeting and asked to be placed on the March meeting agenda. No action was taken.

9. APPLICATIONS FOR SHORT TERM LIQUOR LICENSES

Academy of Music

Location: 274 Main St.

Type: Wine & Malt

Fee: Request Fee Waiver

Date/Time: Monday, February 24, 2020, 7 – 11 p.m.

Event: Squeeze: The Songbook Tour

Date/Time: Sunday, February 23, 2020, 1 – 6 p.m.

Event: Back to the Baystate Concert

Date/Time: Saturday, February 29, 2020, 6 – 11 p.m.

Event: Back Porch Bluegrass with the Travelin' McCourys, Della Mae, Hawktail

Date/Time: Sunday, March 1, 2020, 7 – 11 p.m.

Event: Marty Stuart & His Fabulous Superlatives with Laura Cantrell

Melissa Cleary Pearson was present for these applications. Ms. Pearson requested that the application for the March 1 event be changed to reflect a 6 p.m. start time. This change was noted for the record. The aforementioned events will be held in the same manner as usual with no changes.

Commissioner Kahn moved approval of the short term liquor licenses, and fee waiver request, for February 24, February 23, February 29, and March 1. Commissioner Yakovlev seconded. The motion passed unanimously 2-0.

10. APPLICATIONS FOR SHORT TERM LIQUOR LICENSES

Northampton Center for the Arts

Location: 33 Hawley Street

Type: Wine & Malt

Fee: Request Fee Waiver

Date/Time: Monday, February 10, 2020, 7:30 – 10 p.m.

Event: Pioneer Valley Jazz Shares Concert

Date/Time: Thursday, February 27, 2020, 7:30 – 10 p.m.

Event: Pioneer Valley Jazz Shares Concert

Joanna Walker was present for these applications and stated that the two jazz concerts will be held in the flex space on the main lobby level. Wine will be offered during intermission.

Commissioner Kahn moved approval of the short term liquor licenses, and fee waiver request, for February 10 and February 27. Commissioner Yakovlev seconded. The motion passed unanimously 2-0.

11. PUBLIC HEARING ON AN APPLICATION FOR CHANGE OF OFFICERS/DIRECTORS/LLC MANAGERS ON AN ANNUAL WINE & MALT BEVERAGES LICENSE

MP Majestic Enterprises, LLC d/b/a The Majestic Saloon
24 Main St.

Philip Peake, Samson King and Brock Parent were present for this application.

Commissioner Yakovlev moved to open the public hearing at 4:15 p.m. Commissioner Kahn seconded. The motion was approved unanimously 2-0.

Philip Peake stated that his former business partner left the business and Brock Parent, Sarah White and Samson King will now be co-managers of the LLC. All of the paperwork is in order.

Commissioner Yakovlev moved to close the public hearing at 4:17 p.m. Commissioner Kahn seconded. The motion was approved unanimously 2-0.

Commissioner Kahn moved approval of the application for change of officers/directors/LLC managers for MP Majestic Enterprises, LLC d/b/a The Majestic Saloon. Commissioner Yakovlev seconded. The motion passed unanimously 2-0.

17. CLERKS UPDATE

- Majestic Saloon Noise Complaint – Report of Sound Reading Check from Building Commissioner

The chair took this item out of order to accommodate Mr. Peake.

The clerk reported that the Building Commissioner sent an inspector to conduct a sound reading check at the Majestic Saloon and reported the following:

“I went by Majestic on Friday night (technically Saturday, Jan 25, 12:20 a.m.) to take decibel measurements. Here is a summary.

- The allowable legal limit after 10 p.m. is 55 dB.
- The street was not busy with little pedestrian and vehicle traffic. The ambient noise level across the street from the Majestic was 50-52 dB. Some of that ambient level was likely from the Majestic even at that distance.
- When a car would pass it would spike to ~65 dB depending on the vehicle.
- The Majestic had a deejay playing that night. Sound from outside was audible from over 100' away. I measured from on the sidewalk for several minutes including a couple of different songs. I was approximately 7-8' from the front door. The sound level with the door closed ranged from 57-63 dB. With the door open it was 67-73 dB.”

Subsequently, the Building Commissioner reported the following:

“The levels are higher than allowed by zoning but not as loud as a car driving by on the street.

It's important to keep in mind that our readings are affected by background noise; we don't have the ability to completely isolate the noise that comes from a specific source. There's an assumption that total sound level is a combination of background and "foreground.”

Attached to the minutes is a noise reading chart for reference.

