



City of Westfield, Massachusetts

LICENSE COMMISSION

Commissioners
Christopher Mowatt, Chr.
Edward Diaz
Alice Dawicki

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LICENSE COMMISSION MEETING MONDAY, JANUARY 11, 2016 MINUTES

Meeting convened at 6:00 p.m.

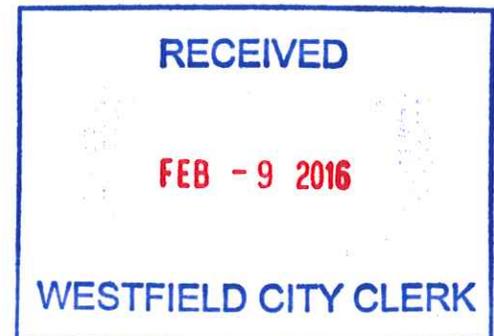
All Commissioners were present.

A motion was made by Chairman Mowatt seconded and unanimously VOTED to approve the December 4, 2015 minutes as presented.

Next meeting scheduled for February 8, 2016

No public participation was heard.

REGULAR MEETING.



1. Final approval of the Compliance Check Guidelines

John Bonavita representative was present and stated the following:

- Would like to submit a letter dated 1-11-16 for the Chairman to read into the minutes.
 - The Westfield Liquor Licensee Association is comfortable with the amended guidelines moving forward.
 - In the upcoming years that would like to address the following:
 - How to detect scan able “fake” ID’s that are entering our marketplace.
 - Institute a no questions asked “FREE” ride home system–Paid for by the association.
 - Integrate the Westfield Police Department into the Alcohol Awareness training of employees.
 - Review how and why an incident report is filed every time there is a police call at or near a liquor establishment.

- They just have one minor change they would like to see in the amended guidelines.
- They are concerned about the posting of the notification of the compliance check and updated rules & regulation changes to the city's website.
- Most licensees do not go and review the City's Website frequently.
- The Commission has the entire licensee's e-mails; they would like to see the Commission e-mail to all licensees when the compliance checks will be taking place.

The secretary stated the following:

- When a change to the Rules & Regulations Document is voted on, the office sends a letter to all licensees' notifying them of the change and they should go to the website and print out a new rules & regulations document.
- In regards to the notification of the alcohol compliance check, the office has no communication with the Westfield Police Department as to when a compliance check will be taking place.
- The office finds out these took place when a liquor establishment calls the office or when we receive the reports from the Westfield Police Department.

A discussion was held.

Chairman Mowatt stated he will speak with Chief Camerota on the process of how he will notify us of the alcohol compliance checks in advance.

Chairman Mowatt stated he would like to modify and include in proposal for approval to modify item 1 that the licensees be notified by US Mail prior to comply with the no later than 30 days prior and no earlier than 120 days.

John Bonavita thanked the Commissioners for their help on this issue and feels this will go a long way.

Brian Slayton from the Maple Leaf asked if they were going to change anything on how they would be notifying the licensees when they fail a compliance check.

Chairman Mowatt stated that if a failure occurs, the licensee will be notified right away. For failed compliance checks the law enforcement personnel shall enter the licensed premises as required to return purchased merchandise and or to identify responsibility of the individuals. Licensee will be told at that time if they had failed a compliance check. Law enforcement personnel, supervising this investigation shall not admonish, provide personal commentary or draw unnecessary attention to a failed compliance check while on the licensed premises. Also, to prefer to have the officer in plain clothes.

A motion was made by Chairman Mowatt, seconded and unanimously VOTED to approve the draft changes to be posted with the incorporation of the notification of US Mail to be compliant within 30

days notice and subject to the approval of Chief Camerota of the Westfield Police Department.

Commissioner Diaz questioned Mr. Bonavita with the other items that he would like to address over the upcoming year.

Mr. Bonavita stated the following:

- Solving the guidelines was a huge first step.
- Those 4 items are what they quickly thought they could start reviewing over the upcoming year.
- There is an issue of fake ID's. For \$200.00 you can send to China and receive a scan able Massachusetts Id that are very good.

A discussion was held.

Sgt. Hall was present and stated the following:

- He deals a lot with these fake ID's.
- He has offered a number of times to the licensees in the last 6-8 months that he will come into the establishment in plain clothes and can run the ID's through the RMV on his laptop as the patrons come into the establishment.
- No one has yet to take him up on his offer.
- Connecticut, Rhode Island & Maine are the most frequent fake ID's that are popping up.
- He goes to every freshman orientation at WSU and explains to students that it is a felony to have a fake Massachusetts ID and it is an arrest able offense.
- This information is also posted on the WSU facebook page to let them know that they are out doing enforcement
- He always welcomes any other ideas or thoughts.

Mr. Bonavita also stated they did not list a 5th topic to discuss which would be.

- What happens when and intoxicated patrons and walks into an establishment.
- What do they do?
- This along with the others can be talked about throughout the year.

Commissioner Diaz stated the following:

- He would like to thank the Westfield Police Department, Mr. Bonavita and the other licensees that are here today.
- He feels the media should have been at this meeting also.
- This shows our great community at work.
- He hopes this will continue to be positive and hopes that we could be a role model for other communities.

2. A transfer application from Able Industries, Inc. d/b/a Auto Parts & Salvage to Railroad Auto Recycling, LLC, 19 Railroad Avenue for a Class 2 & Class 3 auto license.

Edward Czepiel representing Attorney Thomas Murphy was present to represent Railroad Auto Recycling Inc proposed buyers.

