



City of Westfield, Massachusetts

LICENSE COMMISSION
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WESTFIELD CITY CLERK

Commissioners
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Edward Diaz
Alice Dawicki

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LICENSE COMMISSION MEETING MONDAY, JUNE 13, 2016 MINUTES

Meeting convened at 6.02 p.m.

All Commissioners were present.

A motion was made by Chairman Mowatt seconded and unanimously VOTED to approve the May 9 minutes as presented.

A motion was made by Chairman Mowatt, seconded and unanimously VOTED to approve the Special Meeting of May 26, 2016 minutes as presented.

Next Commission meetings were confirmed as July 11, 2016 and August 8, 2016.

PUBLIC PARTICIPATION.

VIOLATION HEARING.

1. The PAHK, Inc. d/b/a The PAHK, 285 Elm Street regarding police incident report# 16-14602.

Present was Attorney Richard Sypek, Richard Dowling, owner, Cori Wanat, employee

Chairman Mowatt read the violation summons letter and police incident report# 16-14602,

Chairman Mowatt read the Commission's hearing procedures.

Attorney Sypek stated the following,

- The Licensee Mr. Dowling apologizes to the License Commission, Westfield Police and Westfield Fire Dept. for this overcrowded event that took place on May 5, 2016.
- It was an advertised event, and isolated event for Cinco De Mayo.
- They had scheduled 4 bartenders and 5 bouncers that evening.
- Event was supposed to take place at 8pm.

- Cori the assistant manager since the establishment was opened was the sole bartender at 6pm.
- This happened the last week of students in town.
- They were swamped by students being bused in earlier than expected.
- The crowd got out of control.
- They called in another bartender as fast as they could.
- This was the first day they started selling food at the establishment and they were selling t-shirts to the event.
- The bouncers do have clickers but they were not available that evening.
- Nobody was actually counting the number of patrons entering the establishment.
- The owner Richard happened to be at the establishment that evening.
- Between 8pm and 9pm they were shutting the door down.
- There were lines already outside of the bar.
- They thought they had everything under control.
- The two underage females were not regulars; they had CT licenses and never were served.
- They do not have a scanner at the establishment.
- They are looking into solutions on how to check ID's besides a scanner.
- They are currently renovating the bar.
- They have put in an enhanced camera system to keep track of activity in the bar.
- Every bouncer and bartender now has clickers.
- If they have an event like this again they will seek a one day license from the Commission and have a tent outside.
- They are looking to install a sprinkler system to gain more capacity.
- This is an isolated event.
- They are aware of their responsibilities and this will not happen again.

Commissioner Dawicki asked the licensee how they are going to control the capacity currently of 95 patrons.

Attorney Sypek stated the following,

- They have two doors in the establishment. Both can be exited but can only enter from Elm Street.
- Anytime they have an event they will have a bouncer at the door with a clicker.
- Richard is there all the time and is aware of his occupancy numbers and will be head counting people also.
- This was not an ordinary event that they will have all the time.
- Richard was there at that event. They did stop letting people in and that's when the line down Elm Street started.

Richard Dowling stated the following,

- People were not allowed into the bar until others left.
- They made people leave to reduce the number of patrons in the bar.

- First bus load of kids started showing up at 6pm.
- 8-9 stopped people from coming in.

Commissioner Diaz stated the following;

- He is concerned that shutting the door doesn't solve the problem because now a line is starting on the sidewalk.
- The sidewalk is close to the road and that causes some hazards.
- The establishment needs to plan a little better when they have events and have staff earlier.

Cori stated the following;

- She was bartending there that night.
- She was at the establishment started at 8am that day.
- She works there every night.
- She usually has her support staff come in around 9 for when it gets busy for 10.30.
- She scheduled them for 8pm.
- The party started 4 hours earlier than expected.
- If all the bouncers were there it would not have gotten out of control.
- When the bar is full she cannot see on the floor how many people are in the establishment.
- She knew she was busy and called in for more bartenders.
- She has learned that on big events she needs to bring in the support staff earlier.
- She will not bartend so she can walk out on the floor to see what's going on and communicate with staff.
- They placed a camera over where the bouncers are to watch who's making mistakes.

