



NORTHAMPTON LICENSE COMMISSION

City Hall, Office of the Mayor
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Northampton, MA 01060
(413) 587-1212

COMMISSIONERS

Brian Campedelli, Chair
Natasha Yakovlev
Helen Kahn

Executive Assistant

Annie Lesko

alesko@northamptonma.gov

MEETING MINUTES

Wednesday, August 4, 2021

Virtual Meeting

4:00 p.m.

The August 4, 2021, License Commission meeting will be held via remote participation.

Join Virtual Meeting

- **Video Conference:** <https://us06web.zoom.us/j/87323232298?pwd=dzFoVjEvUU1YeU5udTMxRlhPdXdWdz09>

OR

- **Telephone, call:** +1-929-436-2866, Meeting ID: 873 2323 2298, Password: 984489

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

2. **PUBLIC COMMENT**

Jon Neumann was present and stated that he went downtown Northampton a few days ago to enjoy Summer on Strong which was a great experience. Jon noted he went to Spoleto and he unexpectedly stayed to listen to the live music and enjoyed himself because it was a great experience. Jon noted that live music is good for the city and all of Northampton and what happened in Florence at JJ's was unfortunate. Jon concluded by saying the city should find a way to accommodate all businesses citywide.

3. **APPLICATION FOR A NEW ENTERTAINMENT LICENSE**

1 Bridge Street, Inc. d/b/a Spoleto Restaurant
Local bands with amplifiers at a very low volume

Sophia Robohn, manager of spoleto, was present and stated that Spoleto would like to have a local band play live music on the patio on Wednesdays from 5:30 p.m. to 8:30 p.m.

Commissioner Kahn noted that Spoleto has already been hosting live music without a license and inquired about whether or not there have been any complaints.

Sophia Robohn stated there have been no complaints thus far.

Commissioner Kahn moved to approve the application for an entertainment license for 1 Bridge Street, Inc. d/b/a Spoleto Restaurant for live music outside on Wednesdays from 5:30 p.m. to 8:30 p.m. Commissioner Yakovlev seconded. The motion passed unanimously 3-0 by a roll call vote.

4. APPLICATION FOR A NEW ENTERTAINMENT LICENSE

LILO, Inc. d/b/a Eastside Grill, 19 Strong Ave.
Music for 'Summer on Strong'

Debra Flynn, owner of Eastside Grill, was present and noted that they have been having outdoor entertainment on Wednesdays and Thursdays from 5 to 8 p.m. and on Sundays from 3 to 6 p.m. and the musicians play in the pergola area.

Commissioner Kahn inquired about whether or not there have been any complaints.

Deb Flynn noted that one gentleman called and stated he loved the project and the music but asked that they tone down the music on Wednesday nights.

Commissioner Yakovlev asked what the plan to tone down volume was.

Deb Flynn noted that she spoke to the band that plays on Wednesday nights and they assured Deb they would turn down the amplifier.

Commissioner Yakovlev moved approval of the application for a new entertainment license for LILO, Inc. d/b/a Eastside Grill for live music on Wednesdays and Thursdays from 5 to 8 p.m. and on Sundays from. Commissioner Kahn seconded. All in favor, 3-0 by roll call vote.

5. PUBLIC HEARING ON AN APPLICATION FOR CHANGE OF LICENSE CATEGORY ON AN ANNUAL WINE AND MALT RESTAURANT LICENSE

Washut & Ware, Inc. d/b/a Jake's Restaurant
17 King St.

- Request for a Cordials/Liqueurs Permit

Alex Washut from Jake's Restaurant was present and stated Jake's would like to expand its offerings through a cordials permit. Alex noted Jake's is open five days a week.

Commissioner Campedelli moved to open a public hearing at 4:16 p.m. Commissioners Yakovlev seconded and the public hearing was opened.

Commissioner Yakovlev reiterated what a cordial constitutes and noted that when the bottle comes from the distributor, it must say cordial or liqueur on the label.

Seeing no public comment, Commissioner Campedelli moved to close the public hearing at 4:18 p.m. Commissioner Kahn seconded and the public hearing was closed.

Commissioner Kahn moved to approve the application for a change of license category for Washut & Ware, Inc. to include a cordial permit. Commissioner Yakovlev seconded. The motion passed unanimously 3-0 by a roll call vote.

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

Notch 8, Inc. d/b/a Union Station, Tunnel Bar, Platform Bar, The Deck
125A Pleasant St.

- Adding 4,180 sq. ft. of outdoor space

Jeremiah Micka was present and noted he is looking to permanently extend the temporary outdoor seating area that was granted to him during COVID-19. The addition would add 125 seats to the current

outdoor dining setup. Jeremiah noted there was a question about bathrooms but he hasn't heard back from the plumbing inspector yet.

