



# NORTHAMPTON LICENSE COMMISSION

City Hall, Office of the Mayor  
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## COMMISSIONERS

Brian Campedelli, Chair  
Natasha Yakovlev  
Helen Kahn

Executive Assistant

Annie Lesko

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## MEETING MINUTES

September 5, 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**

Trustees of Forbes Library d/b/a Forbes Library

Date/Time: September 22, 2018, 2 – 5 p.m.

Place: Hosmer Art Gallery, 20 West St.

Event: Reception: Frances Dack & Olwen Dowling

Type: Wine & Malt

Fee: Request Fee Waiver

Faith Kauffman was present for this application. She stated the event is an art exhibit opening reception and wine, seltzer, cheese and cookies will be served. **Commissioner Yakovlev made a motion to approve the short term liquor license including the fee waiver. Commissioner Campedelli seconded. The motion pass unanimously 3-0.**

4. **APPLICATION FOR CHANGE OF MANAGER ON AN ANNUAL ALL ALCOHOL PACKAGE STORE LICENSE**

Table & Vine, Inc.

Lic.# 00063-PK-0900

From Manager: Piotr Soja

To Manager: Samuel Chevalier

Samuel Chevalier was present on behalf of this application. Mr. Chevalier was transferred to the Northampton Big Y store a couple months ago and has been previously exposed to beer and wine in other Connecticut stores. He stated the Northampton Big Y has a done an excellent job and employees have been very vigilant in checking IDs. Previous management implemented a system for running reports to make sure IDs are actually being checked. **Commissioner Kahn made a motion to approve the change of manager for Table & Vine, Inc. annual all alcohol package store license to Samuel Chevalier. Commissioner Campedelli seconded. The motion passed unanimously 3-0.**

5. **APPLICATION FOR COMMON VICTUALLER LICENSE AND ENTERTAINMENT LICENSE**

Think Tank Brewers, LLC d/b/a Progression Brewing Co.

9 Pearl Street

Manager: Andrew Starkweather

Proposed Entertainment: Open Mic, Acoustic, Jazz Night, Musicians with Amplifiers

Andrew “Drew” Starkweather and Matthew Sunderland were present for these applications. Mr. Starkweather stated he is opening a brewery with a taproom on Pearl Street. Half will be brewing and the other half will be a 3,000 sq. ft. taproom. Once they receive their Farmers Series license from the Commonwealth they will be eligible to apply for a Pouring Permit. Food will be served but not extensively. There will be acoustic music with some amplification and indoor entertainment only. Commissioner Yakovlev asked about noise control. Mr. Starkweather explained there are exterior windows but they are not operable and are both vestibules. Mr. Starkweather stated he will have eight full-time employees. **Commissioner Yakovlev made a motion to approve the Common Victualler license as well as the Entertainment license for the above stated dates and times. Commissioner Campedelli seconded. The motion passed unanimously 3-0.**

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

Blue Paws, Inc. d/b/a JJ’s Tavern

Date/Time: Saturday, October 6, 2018, 2 – 8 p.m.

Place: JJ’s Tavern, 99 Main St., Florence

Event: Oktoberfest Celebration

Type: Wine & Malt

No one was present at this time. Item moved to later in meeting.

**7. APPLICATIONS FOR SHORT TERM LIQUOR LICENSES**

The Academy of Music, Inc. d/b/a Academy of Music Theatre

Place: 274 Main Street, Northampton

Type: Wine & Malt

Fee: Request fee waiver

Date/Time: September 27, 2018, 7-10 p.m.

Event: Nils Lofgren Concert

Date/Time: September 28, 2018, 7-10 p.m.

Event: Hot Tuna Concert

Date/Time: October 9, 2018, 7-10 p.m.

Event: Madeleine Peyroux Concert

Date/Time: October 13, 2018, 7-10 p.m.

Event: Best of Valley Voices

Date/Time: October 19, 2018, 7-10 p.m.

Event: Barefoot Truth Concert

Addie MacDonald was present for these applications. All required documentation has been submitted. **Commissioner Kahn made a motion to approve the short term liquor licenses for September 27, September 28, October 9, October 13, and October 19, 2018 as well as the fee waivers. Commissioner Campedelli seconded. The motion passed unanimously 3-0.**

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

Building 8 Brewing (BLDG8 Brewing)

Date/Time: September 22, 2018, 12 p.m. – 6 p.m.