Richard stated the following; – if comes up again line out door what is plan

- If this happens again and there is a line outside of the establishment they will cut off the line at a certain point.
- His bouncers managed the line well.
- Feels it still could have been managed better.
- Patrons were asked to line up near the building.
- Bouncer will let one in when one leaves.
- The bouncers move around and control and maintain order outside of the establishment.
- Cutting off line is something they have to feel out depending upon people in the bar and outside.
- What's happening is people are now coming in and staying and not leaving.
- Now patrons realize when the line is twenty deep they will not be getting in.
- He is concerned of new establishments coming into the area which will create more traffic.
- He knows outside of his establishment is his responsibility just as much as the inside is.
- There were too many people at this event and it was too much to handle.

- Counters disappear and go home with the bouncers so they were trying to use apps on their phones but that didn't work.
- When they realized the establishment was at over capacity they stopped letting people in which was too late.
- They have meetings at the end of each night and monthly meeting to address any problems or concerns.
- That night they had a staff meeting immediately after they closed to address the problem.
- They have no idea who pulled the fire alarm or why.
- The ABCC talked to the bouncer who monitored the bathroom.
- A patron ripped the system off the wall. It could not be silenced that's why fire was dispatched.

Sgt. Eric Hall, Sgt. Scott Phelon from the Westfield Police Department and Captain Lentini from the Westfield Fire Department were present.

Captain Lentini stated the following.

- What's not in the report was that it took over 10 minutes to evacuate everyone from the establishment.
- Music was not turned down so no one heard the sirens going off.
- He got there after the evacuation.
- They should have a crowd manager.
- People damage alarms systems all the time. That's not a huge concern.
- When he arrived at the establishment he watched a crowd of people leave 4-5 shoulders apart and 30' deep walking down the street.

Cori stated the following.

- They just rewired the DJ control so that the bartender now has control over the music, not the DJ.
- The DJ did not know what was going on.
- Everyone now is crowd manager certified.

Sgt. Phelon stated the following

- The report is complete.
- He has nothing to add that hasn't already been stated.

Sgt. Hall stated the following.

- He has been at the establishment a couple times to work with them regarding fake ID's.
- Things have been going well.
- He is disappointed that this happened.
- Other establishments have changed their policies so they kids are finding other places to go.
- He will continue to work with them on new protocols.
- They have been very cooperative.

A motion was made by Chairman Mowatt, seconded and unanimously VOTED to close the violation hearing and move to deliberation.

DELIBERATION.

Commissioner Diaz stated that he feels a violation of over capacity did occur. The licensee even stated that he thought he was over capacity.

A motion was made by Chairman Mowatt, seconded and unanimously VOTED that a violation of 204 CMR 2.05(2), MGL, Chp. 140 Sec. 183A-Para 7 and 780 CMR Sec 1008 Occupant load exceeded per police report# 16-14602 did occur

Chairman Mowatt stated the following,

- Feels the steps the licensee took is what they could do.
- They did not show a disregard for public safety.
- This overcrowding occurred for no reason but it went quickly.
- The ability to identify the overcrowding could have been hindered by the bartender's lack of view and supporting staff.
- This isn't a routine occurrence with the establishment per the Westfield Police Department.
- Actions have been taken since this incident which shows the licensee has learned from this.
- The potential for a repeat violation is low.

Commissioner Diaz stated the following,

- This is a work in process.
- I believe the licensee didn't expect this to occur.
- This is a learned lesson for next time.

A motion was made by Commissioner Diaz, seconded and unanimously VOTED to issue a warning with a request to provide to the commission a written clear action plan stating what steps will be taken to handle crowd control, plan to keep employees from bringing counters home and underage patrons.

