



NORTHAMPTON LICENSE COMMISSION December 1, 2010 MINUTES

*Commission Chairman Brad Shimel, Commissioner William Rosen,
Commissioner Stephanie Levin*

All Commissioners were present. Chairman Shimel opened the meeting at 4:00 p.m.

Chairman Shimel announced that the first item would be taken out of order to hear a report from Louis Hasbrouck, Building Commissioner and Larry Therrien, Fire Safety Inspector:

1. UPDATE OF INSPECTIONS FOR LIQUOR LICENSES

Larry Therrien reported that, of 66 licensees, all but two have been inspected. Thirty-four have passed, seventeen have minor defects, and the remainder have range hood issues. The State law regarding range hoods changed in January 2010, and is now stringent on cleaning of duct work. The licensee must work with a certified company to properly clean to code.

Chairman Shimel asked if temporary certificates would be needed.

Louis Hasbrouck answered that this might be necessary. Larry Therrien stated that a reasonable time of 30 days might be used, if a plan is in place and in writing with a date specific of repair.

2. APPLICATION FOR SHORT TERM ALL ALCOHOLIC LIQUOR LICENSE

Event: Out for Reel After-Party following film at Academy of Music

Date and Time of Event: Saturday, December 4, 2010, 9:00 pm – 12:00 am

Location: Northampton Center for the Arts, 17 New South Street

Servers' information has been provided✓

Liquor Liability Insurance has been provided✓

Penny Burke was present for the application. Commissioner Levin asked if there was a request for a fee waiver, as the Academy of Music usually does. Ms. Burke explained that this event is not at the Academy, but held for the party at the Center for the Arts, so there is no waiver request.

Commissioner Shimel moved approval of the application; Commissioner Levin seconded. The vote passed unanimously (3-0).

3. APPLICATION FOR SHORT TERM ALL ALCOHOLIC LIQUOR LICENSE

Event: Annual festive-attire fundraising party: "The Aging of Aquarius"
Date and Time of Event: Saturday, January 22, 2011, 7:00 pm – 11:00 pm
Location: Northampton Center for the Arts, 17 New South Street
Servers' information has been provided√
Liquor Liability Insurance has been provided√
REQUEST FEE WAIVER PER MAYOR'S OFFICE

Penny Burke was present for the application. This application does have a request for a fee waiver, per the Mayor's office.

**Commissioner Levin moved approval, with fee waiver, of the application;
Commissioner Rosen seconded. The vote passed unanimously (3-0).**

4. APPLICATION FOR SHORT TERM WINE & MALT LIQUOR LICENSE

Event: Beatlemania Again
Date and Time of Event: Saturday, January 22, 2011, 7:00 pm – 10:00 pm
Location: Academy of Music Theatre, 274 Main Street
Servers' information has been provided√
Liquor Liability Insurance has been provided√
REQUEST FEE WAIVER

Heather Clark, Event/Front of House Manager at Academy of Music, was present for the application.

**Commissioner Rosen moved approval, with fee waiver, of the application;
Commissioner Levin seconded. The vote passed unanimously (3-0).**

5. APPLICATION FOR SHORT TERM WINE & MALT LIQUOR LICENSE

Event: The Led Zeppelin Experience performed by Hammer of the Gods
Date and Time of Event: Saturday, January 29, 2011, 7:30 pm – 10:30 pm
Location: Academy of Music Theatre, 274 Main Street
Servers' information has been provided√
Liquor Liability Insurance has been provided√
REQUEST FEE WAIVER

Heather Clark, Event/Front of House Manager at Academy of Music, was present for the application.

**Commissioner Levin moved approval, with fee waiver, of the application;
Commissioner Rosen seconded. The vote passed unanimously (3-0).**

6. APPLICATION OF PLEDGE OF LICENSE #090000007

World War II Vets Assn. Hampshire County Inc.
d/b/a American Veterans Association of Western MA
50 Conz Street, Northampton
PLEDGE TO: Florence Savings Bank

The Clerk explained that this morning the WWII Club requested postponement of this application to the next License Commission meeting.

