



# *City of Westfield, Massachusetts*

## LICENSE COMMISSION

Commissioners  
Christopher Mowatt, Chr.  
Edward Diaz  
Alice Dawicki

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### LICENSE COMMISSION MEETING Wednesday, October 12, 2016 MINUTES

Meeting convened at 6:06 p.m.

Chairman Mowatt and Commissioner Dawicki were present

Commissioner Diaz was absent.

Next Commission meetings were confirmed as Monday, November 14, 2016.

Chairman Mowatt announced that the meeting would be recorded.

A motion was made by Commissioner Dawicki, seconded and VOTED to approve the minutes of July 11, 2016, August 8, 2016 and September 13, 2016.

#### **PUBLIC PARTICIPATION.**

None

#### **INFORMATIONAL HEARING.**

1. Ryan's Package Store, 31 Franklin Street regarding police incident report# 16-26989.

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

Present was Attorney Paul Maleck who stated the following:

- The central issue is the lack of respect these employees had.
- These two employees had been long standing employees who were generally good employees.
- Ben has been employed for six years and Nate has been employed for two years.
- They were highly disrespectful and rude to the police.

- Ben has medical issues which is not an excuse for the lack of respect.
- In the past, both employees were informed by the owners that they should cooperate with the police and to do what they say.
- The owners do not tolerate not treating the police with respect.
- These employees have been terminated.
- The establishment has not been in violation for many years and has successfully passed several alcohol compliance checks.
- The owners understand that the license is a privilege not a right and they are trying to be compliant.
- They took the right steps in terminating the employees.
- The owners recently purchased the property next door and will be looking to transfer the license.
- They do not want to jeopardize their license.

Commissioner Dawicki asked if the female in question was underage. Attorney Maleck stated one was 21 and the other was 22.

Commissioner Dawicki asked what steps the licensee will be taking to ensure that the person left in charge is following closing procedures and if the licensee had cameras why did the employees feel they can still do anything they wanted to?

Attorney Maleck stated the following,

- The owners meet with the employees daily and remind them.
- They post signs that remind them that they have to comply and not to sell to anyone under 21 and that they must comply with the law.
- The owners made a big investment with the building next door.
- The employees knew there were cameras in the establishment and he doesn't know why it didn't mean anything to them because they were caught on tape.
- The camera's will continue to be used at the establishment and are used with police investigations and they are reviewed on a regular basis by the owners.

Owner Ed Anderson stated the following,

- Ben has been an employee for six years and two years prior to him and his partner taking ownership.
- Ben is bipolar.
- Something happened to him in the last three months.
- In the past he has spoken to Ben like a son and told him to be respectful.
- That night was the perfect storm.
- The empty can was actually a bottle of dogfish 120 that was very expensive.

- There are only empty containers on the counter that are for display only.
- The owners from time to time check on their phone and IPAD to see how the store is doing thru the cameras.
- Sunday night was slow and the owners did not check the cameras.
- They know this is inexcusable.
- Their employees know that if a police officer comes to the door they are to open it.
- He did not think Nate would do this type of thing.
- Nate seems to follow anything Ben does.

Sgt. Hall was present and stated the following,

- He has no other information for the Commission.
- The owners cannot be in the store 24 hours a day.
- This is a concerning incident but he feels the owners dealt with it.

With nothing further, a motion was made by Chairman Mowatt, seconded and VOTED to close the informational hearing.

#### DELIBERATION.

Chairman Mowatt stated the following,

- Looking at the information that was provided, and the actions that the owners took immediately after the incident he thinks that the owners did the right thing.
- From 2014 thru now, there have been some issues but things have straightened out.

Commissioner Dawicki stated that it was very important that the owners took action very quickly.

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

2. Spider Monkey, 252 Elm Street regarding police incident report# 16-2862 & d/b/a change.

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

Chairman Mowatt stated that the licensee was called into this informational meeting due to the entertainment license and the commission wanted to make sure the licensee knew of their responsibility as a license holder.

Present was Pedro Almeida owner and manager.

Pedro stated the following:

- He is not sure if the DJ had a drink that night.
- He did speak with him the following weekend.
- He took action by suspending the DJ and told him that he is on thin ice.
- The DJ called him the next day and apologized for the incident.
- They station bouncers 15 minutes before closing outside to control everyone leaving.
- They have three security men in the gulf station every night at closing along with a couple in front of the establishment to help move people along.
- He apologizes to the police and the commission for this incident. It was completely uncalled for.
- This incident happened right after closing.
- They have changed their procedure now. All bouncers are outside except for one which stays inside to push people out at closing.
- Last call is at 1.30.
- The DJ plays two more songs then the lights come on at 1.40 a.m.
- The DJ might have had a drink then.
- He is not part of the cleanup crew.
- The DJ might leave 10-15 minutes after 2am. He will not let the DJ take all his equipment out until everyone is out of the establishment.
- He pays an employee to find DJ's for him at the establishment.
- He is giving this DJ a second chance but he knows that he is on thin ice.

Sgt. Hall was present and stated that Pedro does a great job, he is good to work with and incredibly cooperative. He couldn't ask for more cooperation from a licensee. He hopes this does not happen again.

With nothing further, a motion was made by Chairman Mowatt, seconded and VOTED to close the informational hearing.

#### DELIBERATION.

Chairman Mowatt stated that given what action the licensee has taken and the information from Sgt. Hall he is ok with how the licensee is handling everything.

