



City of Westfield, Massachusetts

LICENSE COMMISSION

Commissioners
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Edward Diaz
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LICENSE COMMISSION MEETING MONDAY, JULY 11, 2016 MINUTES



Meeting convened at 6.02 p.m.

Present: Chairman Christopher Mowatt & Commissioner Edward Diaz

Absent: Commissioner Dawicki

A motion was made by Chairman Mowatt seconded and unanimously VOTED to approve the June 13, 2016 minutes as presented.

Next Commission meeting was scheduled for September 13, 2016.

PUBLIC PARTICIPATION:

1. The Commissioners were addressed by Mr. Rich Clark of 456 Russellville Road in regards to noise issued from Raven Hollow Winery at 436 Russellville Road.

Mr. Rich Clark stated the following:

- He is an abutter to the Kosinski Winery.
- Nothing has changed in regards to the noise issues.
- He has not spoken to them because they are not approachable.
- Mr. Kosinski has put up a sign thanking the neighbors for their support.
- They have not changed a thing since the last meeting.
- The Kosinki's do not care about the neighbors.

Mr. Clark played via his cell phone through a speaker into the microphone the music he hears from his residence.

Mr. Clark stated the following,

- His residence is approximately 400 feet from the tent.
- The music he played for the commissioners was from yesterday, Sunday at 2.09 pm.
- Same volume the whole time they were playing.

Mr. Clark then played more music for the commissioners from last fall before they shut down for the season. He stated that that day it was the ice breaker that made them all do something about the noise.

Chairman Mowatt stated that the Commission did not give the Kosinski's any restrictions or conditions they had to follow because the Commission was not at the position where they had to, but told them that they should work with the neighbors to figure out what should be done.

Mr. Clark stated the following,

- Mrs. Kosinski has no concern for her neighbors.
- He suggested she come to his house to see how loud the music is.
- She would not and told him this is the way it's going to be from Mother's Day to Columbus Day because they have a license.
- They play music every Friday, Saturday and Sunday.
- Yesterday he was working outside in his garage with his radio on and he can't hear his radio due to how loud the music was.
- Police were called yesterday by another neighbor.

Commissioner Diaz stated to Mr Clark that the last time the Kosink's came before the Commission, Mrs. Kosinski didn't deny making the comment that she has a license and there is nothing you can do about it. But what happened was that there was a lot of things going on at that moment and she expressed that she probably came across the wrong way. They did tell the Commission that they were willing to work with the neighbors. Commissioner Diaz recommended that maybe another visit to them stating that he went back to the Commission regarding the noise. He also suggested maybe playing the music he played for the Commission to the Kosinski's.

Mr. Clark stated the following,

- He doesn't feel that is something he should have to do.
- He bought a 14 acre horse farm out in the country and now all of the sudden he has live music every weekend next to his house.
- He stated he shouldn't have to hear it at his house.
- If they want to have music they can have it but we shouldn't have to hear it.
- The cops are getting frustrated being called to come up and deal with the noise complaints.

- They will keep calling the cops if they have to.
- He feels it's a waste of police resources to keep calling the cops.

Commissioner Diaz stated they agreed they would stagger the days.

Chairman Mowatt stated the following,

- He doesn't think it's a waste of resources to call the police.
- We issued a license, can we place restrictions, yes, could we reasonably take it away because neighbors complain, we don't know.
- For the Commission to take action there has to be a violation against the license.
- We don't have specific sound limits and we only have the hours that they agreed to.
- This is an area we haven't had much experience with.
- Do the best you can with the Kosinki's.
- Call the Police if need be regardless of the frustrations the police may have.
- This is the only way to get it on record.
- Once it is on record then the commission sees it on the incidents and where the commission can get a better understanding on what type of problems are starting to create and what type of problems are going away.

A motion was made by Chairman Mowatt, seconded and VOTED to request a legal opinion from the law department on how to handle the noise complaints on Raven Hollow Winery from the neighbors.

The Commissioners were addressed by Mr. Pablo Feliciano of 452 Russellville Road in regards to noise issued from Raven Hollow Winery at 436 Russellville Road.

Mr. Feliciano asked what the legal department would do for the neighbors if they are not violating their entertainment license?

Chairman Mowatt stated the following,

- The commission needs to clarify what their responsibilities are, what authority the commission has and what conditions need to be present to exercise the commission's authority.

Mr. Feliciano stated the following,

- He is about 150 feet from the tent.
- He was at work and his wife and kids could not watch TV due to the loud music yesterday.
- His wife called him at work and was very disappointed because their college student is home and they couldn't spend time watching TV.
- He believes she called the police.

The Commissioners were addressed by Mrs. Jean Demers of 453 Russellville Road in regards to noise issued from Raven Hollow Winery at 436 Russellville Road.