The clerk noted other problems with Union Station that need to be rectified prior to approval. The deck has at least one Article 97 violation in that a portion of the Deck encroaches on parkland. The clerk also noted another Article 97 encroachment towards the Platform entrance, and also an ADA violation consisting of blocking the crosswalk from the Northampton Train Station to the bike path. The clerk also noted some issues with the lease for the parking lot in that Union Station may not have control over the area and that she needs to obtain the City Solicitor's opinion before moving forward.

Commissioner Campedelli moved to open the public hearing at 4:29 p.m. Commissioner Kahn seconded and the hearing was opened. Seeing no public comment, Commissioner Kahn moved to close the public hearing at 4:29 p.m. Commissioner Yakovlev seconded and the hearing was closed.

Due to several outstanding issues, Commissioner Yakovlev moved to table the application for an alteration of licensed premises for Notch 8, Inc. to the September meeting. Commission Kahn seconded. The motion passed unanimously 3-0 by roll call vote.

7. APPLICATION FOR SHORT TERM LIQUOR LICENSE

Building 8 Brewing, 320 Riverside Dr.
Saturday, August 28, 2021, 12:00 - 8:00 p.m.
Event: Double Dose of Doubles
Type: Wine & Malt

O'Brian Tomalin was present and stated he plans to hold another special beer releases event in the same fashion as usual. Food will be available and there will be no live entertainment.

Commissioner Kahn moved approval of the short term liquor license for Building 8 Brewing for Saturday, August 28, 2021 from 12 p.m. to 9 p.m. Commissioner Yakovlev seconded. The motion passed unanimously 3-0 by a roll call vote.

8. APPLICATION FOR SHORT TERM LIQUOR LICENSES

Drawing Board Brewing Company, LLC
36 Main St., Florence

Saturday, August 21, 2021, 3 p.m. - 10 p.m.
Pouring Event
Wine & Malt

Saturday, August 28, 2021, 3 p.m. - 10 p.m.
Pouring Event
Wine & Malt

Corey Lynch was present and stated he is looking to host two short term pouring events. Corey noted he will have two controlled access points, an existing fence and a temporary fence will contain the area and soft music will be played.

Commissioner Yakovlev moved to approve the short term liquor licenses for Drawing Board Brewing Company, LLC, for Saturday, August 21 and Saturday, August 28, 2021 from 3 p.m. to 10 p.m. Commissioner Kahn seconded. The motion passed unanimously 3-0 by a roll call vote.

9. APPLICATION FOR NEW ENTERTAINMENT LICENSE

AC Thayer, LLC d/b/a Patria, 150 Main St.
Live entertainment with DJs until 1 a.m.

Amanda Riseling, general manager of Patria, was present and stated that Patria would like to utilize the space that was granted during COVID for outdoor dining for entertainment. Amanda noted that Patria would like to use the area for live jazz, DJs, and dancing and the area would be fenced off.

Commissioner Yakovlev noted that the area is close to residential units above Osaka, near the parking garage and on Hampton Court.

Commissioner Campedelli inquired how many nights a week the entertainment would be held.

Amanda Riseling noted the entertainment would be once a month from 5 p.m. to 1 a.m.

Commissioner Kahn noted her concern for the application because the application makes it seem that a restaurant is now morphing into a place for dancing and entertainment. Commissioner Kahn also expressed her concern because of residents living in the immediate area.

Commissioner Yakovlev suggested pushing back the start time to at least 6 p.m. for area businesses that may still be operating until 5 or 6 p.m.

Amande Riseling noted that the intention is to have events on isolated days and at this point it would probably be only two nights because November is approaching, and it would probably be on Saturdays.

Commissioner Campedelli noted that if entertainment becomes an issue, it can be addressed.

Commissioner Yakovlev moved to approve the application for an entertainment license for AC Thayer, LLC d/b/a Patria for live entertainment with DJs on Saturday nights from 6 p.m. to 1 a.m. through the expiration of the temporary outdoor dining liquor license expiring in November. Commissioner Kahn seconded. The motion passed unanimously 3-0 by a roll call vote.

10. DISCUSSION WITH ATTORNEY SEEWALD ON PROTOCOLS FOR PUBLIC MEETINGS AND PUBLIC HEARINGS

City Solicitor Alan Seewald was present and gave an overview of public meetings and public hearings. Attorney Seewald noted that a discussion amongst a public body with three members constitutes a meeting and meetings are always controlled by the chair and the chair should always recognize speakers. Attorney Seewald noted that as meetings get larger, it's important to maintain a level of decorum and that can be achieved by the chair controlling who is speaking and in what order. No one has a right to ever speak without being recognized by the chair and the chair always has control over deliberations.

