



NORTHAMPTON LICENSE COMMISSION

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COMMISSIONERS

Brian Campedelli, Chair
Natasha Yakovlev
Helen Kahn

Executive Assistant

Annie Lesko

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MEETING MINUTES

August 1, 2018

City Council Chambers, 212 Main Street

3:00 p.m.

1. **ROLL CALL** - Commissioner Campedelli, Commissioner Yakovlev and Commissioner Kahn were present.
MEETING CALLED TO ORDER at 3:00 p.m. by Commissioner Campedelli
ANNOUNCEMENT OF AUDIO/VIDEO RECORDING made by Commissioner Campedelli

2. **PUBLIC COMMENT** – None

3. **APPLICATION FOR SHORT TERM LIQUOR LICENSE**

The Beer Guy, LLC

Date/Time: October 13, 2018, 11 a.m. – 7 p.m.

Place: Look Memorial Park, 300 N. Main St., Florence

Event: Cystic Fibrosis Fundraiser

Type: Wine & Malt

David Capriati, owner of The Beer Guy, LLC, was present on behalf of this application. Mr. Capriati holds a full service beer and wine catering license through the ABCC, with a state of the art, self-contained, fully powered beer vending trailer. Mr. Capriati was contracted for the Cystic Fibrosis Fundraiser to be the vendor of Beer and Wine. There will be other vendors and food trucks at the fundraiser. Mr. Capriati has vinyl fencing to delineate a containment area around his trailer, much like a beer garden setup with tables and chairs.

Commissioner Yakovlev made a motion to approve the short term liquor license for The Beer Guy, LLC. Commissioner Campedelli seconded. The motion passed unanimously 3-0.

4. **APPLICATION FOR A CLASS II USED CAR DEALER LICENSE**

Ronald Gardner, Jr. d/b/a Quality Cars

345 Damon Road

Ronald Gardner, Sr., was present on behalf of this application. He made note that he is not a Jr. as stated on the agenda. Mr. Gardner will be selling specialty handicapped vans in the \$10,000 range. The Building Commissioner reviewed and approved the zoning application and supports the used car license application.

Commissioner Kahn made a motion to approve the Class II Used Car Dealer license. Commissioner Campedelli seconded. The motion passed unanimously 3-0.

5. **APPLICATION FOR CHANGE OF MANAGER**

Hampshire Franklin & Hampden Agricultural Society d/b/a Three County Fairgrounds

54 Fair St., Northampton

Lic. #00013-RS-0900

Proposed manager: James Przypek

Jamie Przypek was present for this application. Mr. Przypek was hired by the Hampshire, Franklin and Hampden Agricultural Society in November 2017.

Commissioner Yakovlev made a motion to approve the application for change of manager to James Przypek. Commissioner Campedelli seconded. The motion passed unanimously 3-0.

6. APPLICATION FOR CHANGE OF MANAGER

Hampshire Franklin & Hampden Agricultural Society d/b/a Three County Fairgrounds
54 Fair St., Northampton
Lic. #00075-RS-0900
Proposed manager: James Przypek

The Three County Fairgrounds hold two licenses, and have to be voted on twice.

Commissioner Yakovlev made a motion to approve the application for change of manager to James Przypek. Commissioner Campedelli seconded. The motion passed unanimously 3-0.

7. VIOLATION HEARING

Notch 8, Inc. d/b/a Union Station, The Tunnel Bar, Platform Bar, The Deck
125A Pleasant St.

Manager of Record: Jeremiah Micka

Date of violation: June 9, 2018

Violations alleged: (Continued on page 2)

- Rules for Extended hours in the City of Northampton #2: No admittance of patrons shall be permitted by a licensee after 1:00 a.m. No patron present on the premises on or before 1:00 a.m. who leaves the premises for any reason shall be readmitted to the premises after 1:00 a.m. on that day;
- Rules for Extended hours in the City of Northampton #3: All licensees granted extended closing hours must display signs, in a form approved by the License Commission, at each entrance to the licensed premises stating that no admission will be allowed after 1:00 a.m., and at each exit stating no patron leaving the premises will be readmitted after 1:00 a.m.;
- Rules for Extended hours in the City of Northampton #6: All licensees granted extended closing hours must have an agent or employee present at each entrance and exit during extended hours to monitor compliance with the foregoing rules. Each agent or employee shall be easily identifiable as an agent or employee of the licensee;
- MGL Ch. 138 § 12: Licenses authorizing sale of beverages to be drunk on premises

Catugno Court Reporting was present for the Violation Hearing. A copy of the report will be kept on file with the License Commission. Commissioner Campedelli read the alleged violations out loud. **Commissioner Campedelli made a motion to open the violation hearing at 3:10 p.m. Commissioner Yakovlev seconded. The motion passed unanimously 3-0.** Commissioner Campedelli swore in those planning to speak/testify.

