

City of Westfield, Massachusetts

LICENSE COMMISSION

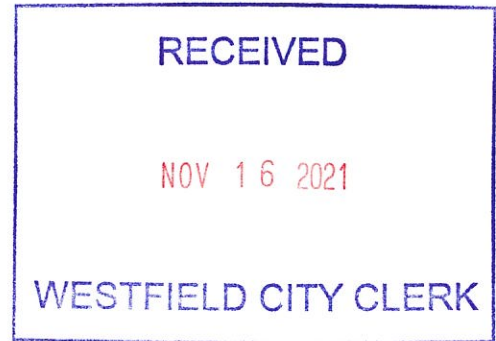


Commissioners
Christopher Mowatt, Chr.
Edward Diaz
Alice Dawicki

CITY HALL
59 COURT STREET
WESTFIELD, MA 01085
Phone 572-6202
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LICENSE COMMISSION MEETING Wednesday, October 13, 2021 6:00 p.m.

MINUTES



Meeting convened at 6:02 p.m.

Present was Chairman Mowatt and Commissioner Dawicki.

Commissioner Diaz was absent.

The next License Commission was scheduled for November 8, 2021.

A motion was made by Chairman Mowatt seconded and VOTED to approve the minutes of September 13, 2021 as presented.

PUBLIC PARTICIPATION:

None

INFORMATIONAL HEARING:

1. Krause, LLC d/b/a Gabe's 252, Andrea Hunter, mgr, 252 Elm Street, Westfield MA regarding police call report# 21-28493 refer to incident# 21-1001-OF.

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

Present was owner, Gabriel Krause who stated the following:

- He read the incident report and remembers the incident.
- He looked at the cameras and couldn't find anyone to match the description.
- Offered help to Brittany to file charges on who assaulted her.
- She was always changing her statement and never followed back up with him to find out who assaulted her.

- He has trespassed Brittany from the establishment.
- She tried coming back the next day and she was not allowed in. They saw no bruising on her.
- He believes she was making this story up.
- The girls were clearly the aggressors.
- It happened at 2:27am.
- He plans to install cameras on the building.
- He had a DJ assaulted the following week behind the building.
- He knows he needs to ramp up his security and cameras.
- He is at the establishment on Wednesdays.
- He has a full staff on duty, Thursdays, Fridays and Saturdays.
- He is trying to keep his customers safe.

Chairman Mowatt stated that when he first applied for a liquor license, the Commission explained to him the entertainment law and how it would affect him. That is why he is here tonight.

Gabe stated that he is not educated on the entertainment law, only on alcohol laws.

Chairman Mowatt stated the following:

- He explained to Gabe the entertainment law, how they should monitor people coming in the establishment, how they leave the establishment and how they should be dispersing people out of the parking lots.
- The incident happened at 2:27am after closing but he is responsible for his patrons when they leave his establishment.
- He also stated that taking custody of an intoxicated patron could be an issue for him. He should not be bringing patrons back inside the bar after hours.

Commissioner Dawicki stated that she is concerned with the level of intoxication of the girls.

Gabe stated the following:

- He estimates that the girls were in the establishment for 20 to 30 minutes before last call.
- He did not observe them to that level of intoxication when they came in.
- He didn't serve them as much as it seems.
- He understands his responsibility.

Chairman Mowatt read MGL 140 Sec 183A, Entertainment Law into the minutes. He stated that his responsibility is very big.

Lt. Hall was present and stated the following:

- He was not on scene when the incident happened.
- He did not speak with the officers.
- The report is all he can go by.

Chairman Mowatt stated the following:

- The staff seems to be ok. Their response is good and they do a good job stopping people at the front door and confiscating fake ID's.
- It is up to Gabe as the owner to address how he is going to handle patrons leaving the establishment.
- The previous owners always had bouncers in the parking lots at the end of the evening.
- Activity seems to be ramping up with incidents.

- He recommends that he does not become a victim of his clientele.

