



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

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MEETING MINUTES

Wednesday, September 2, 2020

Virtual Meeting

4:00 p.m.

The September 2, 2020, License Commission meeting will be held via remote participation.

Join Virtual Meeting

- **Video Conference:** <https://zoom.us/j/99403937884?pwd=a0xHOXprTmU4a3hFWEc4S2hCUFJLZz09>

OR

- **Telephone, call:** +1-929-436-2866, Meeting ID: 994 0393 7884, Password: 377807

1. **MEETING CALLED TO ORDER** by Commissioner Yakovlev at 4:00 p.m.

ROLL CALL - Commissioners Campedelli and Yakovlev were present. Commissioner Kahn was absent.

ANNOUNCEMENT OF ZOOM RECORDING made by Commissioner Yakovlev

2. **PUBLIC COMMENT** - None

3. **REQUEST FOR CHANGE OF HOURS OF TEMPORARY OUTDOOR SEATING EXTENSION PURSUANT TO PHASE II OF REOPENING THE COMMONWEALTH OF MASSACHUSETTS**

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

Skipped over this agenda item and took it after Sierra Grille. Jeremiah Micka was present for this application and stated he'd like to change his hours on weekdays to open at 11:30 a.m. until 10:00 p.m. and on Friday and Saturday it is already extended to 11:00 p.m.

Commissioner Campedelli moved to approve the application for change of hours. Commissioner Yakovlev seconded. The motion passed unanimously 2-0.

4. **REVIEW AND APPROVAL OF APPLICATION FOR EXTENSION OF PREMISES FOR AN ALL ALCOHOL LIQUOR LICENSE ONTO PRIVATE PROPERTY**

Sylvester's Fine Foods, Inc. d/b/a Sylvester's Restaurant
111 Pleasant St.

Jilian Duclos was present for this application and stated that Sylvester's has an agreement with Hampden Courts allowing the use of their property Monday through Sunday from 8 a.m. to 4 p.m. to put out tables

and chairs so as to extend the outdoor dining area. The area will be roped off and tables and chairs will be placed every morning with equipment properly stored every night.

Commissioner Yakovlev moved approval of the application for extension of premises to include an approx. 600 square feet roped off area for outdoor seating to the left of Sylvester's in between Hampton Court as seen on plan on file with the License Commission and to also include the sidewalk in between limited to transportation of alcoholic beverages only. Commissioner Campedelli seconded. The motion passed unanimously 2-0.

5. REVIEW AND APPROVAL OF APPLICATION FOR EXTENSION OF PREMISES FOR AN ALL ALCOHOL LIQUOR LICENSE ONTO PUBLIC PROPERTY

OBCT, Inc. d/b/a Sierra Grille
41 Strong Ave.

O'Brian Tomalin was present for this application and stated he will be placing tables and chairs in the delineated area in front of Sierra Grille. The area will be defined by a tent and snow fencing will be installed on the street side, along with lights for visibility. Mr. Tomalin stated he plans to leave the entire side that faces the building open unless it needs to be more restrictive. The sidewalk will also be used for transportation of alcoholic beverages.

The Commission was okay with this area being open as long as the area is monitored and contained.

Commissioner Yakovlev moved approval of the application for extension of premises to include a 10'x40' area on Strong Ave., directly in front of Sierra Grille, bookended by jersey barriers as seen on plan on file with the License Commission and to also include the sidewalk in between limited to transportation of alcoholic beverages only. Commissioner Campedelli seconded. The motion passed unanimously 2-0.

6. DISCUSSION AND POSSIBLE VOTE TO DETERMINE THE OUTCOME OF ALL ALCOHOL CLUB LICENSE, CURRENTLY HELD BY PINE GROVE GOLF CLUB, INC., IN ACCORDANCE WITH CHAPTER 144 ACTS OF 2008

The clerk stated that back in November 2019, the Commission discussed whether or not it would allow Pine Grove Golf Club to transfer its special act license to a new entity. The Commission determined that once there was movement on the license, it would revisit the conversation. The clerk noted there is now a prospective buyer so it's time to have another discussion.

Commissioner Yakovlev asked, since the purchase hasn't been finalized, should the license revert to the city.

The clerk stated that it doesn't have to and it doesn't have to be used in the same location, just in the same economic development target zone.

Tom Kasper, the prospective buyer, was present and stated he will be leasing the front portion of 261 King Street and hopes to open a small bar and restaurant.

Commissioner Campedelli stated he spoke with the license holder, Gil Verrillo, who stated he needed more time to get his ducks in a row and was overwhelmed with everything going on.

Mr. Kasper stated he hopes to purchase the license as soon as the Commission allows its transfer.

