



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

October 3, 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. **CITY SOLICITOR**

Conflict of Interest Presentation

City Solicitor Alan Seewald was present for a conflict of interest presentation. Periodically he visits with boards to talk briefly about conflict of interest. Public employees, whether appointed, elected, paid or unpaid, are acting on behalf of the city, are municipal employees and are subject to the conflict of interest law. There are strict penalties if there is a violation so every municipal employee has the ability to contact the State Ethics Commission directly or get an opinion from the City Solicitor if they think there is a conflict of interest. The conflict of interest law is divided into two main categories; actual conflict and appearance of conflict.

Actual conflict is when you or any immediate family member has a financial interest in a matter that comes before the board. If that is the case, you need to recuse yourself, whether it be small, large, positive or negative. Municipal employees cannot hold a contract with the City so if you are contemplating entering into a contractual agreement with the City, contact City Solicitor Seewald beforehand. Acceptance of gratuities is not allowed. No one can give any municipal employee anything of value to do his or her job and anything over \$50 is considered of value. No municipal employee may accept anything of value with whom they do business. If you are soliciting funds for non-profits you are under no circumstances allowed to target the people who come before the board because it's coercive. You can go on the radio, put an ad in the paper, but you cannot target constituents who come before the board.

Appearance of conflict is when you do not have an actual financial interest but if anyone looking at a certain situation could reasonably conclude that this person will get a better or worse treatment because who he or she is, than that is an appearance of conflict. For example, Cousin Jimmy comes before the board, he is not an immediate family member, but someone can assume that Jimmy will get better deal than someone else off the street, because he is a cousin. Any time you look at the situation and say, someone looking at this might possibly conclude that I'll act different toward this person because who he is and his relationship to me or my family, than that is an appearance of conflict. There is an easy remedy that is - if Cousin Jimmy comes before the board, all you need to do is publicly disclose your relationship with Jimmy.

Commissioner Campedelli asked City Solicitor Seewald about a potential conflict. Commissioner Campedelli stated he has had his company Christmas party at Packard's for the last 5-10 years, which is the subject of the hearing today. City Solicitor Seewald asked Commissioner Campedelli if he can be fully objective and treat Packard's like he would

treat any other licensee that would come before him. City Solicitor Seewald said if the answer is yes, he is good to go. If the answer is no, he should recuse himself. Commissioner Campedelli stated he has a lot of friends in this industry and the way he sees it is he has to follow the law and feels that he can be objective. City Solicitor Seewald stated he was good to go, because he disclosed his relationship with Packard's.

4. APPLICATION FOR A COMMON VICTUALLER LICENSE

Le BonNton, LLC

5 Old South Street, Northampton

Proposed Manager: Cigdem Turkomer

Cigdem Turkomer was present for this application. Ms. Turkomer owns a home décor and gift shop on Old South Street and would like to sell coffee, tea and outsourced cookies, scones from local bakeries, and packed treats. Commissioner Kahn inquired if there would be refrigerated items. Ms. Turkomer will have refrigerated items and has worked with the Health Department to get all necessary permits. **Commissioner Yakovlev made a motion to approve the application for a Common Victualler License for Le BonNton, LLC. Commissioner Campedelli seconded. The motion passed unanimously 3-0.**

5. APPLICATION FOR A SHORT TERM LIQUOR LICENSE

Available Potential Enterprises, Ltd. d/b/a A.P.E. Ltd.

Date/Time: November 9, 2018, 6 p.m. – 9 p.m.

Place: Northampton Arts Trust, 33 Hawley St.

Event: ArtSalon Special Fundraising Event

Type: Wine & Malt

Betsy Stone, organizer, was present for this application. This is a new event/fundraiser at the Arts Trust Building. The alcohol will be served by a TIPS certified bartender and there will be a bar area. There will be a food truck outside however no alcohol will be allowed outside. **Commissioner Kahn made a motion to approve the short term liquor license for A.P.E. Ltd. Commission Yakovlev seconded. The motion passed unanimously 3-0.**

6. APPLICATION FOR SHORT TERM LIQUOR LICENSE

CLICK Workspace

Date/Time: October 19, 2018, 4:30 p.m. – 7:30 p.m.