Northampton Police Officer Benjamin Beaver gave a brief overview of the events leading up to the violation. Officer Beaver was called to the Deck the evening of Friday, June 8, 2018, at 11:22 p.m. for a large scale disturbance in the parking lot. The altercation initiated on the stone patio portion of the Deck. Patrons from the Deck had spilled into the parking lot with alcoholic beverages in hand. Security from the Deck failed to stop these individuals and their beverages from leaving the premises. The disturbance in the parking lot was not related to the alleged violations.

On June 9, 2018, around 1:30 a.m., Officer Beaver and Officer Wojcicki returned to the Deck to monitor the crowds leaving. Officer Beaver observed a female walk onto the Deck and past security. It was confirmed by Deck staff that this individual did not work at the establishment. At this time, Officer Beaver conducted a full liquor license compliance check and observed there were no signs stating "No re-entry after 1 a.m." and "No admittance after 1 a.m.". In addition, there is a large patio portion of the Deck that was unattended and easily accessible to individuals sitting down on the patio and consuming alcoholic beverages, including underage individuals, which was a concern for the officers.

Officer Beaver noted since the time the violation was recorded, the establishment has made improvements including posting signs and making sure there is adequate security staff at entrances and exits. Officer Beaver stated Mr. Micka and his staff are

always gracious and helpful to officers of the Northampton Police Department with providing security videos of any incidents that occur on their premises.

Commissioner Kahn noted that based on the police report, Officer Beaver had made several visits to the Deck prior to the night of the violation, and during those times there were two or three violation warnings that led up to the night in question. Commissioner Kahn asked Officer Beaver to explain the incidents that led up to the night of the violation.

Officer Beaver explained there was one incident in which a gentleman was standing outside of the stone patio smoking a cigarette and reached over the string of lights and consumed a can of beer. Bar staff was notified and the gentleman was asked to leave. Commissioner Kahn asked if Officer Beaver had informed Deck staff of these situations and if they have since made any effort to make improvements. Officer Beaver stated they made a few adjustments, but not entirely, which is the reason the violations were recorded on the night in question. However, since the notification of the violation hearing, signs are present stating no re-entry or admittance, staff members are present at the patio, including a sign on the patio stating "no beverages are allowed on the patio".

Jeremiah Micka, bar manager/owner of Notch 8, Inc. (the Deck) and Attorney Jesse Adams were present to speak for the licensee. Mr. Micka reiterated there was a memo sent out prior to the violation hearing stating the Deck does not argue that the violations took place. Mr. Micka stated he is doing everything in his power to make sure this doesn't happen again. Safety is his first concern and the alcohol going in and out of his establishment is a big concern.

Mr. Micka explained that the female who entered the Deck after 1 a.m. had already been turned away twice from the Platform Bar entrance. This individual was attempting to enter the establishment through a different entrance. Eric Dowd, head of security, was aware of this individual and was already in motion to remove her from the bar.

Commissioner Kahn noted that Officer Beaver had been to the establishment multiple times prior and asked whether the warnings given to Mr. Dowd (and other members of the Deck staff) were communicated to Mr. Micka. Mr. Micka stated these warnings were not communicated clearly to him, in fact, when he read the police report, a few of the items that were mentioned were the first he was hearing of them. Mr. Micka stated he has opened a new line of communication with his employees with an app and written a new employee policy so staff members that are working the doors know there are rules and consequences.

Attorney Adams added he did not believe the Deck should be found in violation of Rules for Extended Hours in the City of Northampton #2 "no admittance of patrons after 1 a.m." Mr. Adams stated that Mr. Dowd explained to him the woman who entered the premises after 1 a.m. was someone Mr. Dowd had already caught twice attempting to enter the Platform Bar. Mr. Adams furthered that Mr. Dowd watched the woman walk towards the Deck while smoking a cigarette on the bike path, and waited until she noticed Mr. Bermudez's (security staff who was covering the entrance the woman entered through) attention was distracted and she immediately ran through the entrance. Mr. Adams does not believe this was a clear violation because Mr. Dowd was taking steps to remove the woman entirely.

Mr. Adams further stated, in respect to violation of MGL Ch. 138 §12, all of the Deck staff responded to the fight in the parking lot, so it would be unrealistic to think bar staff wouldn't leave their post and not respond to the fight. This was a fight they couldn't control which is why numerous individuals walked off the premises with their beverages. Mr. Adams does not believe the Deck should be found in violation as this was something they could not control.

Commissioner Campedelli asked when the gentleman was reaching over the string of lights drinking a beer, was it the same night or the day previous. Officer Beaver stated this was the day previous, and security staff took the drink away and told the gentleman he wasn't welcome back.

Attorney Adams refreshed the Commissioners of the memo that was sent prior to the hearing. The Deck doesn't dispute they are in violation of Rules for Extended Hours in the City of Northampton #3 and #6. Mr. Micka has met with his employees and reiterated the severity of these violations. Attorney Adams further stated that Mr. Micka is requiring all staff members to complete TIPs training, including security staff; making changes to the employee handbook; actively working on a better line of communication; as well as having brand new, metal, permanent signs installed so there will never be an issue with signage. Attorney Adams suggested either a warning or one day suspension, suspended for 2 months.

