



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

Thursday, May 2, 2019

City Council Chambers, 212 Main Street

3:00 p.m.

1. **MEETING CALLED TO ORDER** by Commissioner Campedelli at 3 p.m.
ROLL CALL - Commissioner Campedelli, Commissioner Yakovlev, and Commissioner Kahn were all present.
ANNOUNCEMENT OF AUDIO/VIDEO RECORDING made by Commissioner Campedelli

2. **PUBLIC COMMENT** - None

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

Northampton Senior Services

Date/Time: Friday, May 10, 2019, 5 – 8 p.m.

Location: Senior Center, 67 Conz St.

Event: Arts Night Out

Type: Wine & Malt

Fee: Request Fee Waiver

There was no representative present at this time. Item moved to later in the meeting.

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

Glasgow Lands Scottish Festival, Inc.

Date/Time: July 20, 2019, 9:30 a.m. – 10 p.m.

Location: Look Park, 300 N. Main St., Florence

Event: Glasgow Lands Scottish Festival

Type: Wine & Malt

Peter Langmore was present for this application. There are no changes to the event from last year. Last year was the best year yet and over \$30,000 was donated. **Commissioner Yakovlev moved to approve the short term liquor license. Commission Campedelli seconded. The motion passed unanimously 3-0.**

5. **PUBLIC HEARING ON AN APPLICATION FOR TRANSFER OF ANNUAL WINE AND MALT PACKAGE STORE LICENSE**

OM Shell Hampton, Inc. d/b/a Racing Mart

54 Easthampton Road, Northampton

Previous holder: Z & Q, Inc.

Proposed manager: Viralkumar N. Patel

Attorney Thomas Rooke and principal and sole shareholder Viralkumar “Bobby” Patel were present for this application. Bobby has been involved in this type of business before and has owned three beer and wine licenses in the past 10 years. He currently owns one in Springfield and one in Fitchburg and has other experience with convenience stores in the greater Springfield area. Bobby has never had any violations at

any of his locations. He runs a clean business, is a hands-on owner, is on top of things, and the city council in Springfield is very happy with the way he has cleaned up the neighborhood. He has over 60 cameras installed both inside and outside his Springfield location. **Commissioner Campedelli moved to open the public hearing at 3:05 p.m. Commissioner Yakovlev second. Seeing no one wishing to comment, Commissioner Campedelli moved to close the public hearing at 3:05 p.m. Commissioner Yakovlev seconded. The motion passed unanimously 3-0.** Commissioner Campedelli asked how the licensee proposes to stop sales prior to 10 a.m. on Sundays. Mr. Patel stated they chain the beer and wine cooler and all employees are aware they cannot sell until 10 a.m. and cannot sell after 11 p.m., which is when they close anyways. **Commissioner Kahn moved to approve the transfer of the wine and malt package store license. Commissioner Campedelli seconded. The motion passed unanimously 3-0.**

3. (Continued) APPLICATION FOR SHORT TERM LIQUOR LICENSE

Northampton Senior Services

Date/Time: Friday, May 10, 2019, 5 – 8 p.m.

Location: Senior Center, 67 Conz St.

Event: Arts Night Out

Type: Wine & Malt

Fee: Request Fee Waiver

Marie Westburg, Director of the Senior Center, was now present for this application. Ms. Westburg stated the Senior Center is holding another Arts Night Out event which will be the same setup as last month.

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

6. APPLICATION FOR SHORT TERM LIQUOR LICENSE

Click Workspace

Date/Time: May 16, 2019, 7 – 9 p.m.

Location: Click, 9 ½ Market St.

Event: Click Music Performance

Type: Wine & Malt

Catherine Iannucci was present for this application. The set up and bartender is the same as usual.

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

7. PUBLIC HEARING ON AN APPLICATION FOR ALTERATION OF LICENSED PREMISES ON AN ANNUAL ALL ALCOHOL RESTAURANT LICENSE

Notch 8, Inc. d/b/a Union Station, Tunnel Bar, Platform Bar and The Deck

125A Pleasant St.

