



City of Westfield, Massachusetts

LICENSE COMMISSION

Commissioners
Christopher Mowatt, Chr.
Edward Diaz
Alice Dawicki

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LICENSE COMMISSION MEETING MONDAY, August 8, 2016 MINUTES

Meeting convened at 6:04 p.m.

Present: Chairman Christopher Mowatt, Commissioner Edward Diaz & Commissioner Alice Dawicki

Next Commission meeting was scheduled for September 13, 2016.

PUBLIC PARTICIPATION.

None

INFORMATIONAL HEARING.

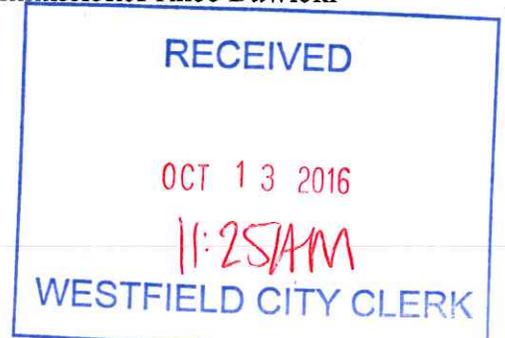
1. Papps Bar & Grill, LLC, d/b/a Papps Bar & Grill, Peter J Pappas, Mgr. 110 Airport Road regarding potential entertainment and liquor manager issues.

Chairman Mowatt read the letter calling the licensee into the minutes.

Present was Peter Pappas, owner of Papps and John Slattery, Chef.

Mr. Pappas stated the following.

- He is not on site 40 hours per week.
- He doesn't recall the hours he stated he would be on premises but he is the one looking at the day to day operations.
- He has had major health issues that the airport is aware of. His heart has stopped 4 times in January of this year.
- He is dealing with the hardest business to run.
- He looks after every aspect of the liquor business.
- He orders all the liquor for the establishment.



- He is TIPS certified along with all his bartenders that he ran and paid for.
- He has procedures he has established for the liquor.
- John Slattery is the general manager who is there more than he is but he doesn't get involved in the liquor part of the business unless he isn't there.
- John has 20+ years experience in the restaurant business.
- He is on site almost every day.
- He goes to the business as he needs to order the liquor and look after the restaurant.
- He doesn't maintain set hours.
- He is there all the time, he comes and go as needed.

Chairman Mowatt stated that a liquor manager is someone who is there on site the majority of the time who is responsible for transactions of the liquor.

Mr. Pappas stated he does all the storage, the entire inventory and all the ordering of the liquor. It is done by no one else but him. He is on site more than 20 hours per week. He would like to be there less due to health issues.

Chairman Mowatt stated if his hours become less at the restaurant and if he wants to assign a new liquor manager he can contact the office.

Mr. Pappas stated he thought about changing the manager to John but the cost right now is something he cannot afford.

Chairman Mowatt then stated he would like to address the Yoga on the Roof Deck that is not on his entertainment license.

Chairman Mowatt stated that the Commission is concerned with the advertisement that the cost of the yoga includes an alcoholic beverage. That advertisement lends itself to a violation of the happy hour regs.

Mr. Pappas stated he is very aware of the Happy hour regs.

A discussion was held regarding happy hour regs.

Mr. Pappas stated the following:

- He would like to add Yoga to the entertainment license.
- The people running the yoga approached him, he didn't approach them.

Mr. John Slattery stated the following,

- The person running the yoga collects the money for the class then she purchases from that money the beverage the person would like at a regular drink price.
- This is a group of people that get together to do yoga then the instructor is paying for the drink out of the money she received from the class. They are not renting the space. They are just using it.
- They come in before the restaurants legal opening time, do the yoga then when the restaurant opens the instructor buys a drink for everyone.
- Yoga is open to the public; she has put up flyers for advertisement and has put it on the internet.
- Brian Barnes the airport manager has said that having yoga is no big deal.
- He has asked whose insurance covers any liability.
- He was ok with everything and there were no further issues.
- When the public comes and sits on the deck that doesn't adversely affect the business.

Mr. Pappas stated that the yoga is being done on a public deck.

The secretary stated that the deck is not public, it is part of the liquor license premises.

Mr. Pappas has stated that he has been told it is a public deck and he has to let people up there even if they are not eating at his establishment. People come up there every day use their chairs and tables and bring their own food.

At this time, Susan Phillips the City Solicitor addressed the Commission.

Ms. Phillips stated the following,

- Mr. Pappas is right in regards to the lease that they must allow patrons to go up to the deck even though they are not eating at their restaurant. The FAA states we cannot keep the public out of using the deck.
- The commission is also right in regards to the deck is part of the licensed premises.
- Mr. Pappas still has a right to protect the license if there are any problems on the deck or if anyone becomes rowdy he should call the police.
- The Commission is trying to figure out if this type of activity needs to be added to the entertainment license for the establishment's protection.
- The deck is only open to the public to view aviation.
- The deck is not open to the public to bring their own picnic table and have dinner on the deck.
- The City can work with the establishment to held them restrict what the public can do on the deck.
- There are liability issues if the public is using the deck other than viewing aviation.