Chairman Mowatt also stated that the commission does recognize the significant steps that has been taken since the incident occurred. The commission also strongly recommends the use of scanners moving forward.

INFORMATIONAL HEARING.

1. Panda House Inc., d/b/a Panda House, 589 East Main Street regarding police incident report# 16-14602 Present was

Chairman Mowatt read the summons letter and police incident report# 16-14602.

Present was Cuiying Lin, president.

Mr. Lin stated the following:

- His bartender that night has been working for him for 7 years.
- He was working in the kitchen.
- This has happened in the past and he has told those patrons not to come back to the establishment.
- He has put signs on the windows of the establishment that they will not accept out of state ID's.
- They will only accept Massachusetts ID's
- He never thought about getting scanners for his establishment.

Chairman Mowatt stated the following:

- This is a repeat offense at this establishment.
- He does like that the establishment will only be taking Massachusetts ID's.
- Suggested the owner look into scanners.
- Requested the secretary reach out to Mina's Wine & Spirits to get any information on scanners and forward any information to the licensee for them to look at.

Commissioner Diaz stated the following:

- Three years ago the establishment had a similar incident with underage patrons.
- He does not want to see the establishment coming back regarding incidents like this.
- Advised the licensee that if they see young people at the establishment they need to make sure they are not serving alcohol to underage patrons.
- Looks like the licensee let his guard down.
- The Commission is trying to prevent a possible tragedy from occurring.

Mr. Lin stated that he is doing the best he can.

Commissioner Dawicki stated she liked the licensees immediate action of no longer taking out of state ID's.

2. Gene Kosinski d/b/a Kosinski Farms/Raven Hollow Winery, 436 Russellville Road, regarding noise complaints.

Present was Gene and Susan Kosinski.

Chairman Mowatt read the summons letter.

Chairman Mowatt stated the following:

- The commission had a group of people come into the May 9, 2016 meeting regarding their concerns of noise coming from your establishment.
- This group of people stated they had talked to the owners about noise and the response that was given to them was that you had a license and there was nothing they could do about it.

- The commission felt that sounded out of character for the owners and the commission wanted to make sure you had an understanding as to what your responsibilities are not only to your business but to the neighbors that are being affected.
- When entertainment license was issued the commission expected a reasonable amount of noise but not necessarily that the music would be heard beyond the confines of the property.
- This probably was not a really good assumption of the commission.

Gene Kosinski stated the following.

- Last year they booked a group of students from St Mary's that were a rock & roll band to play on a Friday or Saturday night.
- They performed twice and brought family and friends.
- They were a little loud and were told to tone it down a little.
- He didn't think it was really much of a problem.
- Someone called the police, an officer showed up and the officer who parked at the street didn't even know a band was playing.
- Difficult for them to monitor to see how far music carries when they are bartending.
- There will be no music on the 4th of July or Labor Day.
- This year they are only having acoustical music.
- The whole neighborhood comes down and listens to the music.
- There is a back drop on the tent facing the North and a complete line of trees. You can't even see their building from the North.
- Friday and Saturday nights music is from 5pm to 7pm or 8pm. It never goes past 8pm.
- Sunday afternoon they play jazz music.
- They understand that the rock & roll band was probably not the right type of music to play.
- The 2 police reports state that the officers don't feel the music is loud.
- They have tried to cut back on music on holiday weekends and have more acoustical music.
- If they notice a problem with the volume rising they ask them to tone it down.
- They are surprised by neighbors coming to the Commission because when they have spoken to their neighbors they have told them that they have no problems.

Susan Kosinski stated the following.

- When they had the rock and roll band last year they went to their neighbors and asked if the music was bothering them at all and that they would shut it down early and the neighbors said it wasn't.
- They don't want to cause a commotion with the neighbors.
- They left a tree barrier between one of the houses so the neighbors would not see the tent.
- She takes full responsibility of the comment she made to the neighbors about having a license.
- She had a pipe burst in the upstairs of the stand and she stated that she is really sorry and if they had to call the police go ahead she can't deal with it right now; I am licensed so just call the police.
- She will take complete blame for that statement.