Attorney Seewald noted that a public hearing is when evidence is taken from others and no one has the right to speak to the board in a meeting except in a public hearing which is when due process applies because people have the right to be notified, have the right to be heard and have the right to have an impartial decision maker. The focus of a public hearing is to decide the rights of a particular individual, entity or business. All of the previous are fundamental to due process and don't apply to regular meetings - only hearings.

When public hearings are being held, there needs to be some structure. Typically, the applicant will make their presentation and then those who support, oppose or are neutral about the application have a chance to speak and address the Commission. Individuals are required to address the Commission and can not speak to each other. At the end of a public hearing and when the Commission is done collecting evidence, someone needs to make a motion, with a second, and then a discussion can be had. At this time, the Commission is back in the meeting portion and at this point no one has the right to address the Commission during discussion of evidence that was just heard. However, a Commission

member can always call on a speaker to ask for clarification on something that was previously said - as long as it isn't new evidence or information. It is important to obtain all of the applicable information before the hearing is closed.

Attorney Seewald noted that every hearing stands on its own merit and the outcome is decided based on what information was presented at the hearing. The decision making is a balance and the Commission is not present to assist businesses or neighbors - it is present to strike the balance between the needs and rights of businesses with the expectation of those who live around the business.

Attorney Seewald noted that outside amplified music was never a type of noise that was expected when living in a downtown area.

Commissioner Campedelli noted that the real issue with outdoor entertainment is volume.

Attorney Seewald noted that it's not just volume, it's also the frequency by which entertainment is held and every situation is different. Attorney Seewald noted that just because one thing is done for a certain application, doesn't mean the same thing needs to happen for the next application because every case rises and falls on its facts and all experiences are different.

Commissioner Yakovlev inquired about having a set time limit for individuals present for public comment.

Attorney Seewald noted that an overall time limit for public comment and a time limit for each individual speaker should be determined and put into the Commission's rules and regulations.

The chair has the right to cut off information that is irrelevant or repetitive.

Attorney Seewald noted that under the Mayor's Administrative Order, every board is required to have public comments so that the public can speak about what they'd like to speak about. However, a public hearing is different in that people have the right under due process to speak to the board about a pending application.

11. DISCUSSION ON MISREPRESENTATION OF FAIR WAGE COMPLIANCE CERTIFICATIONS FOR LIQUOR LICENSES HELD BY MR. ERIC SUHER

The clerk noted that Eric Suher has citations administered by the Attorney General's office and subsequently falsified renewal paperwork indicating that he did not have any administrative judgements or citations against him or any of his establishments.

Attorney Seewald noted that Eric Suher misled the Commission by falsifying documents and not to mention, there needs to be a wage bond posted before he receives any of his licenses. Attorney Seewald noted that the Commission has to decide whether or not to act on the misrepresentation and also noted that it is not a good policy for licensees to falsify records without repercussions. Attorney Seewald noted that the Commission has the right to call in the license holder on a hearing and possibly suspend the license for a period of time.

Commissioner Campedelli moved to hold a disciplinary hearing on Wednesday, September 1, 2021 at 4 p.m. regarding falsification/misrepresentation of the fair wage certifications submitted for 26-28 Center Street, LLC and Iron Horse Ventures, Inc. Commissioner Yakovlev seconded. The motion passed unanimously 3-0 by a roll call vote.

12. DISCUSSION ON POSSIBILITY OF CHANGING REGULAR MEETING DAY AND TIME

After a brief discussion, Commissioner Kahn withdrew her request to change the meeting date and time. The Commission decided that once it starts meeting again in person, the meeting day and time can be revisited.

13. APPROVAL OF MINUTES

- July 7, 2021

Commissioner Kahn moved to approve the minutes of July 7, 2021, as written. Commissioner Yakovlev seconded. The motion passed unanimously 3-0 by a roll call vote.

14. NEW BUSINESS

Commissioner Campedelli moved to hold a public hearing to reconsider the previous vote amending the entertainment license for Blue Paws, Inc. d/b/a JJ's Tavern. Commissioner Yakovlev seconded the motion for purposes of discussion.

Commissioner Yakovlev stated that based on the letter Jon Neumann sent to the Commission, he did not specifically ask for the Commission to hold another hearing. Commissioner Yakovlev worries about heading into new territory to do something for a license holder that the license holder hasn't specifically asked for because it indicates the license holder doesn't have any new evidence to share.

Commissioner Kahn opined that she hasn't heard of a specific request to reconsider and feels it is different for the Commission to interpret the letter and doing something that the license holder didn't directly ask for.

The motion to hold a public hearing to reconsider the previous vote amending the entertainment license for Blue Paws, Inc. d/b/a JJ's Tavern failed 1-2 by roll call vote with Commissioner Yakovlev and Commissioner Kahn both dissenting.

15. ADJOURN

Commissioner Campedelli moved to adjourn the meeting at 6:20 p.m. Commissioner Yakovlev seconded and the meeting was adjourned.