Place: CLICK Workspace, 9 ½ Market St.

Event: Jazz Festival

Type: Wine & Malt

Catherine Iannucci, member advocate for Click Workspace was present for this application. She stated that Click Workspace is a co-working area by day and event space after 5 p.m. Click hosts various different events through Arts Night Out. The reception is in the evening and the supplier will be Martignetti Company. A bar will be set up where it usually is for service of alcohol. **Commissioner Yakovlev made a motion to approve the short term liquor license for Click Workspace. Commissioner Campedelli seconded. The motion passed unanimously 3-0.**

7. APPLICATION FOR SHORT TERM LIQUOR LICENSE

Abandoned Building Brewery, LLC

Date/Time: October 21, 2018, 8 a.m. – 2 p.m.

Place: Look Park, 300 N. Main St.

Event: Happy Valley Half Marathon

Type: Wine & Malt

Matt Tarlecki was present for Abandoned Building Brewery and Jessie Cooley was present from Big Brothers Big Sisters of Hampshire County. Mr. Tarlecki stated this is the first year Abandoned Building Brewery will be providing malt for the event. Commissioner Yakovlev confirmed that Abandoned Building Brewery hosted BikeFest at Look Park a month prior. Mr. Tarlecki stated the location of the event will be near the ball park with over 900 runners expected to attend. There will be a separate fenced off area that will contain the alcohol and everyone over 21 will receive a wristband after being carded. **Commissioner Kahn made a motion to approve the short term liquor license for Abandoned Building Brewery, LLC. Commission Yakovlev seconded. The motion passed unanimously 3-0.**

8. PUBLIC HEARING ON AN APPLICATION FOR ALTERATION OF PREMISES ON AN ANNUAL ALL ALCOHOL RESTAURANT LICENSE

R B & G, Inc. d/b/a Roberto's Restaurant
223 Pleasant St., Northampton
16C Approval Request

Commissioner Campedelli opened the public hearing at 4:19 p.m. Peter St. Martin and Maureen McGuinness were present for this application. Ms. McGuinness stated they originally had two parking spaces and decided to do a renovation to include handicapped accessible toilets and a ramp to the entrance of the building to become ADA compliant. Now they are fully handicapped accessible. After adding the ramp, which took up more space than expected, they lost their previous outdoor seating area so they decided to remove the parking spaces and add outdoor seating in their place. Commissioner Yakovlev asked if they are required to have the handicapped parking space. Ms. McGuinness stated she is working with the DPW to include a handicapped parking space on the street, even if it is a cost to her. The clerk added that the Building Commissioner signed off on the plan but stated the only issue would be in front of the Architectural Access Board. The Building Commissioner and the DPW are working to implement a handicapped spot. Commissioner Kahn asked if the renovation changed the overall seating. All together they lost 10 seats but have a larger take out area. **Commissioner Campedelli closed the public hearing at 4:24 p.m.** Commissioner Campedelli signed the 16C approval request. **Commissioner Yakovlev made a motion to approve the alteration of premises for R B & G, Inc. Commissioner Campedelli seconded. The motion passed unanimously 3-0.**

9. PUBLIC HEARING ON AN APPLICATION FOR A NEW ANNUAL ON-PREMISES FARMER SERIES POURING PERMIT

Think Tank Brewers, LLC d/b/a Progression Brewing Company
9 Pearl St., Northampton
Proposed Manager: Andrew Starkweather
16C Approval Request

Commissioner Campedelli opened the public hearing at 4:26 p.m. Andrew Starkweather, manager, and Matt Sunderland, manager, were both present for this application. The next step in opening their brewery is receiving a pouring permit so they can serve their beer on tap. The can currently sell cans but as their larger plan they want to serve beer and food in the tap room. **Commissioner Campedelli closed the public hearing at 4:27 p.m. Commissioner Kahn made a motion to approve the annual on-premises farmer series pouring permit for Think Tank Brewers, LLC. Commissioner Yakovlev seconded. The motion passed unanimously 3-0.**