- Water was pouring down on customers' heads and she could not deal with both things at the same time.

Chairman Mowatt stated the following,

- Noise carries with wind.
- He hears that things are changing.
- The Commission granted the license for entertainment which has been very good for them.
- When someone doesn't come out and tell them that they have a problem with your music you have no way to know that there are any problems.
- Neighbors need to understand that there are changes.
- The Commission can't guarantee peace and quiet for everyone until the day you die.
- Things change, business come in, lives change, new neighbors move in.
- The Commission called to make sure that you are sensitive to the noise issue.
- The neighbors need to understand there is sensitivity to the issue and if there is a problem the police reports are the best avenue.
- Open conversations between the neighbors and the licensee is the best approach.

Commissioner Dawicki stated the following,

- It looks like the neighbors don't want to shut the entertainment down.
- They just don't want the music every Friday, Saturday and Sunday.

Susan stated the following,

- Last year they had music every weekend.
- They do have music Friday and Saturday nights 2 – 2 ½ hours and Sunday afternoons for 2 hours in the middle of the afternoon.
- They will not be having music on holiday weekends this year because the neighbors have mentioned they want to have people over and not have music in the background.
- Most of the neighbors show up on the weekends to listen to the music.
- Sunday has been a problem because some of the neighbors just don't like jazz music.
- They are willing to work with the neighbors; they don't want to disrupt their lives.
- They are a quiet winery not open past 8pm.
- They do not intend to be a bar, They just want to sell their wine they make from their fruits.

Commissioner Dawicki stated the following,

- Feels the licensee is in a unique situation because of the location.
- For all the sudden music to be every weekend is what the issue was with the neighbors.
- The commission probably didn't think about the noise to the neighbors when they issued the entertainment license to them initially.

Commissioner Diaz stated the following:

- He thanked the licensee for coming in and for their honesty.
- The commission just wanted to know that they are making concessions and working with the neighbors.
- The neighbors like it and want you there; they don't want to shut you down.
- Please work with the neighbors.
- He hopes to not hear from the neighbors moving forward.

Gene stated the following:

- Everything changes nothing stays the same.
- Choice of the music this year is better and will be all acoustical.
- Maybe every other weekend if the neighbors are not happy with the jazz music.

Commissioner Dawicki stated that following:

- She likes how they thought everything out and are trying to work with the neighbors.

Susan stated the following:

- They will put the back on tent to keep music away from the neighbors.
- She hopes if the neighbors think the music is too loud they come over and ask to lower the volume.

Gene Demers of 452 Russellville Road addressed the commission and stated the following:

- She lives across the street to the East of the Winery.
- She was the person who called the police, she has only called once.
- The music blows right into her house.
- She called the Winery and spoke to Mrs. Kosinski who was very rude.
- They have never spoken to her about the music being loud.
- Jazz music is terrible. She does not like it.
- This is a quiet neighborhood and it doesn't belong there and she wants it to go away and be gone.
- Winery is fine, we don't need the entertainment.
- The music shouldn't come between her four walls.
- She wants them to get rid of the music. It is an agricultural zone. It doesn't belong there.
- A tent is very expensive; when the tent wears out will they be putting up a building?

Todd Tremblay of 473 Russellville Road, Westfield addressed the commission and stated the following:

- The comment the commission made upset him when he said you can't guarantee everyone peace and quiet.
- He moved to that part of town because of the setting.
- That area was a corn field when he moved in.
- The first three times he went to the winery and spoke to an employee who stated that they had a license, tough.

- The fourth time he went there he spoke with Mr. Kosinski, they had a heated conversation and he thought they worked it out.
- They did tone it down.
- This past weekend, it was fine for him, he doesn't live next door or across the street.
- One of the recommendations he has for the City that if someone wants to do this type of venue is people talk with neighbors because they are given a license.
- If he had been asked he would of stated he didn't want that in this area.