Mr. Peake previously sent an email to the Commission. It read:

“We installed the first set of sound insulation at the Majestic. It consists of both flat wall, corrugated, fire-resistant foam as well as the bass traps I referenced earlier. You can see the bass traps in the photos. They fit into corners and are also made of corrugated, fire-resistant foam. In the photos, you will see some of the bass traps mounted along the sides of wall-mounted speakers. It is important to note that those speakers are not used as part of the sound system when we have DJ's in the bar but provide ideal mounting spaces for the bass traps.

On completion of the installation, two of us met Eric at his apartment and did a sound check on the system. We asked our DJ to gradually increase the sound until we could hear the music in the apartment. The DJ raised the sound level to a point they described as deafening, well above the Db level that we have ever or would ever run the system. We could hear nothing in Eric's apartment. Interestingly, we could hear the road noise from trucks driving on Main Street, but not one note from the Majestic.

We are cautiously optimistic that we have the problem under control. We are nonetheless installing some additional insulation and have provided Eric with a means of contacting our staff directly on any night when the sound begins to invade his space.”

The Commission thanked Mr. Peake for working with his neighbors to make sure everyone can live harmoniously.

12. PUBLIC HEARING ON AN APPLICATION FOR A CHANGE OF LICENSE CATEGORY ON AN ANNUAL WINE & MALT BEVERAGES LICENSE

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

Change of license category to Annual Wine & Malt Beverages License with a Cordials/Liqueurs Permit

Andrew Brow was present for this application.

Commissioner Yakovlev moved to open the public hearing at 4:19 p.m. Commissioner Kahn seconded. The motion was approved unanimously 2-0.

Commissioner Yakovlev noted that this application is a result of the city adopting the provisions of MGL Ch. 138 §12 relative to allowing wine and malt liquor license holders to petition for a cordials/liqueurs permit. Mr. Brow is the first applicant to apply for this permit.

Commissioner Yakovlev stated there was a lengthy discussion on this topic at the December 2019 meeting so she has no questions.

Mr. Brow stated that cordials can be defined as any spirit that has been naturally or artificially flavored with no less than 2.5% sugar. Some examples are Amaros, Baileys, and flavored spirits. Mr. Brow plans to serve after dinner drinks.

Commissioner Yakovlev moved to close the public hearing at 4:21 p.m. Commissioner Kahn seconded. The motion was approved unanimously 2-0.

Commissioner Kahn moved approval of the application for change of license category to an Annual Wine & Malt Beverages License with a Cordials/Liqueurs permit. Commissioner Yakovlev seconded. The motion passed unanimously 2-0.

13. APPLICATION FOR A CHANGE OF OFFICERS/DIRECTORS/LLC MANAGERS ON AN ANNUAL WINE & MALT PACKAGE STORE LICENSE

River Valley Market, LLC
330 North King St.

Tom Miranda, Attorney for River Valley Market, and Rochelle Prunty, General Manager for River Valley Market, were both present and stated that River Valley is a cooperative market. Originally, the structure was not easily defined because it's virtually impossible to identify all of the members who have a financial interest in the license. Subsequently, an arrangement was made with Ralph Sacramone at the ABCC in which River Valley Market was to create a separate entity, Northampton Community Cooperative Market, Inc., to be the license holder and the individuals with a "interest" in the license will be the board of directors of Northampton Community Cooperative Market, Inc. The agreement stipulated that when the officers and directors of the market change than an application must be made to the License Commission and the ABCC to petition that change. Mr. Miranda noted that this is the first time River Valley has petitioned for a change. He stated that Rochelle Prunty is the LLC manager and manager of the liquor license and the only change is within the nine officers and directors of Northampton Community Cooperative Market, LLC.

Commissioner Kahn clarified that every time there is turnover on the board of directors than an application needs to be made.

Rochelle Prunty noted that there is an election in December of every year and officers and directors are selected in January. Sometimes the officers and directors stay the same and sometimes they change. The officers have three year terms with a five year term limit.

Commissioner Kahn moved approval of the application for change of officers/directors/LLC managers for River Valley Market, LLC. Commissioner Yakovlev seconded. The motion passed unanimously 2-0.

14. REQUEST TO AMEND THE START TIME ON THE FOLLOWING PREVIOUSLY APPROVED SHORT TERM LIQUOR LICENSES

The Academy of Music, Inc. d/b/a Academy of Music
Location: Academy of Music, 274 Main St.

Date/Time: Saturday, February 1, 2020, 7:30 p.m. – 11 p.m.
Date/Time: Friday, February 28, 2020, 7:30 p.m. – 11 p.m.
Date/Time: Sunday, March 8, 2020, 7:30 p.m. – 11 p.m.
Date/Time: Wednesday, March 11, 2020, 7:30 p.m. – 11 p.m.
Date/Time: Friday, March 13, 2020, 7:30 p.m. – 11 p.m.
Date/Time: Saturday, March 14, 2020, 7:30 p.m. – 11 p.m.
Date/Time: Sunday, March 15, 2020, 7:30 p.m. – 11 p.m.
Date/Time: Wednesday, April 8, 2020, 7:30 p.m. – 11 p.m.
Date/Time: Sunday, May 3, 2020, 7:30 p.m. – 11 p.m.
Date/Time: Wednesday, June 10, 2020, 7:30 p.m. – 11 p.m.