Mrs. Demers stated the following,

- She has been at the last couple of meetings.
- At the meeting the Kosinski's were called into, there were three really important points they agreed to at the Commission's insistence.
 - Work on mitigating the noise. Putting a back drop on the road side to stop the music from coming her way. That has not happened.
 - She sent the Commission a registered letter.
 - It has now been 4 weekends and it has not happened.
 - The Kosinski's stated they would not have music on holiday weekends.
 - They did have music on Fourth of July and she had to compete with them as she had people at her house.
 - Their music was only going to be acoustic.
 - She understands that acoustical is not speakers and not having electronics and they are using lots of amps.
- The three biggest issues they have done nothing.
- Everyone needs to understand that entertainment license is a privilege, it is not a given, it's a privilege.
- She can't believe those people deserve a license.
- They are infringing on her right as well as her neighbors to enjoy their own property. Not just inside but outside as well.
- It's not right, it's in the wrong area.
- We are being denied peacefull enjoyment of our property which is a legal term.

Mrs. Demers stated to Commissioner Diaz that she did not call the police. She stated she called last year.

Commissioner Diaz asks Mrs. Demers if she understands why Chairman Mowatt stated that they need documentation from the police.

Mrs. Demers stated the following,

- The police are under siege.
- She hates to bother them for something that is non emergency.
- If that is what she is forced to do, it is what she is going to do.

Commissioner Diaz stated that it is a public service. This is so that the Commission can help you. The commission needs the police and you to help us so we can come back to help you.

Mrs. Demers stated the following,

- She thinks looking at the three points shows you what hasn't been done. And an indication of what we deal with from these people.
- We have tried to speak with them.
- They spoke to you as a professional board, made promises and done absolutely nothing.
- How do you expect us to speak to them and get any type of results?
- She does not see it happening.

The Commission thanked the three for coming to the meeting.

TABLED PUBLIC HEARING.

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

Present was Attorney Brad Moir and proposed liquor manager Meet Patel.

Attorney Moir gave plans to the Commissioners on where the storage, cash register and beer & wine will be and what security measures he will have for checking identification.

Mr. Patel stated the following,

- There is a separate cooler area for the beer & wine.
- They will be two registers. One for the convenience sales and one for the beer & wine sales.
- They will be checking ID's every time.
- There will be a restriction on the registers that it won't ring up during certain hours.
- They currently have eight cameras in the store but will be installing 16 new ones.
- There will be a wall and nothing will be visible to the customers except if you walk thru to the area.
- Been in business for 4 years.
- It is a family run business.
- Not a lot of employees and controlled by the family.
- Own a store in Chicopee that does not have wine & malt. Tried to apply but there was no need for another beer & wine establishment in the area.

Chairman Mowatt read the legal ad into the minutes.

Chairman Mowatt stated that they tabled the public hearing from last month for the following reasons.

- They wanted to meet the liquor manager.

- Wanted to get Meet's input and his commitment to make sure he is capable of scanning all licenses properly.
- They wanted to make sure the licensee has the best technology available to check for ID's.
- Wanted to hear the controls they have in place for monitoring the in and out of the beer and wine area and coolers.

No one spoke in favor.

No one spoke in opposition.

Secretary stated that all the paperwork is in order.

A motion was made by Commissioner Diaz, seconded and VOTED to approve the Sec. 15 Wine & Malt package store license.

Commissioner Diaz asked the licensee to please protect the license. Be very vigilant and work with your staff to check outside to make sure people are not coming into the store to purchase beer & wine for minors waiting outside of establishment.

INFORMATIONAL HEARING.

1. St. Joseph's Club, Inc., 6 Hanover Street regarding police incident report# 16-15764.

Chairman Mowatt read the letter calling the licensee into the meeting along with the incident report.

Present was bartender Deborah Kupec who stated the following,

- The yahtzee game is a fundraiser. The club keeps a percentage of the profit.
- The member knew he should not have been playing it because he just renewed his membership.
- There was not three people present at the bar per their policy for anyone to play the game.
- There was a new bartender on duty and did not know he should not be playing the game.

The Bartender Brittany was present and stated the following,

- The member asked to play the game and she allowed him to.
- He hit yahtzee on the 2nd roll, she called the other member over who was playing pool to witness it.
- Instead of waiting for a witness to see that he hit, he picked up the dice. Nobody other than him and herself saw he hit and they need 3 witnesses.
- She should not have allowed him to play because he just renewed his membership and she didn't check to make sure if he could or couldn't play.

Deborah stated that it is advertised in the club on the yahtzee box that it is a fundraiser for members only and what the rules are. She has not heard from the member since this incident happened.

A motion was made by Chairman Mowatt, seconded and VOTED to have the licensee publish and post the rules of the yahtzee game along with the purpose and state that it is a fundraising effort by the club. A copy must also be submitted to the Commission by the next meeting of August 8, 2016.

2. Whip City Patriots, Inc. d/b/a Whip City Bar & Grill, 287 North Elm Street regarding police incident report# 16-17081.

Chairman Mowatt read the letter calling the licensee into the minutes along with the incident report.

Present was, Owner Zachary Stambovsky and employees, Francis Tangredi, Kaitlyn Bruce and Justin the bouncer.

Kaitlyn stated the following.