Gabe stated the following:

- He did not realize how the entertainment law effected his establishment. It was a grey area for him. All this makes sense now.
- He will now have two (2) bouncers checking the parking lots to make sure nothing is happening throughout the night.
- There tends to be a lot of congregating in the parking lots. He tries to make sure to clear them off the front sidewalk but will now also focus on the parking lots.
- He knows now that they have the right to clear the crowds from the area.

Chairman Mowatt stated the following:

- He should look for guidance from Lt. Hall for help on how to clear the crowds.
- It is the Westfield License Commission's responsibility to serve the public need and protect the common good of the citizens of the City of Westfield, by ensuring that all licensees governed by the commission operate in compliance with all laws of the commonwealth.

Commissioner Dawicki asked if they security has had the proper training?

Gabe stated the following:

- He will put a packet together for his staff and will develop a protocol to make it a better atmosphere outside.
- Brittany and Alex have not been trespassed. They have been put on the no entrance list.

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

DELIBERATION:

Chairman Mowatt stated the following:

- From what he can see this was a misunderstanding with the owner on their responsibility relative to the Entertainment Law.
- No one was seriously hurt.
- He is inclined not to escalate this to a violation but to try to help him with his responsibility.
- He has no mentor to guide him.

Commissioner Dawicki agreed.

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

The office manager asked Gabe if he still has the Commission's Rules & Regulations document that he received when he first opened the business.

Gabe stated that he has been working so much he put it to the side and lost it.

The office manager stated that she will resend a copy to him and his liquor manager.

REGULAR MEETING:

1. Rally's Sports Bar, 119 Meadow Street, Jacqui Scarfo, mgr requesting a Section 14 one day wine & malt license for October 30, 2021 with a rain date of October 31, 2021 from 12 noon to 6pm for an Octoberfest/corn hole tournament to be held in a roped off area of the parking lot at 119 Meadow Street.

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

2. White Lion Brewing, 1500 Main Street, Springfield, MA, Raymond Berry, mgr requesting a Section 14 one day wine and malt license for Saturday, October 23, 2021 1pm – 5pm at the parking lot of 53 Elm Street for the “Artoberfest” a Community Event.

A motion was made by Chairman Mowatt, seconded and VOTED to approve the one day request as presented and also to waive the fee.

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

- The Whip #21-31305 9-18-2021
- Gabe's 252 #21-31423 9-19-2021
- Gabe's 252 #21-31996 9-23-2021
- Gabe's 252 #21-32014 9-23-2021
- The Whip #21-32160 9-25-2021
- Tin Bridge #21-32160 9-25-2021
- Applebee's #21-32546 9-28-2021
- The Whip #21-33140 10-2-2021
- Gabe's 252 #21-3766 10-7-2021
- Shaker Farms #21-33995 10-10-2021
- The Whip #21-34007 10-10-2021

- Gabe's 252 10-1-2021

A motion was made by Chairman Mowatt, seconded and VOTED to call the licensee into a violation hearing regarding a report of patrons on premises after business hours consuming alcohol.

- Gabe's 252 Incident# 21-33668

A motion was made by Chairman Mowatt, seconded and VOTED to call the licensee into an informational hearing.

- The Whip Incident# 21-32160 & 21-34007

A motion was made by Chairman Mowatt, seconded and VOTED to call the licensee into an informational hearing.


4. The Office Manager stated that the commission needs to schedule a public hearing regarding unpaid tax obligations that was not resolved prior to licensees submitting license renewals.

A motion was made by Chairman Mowatt, seconded and VOTED to schedule the public hearing for licensees with unpaid tax obligations for Monday December 13, 2021.

ADMINISTRATIVE BUSINESS:

None

With no further business the meeting adjourned at 7:05 p.m.

A handwritten signature in cursive script, appearing to read "Christopher Mewatt", written over a horizontal line.

Christopher Mewatt, Chairman Approved

10-13-2021 License Commission Meeting
Sign in Sheet

Gabriel Krause