A discussion was held.

Chairman Mowatt stated the following,

- Yoga should be added to the entertainment license.
- The licensee should word the advertising so it does not lend itself to violating the happy hour regs.

Commissioner Dawicki stated that she wants to the licensee to make sure he knows the commission is here to make sure that your paperwork reads what is actually happening on your licensed premises and not to prevent you from doing so.

The secretary will email the licensee an entertainment application for them to amend their entertainment license to add the yoga to their license. There is no charge to amend the license. The secretary also stated the licensee should look at their entertainment license and add any type of activity they would like to add to their premises.

Commissioner Diaz stated the licensee runs a tremendous business at the airport. Adding this to their entertainment license will protect them.

REGULAR MEETING.

1. Legal opinion from the Law Department regarding noise complaints against Raven Hollow Winery.

The Secretary stated that the Law Department has stated that based on what the commission has in front of them right now; it is unlikely that the commission would be able to pull or amend the entertainment license.

2. The following monthly police incidents were reviewed and filed.
 - Shaker Farms incident# 16-24703 7-26-16
 - Raven Hollow Winery incident# 16-25167 7-30-16

3. A discussion was held regarding CORI checks for Auto agent Class 2 applications.

A motion was made by Chairman Mowatt, seconded and unanimously VOTED to have the secretary research the Department of Criminal Justice Information Services CORI Unit on how to apply to be certified, if there is a cost and ask the Mayor if he would approve the department to start running CORI checks on applicants.

4. A discussion was held regarding creating a set of standards for sec. 15 licenses that they should meet to ensure the license is exercised correctly and provides the intended benefit for public need.

The Chairman asked the Secretary to send to all three Commissioners a list of the beer & wine package store licenses and the layouts of their establishment. The Commissioners will be visiting each establishment and reporting their finding back to the commission at the September meeting.

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

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 7.30-pm9.30pm.

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.

LATE COMMUNICATION

1. WOW requesting a Sec. 14 one day beer & wine license at the Rinnova Gallery 5:30-9:30pm for 8-9-16. Liquor liability is in place.

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

2. WSU requesting a Sec. 14 one day beer & wine license for a scholarship dinner on August 28, 2016. Liquor liability is in place.

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

3. The Hangar request for indoor place of amusement. City Council approved their request for indoor place of amusement. The secretary will send the licensee a letter outlining their next steps.

ADMINISTRATIVE BUSINESS

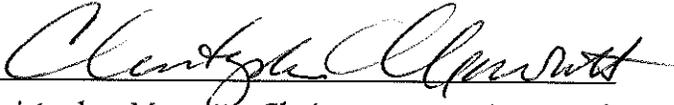
1. Secretary received approval from the ABCC regarding the Charity Wine Pouring license for Genesis 1 day request.
2. The secretary stated that payment and site plan is still pending for the Short Stop Bar & Grill event.
3. A motion was made by Chairman Mowatt, seconded and unanimously VOTED to send to all Class 2 Auto licensee's the letter from The Office of Consumer Affairs regarding unlicensed car dealers & used vehicle warranty law.
4. The secretary informed the Commission that we are hosting in City Council Chambers Tuesday August 16, 2016 from 10am – 12noon and ABCC E Licensing presentation. Ralph Sacramone from the ABCC will be here to inform us and surrounding communities of the new E Licensing the ABCC is rolling out.

5. The Secretary informed the commission that the training for e-licensing took place in Boston on August 2 – 3, 2016. They initially said the training would be at the end of August. The secretary was unable to go due to being on vacation. The ABCC has stated that we should have no problem going live for renewal and they will be sending us instructions on how to renew on line and we can call with any questions.
6. The secretary informed the commission we received St. Joseph's Club Yahtzee policy as requested.
7. The Commission reviewed the crowd control plan submitted by The PAHK.

A motion was made by Chairman Mowatt, seconded and unanimously VOTED to approve the crowd control plan as submitted.

8. The secretary stated that Spider Monkey received their COI from the Building Department and the Fire Department. The office has issued them their liquor license.
9. A discussion was held regarding Club liquor licenses. A motion was made by Chairman Mowatt, seconded and unanimously VOTED to call St. Joseph's Club & Westfield Sons of Erin into an informational hearing regarding the status of their application update their corporate officers with the ABCC.
10. The secretary informed the commission that she received a call that FL Roberts is selling their establishment. She has reached out to FL Roberts and the new owners asking if they will be transferring the liquor license. She has yet to hear if the new owners will be transferring the license.

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


Christopher Mowatt - Chairman Approved.