16C Approval Request

Jeremiah Micka, owner of Union Station, was present for this application. **Commissioner Campedelli moved to open the public hearing at 3:09 p.m. Commissioner Yakovlev seconded. The motion passed unanimously 3-0.** Mr. Micka stated they are turning the front section of Union Station into an outdoor seating area with 80 extra seats that is a natural extension of the existing deck space. They have removed the bushes and grass and put down concrete, hardscape pavers and granite walls. There will be a rod iron fence that is about 1,400 sq. ft. and 4 ½ feet wide that will enclose the seating area. The fence will be permanent with the exception of being able to pull it out in the winter to plow. Commissioner Kahn stated there have been violations in the past and asked Mr. Micka if there is a way he can control the flow of patrons and alcohol from spilling into the parking lot. Mr. Micka stated they will be using the same principal they have applied in the past and have explored the possibility of putting in extra gates that only allow people out after 1 a.m. and don't allow people in. Commissioner Yakovlev noted that the building inspector stated there must be enough toilets available for all occupants. Mr. Micka stated he has no plans for a new bathroom (maybe in the future), but there are two bathrooms that are part of the deck and when there aren't weddings or events in

the banquet room, those bathrooms will be open along with the inside hallway bathrooms. Commissioner Yakovlev stated that per the building inspector, the occupancy of the whole building cannot increase so when there is an event in the banquet facility, Mr. Micka has to make sure that the numbers don't tip the scale. Mr. Micka stated that the occupancy number is 1,200 so it's very rare that he has to close the doors. Mr. Micka stated he was waiting to redo the parking lot before he started drilling the holes for the fence but it will be installed no later than Memorial Day because he will want to open the deck space. **Commissioner Campedelli moved to close the public hearing at 3:15 p.m. Commissioner Yakovlev seconded. The motion passed unanimously 3-0. Commissioner Kahn moved to approve the 16C approval finding no detriment to the Hampshire Educational Collaborative on Hawley St or St. John Cantius. Commissioner Campedelli seconded. The motion passed unanimously 3-0.** Commissioner Kahn asked if the approval needs to be contingent upon the fence being installed. Commissioner Campedelli stated that he has seen the work being done and Mr. Micka already has the fence. **Commissioner Yakovlev moved to approve the application for alteration of premises for Notch 8, Inc. Commissioner Campedelli seconded. The motion passed unanimously 3-0.**

8. APPLICATION FOR SHORT TERM LIQUOR LICENSE

Frank Newhall Look Memorial Park

Date/Time: September 28, 2019, 1 – 5 p.m.

Location: 300 N. Main St., Florence, Ballfield

Event: Brew Festival

Type: Wine & Malt

Shawn Porter, Executive Director of Look Park, was present for this application. This event has been done for a number of years in the Pines Theater but is being moved to the ballfield this year for a bigger space. All the alcohol was purchased from different breweries in Pioneer Valley and all the brewers will be pouring. A snow fence will be erected around the entire activity area with a large tent and possibly two additional tents depending on the number of breweries that sign up. Mr. Porter will provide the clerk with TIPs certificates prior to the event. There will be staff positioned at the entrances and exits and everyone will be carded and given different color wristbands depends on who is a designated driver, who is over 21-years-old, etc.

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

9. APPLICATION FOR SHORT TERM LIQUOR LICENSE

Trustees of Forbes Library d/b/a Forbes Library

Date/Time: June 3, 2019, 6 – 8:30 p.m.

Location: 20 West St.

Event: Hosmer Gallery Reception: Redstone, McDonagh, Kipen

Type: Wine & Malt

Fee: Request Fee Waiver

Faith Kaufmann was present for this application. The event is the same as always with the same set up.

Commissioner Yakovlev moved to approve the short term liquor license including the request for a fee waiver. Commissioner Campedelli seconded. The motion passed unanimously 3-0.

10. APPLICATIONS FOR SHORT TERM LIQUOR LICENSES

Northampton Center for the Arts

Location: 33 Hawley St.

Type: Wine & Malt

Fee: Request Fee Waiver

Date/Time: Friday, May 17, 2019, 6 – 10 p.m.

Saturday, May 18, 2019, 2 – 5 p.m.

Event: Cat Wagner Dance Performance

Date/Time: Saturday, May 18, 2019, 5:30 – 10:30 p.m.
Event: Pioneer Valley Jazz Shares Concert

Date/Time: Friday, May 31, 2019, 6 – 10 p.m.
Saturday, June 1, 2019, 6 – 10 p.m.
Event: Happy Valley Guitar Orchestra Concert

Penny Burke was present for these applications. These events are the same as always with the same set up. **Commissioner Kahn moved to approve the short term liquor licenses including the requests for fee waivers. Commissioner Campedelli seconded. The motion passed unanimously 3-0.**

11. VIOLATION HEARINGS

Abid Assab d/b/a Amanouz Café, 44 Main St.

