

# City of Westfield, Massachusetts

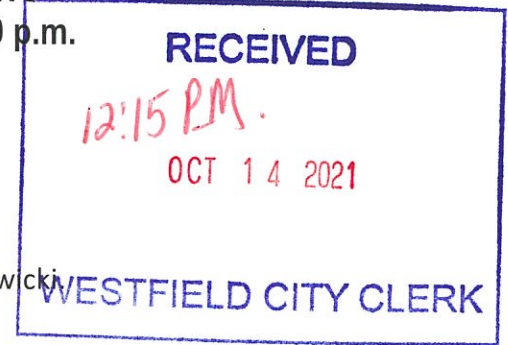
## LICENSE COMMISSION

Commissioners  
Christopher Mowatt, Chr.  
Edward Diaz  
Alice Dawicki

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**LICENSE COMMISSION MEETING**  
**Monday, September 13, 2021 6:00 p.m.**

### MINUTES



Meeting convened at 6:02 p.m.

Present was Chairman Mowatt, Commissioner Diaz and Commissioner Dawicki.

The next License Commission was scheduled for October 13, 2021.

A motion was made by Chairman Mowatt seconded and unanimously VOTED to approve the minutes of August 9, 2021 as presented.

### VIOLATION HEARING:

1. Om Westfield, LLC d/b/a City Package Store, Alpa V Patel, mgr, 131 Meadow Street, Westfield, MA regarding alleged violation of:

204 CMR. 2.05 (2)

No licensee for the sale of alcoholic beverages shall permit any disorder, disturbance or illegality of any kind to take place in or on the licensed premises. The licensee shall be responsible therefore, whether present or not to wit:

MGL, Chp. 138 Sec. 34

Sale or delivery of alcoholic beverages to a person under twenty-one (21) years of age (1 count) May 6, 2021 police report# 21-4-FI approximately 2:00 p.m.

MGL, Chp. 138 Sec. 34

Sale or delivery of alcoholic beverages to a person under twenty-one (21) years of age (1 count) May 13, 2021 police report# 21-4-FI approximately 4:30 p.m.

Chairman Mowatt read the letter calling the licensee into the violation hearing.

Present was Attorney Brad Moir, Alpa Patel, mgr, Employee Magna and Officer John Blascak.

Attorney Moir stated that they have read the minutes and would like to waive the reading of the incident report. Chairman Mowatt approved his request.

Attorney Moir stated the following:

- They admit that both incidents are correct and that it happened.
- Clerk, Magna has no excuse as to why she did not check the ID.
- The other clerk has only been working at the store for about 1 ½ months and there is a language barrier, which is no excuse.
- Magna has been TIPS trained, the other employee will be TIPS trained soon.
- The owner & manager Alpa has underlying health conditions and has to be careful due to COVID. She has not been able to be at the store as much.
- They know they need to change the manager of record.
- The licensee has ordered an ID checker for the establishment.
- The clerk Magna is here and she would like her to speak to the Commission.

Clerk, Magna stated the following:

- The first time she did not check the ID but the second time she did.
- She is so sorry. It will never happen again.
- She took TIPS training before she started working at the establishment.

Attorney Moir stated that the other clerk probably does not ask for ID's and word got out.

Commissioner Diaz asked Alpa if she goes over the rules and regulations before she hires an employee. Alpa stated that she does.

Commissioner Diaz stated that the ball was dropped somewhere.

Magna stated that she knows the rules and it was her mistake.

Commissioner Diaz stated the following:

- This is your business.
- You need to protect your license.
- Whenever you change your manager you need to make sure that everyone knows the rules and regulations.
- One mistake can create someone getting hurt.
- The Commission is here to service the Public, the City of Westfield and to keep everyone safe.
- He hopes to not see them in front of the Commission again.

Chairman Mowatt asked moving forward what changes the establishment will be making.

Attorney Moir stated the following:

- They will be changing the liquor manager soon.
- The manager will make sure that all new hires are TIPS certified.
- They will start using an ID checker.
- This should not happen again.

Officer John Blascak stated that there has been no other issues with the establishment. Everything is stated in the report.

Commissioner Diaz suggested that they meet with the Community Police. They are there to help out establishment with any questions they may have.

Attorney Moir stated that once they have a new manager they will make sure they meet with Officer Blascak.

Officer Blascak stated that Captain Pitoniak received two to three complaints from concerned parents inside and outside of the City.

With nothing further, a motion was made by Chairman Mowatt, seconded and unanimously VOTED to move to deliberation.

## **DELIBERATION:**

Chairman Mowatt stated the following:

- He is concerned with multiple calls from parents to the Police Captain.
- The Attorney and the Licensee has admitted that the violations did occur.
- They served minors twice without asking for an ID but the third minor they did not.
- Clearly the licensee is in violation of serving minors.