Chairman Mowatt stated the following,

- Whenever there is a license, entertainment or alcohol for any business there would be a public notification.

The secretary stated that the licensee only had to notify the immediate abutters that touch their property. It was also advertised in the paper. They are properly zoned for that type of business at that location.

Chairman Mowatt stated the following,

- He invites the neighbors and the licensee to work together on this situation.
- If the music is too loud they need to say something to the Kosinski's or call the Westfield Police Department.

Commissioner Diaz stated the following,

- Asked the licensee to please work with the neighbors as best as you can.
- Maybe every other weekend would be better.
- The public is always welcome to attend any license commission meeting moving forward.

Mrs. Kosinski stated that she will look into adding another panel to the tent and will try and experiment to control the sound of the music.

PUBLIC HEARING.

1. Gopal Krishna Convenience, Inc. d/b/a Union Mart, 420 Union Street, requesting a Sec. 15 Wine & Malt Package store license.

Chairman Mowatt read the legal ad into the minutes

Present was Attorney Brad Moir

- He is here to represent the licensee and the manager.
- The proposed liquor manager wanted to come this evening but had his schedule confused and is in India right now.

- He would like to move forward with explaining what the licensee is looking for and ask that the decision be tabled until the proposed liquor manager could be present to answer any questions the commission may have.
- The strip mall that the establishment is in has just been purchased by a new owner.
- Would like to submit an explanation of the lease to the commission.
- They are looking to have beer and wine.
- They will be building a wall within the store to keep the beer and wine separate from the convenience store.
- There will be one entrance/exit into the area where the beer and wine will be displayed.
- They will have a separate cash register to just ring up the beer and wine sales.

The Commissioners and Attorney Moir had a discussion regarding the layout of where the beer and wine will be displayed.

Secretary stated the application is complete

No one spoke in favor

No one spoke in opposition

With the absence of the proposed liquor manager, the Commissioners had multiple questions.

A motion was made by Chairman Mowatt, seconded and unanimously VOTED to table the public hearing until the July 11, 2016 meeting so that the proposed liquor manager could be in attendance.

REGULAR MEETING.

1. Apple New England, LLC, 441 East Main Street requesting a manager change.

Present was proposed new liquor manager Shane Edward Fuller.

Mr. Fuller stated the following.

- He has been in the restaurant business for 25 years.
- He has been a manager for the last 15 years.
- He has been transferred from the Boston Road, Springfield, MA location to Westfield.
- He has never had a liquor violation in his career.

The secretary stated that all paperwork is in order.

A motion was made by Chairman Mowatt, seconded and unanimously VOTED to approve the manager change.

2. M&H Enterprises, Inc., d/b/a Country Mart, 397 Little River Road, Westfield, MA regarding request to sell singles 24 ounces or greater.

Present was Muneeb Moon Mahmood who stated the following,

- They are looking to amend their liquor license conditions to sell singles 24 ounces or greater.
- They are not looking at selling anything smaller.
- Their distributors are telling them that the 24 ounce bottles/cans are very popular right now.
- They are looking to increase their sales.

Chairman Mowatt stated the following,

- The Commission restricted sale of single cans or bottles when FL Roberts applied for their convenience store/gas station.
- The idea behind this was to help prevent theft from underage patrons along with selling singles at a gas station with the idea of one for the road.
- He feels the commission should reassess what they are trying to accomplish by eliminating the sale of singles.

A discussion was held.

A motion was made by Chairman Mowatt, seconded and unanimously VOTED to allow the sale of single servings 24 ounces or greater.

3. Westfield on Weekends requesting a Sec. 14 Wine & Malt one day license for concerts on the green for June 16, 2016, July 21, 2016 and August 25, 2016.

Present was Jay Pagluica and stated the following,

- Westfield on Weekends is hosing three concerts on the green this year.
- They are looking for a beer and wine one day license.
- Area will be snow fenced as in previous years.
- Tavern will be serving the beer and wine and they are tips certified.
- Asking that the fee be waived due to being nonprofit.

