



NORTHAMPTON LICENSE COMMISSION

City Hall, Office of the Mayor
210 Main St., 2nd Floor
Northampton, MA 01060
(413) 587-1212

COMMISSIONERS

Brian Campedelli, Chair
Natasha Yakovlev
Helen Kahn

Executive Assistant

Annie Lesko

alesko@northamptonma.gov

MEETING MINUTES

June 6, 2018

City Council Chambers, 212 Main Street

4:00 p.m.

1. **ROLL CALL** - Commissioner Campedelli, Commissioner Yakovlev and Commissioner Kahn were present.
MEETING CALLED TO ORDER at 4:00 p.m. by Commissioner Campedelli
ANNOUNCEMENT OF AUDIO/VIDEO RECORDING made by Commissioner Campedelli

2. **PUBLIC COMMENT** - None

3. **APPLICATION FOR FARM WINERY LIQUOR LICENSE**

Outlook Spirit d/b/a Outlook Farm Winery

Dates: Saturdays, May 12, 2018 – November 10, 2018

Time: 8 a.m. – 1 p.m.

Event: Northampton Farmer's Market

Place: 8 Gothic Street, Northampton

Type: Farm Winery Liquor License to sell at Farmers Markets and Agricultural Events

Brad Morse was present for this application. Mr. Morse stated they are selling hard cider and wine in bottles and cans.

Commissioner Yakovlev made a motion to approve the Farm Winery Liquor License to sell at Farmers Markets and Agricultural Events. Commissioner Campedelli seconded. The motion passed unanimously 3-0.

4. **APPLICATION FOR FARM WINERY LIQUOR LICENSE**

Bear Meadow Farm

Dates: Saturdays, April 28 – November 10, 2018

Time: 8 a.m. – 1 p.m.

Event: Northampton Farmer's Market

Place: 8 Gothic Street, Northampton

Type: Farm Winery Liquor License to sell at Farmers Markets and Agricultural Events

Rick Intres was present for this application. Mr. Intres stated that Bear Meadow Farm has sold at other farmers markets before but this will be their first time at Northampton Farmers Market.

Commissioner Kahn made a motion to approve the Farm Winery Liquor License to sell at Farmers Markets and Agricultural Events. Commissioner Campedelli seconded. The motion passed unanimously 3-0.

5. **APPLICATION FOR TRANSFER OF COMMON VICTUALLER LICENSE AND TRANSFER OF AUTOMATIC AMUSEMENT DEVICE LICENSE**

From: D.P.Z., Inc. d/b/a Miss Florence Diner

To: 99 Main, LLC d/b/a Miss Florence Diner

99 Main St., Florence
#128 Common Victualler
#636 Juke Box

Georgianna Brunton was present for this application. Ms. Brunton is looking to transfer the licenses to the new corporation. DPZ, Inc. sold Miss Florence Diner to 99 Main, LLC.

Commissioner Yakovlev made a motion to approve the transfer of the Common Victualler license and Automatic Amusement Device license from DPZ, Inc. to 99 Main, LLC. Commissioner Campedelli seconded. The motion passed unanimously 3-0.

6. APPLICATION FOR ENTERTAINMENT LICENSE

Café Evolution, 22 Chestnut Street, Florence

Type of Proposed Entertainment: Live music, poetry, video, open stage, open cabaret, lectures, readings, comedy, theater

Proposed Entertainment Hours: 6 p.m. – 12 a.m.

Star Drooker was present for this application. Commissioner Campedelli asked what days of the week Mr. Drooker was planning on having entertainment. Mr. Drooker stated everyday but Sundays. Commissioner Campedelli made note that entertainment cannot start before 6 p.m. Mr. Drooker asked what he should do if he wants to change the time in the future. Commissioner Campedelli told him to contact the License Commission office. The music will be both acoustic and amplified.

Commissioner Kahn made a motion to approve the Entertainment license for Café Evolution for live music, poetry, video, open stage, open cabaret, lectures, readings, comedy, theater between the hours of 6 p.m. and 12 a.m. but not on Sundays. Commissioner Yakovlev seconded. The motion passed unanimously 3-0.

7. APPLICATIONS FOR SHORT TERM LIQUOR LICENSE

Trustees of Forbes Library d/b/a Forbes Library

Date: Wednesday, June 27, 2018

Time: 6 p.m. – 8 p.m.

Event: Pam Acosta & Dara Zierlein Reception

Place: Forbes Library, Hosmer Art Gallery

Type: Wine & Malt

No one was present for this application.

Commissioner Yakovlev made a motion to approve the short term liquor license for Forbes Library. Commissioner Campedelli seconded. The motion passed unanimously 3-0.

8. PUBLIC HEARING ON AN APPLICATION FOR TRANSFER OF ALL ALCOHOLIC INNHOLDER LIQUOR LICENSE, CHANGE OF MANAGER AND PLEDGE OF LICENSE AND TRANSFER OF COMMON VICTUALLER LICENSE AND INNHOLDER LICENSE

From: Autumn Inn, LLC d/b/a Autumn Inn

To: Ellery Server, LLC d/b/a Autumn Inn

Proposed Manager: Kyle E. Majkowski

Address: 259 Elm Street, Northampton

Peter Puciloski was present representing the applicant. All documentation has been received. Commissioner Campedelli opened the public hearing at 4:08 p.m. Proposed manager Kyle Majkowski stated he was employed by the old company at the same property and is now employed with the new company. Commissioner Campedelli closed the public hearing at 4:09 p.m.