10. 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: October 27, 2018, 7 p.m. – 10 p.m.
Event: Stand-up Comedy, "Asking For It"

Date/Time: October 28, 2018, 7 p.m. – 10 p.m.
Event: The Lone Bellow Concert

Date/Time: November 12, 2018, 7 p.m. – 10 p.m.
Event: The Tallest Man on Earth

Date/Time: November 13, 2018, 7 p.m. – 10 p.m.
Event: Richard Thompson Electric Trio

Date/Time: November 14, 2018, 6:30 p.m. – 9:30 p.m.
Event: Lake Street Dive

Date/Time: November 15, 2018, 6:30 p.m. – 9:30 p.m.
Event: Lake Street Dive

Addie MacDonald was present for these applications. All required documentation has been submitted. **Commissioner Yakovlev made a motion to approve the short term liquor licenses October 27, October 28, November 12, November 13, November 14 and November 15, 2018, as well as the fee waivers. Commissioner Campedelli seconded. The motion passed unanimously 3-0.**

11. APPLICATIONS FOR SHORT TERM LIQUOR LICENSES

Northampton Center for the Arts

Place: Northampton Community Arts Trust, 33 Hawley St.

Type: Wine & Malt

Fee: Request fee waiver

Date/Time: November 3, 2018, 6:30 p.m. – 10 p.m.

Event: 24-Hour Theatre Project

Date/Time: November 11, 2018, 3:30 p.m. – 6:30 p.m.

Event: Juanito Pascual Flamenco Trio

Penny Burke was present for both applications. Northampton Center for the Arts has not had a venue for five years. Historically they have provided beer and wine during intermissions. These are not fundraisers and their audience is typically between 100 and 150 people so if they were to pay \$61 each time, it would be a losing proposition. Ms. Burke stated the fee waiver dates back to Mary Midura. **Commissioner Yakovlev made a motion to approve the short term liquor license for Northampton Center for the Arts as well as the fee waiver. Commissioner Campedelli seconded. The motion passed unanimously 3-0.**

12. APPLICATION FOR SHORT TERM LIQUOR LICENSE

Silverscape Designs

Date/Time: November 23, November 24 & November 25, 2018, 12 p.m. – 5 p.m.

Place: Silverscape Designs, One King St.

Event: Annual Customer Appreciation Event

Type: Wine & Malt

Jane Merrill, general manager for Silverscape, was present for this application. Commissioner Campedelli inquired whether there were TIPS certified servers that will be serving at the event. Ms. Merrill stated that Spoleto's will provide servers as they are catering the event. Commissioner Campedelli asked who will be the distributor for the event. Ms. Merrill stated that Spoleto's will be providing alcohol as well. Commissioner Campedelli asked if they have a catering license. Ms. Merrill stated that Spoleto's has done the event for the last 20 years. The clerk asked Ms. Merrill whether Spoleto's has a 12C catering license, in which she did not know. A catering license from Spoleto or a licensed distributor will have to be determined prior to the event. **Commissioner Kahn made a motion to approve the short term liquor license for Silverscape Design contingent upon having a caterer with a 12C catering license or if Spoleto's is found to have a 12C catering license. Commissioner Campedelli seconded. The motion passed unanimously 3-0.**

13. VIOLATION HEARING

Zingara, Ltd. d/b/a Packard's

7 Masonic Street, Northampton

Manager of Record: Robert E. McGovern, Jr.

Date of violation: July 30, 2018

Violations alleged:

- MGL Ch. 138 § 34 – Sale, delivery or furnishing alcoholic beverages to persons under 21;
- MGL Ch. 138 § 34 – Sale, delivery or furnishing alcoholic beverages to persons under 21;
- MGL Ch. 138 § 63A – Hindering or delaying investigator, inspector or agent of commission;
- MGL Ch. 138 § 69 – Sale or delivery to intoxicated persons

Catuogno 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 confirmed receipt of hearing letter sent certified mail to licensee on September 10, 2018. Commissioner Campedelli opened the violation hearing at 4:40 p.m. Commissioner Campedelli swore in those planning to speak/testify.