Commissioner Kahn asked if the patio portion of the deck is covered under the liquor license. Mr. Micka stated when he took over the property five years ago it was overgrown, which prompted him to remove shrubs and change things around. Mr. Micka put in a patio to extend the seating by about 70 extra seats and never extended the liquor license. Mr. Micka

explained that for the remainder of the season the patio will only be open for patrons who are not drinking alcoholic beverages, i.e. a family with young children, and will also be the location where bands will set up and perform. Mr. Micka explained that during the winter season he will be working to put stone walls around the patio to alleviate the problems that the patio was creating.

Commissioner Campedelli asked Officer Beaver if he had a recommendation. Officer Beaver stated that a warning is sufficient for him because the violations he was concerned with, have since been remedied.

Commissioner Campedelli made a motion to close the violation hearing at 3:51 p.m. Commissioner Yakovlev seconded. The motion passed unanimously 3-0.

Commissioner Campedelli, Commissioner Yakovlev and Commissioner Kahn deliberated amongst themselves. They appreciate the efforts the establishment has taken to rectify the many issues that were before them however they unanimously agreed that all violations did in fact occur.

Commissioner Campedelli made a motion to find Notch 8, Inc., in violation of Rules for Extended Hours in the City of Northampton #2, #3, #6 and MGL Ch. 138 §12, and impose a warning on the licensee per recommendation of the Northampton Police Department. Commissioner Yakovlev seconded. The motion passed unanimously 3-0.

8. APPROVAL OF MINUTES

- June 25, 2018
- July 11, 2018

Commissioner Yakovlev made a motion to approve the June 25, 2018, minutes as written. Commissioner Campedelli seconded. The motion passed unanimously 3-0.

Commissioner Kahn made a motion to approve the July 11, 2018, minutes as written. Commissioner Campedelli seconded. The motion passed unanimously 3-0.

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

Commissioner Campedelli brought up a few violations he found while downtown Northampton one afternoon. Mama Iguana's outdoor seating area was marked off by only a few metal posts with fabric like rope acting as their delineation. Commissioner Campedelli noted if a patron wanted to take their drink off the premises they would have no problem doing so.

Commissioner Campedelli noted that Filos Greek Taverna does not hold a liquor license however they allow BYOB. Commissioner Campedelli witnessed individuals opening bottles of wine on the sidewalk in front of Filos. There was a brief discussion about open containers on city property. The clerk will inform the Northampton Police Department, for informational purposes only, that there were individuals opening bottles of alcohol on a city sidewalk.

Commissioner Campedelli noted that Viva Fresh Pasta has two tables outside of their restaurant with a few posts and a chain as their delineation. Commissioner Yakovlev added that Sam's Pizza has the same chain-like set up.

Commissioner Campedelli noted that Moshi Moshi does not have any barriers, only tables outside with no real delineation. Commissioner Yakovlev stated she has seen fencing there in the past.

Commissioner Campedelli noted that outside of Toasted Owl there are two Red Bull table tops outside with absolutely nothing around them.

The clerk added that La Veracruzana has no delineation or barriers, just tables and chairs.

Commissioner Yakovlev noted there seems to be systemic misunderstanding.

The clerk added that Roberto's gave up a few parking spots out front of their establishment and is now serving alcohol on an unlicensed portion of their premises.

Commissioner Campedelli noted that Local Burger has a full liquor license however they are open until 3 a.m. According to the 2 a.m. rules, no admittance after 1 a.m., serving must stop at 1:40 a.m. and everyone is required to be off the premises by 2:45 a.m., however Local Burger is open until 3 a.m. Commissioner Yakovlev stated Local Burger may have some misinformation. Commissioner Kahn asked how Local Burger is allowed to stay open until 3 a.m. The clerk will research this for the next meeting.

Commissioner Campedelli instructed the clerk to send a letter to Roberto's regarding their licensed premises and the changes they have made. Commissioner Campedelli instructed the clerk to send a letter to all 2 a.m. establishments, with a copy of the 2 a.m. rules to be signed and returned for their files.

The clerk explained she received a phone call from a woman who wanted to report a violation at The Foundry. The clerk instructed the woman to put everything in writing and email it. She alleged the bar manager/owner was over serving all the time, serving underage female patrons, including a harassment that had recently taken place. A police report for the harassment has already been filed. Commissioner Campedelli instructed the clerk to forward the written statement, when she receives it, to the police department for a compliance check.

There was a brief discussion about outdoor seating. Commissioner Campedelli would like the DPW to send all Outdoor Tables and Chairs permits to the clerk so the License Commission is aware who is permitted to be on the sidewalk.

Commissioner Campedelli would like to review and discuss the License Commission's rules and regulations at the next meeting and instructed the clerk to add this as an agenda item.

10. ADJOURN

Commissioner Campedelli made a motion to adjourn. Commissioner Yakovlev seconded. The motion passed unanimously 3-0. The meeting was adjourned at 5:02 p.m.

The next meeting of the Northampton License Commission is scheduled for September 5, 2018.