Commissioner Dawicki stated the following:

- She reviewed the minutes from when the transfer was approved to these new licensees.
- At that meeting the manager Alpa stated they had policies and procedures in place and that all employees would be TIPS certified.

Chairman Mowatt stated the following:

- Per the violation guidelines this will be treated as two offenses.
- There have been no other issues at the establishment per Officer Blascak.
- There definitely has been a breakdown in their business operations.
- There have been no other issues in the past.
- The licensee is in violation of two counts of serving a minor per MGL Chpt. 138 Sec. 34 and 204 CMR 2.05 (2).

A motion was made by Chairman Mowatt, seconded and unanimously VOTED to suspend the liquor license of City Package store for a total of three (3) days. These three days are to be held in abeyance for a period of eighteen (18) months provided no further violations of chapter 138 or the ABCC Regulations occur.

Chairman Mowatt stated the following after the vote:

- If another violation occurs within the eighteen months, these two violations along with the new violation will be treated as a third offense.
- One of the reasons he asked the licensee what their plans are going forward is if something when you are in a situation and you are allowing someone else to make a decision based up on someone looks, how you feel, you are bound to get something wrong.
- Consider moving forward to require all your staff to card everyone regardless of what their appearance is. Card everyone.

- Officer Blascak did a wonderful job with the investigation. The underage operatives that they use tell the truth. They are not going to lie to you. So you have to ask and you have to card.

Commissioner Diaz stated the following:

- Please reach out and get together with your Community Police Officers.
- College students are back and school is back in session.
- He knows there is a lot of off campus living in that area.
- He is sure Officer Blascak and his team could you better tips on what to look for when checking ID's. You should definitely take the advice of the Westfield Police Department.

## **REGULAR MEETING:**

1. Skyline Beer Company, 99 Southwick Road, Westfield, Lisa Pac, mgr requesting a Section 14 one day wine & Malt license for 6 car shows and 1 concert to be held on the south side parking lot of her establishment.

Lisa was present and stated the following regarding the car show event:

- She is looking to have 6 car shows before the end of the year.
- The area will be set up to the right of the side parking lot and will be roped off with a beer station.
- No alcohol from the establishment will be allowed in that location and no alcohol from that location will be allowed into the establishment.
- She has had no issues with other events held outside in the past.

The Commission reviewed the map for the events for the Car Show.

Lisa stated the following regarding the Concert event:

- She is looking to hopefully have 150-200 people in attendance.
- It will be held in the entire area of the south side of the building in the parking lot.
- She is not concerned with any traffic issues.
- She will have staff on hand to help park cars and keep the flow of traffic.

The Commission reviewed the map for the Concert.

A motion was made by Chairman Mowatt, seconded and unanimously VOTED to approve the following Section 14 one day wine & malt licenses:

- Car Show, 5pm – 9pm for the following dates:
  - September 23, 2021
  - September 30, 2021
  - October 7, 2021
  - October 14, 2021
  - October 21, 2021
  - October 28, 2021
- Concert 6pm – 10pm October 24, 2021

2. St Mary's Parish School, 35 Bartlett Street, Robin Jensen and Patty Schweitzer, mgr requesting a Section 14 one day wine & malt license for September 18, 2021 from 4pm – 8pm for a Founders Day celebration to be held at 30 and 35 Bartlett Street in the High School Gym and Grounds of the Church/Rectory.

Chairman Mowatt stated the following:

- He is concerned that the request is for the High School Gym and the Grounds of the Church/Rectory.
- Patrons are not able to walk across the street with alcohol.
- He would like the Office Manager to call St. Mary's to clarify what they are actually looking for and where the event will be held.
- When the information is received he will review it and make his decision to approve or deny the request via email due to the fact that the event is this Saturday and the Commission will meet again until October.

Commissioner Dawicki & Commissioner Diaz were in agreement.

3. The following police incident reports were read and filed by the Commission:

- The Whip #21-22175 7-3-2021
- The Whip #21-25224 7-28-2021
- The Whip #21-25719 8-1-2021
- The Whip #21-26273 8-5-2021
- City Hotel #21-26613 8-8-2021
- The Whip #21-27178 8-14-2021
- City Hotel #21-28927 8-28-2021

- Gabe's 252 #21-28493 8-25-2021

A motion was made by Commissioner Diaz, seconded and unanimously VOTED to call the licensee into an informational hearings. The commission would like to talk to the licensee in regards to the two intoxicated patrons and the disbursement of their patrons at closing time in regards to their entertainment license.

#### **LATE COMMUNICATION:**

1. Shree Ganpati, Inc. d/b/a Westfield Spirit Shop, 440 Southampton Road, Westfield, MA, Asha D Patel, mgr, requesting a Pledge of License and Pledge of Inventory.