Place: Building 8 Brewing, 320 Riverside Drive

Event: 3<sup>rd</sup> Anniversary Celebration

Type: Wine & Malt

O’Brian Tomalin was present for this application. He stated this is their 3<sup>rd</sup> anniversary celebration. This event will take place in the courtyard which will be fenced off with only one entrance. There will be 6 TIPS certified staff members serving and checking IDs. Wristbands will be given after IDs are checked. Free drinking water will be provided. **Commissioner**

**Yakovlev made a motion to approve the short term liquor license contingent upon receiving TIPS information for the servers at the event. Commissioner Campedelli seconded. The motion passed unanimously 3-0.**

## **9. APPLICATION FOR SHORT TERM LIQUOR LICENSE**

Abandoned Building Brewery, LLC

Date/Time: September 22, 2018, 12 p.m. – 5 p.m.

Place: Look Memorial Park, Dow Pavilion

Event: BikeFest

Type: Wine & Malt

Matt Tarlecki, a representative from Abandoned Building Brewery, and Sean, a representative from BikeFest were both present for this application. This is Abandoned Building Brewery's first year providing the beer for BikeFest. After the bike ride, riders will come back to the Dow Pavilion to drink and eat. The beer will be served outside and will be contained in a roped off area with TIPS certified servers. **Commissioner Kahn made a motion to approve the short term liquor license for Abandoned Building Brewery. Commissioner Campedelli seconded. The motion passed unanimously 3-0.**

## **10. APPLICATION FOR A COMMON VICTUALLER LICENSE**

UYA Management, LLC d/b/a UYA

89 Main Street, 1<sup>st</sup> Floor, Florence

Manager: Yue Zhang

Yue Zhang was present for this application. Ms. Zhang stated she is opening a lunch and dinner restaurant in Florence which will be open 7 days a week from 11 a.m. – 9:30 p.m. and will be serving Poke Bowl. Poke Bowl is a bowl with white or brown rice with proteins like tuna, chicken, shrimp, tofu, and a sauce of your choice. She will also be serving miso soup and teas. There are 16 seats in the restaurant and will be offering delivery through delivery express. She is hoping to open in mid-September and if successful, would like to open another restaurant in Amherst or Northampton.

**Commissioner Yakovlev made a motion to approve the Common Victualler license for UYA. Commissioner Campedelli seconded. The motion passed unanimously 3-0.**

## **11. APPLICATION FOR SHORT TERM LIQUOR LICENSE**

Blue Paws, Inc. d/b/a JJ's Tavern

Date/Time: Saturday, October 6, 2018, 2 – 8 p.m.

Place: JJ's Tavern, 99 Main St., Florence

Event: Oktoberfest Celebration

Type: Wine & Malt

Jon Neumann was now present for this application. Mr. Neumann is hosting the 4<sup>th</sup> annual Oktoberfest in the back parking lot of JJ's. It will be closed off on all three sides. All required documentation has been submitted. **Commissioner Kahn made a motion to approve the short term liquor license for JJ's Tavern. Commissioner Campedelli seconded. The motion passed unanimously 3-0.**

## **12. COMMUNICATIONS/UPDATES FROM THE CLERK**

- The Foundry
- Roberto's
- Outdoor Tables & Chairs
- 2AM Closing Rules
- Local Burger

The clerk provided updates and communications from the previous meeting and action items she has taken since the last meeting.

The Foundry is now closed. A certified letter went out to the owner, Sally Noble, requesting to put in writing what her intentions are with the liquor license. The clerk received an email back from Sally that read, "I have received the Northampton License Commission's request regarding the status of our license at 24 Main St. Currently we are working with our business attorney on a transfer to a third party. Please be advised that I am working with Attorney Isaac Mass on this transfer and we will work as quickly as possible to effectuate this process. And we will notify you as soon as these details have been finalized. We are working to hammer this out within the month or possibly early September".

The clerk spoke with Chief Kasper about the alleged assault that occurred at the Foundry. Chief Kasper is going to instruct the detective who is following up on the police report, to concurrently inquire about the fraudulent bar “owner” so there will be documentation about the gentleman’s improprieties. Once the Chief has that information she will inform the clerk who will relay the findings to the Commission.

Roberto’s has received two letters about serving on unlicensed premises and the requirement for applying for an alteration of premises. The clerk has a completed application as of 30 minutes before the meeting, and the application will be on the agenda for the October meeting. The clerk is unaware if they are still serving outside however she informed the owner that it is illegal to do so until their application has been approved by the ABCC. The last demand letter was cc’ed to the Northampton Police Department so it will be left in their hands.