Manager of record: Abid Assab

Date of violation: March 7, 2019

Violations: 204 CMR 2.5 Permitting an illegality on the licensed premises, to wit: M.G.L. Ch. 138 § 34 Sale or delivery of an alcoholic beverage to a person under twenty-one years of age.

Eighty Four Maple, Inc. d/b/a Doyle's Package Store, 84 Maple St., Florence

Manager of record: Stephen Shea

Date of violation: March 7, 2019

Violations: 204 CMR 2.5 Permitting an illegality on the licensed premises, to wit: M.G.L. Ch. 138 § 34 Sale or delivery of an alcoholic beverage to a person under twenty-one years of age.

Liquid Edge, Inc. d/b/a Viva Fresh Pasta, 249 Main St.

Manager of record: Christine Buchholz

Date of violation: March 7, 2019

Violations: 204 CMR 2.5 Permitting an illegality on the licensed premises, to wit: M.G.L. Ch. 138 § 34 Sale or delivery of an alcoholic beverage to a person under twenty-one years of age.

Catuogno Court Reporting was present for the violation hearings. A copy of the report will be kept on file with the License Commission. Commissioner Campedelli confirmed receipt of hearing letters sent certified mail to licensees on April 12, 2019 and read the alleged violations out loud. Commissioner Campedelli swore in those planning to speak/testify. Commissioner Campedelli asked Sergeant Letzeisen to present his findings relating to Amanouz Café.

Northampton Police Sergeant Brian Letzeisen gave an overview of the violations. On Thursday, March 7, 2019, Officer Cronin, Officer Gregory, and Sergeant Letzeisen, initiated an Alcohol Compliance Check throughout Northampton. With assistance from the Northampton Prevention Coalition (NPC) they were able to obtain seven minors to attempt to purchase alcohol without identification from all licensed establishments within the city. The seven minors were under the age of 21 and they each took portable breathalyzer tests registering a 0.00% BAC. The volunteers attempted to purchase alcohol from each licensed establishment in the city without identification. Each minor was provided \$20 prior to entering the establishment and were only allowed to enter with their cell phone and the money. All 96 establishments were checked with 23 of them being closed at the time.

At approximately 7:34 p.m., Officer Gregory observed a 20-year-old female with a \$20 bill enter Amanouz Café (44 Main St., Northampton) with two 19-year-old females. After seated, the 20-year-old female ordered a Blue Moon beer from the waiter and was served the beer with no identification being requested. The females paid for the beer (\$5.89) and exited with a receipt. After all of the compliance checks were complete, Officer Gregory responded back to Amanouz Cafe with the minor. At the restaurant, Matthew Stabile was identified as the waiter who served the beer and Manager Jose Yunga-Lazo was provided with a Notice of Violation.

Abid Assab, owner of Amanouz Café, was present and stated he has been in business for over 20 years and this is the first violation. His wait staff always ask for ID however it was very busy that day. Matthew Stabile didn't have anything to add but was happy to answer questions and agrees that he didn't ask for an ID.

Commissioner Campedelli asked Sergeant Letzeisen if Northampton Police Department (NPD) had a recommendation that it'd like for the Commission to take into consideration. Sergeant Letzeisen stated that there are no records of previous violations so a one (1) day suspension, suspended for nine (9) months would be sufficient.

After a brief discussion, **Commissioner Kahn moved to find that a violation did occur as described. Commissioner Campedelli seconded. The motion passed unanimously 3-0.**

Commissioner Yakovlev moved to suspend the license for one (1) day to be held in abeyance for nine (9) months. Commissioner Campedelli seconded. The motion passed unanimously 3-0.

Commissioner Campedelli informed Mr. Abid that a written decision will be sent out certified mail to himself and the ABCC within three (3) business days.

Again, on March 7, 2019, at approximately 6:19 p.m., Sergeant Letzeisen provided an 18-year-old male with a \$20 bill. He entered Doyle's Package Store (84 Maple St., Florence) and exited the store at 6:23 p.m. having purchased a 6-pack of Angry Orchard Hard Cider for \$9.30. The minor stated there was only one male clerk in the store. Upon completion of all the compliance checks, Sergeant Letzeisen returned to Doyle's Package Store and found it closed for the evening. On Saturday, March 9, 2019, Sergeant Letzeisen returned to the package store and spoke with David Coscia who admitted to being the clerk on Thursday evening and remembered not asking for identification. Mr. Coscia notified the owner, Stephen Shea, of the violation. Sergeant Letzeisen stated that Doyle's Package Store had a violation in June 2015 so he recommended that, if the Commission finds the violation has occurred, suspending the license for a lengthier amount of time or actually imposing the one day suspension would be sufficient.