Commissioner Dawicki stated she likes the changes the establishment has made and believe they have good ideas moving forward.

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

**Request for d/b/a change.**

Pedro Almeida was present requesting a d/b/a change from Spider Monkey to Rain.

Secretary stated that all paperwork was in order.

A motion was made by Chairman Mowatt, seconded and VOTED to approve the d/b/a name change to Rain.

**REGULAR MEETING,**

1. Papps Bar & Grill requesting a Sec. 14 Wine & Malt license for October 14, 2016.

Present was Chef John Slattery who stated the following.

- They will be catering a dance in Hangar 3 at the Airport
- It will be a cash bar providing beer & wine.
- There is one egress in and out of the building.
- The Airport has security to monitor any problems if they arise.
- Bartenders are tips trained and will be checking ID's at the bar.

A motion was made by Chairman Mowatt, seconded and VOTED to approve the Sec. 14 Wine & Malt one day request.

2. Report from Officer Stoyak regarding DC Cycle on Southampton Road.

A report from Officer Stoyak was reviewed regarding DC Cycling selling vehicles without a license.

3. The commission reviewed the Compliance checks that the Westfield Police Department held on September 20, 2016.

A motion was made by Chairman Mowatt, seconded and VOTED to call Panda House into a violation hearing for failing the September 20, 2016 compliance check.

Sgt. Hall was present and stated he will be mailing congratulations letters to all the licenses who passed the compliance check.

4. Commissioner Dawicki read the monthly police incident reports.

A motion was made Commissioner Dawicki, seconded and VOTED to send a letter to Maple Leaf, Shenanigan's, Rain and The PAHK thanking them for their cooperation with the "Cops in Shops" detail with the Westfield Police Department and to inform them to be aware that their employees are their front line and they should be ensured that these employees share the same values they as licensees do.

The following incidents reports were filed by the Commission.

- Maple Leaf incident# 16-30005 9-7-16
- The PAHK incident# 16-30138 9-8-16
- The PAHK incident# 16-30414 9-11-16
- The PAHK incident# 16-30417 9-11-16
- The PAHK incident# 16-30422 9-11-16
- Raven Hollow incident# 16-31232 9-17-16
- Shenanigan's incident# 16-31465 9-19-16
- Spider Monkey/Rain incident# 16-31819 9-22-16
- Spider Monkey/Rain incident# 16-31824 9-22-16
- Spider Monkey/Rain incident# 16-32053 9-25-16
- Spider Monkey/Rain incident# 16-32888 10-2-16

5. Legal opinion from Law Department regarding policy for Wine & Malt Sec. 15 licensees.

The secretary stated that the legal opinion from the Law Department is still pending.

A motion was made by Chairman Mowatt, seconded and VOTED to request the secretary to request a legal opinion from the Law Department again.

6. Discussion regarding CORI checks for Auto agent class 2 applications and liquor applications.

The secretary stated she has not received any correspondence from the Mayor regarding this request.

A motion was made by Chairman Mowatt, seconded and VOTED to have the secretary start the process to apply and register to be CORI certified and to receive training.

7. A motion was made by Chairman Mowatt, seconded and VOTED to approve the following Section 14 Wine & malt one day requests from Westfield State University:
  - a. October 14, 2016 reception at Scanlon Banquet Hall noon to midnight.
  - b. October 13, 2016 reception at Ely Hall Art Gallery noon to midnight.
  - c. November 2, 2016 reception at Ely Campus Center Art Gallery 3pm to 10pm.
  - d. November 10, 2016 reception at Scanlon Banquet & Living room noon to midnight.
  
8. Sec. 14 Wine & Malt request from Westfield State University for a reception at 24 Harvest Moon Lane President Ramon S Torrechihé's home on November 3, 2016 noon to midnight.

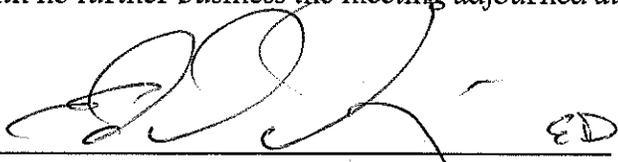
A motion was made by Chairman Mowatt, seconded and VOTED to request the secretary to research further to decide if a one day license is required.

9. The secretary informed the Commission that she received communication from FL Roberts attorney that they will be selling the business and transferring the liquor license. At this time the new owners have not applied for the transfer but will do so post closing.

A motion was made by Chairman Mowatt, seconded and VOTED to send a letter to FL Roberts attorney stating upon the purchase & sale, F.L. Roberts must turn in their wine & malt license to the License Commission at City of Westfield, 59 Court Street, Room 217. Once the license is turned in, the Westfield Police Department will inspect to confirm that no alcohol is on the licensed premises. We must also inform them that FL Roberts must renew the liquor license during the month of November and if they do not the license will revert back to the City and the new owners will have to apply as a new license instead of a transfer. F.L. Roberts will need to pay the license fee and will be responsible if any liquor sales take place on the premises without a liquor transfer approval.

10. The secretary informed the Commission that St. Joseph's Club still has not applied for a change of corporate officers.

With no further business the meeting adjourned at 7.25 p.m.

  
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Christopher Mowatt - Chairman      ED      Approved.  
*Edward Diaz - Acting Chairman*