The office manager stated the following:

- The licensee is requesting a Pledge of License and Pledge of Inventory from Westfield Bank to Rockland Trust.
- The application is in order.

A motion was made by Chairman Mowatt, seconded and unanimously VOTED to approve the Pledge of License and Pledge of Inventory.

2. A motion was made by Chairman Mowatt, seconded and unanimously VOTED to approve the following Section 14 Wine & Malt one day license requests from WSU Dining Services, 577 Western Avenue, Westfield, MA William Connor, mgr.

- a. October 2, 2021 1pm – 5pm Family Weekend, Woodward Center – Alumni Field game side area.
- b. October 16, 2021 1pm – 5pm Homecoming at the Woodward Center, game side by far end zone.
- c. October 16, 2021 7pm – 9pm Octoberfest at the Dining Commons Patio
- d. October 16, 2021 7pm – 11pm for WSU Homecoming Reunion Dance, Scanlon Banquet Hall.

3. 99 Restaurants of Boston, LLC d/b/a 99 Restaurant & Pub, 342 East Main Street, Westfield, MA request a change of LLC managers.

The office manager stated the following:

- Per the ABCC the licensee has been granted preliminary approval for a Change of Officer relative to all 64 of their Massachusetts location using the inverted approval process.
- Due to the size of the transactions, the ABCC has reviewed and investigated the applications and found the transactions are in compliance with MGL Chapter 138.
- The Commission needs to approve this request and the application will go to the ABCC for final approval.
- The only item pending is the \$200.00 application fee that the applicant stated will be sent in the mail.

A motion was made by Chairman Mowatt, seconded and unanimously VOTED to approve the Change of Officer request for 99 Restaurants of Boston, LLC.

### **ADMINISTRATIVE BUSINESS:**

1. The office manager stated that Chairman Mowatt instructed her send a letter to Skyline Beer Company, Lisa Pac, mgr, 98 Southwick Road. Lisa is being instructed to evaluate their outdoor service areas for alcohol. There is concern that the outside service space to the north of the building is double the size that is described on their description of premises and drawings that they initially received approval on.
2. The office manager stated that one of the members of the Moose Lodge on Washington Street who has been keeping the club afloat came in on September 8, 2021 and stated that they have closed their doors. They have returned their alcohol back to the vendors and sold most of their furniture in the bar. They did not turn in their License. They were told that if they are totally closed they should turn in their license. If they did not want to do that they could hold on to it in case they changed their minds and decided to reopen.

The Office manager stated to the Commission that we will send them a renewal if they do not turn in their license. That is when the establishment will have to make a decision to stay closed or reopen and renew their license.

3. The Office manager stated that back in January the commission approved a change of officers and stock for Hutghi's. The request was returned by the ABCC stating returned no action. The licensee was instructed on the additional paperwork the ABCC is requesting.

The office manager stated the following:

- On 9-8-2021 the paperwork was finally received and sent to the ABCC for reconsideration.
  - This morning I received the request back from the ABCC stating returned no action with more additional paperwork that needs to be submitted.
  - I have forward the request to the licensee and will wait for them to submit the additional paperwork then resend the application back to the ABCC for reconsideration a second time.
4. The office manager stated that she attended a virtual ABCC annual renewal training on 9-8-2021. She stated the following:
    - The ABCC went over the requirements for the 2022 renewal season.
    - Renewals must be signed and received in the month of November only.
    - If a renewal is received in December, we cannot accept it. The licensee will have to close down December 31<sup>st</sup> and reapply for a new license. They will not be able to reopen until they receive their new license.

- We must notify the licensees of the following per the ABCC:
  - Licensees that received temporary extensions to their license premise and seek to continue patio/outdoor service after April 1, 2022 are encouraged to apply in the ordinary course for an alteration of premises their local licensing authorities. Otherwise, these amended licenses automatically revert to the status prior to the approval of the expansion of outdoor service as of April 1, 2022.
  - Takeaway/delivery of alcohol: establishment licensed for on-premises consumption of alcohol may continue takeaway and delivery sales of alcohol until May 1, 2022. All alcohol sold for takeaway delivery must be sold with food and at the same price as alcohol for on-premises consumption.

With no further business the meeting adjourned at 7:10 p.m.



Christopher Mowatt, Chairman      Approved

License Commission

9-13-2021 Sign in Sheet

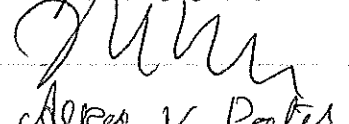
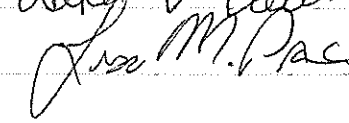
Print Name

Breath B. Mor

ALPIA V PATEL

Lisa Pac

Signature

  
Alpiya V. Patel  
  
Lisa M. Pac