



City of Westfield, Massachusetts

LICENSE COMMISSION

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WESTFIELD CITY CLERK

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LICENSE COMMISSION MEETING

Monday, January 9, 2017

MINUTES

Meeting convened at 6:01 p.m.

Chairman Mowatt, Commissioner Dawicki, Commissioner Diaz were present.

Next Commission meeting was confirmed for Monday, February 13, 2017.

Chairman Mowatt announced that the meeting would be recorded.

PUBLIC PARTICIPATION:

None

INFORMATIONAL HEARING:

1. Bocage, Inc. d/b/a Rain, Pedro Almeida, mgr., 252 Elm Street, regarding incident# 16-35279 dated 10-22-16, incident# 16-37049 dated 11-6-16 and advertisement for event held on October 27 – October 29, 2016.

Chairman Mowatt read the letter calling the licensee into the meeting along with the incident reports and the advertisement.

Present was Pedro Almeida manager who stated the following regarding **incident# 16-35279 10/22/16**.

- He was present at the establishment that evening and watched the parties leave.
- 1:20 am the bouncers were stationed at the door and there was nothing to be concerned about.
- As soon as the patrons turned the corner is when the incident happened.
- He sent the bouncers out to the area to keep the crowd back until the officers showed up.
- As soon as the officers showed up, 1 bouncer stayed to assist the officers with the crowd or answer any questions while the others went back into the establishment to help with last call.
- Normally he has bouncers in front of the establishment and at the corner of Elm & Orange Street.
- At closing time they always completely check the back parking lot and the gas station parking lot to make sure everyone has left without any problems.
- They have security cameras in the back of the building where their establishment is.

Commissioner Diaz thanked Mr. Almeida for coming in and acknowledged that it is a tough location where they are located. He asked if over serving was an issue.

Mr. Almeida stated the following:

- He was not intoxicated.
- The last gentleman, "Flick" might have had a few too many.
- He is not sure if he was at the establishment all night.
- He doesn't remember him coming into the establishment.
- He was working all night and he does not recall any incidents with anyone intoxicated.
- His security staff does spot checks in the bathroom throughout the night.
- They also check the area behind the fence in the back of the establishment that is not their property.

Incident# 16-37049 11-6-16

Mr. Almeida stated the following:

- This was during the day light savings time.
- He believes they were out of the establishment when they were supposed to be.

Incident: Advertisement of Rolling Rock Drafts at \$1.00

Mr. Almeida stated the following:

- He is very familiar with the happy hour regulations.
- Any of his promotions are normally run for a period of time.
- That advertisement actually was for the whole month of October & November.

Chairman Mowatt suggested putting something on the advertisement that it is their regular price, not just a special.

Chairman Mowatt stated the following:

- He doesn't feel Rain did anything wrong.
- He wants to make sure the licensee understands that the last licensee did not take ownership of what was going on outside of his establishment.
- He advised the licensee not to become a victim of his clients.
- Be protective and take good proactive measures.

Mr. Almeida stated the following:

- He thanked the Commission.
- He stated they always try to do their best.
- He understands the problems that have happened in the past and his is trying to make the establishment a nice place for people to come.
- He has more bouncers on hand than what they need.
- Anytime a patron gets arrested or if the police are involved, those patrons are trespassed immediately.
- They are turning a profit sooner than they anticipated.
- Currently it is slow with the college students on break.
- They are happy to work with the police department. They have a great relationship with them.
- They are trying to control issues that arise as best as they can.

Commissioner Diaz advised the licensee to keep doing what they are doing and he appreciated the comments made in regards to the WPD.

A motion was made by Chairman Mowatt, seconded and unanimously VOTED to go into deliberation.

DELIBERATION:

Chairman Mowatt stated that he is satisfied with the explanation, responses and knowledge of the owner.

A motion was made by Chairman Mowatt, seconded and unanimously VOTED to all incidents.

REGULAR MEETING,

1. Commissioner Diaz read the monthly police incident reports.

The following incidents reports were filed by the Commission.

- Maple Leaf, Incident# 16-39959 12-2-16
- Maple Leaf, Incident# 16-40147 12-4-16
- Rain, Incident# 16-40871 12-11-16
- Froggy's, Incident# 16-41979 12-20-16
- Maple Leaf, Incident# 16-43070 12-31-16

- Rain, Incident# 16-40636 12-9-16

A motion was made by Commissioner Diaz, seconded and unanimously VOTED to send the licensee a congratulatory letter on their quick action in trespassing the patron.

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

Chairman Mowatt read the legal opinion for premises regulations into the minutes.

A motion was made by Chairman Mowatt, seconded and unanimously VOTED to table till the next meeting.

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

The secretary stated that due to renewals and the office short staffed she has not had time to apply to submit CORI's for Auto Agent Class 2 and liquor applicants.

ADMINISTRATIVE BUSINESS

1. The Secretary stated that Panda House has submitted their liquor license to the office on Tuesday, January 3, 2017. They have been instructed they can pick up their license and reopen on Tuesday, January 17, 2017.


The Secretary also informed the Commission that the establishment was open. Sgt.Hall went to inspect the establishment. The owner was advised to take the alcohol away from the bar so it is not visible and to move the sign regarding the suspension to the outer door.

The commission questioned if the establishment could be open. The secretary stated that we did not suspend the common victualler license. There was also a question as to if the alcohol could be displayed or if it had to be removed or covered up.

The secretary stated she has left a message with the ABCC and will let the commission know as soon as she speaks with the ABCC.

2. The Secretary informed the Commission that she submitted the 2017 renewals to Boston this year via on-line. All licenses approved at the December 12, 2016 meeting were mailed out.
3. Communication was received from Sgt. Hall of the following.
 - a. St. Joseph's Club – Sgt. Hall stated on 1-2-17 at 6:10 p.m. the business was closed.
 - b. Nook Café – Sgt. Hall stated on 1-2-17 at 6:12 p.m. it was verified that the business was closed.
 - c. Ebenezer's – Sgt. Hall stated on 1-2-17 at 6:13 p.m. it was verified that the business was closed.
4. The Secretary informed the Commission that Pagan's Deli on Montgomery Road failed to renew their Common Victualler license and they are open for business. A motion was made by Chairman Mowatt, seconded and unanimously VOTED to send a letter to the licensee that they have until February 13, 2017 to renew their Common Victualler license.

With no further business the meeting adjourned at 7.00 pm.



Christopher Mowatt, chairman Approved.