Stephen Shea was present to represent Doyle's Package Store and stated that he doesn't contest the facts and neither does his employee. Mr. Coscia admitted being at fault and admitted he should have checked for identification. He stated this is his first time violating and it came as a shock to him so he won't let it happen again. Commissioner Kahn asked what the common practice is for checking IDs. Mr. Coscia stated that he asks everyone for identification unless the customers are individuals he has carded before and are known to him. The minor that came in got mixed in with a group of people that Mr. Coscia knew which is why he didn't card. He recognizes he didn't do his job right. Mr. Shea stated that he tells all his employees to card everyone that is not known to them and reiterates how important it is to get proof of age.

After a brief discussion, **Commissioner Campedelli moved to find that a violation did occur as described. Commissioner Kahn seconded. The motion passed unanimously 3-0.**

Commissioner Kahn moved to suspend the license for two (2) days to be held in abeyance for one (1) year. Commissioner Yakovlev seconded. The motion passed unanimously 3-0.

Commissioner Campedelli informed Mr. Shea that a written decision will be sent out certified mail to himself and the ABCC within three (3) business days.

Again, on March 7, 2019, at approximately 7:33 p.m., Officer Cronin observed a 19-year-old male and a 20-year-old female enter Viva Fresh Pasta (249 Main St., Northampton), each with \$20 in their possession. The two minors sat at the bar and the female ordered a glass of Pinot Grigio wine. The female was served the wine and no identification was requested by the waitress. The minors paid for the wine (\$6.42) and exited the restaurant. Upon completion of the compliance checks Officer Cronin responded back to Fresh Pasta with the female who was served. The business was closed but Officer Cronin was able to speak with the chef who stated he was aware of the incident that evening. The chef stated that the

waitress brought the couple to his attention because it seemed weird they ordered just wine, didn't drink it, then immediately paid and left. The chef specifically asked if she asked for identification and she stated she had. Officer Cronin was able to confirm that the minor had no identification on her at the time and that it was never requested. The chef provided Christine Buchholz as the manager of record and on Saturday, March 9, 2019, Sergeant Letzeisen met with Ms. Buchholz and the other restaurant owner and provided them with a Notice of Violation.

Sergeant Letzeisen noted that the owner and Ms. Buchholz were adamant that the minor provided identification prior to being served the wine. Sergeant Letzeisen attempted to make contact with the waitress who served the minor that night. She was identified as Charlene Seaver and as of March 10, 2019, Sergeant Letzeisen had called Ms. Seaver numerous times, checked the restaurant and her residence, and still was unable to make contact.

Sergeant Letzeisen furthered by saying that if a restaurant owner or waiter/waitress is claiming that the minor provided identification, the minor would have provided a fake ID anyways or an under 21 ID, which are still violations. He stated that these minors are responsible for checking 25-30 businesses which means they would have to of had a motive to violate this specific business with the understanding that they would be committing a felony in the presence of a police officer. This was the only violation that those specific two minors found the entire evening. Sergeant Letzeisen has been running compliance checks for four or five years and there has never been any scenario like this and the minors get no incentive if they get, or don't get, a violation. Fresh Pasta had a violation in 2014 so Sergeant Letzeisen recommended either imposing the one (1) day suspension or suspending the license for a longer period of time and for multiple days.

Christine Buchholz, co-owner/manager was present. She stated there is a difference of opinion and she takes the issue of serving alcohol very seriously. She stated that when she spoke with the waitress, Charlene Seaver, she stated that she did look at an ID which was held up by the minor in a little baggie. Commissioner Kahn stated she can't imagine why an underage volunteer would try to deceive a restaurant and if that is the case, it sounds like the volunteer would have a personal reason to find a violation.

Charlene Seaver stated she doesn't think it was malicious but the minor did hold up an ID. Ms. Seaver stated she didn't look closely at the date which is already a violation but it was a busy night so she looked quickly and moved on.

Commissioner Campedelli asked what her reasoning was for not answering the phone calls from Sergeant Letzeisen. Ms. Seaver stated she had no specific reason however she is not the kind of person who answers her phone. She didn't receive any voicemails and if she did, she would have called back because she wasn't trying to avoid anyone. Maxwell Anderson stated he was working at the same time that evening and saw Charlene ask for an ID. He didn't clearly see the ID that was produced but the minor produced a bag and took some kind of card out and showed it to Charlene.