Northampton Police Officer Steven Rattelsdorfer gave an overview of the events leading up to the violation. On July 30, 2018, Officer Rattelsdorfer and Officer Montini were called to Packard's for a report of a female who was underage and highly intoxicated. When they arrived, they observed a female sitting at the bar and subsequently spoke to her outside. When they spoke to her they noticed her eyes were bloodshot and glassy and there was an odor of alcoholic beverages coming from her breath. A friend of hers approached her and drove Emily home.

Officer Rattelsdorfer spoke with bar manager, Steven Gable, who stated that Emily worked for Packard's and stopped by to say hi. Mr. Gable further stated she seemed intoxicated upon her arrival and he only served her water. Mr. Gable stated that Emily had recently come back from rehab and seemed upset. Her friend Jamie, the friend who drove her home, had been comforting her all night.

The reporting party, Shaun Guenette, told officers he and his friend Nick Vogel witnessed Emily drinking and the bartenders knew she was underage and that everything was on camera and Packard's has an extensive camera system. Mr. Guenette stated he was willing to be a witness in court and advised of some personal troubles he has had with Packard's. Mr. Vogel provided the police with a statement saying he observed a girl who was underage and heavily intoxicated being served alcohol by Packard's staff.

Officer Montini spoke with a male party they observed inside Packard's who stated he recognized Emily and said he only saw her being served water and that Mr. Guenette had done a number of shots that night.

The officers requested the surveillance footage from the bar that evening. On Saturday, August 4, Officer Rattelsdorfer went back to the bar to retrieve the surveillance footage they had requested. Mr. Gable did not provide the footage and stated he would try to get it. Officer Rattelsdorfer returned to the bar the next evening and Mr. Gable stated the officer will have to talk with Mr. McGovern. Mr. McGovern was present and handed the officer his business card and stated that he would only speak with his sergeant going forward and he "has been very good to the police department in the past".

On August 8, Mr. McGovern contacted Detective Lieutenant Kirouac regarding the investigation and stated he wanted to provide the video but didn't know how. Arrangements were made for Detective LaValle to retrieve the video.

On Thursday, August 9, Detective Lavalle responded to Packard's in order to retrieve the video footage. Upon reviewing the footage, Ms. Riordon is seen entering the alley door at approximately 12:41. She speaks with some patrons and then goes to the bar approximately a minute later. Mr. Gable pours something from a tumbler and places it in a glass in front of her. He then pours something from a plastic squirt bottle into two shot glasses, places them in front of Riordon and another male party. He then appears to retrieve what appears to be a liquor bottle from the well and pours two additional shots, which Riordon and the male then consume. At 1:40, a Jamie, who is an employee of Packard's and is known to the department, is seen to be served a shot of alcohol from a green bottle, which she consumes a few minutes later. Hurd is then served another drink approximately five minutes after that. However, the drink was poured off of camera. During the duration of the video, Riordon moves around a lot. She appears unsteady on her feet. When she stands, she bumps into several permanent fixtures. There is a small bar behind the bar that she bumps into. She is repeatedly removed from the rear of the bar area by both Mr. Gable and the other bartender.

Mr. Guenette approached the podium and stated that he and Mr. McGovern have personal issues and doesn't think Mr. McGovern is a responsible and fit business owner and needs to take better care of his workers. He further stated there was a report from 2015 on MassLive with a "bunch of claims from DUIs from Packard's" and believes its affecting people's lives.