- She was on duty that night.
- There was a big bachelorette party that came in around 11pm.
- Around 1am near the door a gentleman was bothering a bunch of females.
- She and the bouncer went to see what was going on.
- He was asked to leave and she was trying to calm the girl down.
- Some of the other people from the party started arguing amongst each other.
- 5-6 cruisers showed up to help with the problem while people were cashing out their checks and going home.
- The next day she called the girlfriend of the person who stated he was attacked in the bar.
- She told the girlfriend what actually happened at the bar.

Justin who was the bartender on duty that night stated the following.

- Everything Kaitlyn said was true.
- He was at the back door when they saw a big group of girls chase the guy out.
- Kaitlyn took care of the girls.
- He got the guy out the back door.
- There were no marks on him at that time. It was just him and the guy outside and he was asking him how he was.
- He was fine; he left the property and made it past the bridge towards the gas station.

The Secretary told the commission that at last month's meeting they heard a previous incident report that also had to do with the one we are hearing tonight and that incident shows that the establishment did call for police help and the commission filed it.

A discussion was held between the commission and the licensee.

Chairman Mowatt stated the following.

- One of the reasons he wanted the licensee to come in is because part of the problem of a violation would be allowing a illegality to occur on the license premises.
- When he hears a report that says the cameras were not working, it allows him to think that this type of illegality is being allowed.
- The commission has no rules that say you have to have cameras but since you do, you should make sure that they work.
- He urges the licensee to make sure they are working right away.
- If the cameras were working the commission might not have called the licensee into an informational hearing.
- He does applaud the licensee as to how they handled the incident.

Bo Tangredi agreed he needs to get them to work right away because a few years back it saved him by showing the Commission what really happened at the establishment.

A motion was made by Chairman Mowatt, seconded and VOTED to file the incident.

REGULAR MEETING.

1. Short Stop Bar & Grill, 99 Springfield Road, requesting a Sec. 14 Wine & Malt License for August 21, 2016
2016 Melha Shriners fundraiser.

Present was Diana McClean to represent the application and stated the following.

- Short Stop Bar & Grill is hosting a motorcycle ride for the 2016 Melha Shriners fundraiser on August 21, 2016 from 10am – 5pm.
- They start the ride at the Shriners Hospital around noon and end at Short Stop around 12.45 p.m.
- They have a police escort the entire time of the ride.
- They are anticipating up to 300 people so they are looking to hold the event outside in the parking lot.
- They are offering free hot dogs & hamburgers and a cash bar.
- It's a family event, there will also be a band playing music.
- Beer & Wine would be outside in a tent in the parking lot.

Chairman Mowatt told Diana that they need to have some sort of control as to who orders the beer & wine and how they keep them within the area of the tent. She should also make sure the servers are TIPS certified and they check ID's.

A motion was made by Chairman Mowatt, seconded and unanimously VOTED to approve the one day request contingent upon receiving a site plan showing the area where the tent will be and how they will be controlling the egress of people going in and out of the tent.

LATE COMMUNICATION

1. One day beer and malt request from Westfield on Weekends for July 29, 2016 6pm – 10pm at The Rinnova Shoppe Gallery, 105 Elm Street.

The secretary stated that the application is complete.

A motion was made by Chairman Mowatt, seconded and VOTED to approve the one day request and to waive for fee for non profit.

2. One day all alcohol request from Stanley Park/Elegant Affairs on August 6, 2016 at the Stanley Park Pavilion for a WSU Gala Fundraiser 5pm - 11pm.

Secretary stated all paperwork is in order.

A motion was made by Chairman Mowatt, seconded and VOTED to approve the one day request.

3. One day wine & malt request from Westfield State University/Elegant Affairs on July 19, 2016 at the Stanley Park Pavilion for a Mass Association of Foreign Languages reception from 7.30pm – 9.30pm.

Secretary stated all paperwork is in order.

A motion was made by Chairman Mowatt, seconded and VOTED to approve the one day request.

4. Genesis Spiritual Line & Conference center applying for a one day Malt Beverage Sec 15 license and a Charity Wine Pouring license for their 17th Annual Wine Tasting to be held on the grounds at 15 Mill Street on Saturday, September 17, 2016 6pm – 9pm.

Secretary stated all paperwork is in order.

A motion was made by Chairman Mowatt, seconded and VOTED to approve the one day requests contingent upon approval of the ABCC approval regarding the Charity Wine Pouring license and to waive the one day license request.

ADMINISTRATIVE BUSINESS

1. Secretary stated a letter was sent to the Panda House with information regarding an ID Scanner.
2. The secretary informed the commission that the office still has not received the written clear action plan stating what steps will be taken to handle crowd control and the plan to keep employees from bringing counters home and underage patrons from The PHAK.

A motion was made by Chairman Mowatt, seconded and VOTED to have the secretary send a reminder letter to the licensee.

3. The Secretary stated that Pleasant Street Market received ABCC approval.

With no further business the meeting adjourned at 7:30 p.m.



Christopher Mowatt - Chairman Approved.