Commissioner Yakovlev made a motion to approve the transfer of the all alcoholic innholder liquor license, change of manager and pledge of license from Autumn Inn, LLC to Ellery Server, LLC, as well as the transfer of common victualler license and innholder license. Commissioner Campedelli seconded. The motion passed unanimously 3-0.

9. DISCUSSION AND POSSIBLE VOTE TO AMEND SHORT TERM LIQUOR LICENSE POLICY

The clerk explained that as it stands now, all short term liquor licenses for the City of Northampton, ONLY benefit non-profit organizations. Pursuant to MGL Ch. 138, Sec. 14, only non-profits may apply for an all alcohol short term license. This is state law and there is nothing that can be done about it. In addition to state law, the previous License Commission implemented a stipulation requiring for-profits applying for a wine and malt license to donate ALL their proceeds to a non-profit. Thus making short term licenses as a whole, only profitable or beneficial for non-profits.

The clerk offered an example of the inequity. Union Station wants to host a food truck festival in their parking lot. Since their liquor license doesn't extend to the parking lot they will need to apply for a short term license. The reason for the food truck festival is to drum up business. At the end of the festival, after all their hard work, the business would have to donate all of their proceeds to a non-profit.

Commissioner Campedelli asked hypothetically if the applicant were to sell \$5,000 worth of beer with a profit of \$1,500, does the applicant need to donate the full \$5,000 or can he cover his costs and then donate any profits. This is not clear, is not specified in the Rules and Regulations, or on the application. No one knows how this has been done in the past because this policy has never been policed or enforced. No one has ever checked or followed up to ensure the proceeds were actually being donated to the non-profit that was specified on the application. The clerk stated the Commission's reasoning in 2011 was to "alleviate any attempts to create a business profiting from short-term licenses". The ABCC already states: "No person may be granted such licenses permitting sales on an aggregate of more than 30 days in any calendar year." Commissioner Campedelli stated that the previous Commission's reasoning was a moot point.

The clerk is looking to follow state law and does not understand why the previous License Commission would put this stipulation in place because the ABCC does not make donating to a non-profit a requirement. Pursuant to the ABCC, "Special licenses for the sale of wine, malt beverages, or both, may be issued by the local licensing authorities to ANY PERSON. This type of special license may be issued to a person at least twenty-one years of age WHO IS CONDUCTING AN ACTIVITY OR ENTERPRISE FOR PROFIT."

Additionally, the clerk researched 8 cities in Massachusetts; Easthampton, Amherst, Chicopee, Newburyport, Lowell, Pittsfield, Newton, Amesbury and not one of these cities has this type of regulation or policy.

Commissioner Kahn asked if the short term licenses were being abused. The clerk recounted minutes from 2011, which read, "Gail Yacuzzo, from the Academy of Music Theatre, stated that the Commission has been very generous to allow multiple events, multiple licenses, and she respected the idea of one event per month. She is concerned that these licenses are competing with for-profit establishments." This is already state law and the previous Commission simply was not aware of it.

If something comes up in the future and someone is abusing the short term license policy, the License commission has the authority to look at the policy again and make any necessary changes to this ruling.

Commissioner Campedelli made a motion to abolish the addendum from 2011 stating that for-profits have to donate to a non-profit who is utilizing a wine and malt license; that the state law supersedes the license commission's decision in 2011 and the clerk will change the application to reflect this decision. Commissioner Yakovlev seconded. The motion passed unanimously 3-0.

10. APPROVAL OF MINUTES

- May 2, 2018
- May 22, 2018 Special Meeting

Commissioner Kahn made a motion to approve the May 2, 2018, minutes. Commissioner Campedelli seconded. The motion passed unanimously 3-0.

Commissioner Campedelli recused himself. Commissioner Kahn made a motion to approve the May 22, 2018, minutes as written. Commissioner Yakovlev seconded. The motion passed 2-0 with one Commissioner abstaining.

11. DISCUSSION OF SUMMER MEETING SCHEDULE

The clerk has an application on her desk for the transfer of a liquor license for McLadden's and did not want to wait until July 25, 2018, for the application to be heard. The commission decided on Monday, June 25th, at 4 p.m. for an additional meeting. The clerk stated that we should keep the July 25th meeting as well.

12. NEW BUSINESS - *Reserved for topics that the Chair did not reasonably anticipate would be discussed.*

New (Submitted after Agenda Published)

APPLICATION FOR SHORT TERM LIQUOR LICENSE

Building 8 Brewery, Inc. d/b/a BLDG8 Brewing

Date: Saturday, June 16, 2018

Time: 10 a.m. – 6 p.m.

Event: Special Release of a new beer

Place: Building 8 Brewery, 320 Riverside Drive

Type: Wine & Malt

This application was taken out of order and was heard after item #8. O'Brian Tomalin was present for this application. Mr. Tomalin stated this event is essentially the same thing as before with a smaller format. There will be a 30x30 tent out front, fenced off, only 1 entrance, and the handicapped entrance is available. Bar snacks will be served.

Commissioner Kahn made a motion to approve the short term liquor license. Commissioner Campedelli seconded. The motion passed unanimously 3-0.

13. ADJOURN

Commissioner Campedelli made a motion to adjourn at 4:29 p.m. Commissioner Kahn seconded. The motion passed unanimously 3-0.

The next meeting of the Northampton License Commission is July 25, 2018.