Mr. McGovern stated that Mr. Guenette "stirs the pot" around town and "likes to get people in trouble". In regards to the violations, Mr. McGovern stated he has no defense. He doesn't believe he was impeding the investigation because when he attempted to contact the sergeant regarding the video footage, he wasn't aware the sergeant was on vacation for two weeks. Mr. McGovern stated that he is not in the habit of handing over video to someone he doesn't know. Mr. McGovern stated he doesn't have any defense for his bartender so after 26 years, he fired him. Mr. McGovern further stated he found out the next Saturday about what happened so he doesn't believe he was evading the officer. Mr. McGovern stated that he has hired a new bar manager, has had employee meetings with staff, gone of 2 a.m. closing rules and serving minors, etc.

Commissioner Campedelli asked whether or not Mr. McGovern was on the premises that evening. Mr. McGovern stated he was not. Commissioner Campedelli asked Officer Rattelsdorfer if the pouring of the drink was on film, it was not. Commissioner Campedelli asked who Officer Rattelsdorfer originally inquired with about the video. Officer Rattelsdorfer stated he asked Mr. Gable first and he said he would get the video, and then when Officer Rattelsdorfer returned he said he would try, and the third time he went back, he advised the officer to speak with Mr. McGovern. Commissioner Kahn asked what the process was for obtaining footage and whether it was typical for footage to go through a sergeant. Officer

Rattelsdorfer stated it is not typical to go through a sergeant and the police department has gotten video surveillance from Packard's in the past. Commissioner Yakovlev asked whether the footage can be retrieved the moment it's asked or the next day. Officer Rattelsdorfer stated it depends on the exigency.

Mr. McGovern stated he has been asked for video footage twice before and has handed over the footage but with someone as sensitive as what happened in his bar and the privacy issues with video nowadays, he felt like speaking to the sergeant was in his best interest. Commissioner Kahn asked at what point Mr. McGovern spoke to Mr. Gable. Mr. McGovern stated it was Saturday night around midnight, which was a week later.

Commissioner Campedelli made a motion to close the hearing. Commissioner Yakovlev seconded. The hearing closed at 5:07 p.m. Commissioner Campedelli asked Chief Kasper for a recommendation. Chief Kasper stated that she would recommend that it be consistent with prior outcomes of similar violations with a suspension prior extended to nine months.

The Commission deliberated amongst themselves. **Commissioner Campedelli made a motion to find Zingara, Ltd. d/b/a Packard's in violation of MGL Ch. 138 § 34 – Sale, delivery or furnishing alcoholic beverages to persons under 21; MGL Ch. 138 § 34 – Sale, delivery or furnishing alcoholic beverages to persons under 21; MGL Ch. 138 § 63A – Hindering or delaying investigator, inspector or agent of commission; and MGL Ch. 138 § 69 – Sale or delivery to intoxicated persons. Commissioner Yakovlev seconded. The motion passed unanimously 3-0.**

Commissioner Kahn made a motion to impose a four day license suspension to be held in abeyance for nine months. If any violation occurs within nine months, the four day suspension will be carried out on days picked by the licensee, all to be served in one calendar year. Commissioner Campedelli seconded. The motion passed unanimously 3-0.

14. APPROVAL OF MINUTES

- September 5, 2018

The request for approval of minutes was tabled until the November meeting.

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

The clerk read an email from Tax Collector Kristine Bissell that was given to her prior to the meeting. It read as follows:

This email serves as my notification to the License Commission of a continued breach of agreement in regards to the issuance of a license renewed in December 2017 to Thomas Pease & Peggy Pease.

A tax agreement was executed on January 30, 2018 for monthly payments of \$1,900 to begin March 2018. Payments were never received in accordance with the agreement. Currently the outstanding amount thru the September installment is \$5,393.61. The next installment of \$1,900 is due by October 15.

I have attached for the Commission's records the three breach letters from 2018. I recommend that the license be revoked at this time due to the breach and non-compliance to the City ordinance.

The clerk will notify the appropriate parties for a revocation hearing for the November meeting.

16. ADJOURN

Commissioner Campedelli made a motion to adjourn at 5:36 p.m. Commissioner Yakovlev seconded. The motion passed unanimously 3-0. The meeting was adjourned.

The next meeting of the Northampton License Commission is scheduled for November 7, 2018.