Secretary stated all paperwork is in order.

A motion was made by Chairman Mowatt, seconded and unanimously VOTED to approve the one day request for all three days and to waive the license fee due to being nonprofit.

4. The following monthly police incidents were reviewed and filed.
 - The PAHK, incident# 16-15554 5-13-16
 - Tekoa Country Club, incident# 16-15678 5-13-16
 - Whip City Brew, incident# 16-16012 5-16-16
 - Maple Leaf, incident# 16-16658 5-21-16
 - Whip City Brew, incident# 16-16799 5-22-16
 - Whip City Brew, incident# 16-16883 5-22-16
 - City Hotel, incident# 16-17273 5-26-16

- Ebenezers, incident# 16-17378 5-26-16
- 7B's, incident# 16-17545 5-28-16
- K's Restaurant, incident# 16-17641 5-28-16

- St. Joseph's Club, incident# 16-15764 5-14-16

A motion was made by Chairman Mowatt, seconded and unanimously VOTED to call the licensee into an informational hearing.

- Whip City Brew, incident# 16-17081 5-24-16

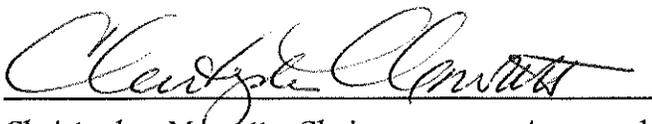
A motion was made by Chairman Mowatt, seconded and unanimously VOTED to call the licensee into an informational hearing.

5. A motion was made by Chairman Mowatt, seconded and unanimously VOTED to approve the monthly bills as presented.

ADMINISTRATIVE BUSINESS

1. Secretary stated that David Allen from Dave's Auto Sales, 256 Union Street, turned in his class 2 auto license.
2. Secretary stated the 413 Auto Sales at 128 Meadow Street was approved a class 2 auto license back in March of 2016. He just closed on the property and it will take some time to get the business up and running. He is hoping to have everything in place by September or October 2016.
3. Received ABCC approval on Bocage, Inc. d/b/a Spider Monkey. Licensee stated that they are hoping to be up and running in July.
4. Received ABCC approval on NCVR, Inc. d/b/a New Corner Variety, 2 Crown Street. Secretary stated she is waiting for the licensee to state when they will be in to pay and pick up the license.
5. The secretary and Chairman attended the Municipal Licensing Corporation annual meeting in Lakeville, MA. The secretary stated they received a lot of great information regarding Class 2 Auto and Internet Licenses. The ABCC stated that the e-licensing is going live. Westfield is on the pilot program for 2017 renewals. The licensees will not be able to renew by paper this year. They will need to renew electronically. If they fail to renew electronically they will not have a license for 2017. The secretary is waiting for the training information and will advise the commission more when that paperwork is received.

With no further business the meeting adjourned at 8:55 p.m.



Christopher Mowatt - Chairman Approved.

SIGN-IN SHEET

License Commission Meeting

Held on: Monday June 13, 2016

<u>NAME</u>	<u>ADDRESS</u>	<u>REASON FOR BEING PRESENT</u>
Rich Sytek	101 State St, Spfld -	PAHK Ally for Unltd
Rich Dowling	25 Acerebrook Rd	Agenda
Cori Wanat	299 Garnet st	Agenda
Paul Lentmi	6 Sabrina Brook Ln	Westfield
Curt (L.M.)	Curt (L.M.) 589 E. main ST	
Gene Kosinski	336 Russellville Rd	Agenda
Susan Kosinski	336 Russellville Rd	Agenda
Jean DeMe	453 " "	
Todd Tremling	473 " "	
Bridget Moore	45 Broad ST	Capl ^{Ag. P.} Korman
Shane Kelly	441 East Main St	License
Moon Mahmood	397 Little River Rd	Agenda
JAY PABLONIA	42 SYLVAN DR	wow concerns