The clerk obtained an outdoor tables and chairs spreadsheet from the DPW that includes all establishment who are approved for outdoor seating and everyone is in compliance. These permits must be reapplied for every year. The clerk stated she will request an updated spreadsheet in the spring to be sure establishments continue to comply.

A letter went out to all establishments who are approved for 2 a.m. closing time. Included in the letter was a copy of the 2 a.m. rules for the manager to read, sign and send back for their files. As of today, the clerk received 12 out of the 21 that were sent out. The Commissioners would like to have an idea about how the 2 a.m. rules and regulations came about and the thought process behind them.

At the end of last meeting, the Commissioners inquired how Local Burger is allowed to remain open until 3 a.m. if they have a liquor license. This was approved by the License Commission. License Commission rules and regulations state, “Restaurants, clubs, hotels and general-on-premises establishments licensed to sell wine and malt and subject to a 1 A.M. closing, with the approval of the Northampton License Commission, may remain open for the service of food and non-alcoholic beverages only until 3 A.M. Sale and service of alcoholic beverages shall still cease at 1 A.M., with all alcoholic beverages consumed or removed by 1:15 A.M.” Technically they should not have received approval for a 3 a.m. closing because they were applying for an all alcohol license.

### **13. DISCUSSION ON UPDATING THE RULES AND REGULATIONS OF THE NORTHAMPTON LICENSE COMMISSION**

The clerk inquired with Chief Kasper if she had any opposition to changing the rule to reflect “all alcoholic beverages” in place of “wine and malt”. She did not. For consistency purposes, the rules should be formally changed.

**Commissioner Campedelli made a motion to change “6-1 No Alcohol/Early Hours Food Service” striking wine and malt and changing the language to read alcoholic beverages. Commissioner Kahn seconded. The motion passed unanimously 3-0.**

Discussion on “1-1: Responsible Liquor Service Certification”. The clerk stated for #1 only the acronym is listed so she would like to add “Training for Intervention Procedures” and add “On-Premise and Off-Premise”. When these rules were originally implemented off-premise TIPS was not an option however it is now; #2 TAM is not Sponsored by Massachusetts Package Store Association anymore, they are their own entity; #3 ServSafe is not sponsored by Massachusetts Restaurant Association anymore, they are also their own entity; #4 A.I.M. Workshop is not a valid certification program and no information can be found on it; #5 Come of Age was for 7 Eleven workers preventing illegal sale of tobacco. No information could be found on this training program either. The clerk would like to add “Beverage Alcohol Training (BAT) (Sponsored by the Massachusetts Package Store Association)” as this is already an acceptable form of certification.

**Commissioner Campedelli made a motion to make the following amendments to Rules and Regulations 1-1: For #1, add “Training for Intervention Procedures” On-Premise and Off-Premise; item #2 strike Sponsored by Massachusetts Package Store Association; item #3 strike Sponsored by Massachusetts Restaurant Association; item #4 strike altogether; item #5 strike all together; and add Beverage Alcohol Training (BAT) (Sponsored by Massachusetts Package Store License)). Commissioner Yakovlev seconded. The motion passed unanimously 3-0.**

Under 3-2 of the Rules and Regulations, specifically #5, the clerk stated this is already the practice so adding the following language would be for consistency purposes: “In the event that it becomes absolutely necessary to be on the premises after 2:45

a.m., notification must be made to the Northampton Police Department.” The clerk does not know why that language was not included in the rules and regulations. There are minutes from 2005 that state the clean-up time for some establishments was an issue because they had such a large space to clean which would often require them to be on the premises after 2:45. It seemed

like they were calling every night, but were happy to do so. Eric Suher brought the clerk back his signed 2 a.m. rules and made note that on #5 if there is a show that is running late and they are running past 2:45 a.m. they would call the Police Department as notification.

**Commissioner Campedelli made a motion to include the following language in #5 of Rules 3-2, “In the event that it becomes absolutely necessary to be on the premises after 2:45 a.m., notification must be made to the Northampton Police Department.” Commissioner Yakovlev seconded. The motion passed unanimously 3-0.**

The clerk noted that there has been some issues and concerns regarding outdoor seating and barriers. She stated are no rules or regulations in place for outdoor seating. The ABCC has some guidelines but other than that there is nothing stating that the area needs to be cordoned off. The ABCC guidelines state “The premises must be enclosed by a fence, rope, or other means to prevent access from a public walkway. The outdoor area must be contiguous to the licensed premises with either a) a clear view of the area from inside the premises, or alternatively b) the licensee may commit to providing management personnel dedicated to that area.” Commissioner Campedelli believes the License Commission should come up with their own guidelines for clarity so there is no misunderstanding.