The clerk explained that these short term liquor licenses were approved at the January 2020 meeting and while the shows start at 8 p.m., serving starts at 7:30 a.m., which is reason for the request in time change.

Commissioner Kahn moved to amend the start time on the aforementioned previously approved short term liquor licenses to 7:30 p.m. Commissioner Yakovlev seconded. The motion passed unanimously 2-0.

15. UPDATE ON 2020 LICENSE RENEWALS

- **License holders that have not renewed:**
 - **Dominos** – Domino’s has paid for their license but hasn’t submitted paperwork. The clerk will continue trying to get in touch with the owner to collect the appropriate paperwork.
 - **Smithsonian Café & Chowder House** – The clerk explained that the Smithsonian is late every year so she expects renewal paperwork in the near future.
 - **The Hampshire Inn (Bridge Street), The Historic College Inn of Northampton, The Maples, Go West Building and Bouley’s Service Center** all have not renewed. Certified letters were sent January 24 and requested that paperwork be returned as soon as possible.

The clerk will keep trying to contact these license holders in attempt to obtain all renewal paperwork for 2020.

- **Oriental Taste** – For the record, Oriental Taste received its wage bond renewal and the clerk issued the 2020 annual licenses.
- **Osaka** – Osaka finally received its 2020 annual licenses after a lot of back and forth with the insurance agency and the bonding company.

16. CONTINUED DISCUSSION OF 2020 LICENSE HOLDERS NOT IN COMPLIANCE WITH THE PROVISIONS OF THEIR LICENSE

- **Pine Grove** – Commissioner Yakovlev drove by Pine Grove mid-day to find that the business was closed. Additionally, an employee from the Planning Department was in communication with Gil Verrillo from Pine Grove who stated that he was closed and spending the winter in Florida. The Commission noted that if any licensed establishment ceases to conduct business than the license becomes a pocket license. Mr. Verrillo is aware of this and previously stated he would be open all winter to run the business. The clerk will check with Attorney Seewald to inquire about what can be done.

Commissioner Yakovlev questioned whether there is a threshold for how long a license is dormant before it becomes a pocket license. She further questioned, if there is no threshold, how long after a license becomes dormant or inactive does it become a pocket license.

The clerk read an excerpt from a 2004 ABCC Advisory which read in part, "Licensees should be conducting the licensed business on all days authorized by the license. Any licensee not conducting the business as of the date of this Notice should immediately comply with its obligations by: (1) operating the license on the days and at the location authorized under the license; or, (2) filing the appropriate application to transfer the location of the license to a location where the licensee will comply and operate the licensed business; or, (3) filing the appropriate application to transfer the ownership of the license to a person that will comply and operate the license on the days and at the location authorized under the license."

Commissioner Yakovlev noted that license holders should be applying to change their hours if they aren't conducting business on the hours indicated on their license. Commissioner Yakovlev asked whether or not a local licensing board can determine its own time frame from when an inactive license becomes a pocket license.

The clerk will research this question.

- **Ibiza Tapas** – The clerk reported that Attorney Seewald does not feel as if anything can be done in regards to this license because the license is still operating as Rias Baixas, LLC d/b/a Ibiza Tapas even though the restaurant has changed hands and is called Homestead. The clerk explained that the intention behind the special act legislation was if any of the four named license holders were to make any changes to ownership, corporate structure, etc., than the license would revert back to the city. However, this is not how the special act reads.

The clerk pointed out that Ibiza Tapas has had a change in ownership interest and structure since it received its special act license so even though the special act legislation doesn't hinder them from making the changes, the changes still trigger an application to be made to the License Commission and the ABCC.

Commissioner Yakovlev thought that the special act language was different and had previously read various articles relating to it. Commissioner Yakovlev will look for the articles.

- **Calvin Theater/The Basement** – The clerk stated that this license can be talked about when the commission has learned more information on the time line for pocket licenses.

18. APPROVAL OF MINUTES

- January 8, 2020

Commissioner Kahn moved approval of the January 8, 2020, minutes as written. Commissioner Yakovlev seconded. The motion passed unanimously 2-0.

19. NEW BUSINESS – None

20. ADJOURN

Commissioner Kahn moved to adjourn the meeting at 5:06 p.m. Commissioner Yakovlev seconded. The motion passed unanimously 2-0.

The next meeting of the Northampton License Commission is scheduled for March 4, 2020.