Also present was Dimitry Salnagornic was of the owners of Railroad Auto Recycling, Inc. Secretary stated that the 25M bond, garage liability and payment of the two licenses were pending. Applicant will also need to submit to the Commission a copy of the dealer plate registration once they receive it from the RMV which they cannot get until the licenses have been issued.

Mr. Salnagornic stated the following,

- He has owned an auto body car sales & salvage business since 1999.
- He would like to salvage vehicles and sell parts.
- Looking to keep the business the same as the previous owners.

Mr. Czepiel stated the following,

- Mr. Salnagornic is a family man with 5 children.
- He owns an auto body business and used car lot business in Chicopee, MA also.
- He has had no issues with those businesses.

Attorney Paul Malleck was present representing the seller, Able Industries, Inc. d/b/a Auto Parts & Salvage, John Popielarski, Owner.

Attorney Malleck stated the following,

- The proposed buyer runs a clean precise productive operation in Chicopee, MA
- The proposed buyer has experience and will take over where Mr. Popielarski has left off.
- Mr. Popielarski has owned and run the operation since 1982 and is looking forward to retirement.

A motion was made by Chairman Mowatt, seconded and unanimously VOTED to approve the Class 2 & Class 3 auto license transfer contingent upon receiving the 25M bond, garage liability and payment of the two licenses.

The secretary handed the applicant the Warranty Law MGL 90, 7N 1/4.

3. The following monthly police incidents were reviewed and filed.
 - Maple Leaf #15-41669 12-20-15
 - Emma's / Ebenezer's #15-41898 12-22-15

- Ebenezer's #15-41915 12-23-15
- Ebenezer's #15-42228 12-27-15

4. The secretary reported that the ABCC's annual temporary increased resident population form is due by March 1st.

The secretary stated that the temporary increased resident population figure allows cities and town to secure seasonal package store licenses per population units of 5,000 as prescribed by MGL 138.

A discussion was held. A motion was made by Chairman Mowatt, seconded and unanimously VOTED to set the temporary population increase at 5,500 and submit the form to the ABCC as required.

A motion was made by Chairman Mowatt, seconded and unanimously VOTED to suspend the rules to act on administrative business.

ADMINISTRATIVE BUSINESS

1. The Secretary informed the Commission that the following items that were voted on at the last commission meeting are still pending from Shenanigan's.
 - a. A list of all certified Crowd Manager employees.
 - b. Proof of the installation of a "kill switch" controlled by the establishment to stop the music provided by DJ's.
 - c. A written punitive action plan to be enforced by the licensee to employees who are found to be in violation of the establishment's occupancy load and/or fail to protect patrons from safety or fire hazards.

A motion as made by Chairman Mowatt, seconded and unanimously VOTED to send Shenanigan's a letter requesting the information within 10 days. If items are not received in 10 days they will be invited to come into the February meeting to explain why they are not in compliance with the commission's request.

2. The secretary informed the Commission that Officer Gamache re inspected Deals 4 Wheels on December 16, 2015 and that they appear to be in full compliance with the License Commissions requests.

3. The secretary informed the Commission that Shenanigan's on December 31, 2015 submitted their active workers compensation binder and is now in compliance. Licenses were issued to the licensee to open in 2016.
4. The secretary informed the Commission that she received ABCC approval on the following.
 - a. FL Roberts, Inc. d/b/a Westfield Sunoco manager change.
 - b. 99 Restaurants of Boston, LLC d/b/a 99 Restaurant & Pub, manager change.
 - c. The PAHK, Inc. d/b/a The PAHK new licenses issued. Establishment opening Monday, January 11, 2016.

A motion was made by Chairman Mowatt, seconded and unanimously VOTED at 6:45 to recess till 7:00 p.m. for the public hearing that is scheduled.

A motion was made by Chairman Mowatt, seconded and unanimously VOTED to open the scheduled public hearing at 7:00 p.m.

PUBLIC HEARING.

1. Chairman Mowatt read the legal advertisement for a transfer of an all alcoholic package goods store license & pledge of license from Molt's Liquors, Inc. d/b/a Molt's Liquors, Joseph F Molta, mgr., 71 Franklin Street, Westfield to Maruti Corporation, d/b/a Molt's Liquors, Shivani Patel, mgr., 71 Franklin Street, Westfield.

Attorney Timothy O'Leary and proposed liquor manager, Shivani Patel was present.

Shivani Patel stated the following.

- She has been in the liquor business for 5 years.
- Currently works at 202 liquors in Holyoke, MA
- She understands the responsibility of a liquor licensee.
- She is TIPS certified and all their employees will be tips certified also.
- She will employ some of the previous employees along with new ones.
- They will have an electronic ID scanner at the store.
- She has familiarized herself with the City of Westfield's Rules & Regulations.
- The only change she will be making is that they will be buying a new POS system for the store like the one they currently have in the Holyoke store.

Commissioner Diaz warned the licensee to protect their liquor license.

No one spoke in favor of the application.

No one spoke in opposition of the application.

The secretary stated that the only items missing from the application is the TIPS certification of Shivani Patel and at the time of closing proof that the previous owner's pledge of license has been satisfied.

A motion was made by Chairman Mowatt, seconded and unanimously VOTED to approve the all alcohol package goods store license transfer contingent upon receiving the managers TIPS certification and proof at the time of closing that the previous owner's pledge of license has been satisfied.

With no further business the meeting adjourned at 7.11 p.m.



Christopher Mowatt - Chairman Approved.