The clerk researched other cities and towns in the area to see if other licensing authorities had adopted their own guidelines or rules for outdoor seating. The Town of Sunderland has their own guidelines as well as the City of Fitchburg. Commissioner Yakovlev asked the clerk to email those guidelines.

The Commission would like to see all the minutes that coincide with the creation of the 2 a.m. closing rules so they can be informed on how they were comprised and the reasoning and discussions behind the implementation of said rules. The clerk has researched the minutes and the conversations and is going to find a way to succinctly and clearly transmit that information to the Commissioners.

#### **14. APPROVAL OF MINUTES**

- August 1, 2018

**Commissioner Yakovlev made a motion to approve the August 1, 2018, minutes as written. Commissioner Kahn seconded. The motion passed unanimously 3-0.**

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

A few hours after the agenda was posted the clerk received a request for a violation hearing for Zingara, Ltd. d/b/a Packard's. The clerk checked with the police department and the best option for the violation hearing will be the next regularly scheduled meeting on Wednesday, October 3, 2018, at 4 p.m.

Cigdem Turkomer, owner of Le BonNton, inquired about the need for a common victualler license. The clerk had Cigdem write down her intentions with her business. The following is Cigdem's email to the Commission: “Le BonNton is home decor and gift shop. A part of the store it will be a home feeling coffee lounge. I will be serving french press coffee, Turkish coffee and tea. I even won't have a big coffee machine. It is like hosting the guest at home. I will outsourcing from local bakery cookie and scone. I have the commercial refrigerator it will be packed 3 sort of mezze like hummus ... with packed pita chips from local brand. Customers will purchase and can sit outdoor porch and eat them if they like. It is ready to go concept. I have kitchen but won't cook anything. I have Servsafefood certificate and allergen awareness training. I will provide the food from local brands. I will be selling local produced packed food like maple syrup, pickle, candy, some sauce, I guess I need retail food permit. And if people would like to seat indoor according to weather I have space for maximum 15 person.”

The clerk stated that the requirement for a common victualler license is every food service establishment in the City of Northampton where food is sold and the premises contains kitchen and dining room equipment and the capacity for preparing, cooking and serving food is required to have a common victualler license. The Commissioners agreed that she will need a common victualler license because she has a commercial refrigerator and not all the food is packaged. Commissioner Campedelli asked what the state law is. The clerk explained that there is not a clear Massachusetts General Law relating to common victualler licenses.

The clerk asked Commissioner Campedelli if he recalls a conversation from a license commission meeting in 2012 with Tart Bakery. There was a complaint from a downtown business owner that Tart Bakery did not have a Common Victualler license.

The end result was because Tart acts as a take-out bakery and any consumption on the premises is incidental. The complainant stated that on opening day there were a few stools inside the establishment. The Building Commissioner wrote a letter to the owner of Tart Bakery that read “All places in which alcoholic beverages or non-alcoholic beverages are sold, or offered for

sale, to be consumed on the premises... shall be classified as general places of assembly. The code further requires that "toilet facilities for each sex shall be provided. In your situation, the plumbing code requires that you provide toilet facilities for your customers if you allow consumption on your premises." The clerk read an excerpt of minutes from the December 5, 2012, meeting, "Commissioner Campedelli suggested that a new business needs time to get settled, and this issue could be revisited in six months." The clerk added that it's 2018 and there are seats back in the window. The clerk contacted the Building Commissioner who is going to send out a letter. The Building Commissioner will keep the clerk apprised of any developments.

Le BonNton has two bathrooms and one of them is a handicapped accessible restrooms. The Commissioners unanimously agreed Le BonNton is required to apply for a Common Victualler license.

The clerk received a letter from the Tax Collector the morning of the meeting. 1812 Paint & Body who has a Class III car dealer license, has breached their payment agreement. They are five months behind. The License Commission may need to hold a hearing.

## **16. ADJOURN**

**Commissioner Campedelli made a motion to adjourn the meeting at 3:58. Commissioner Yakovlev seconded. The motion passed unanimously and the meeting was adjourned.**

*The next meeting of the Northampton License Commission is scheduled for October 3, 2018.*