The clerk pointed out that the question at hand today is not approving the transfer because there has been no application made yet. The Commission's only task is to determine whether or not it will allow Pine Grove to move forward in the process of transferring the license.

Commissioner Yakovlev moved to allow Pine Grove Golf Club the ability to transfer its liquor license to a qualified buyer once an application has been made to the License Commission. Commissioner Campedelli seconded. The motion passed unanimously 2-0.

7. DISCUSSION AND POSSIBLE VOTE TO IMPOSE AN ANNUAL RENEWAL FEE FOR HOLDERS OF A CORDIALS/LIQUEURS PERMIT

This agenda item was discussed after agenda item #8. The clerk noted that Commissioner Kahn floated the idea of a cordials permit fee and asked for a discussion about it at the next meeting. The clerk pointed out that since Commissioner Kahn was absent from the meeting, the conversation should be tabled until the October meeting.

8. DISCUSSION AND POSSIBLE VOTE REGARDING STATUS OF CORDIALS PERMIT FOR HIGHBROW, INC.

This agenda item was taken out of order and discussed after agenda item #6.

Commissioner Yakovlev stated her position which is that the Commission has received specific information from the ABCC that defines that they believe a cordial to be. This includes believing that the cordial must show up at the establishment labeled as either a cordial or a liqueur. Commissioner Yakovlev recognizes that the Boston Licensing Board made a decision that contradicts the ABCC's stance but doesn't believe the Northampton License Commission should go against the advice of the ABCC for liability purposes.

Commissioner Yakovlev stated that when the Commission first approved the cordials permit, she was under the impression that the cordials that would be served were identified on the list obtained by the ABCC. She furthered that her opinion is for Highbrow to cease and desist serving anything that does not have a cordial or a liqueur label or specifically listed on the list obtained by the ABCC from the Alcohol and Tobacco Tax and Trade Bureau.

Commissioner Campedelli questioned whether Mr. Brow has recourse if the Commission votes on a cease and desist.

The clerk stated that she is more than sure that any decision made by the License Commission can be appealed to the ABCC.

Commissioner Yakovlev stated a vote needs to be taken on whether the Commission wants to apply the ABCC's definition to Highbrow's operation.

Commissioner Campedelli stated he isn't comfortable voting on something that isn't clear.

Commissioner Yakovlev moved to stipulate that restaurants in Northampton with a cordials permit must comply with the ABCC definition of a cordial.

The clerk noted that the motion was vague.

Commissioner Yakovlev amended her motion to limit Highbrow to serving only cordials that are outlined and defined in the most recent communications with the ABCC to include beverages that are labeled as a

cordial and/or liqueur and beverages that are included on the list from the Alcohol and Tobacco Tax Trade Bureau.

Commissioner Campedelli felt as if there needs to be a stipulation in the event that new information comes to light. Camp

Commissioner Yakovlev stated that it is not the work of the License Commission to carry the water of changing legislation.

Commissioner Campedelli stated he doesn't feel comfortable voting to change someone's business based on opinions and not the law. He furthered that he doesn't like the idea of putting the burden on the license holder.

The clerk stated that just because the ABCC says one thing, doesn't mean the Commission has to agree with it because the City of Boston did not agree with the ABCC's definition.

Commissioner Campedelli stated he can't levy a fair vote based on the opinion of the ABCC and because there is proof that Boston went against what the ABCC said. He stated that he doesn't feel it is okay to levy a cease and desist when Boston stood tall and said the ABCC was wrong.

Commissioner Yakovlev agreed with these notions and stated it is unfair for the Commission to have to examine every aspect of what other communities are doing.

The clerk noted that she received an email communication from City Solicitor Seewald after she mentioned that the Commission was at a loss on how to proceed because of the contradicting research. The email from City Solicitor Seewald read, "These press reports shouldn't put the LC at a loss. Apparently, the Boston License Comm'n agrees with Andrew. However, that's not the ABCC's position according to Ralph. As I often say, just because another community does something doesn't make it lawful."

Commissioners Yakovlev and Campedelli agreed that there was no point of a vote because with only two commissioners present, it would be a split vote.

Commissioner Campedelli stated he will reach out to the ABCC and Attorney Seewald for further discussion.

The clerk noted she will ask Attorney Seewald to attend the October License Commission meeting for further discussion.

9. NEW BUSINESS

Commissioner Yakovlev asked whether the clerk is expecting any new applications for license holders to serve beverages on the new outdoor dining spaces.

The clerk is not aware of any new applications.

10. APPROVAL OF MINUTES

- **July 22, 2020**

The approval of minutes was tabled until the October 7 meeting so that Commissioner Kahn can vote.

11. ADJOURN

Commissioner Yakovlev moved to adjourn the meeting at 5:05 p.m. Commissioner Campedelli seconded. The motion passed unanimously 2-0.