Ms. Buchholz stated that she suspended Ms. Seaver for two days with no work and required her to take the TIPs training course. Ms. Buchholz furthered by saying that Ms. Seaver never got the letter stating she had to appear at the hearing until Ms. Buchholz called her yesterday.

Commissioner Campedelli stated that Ms. Buchholz called Ms. Seaver when she didn't receive the piece of mail about hearing, so he questioned why Ms. Buchholz didn't tell Ms. Seaver that the Sergeant was looking to talk to her. Ms. Buchholz stated she wasn't aware that the Sergeant went back to the restaurant. Sergeant Letzeisen stated he went back that Saturday, then went to Ms. Seaver's apartment and called her several times. Ms. Seaver stated she wasn't aware he had come to the apartment.

Commissioner Campedelli stated he finds it amazing that Ms. Seaver didn't get the calls from the Sergeant but she did get the calls to be at the hearing today. Commissioner Campedelli asked the Sergeant if the minor had a bag when she went inside Fresh Pasta the night of the compliance check. Sergeant

Letzeisen stated that he wasn't the officer conducting the compliance check but he verified with the officer that the minor went in with nothing on her person except a cell phone for safety reasons and the cash that was provided for the sale.

Commissioner Campedelli asked if the restaurant was busy that evening.

Mr. Anderson stated they weren't busy that night. He furthered by saying that he doesn't answer phone calls either but if there was a voicemail he would have checked that. He stated that the certified letter was not addressed to his address but instead was sent to his mother's house and had a wrong zip code.

Commissioner Kahn asked the Sergeant if he left voicemails for Ms. Seaver.

Sergeant Letzeisen stated he did leave voicemails. He also stated that NPD uses police records and last known addresses for mailing addresses and it is the responsibility of the individual to change their address with the registry.

Commissioner Kahn restated the protocol for when minors are asked for IDs. If they are asked for an ID, then they have to turn around and leave.

Commissioner Campedelli stated that if the minor actually was asked for an ID, the wine never would've had a chance to hit the bar because the minor would've had to leave.

Commissioner Kahn asked about the protocol in situations such as these. If the server is claiming the minor produced an ID, does NPD then go back and talk to the minor?

Sergeant Letzeisen stated they do not because they aren't recruited by NPD. They get minimal compensation by NPC but the police do not seek out the minors for obvious reasons. The officer who conducted the compliance check gave Sergeant Letzeisen his word that the minor only went in with a phone and the cash.

Commissioner Yakovlev questioned who conducts the training of the minors?

Sergeant Letzeisen stated that NPC verifies that they have good candidates and NPD checks in-state and out-of-state criminal records and driving records. The training is simple and includes an overview of the rules and regulations of the compliance check and instruction on going inside the establishments in an attempt to purchase something of lower value.

Paul Milani, original owner of Fresh Pasta, stated there seems to be inconsistency with NPD trying to contact the establishment and its employees and can't get the zip code right on the subpoena letter.

Commissioner Campedelli stated he understands but everyone who needed to be at the hearing, is here.

Commissioner Kahn wanted to confirm with the waitress that the minor held something up but didn't check the date.

Ms. Seaver nodded yes.

Sergeant Letzeisen stated that again he doesn't believe the minor went in with an ID but either way, Massachusetts is very clear because 21 or under licenses are automatically vertical with big red letters saying, "under 21".

After a brief discussion, **Commissioner Yakovlev moved to find that the violation occurred as described. Commissioner Campedelli seconded. The motion passed unanimously 3-0.**

Based on the evasiveness and the partial admission of a violation, **Commissioner Kahn moved to suspend the license for two (2) days to be held in abeyance for one (1) year. Commissioner Yakovlev seconded. The motion passed unanimously 3-0.**

Commissioner Campedelli informed Ms. Buchholz that a written decision will be sent out certified mail to her and the ABCC within three (3) business days.

12. APPROVAL OF MINUTES

- April 3, 2019

The clerk inadvertently sent the minutes the morning of the meeting so the vote has been tabled to the June meeting.

13. NEW BUSINESS - None

14. ADJOURN

Commissioner Campedelli moved to adjourn the meeting at 4:33 p.m. Commissioner Yakovlev seconded. The motion to adjourn passed unanimously 3-0.

The next meeting of the Northampton License Commission is scheduled for June 5, 2019.