7. APPLICATION OF TRANSFER OF COMMON VICTUALLER LICENSE #162

Current Licensee: No Frills, Inc. d/b/a Jake's, 17 King Street
Proposed Licensee: Melissa Brunt d/b/a Jake's
Proposed Manager: Melissa Brunt

Melissa Brunt, owner, was present for the application. Ms. Brunt took over Jake's in July 2010. Upon renewals for 2011, the Clerk explained to Ms. Brunt that a formal transfer of the license should be done.

Commissioner Levin moved approval of the transfer of license #162; Commissioner Rosen seconded. The vote passed unanimously (3-0).

8. APPLICATION OF TRANSFER OF CLASS I CAR DEALER LICENSE #803

Current Licensee: DSG, Inc. d/b/a Dana Automotive, 968 Bridge Road
Proposed Licensee: University Motors, LLC d/b/a Volkswagen of Northampton
Proposed Manager: Andrew Feuerstein

Andrew Feuerstein, manager, was present for the application. This transfer is a result of the retirement of Mr. Dana, and sale of the dealership to the new licensee. Mr. Feuerstein stated that all would remain as is, presently, and the dealership may go before the Zoning Board in January.

Commissioner Shimel moved approval of the transfer of license #803; Commissioner Rosen seconded. The vote passed unanimously (3-0).

9. REVIEW OF LICENSE #090000065 WINE AND MALT PACKAGE STORE

This review was continued to the next License Commission meeting.

10. APPROVAL OF MINUTES OF November 3, 2010 and November 9, 2010

Commissioner Levin moved approval of the minutes; Commissioner Rosen seconded. The vote passed unanimously (3-0).

11. NEW BUSINESS

The Clerk today received a request to sell wine at Farmers' Markets. The Mayor and Economic Director will address this request. (See attached)

A memo from Police Chief Russell Sienkiewicz was received regarding ABCC violations found on November 12, 2010.

At 4:28 p.m., Commissioner Shimel moved to adjourn and was seconded by Commissioner Rosen. The vote passed unanimously (3-0)

There is no regular meeting in January 2011.

A special License Commission meeting will be held on Thursday, January 20, 2011, at 9:00 a.m. to hear one application:

Application for Transfer of License, Change of License Type, and Change of Manager
Loft Hospitality Services, LLC d/b/a Page's Loft Restaurant and Events

RE: License #090000001

Current Licensee: Oldway Leasing, Inc.

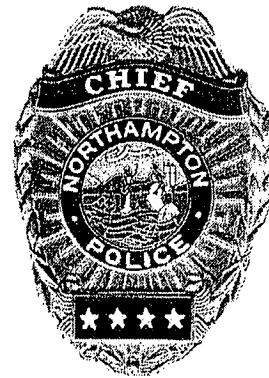
1 Atwood Drive, Northampton, MA

(Clerk's note: The above application is a result of instructions by the A.B.C.C. to re-do a previously approved application, approved by the Northampton License Commission on November 3, 2010)

The next meeting of the Northampton License Commission is February 2, 2011.

*Respectfully submitted,
Mary L. Midura
Executive Secretary*

**Northampton Police Department
Office of the Chief**



Memo

To: Northampton License Commission

From: *Chief Russell P. Sienkiewicz*

CC:

Date: 24 November 2010

Re: ABCC Enforcement

Please be advised that on 12 NOV 2010 the ABCC along with officers of this department conducted a city wide liquor over-service operation.

Two teams (two ABCC investigators, one NPD officer) conducted 25 bar checks between 730 PM and 1 AM. This resulted in 2 violations:

Tully's: Over-serving an intoxicated male

Diva's: An ABCC regulation violation regarding use of a promoter for DJ music.

ABCC will be filing the complaints with their agency, and once I receive the outcome, I will be forwarding the information to you.

Mary Midura

From: Garth Shaneyfelt [gshaneyfelt@yahoo.com]
Sent: Wednesday, December 01, 2010 11:43 AM
To: Mary Midura
Cc: Clare Higgins; Teri Anderson; andrewhuckins@gmail.com; Bill Rosen <(billrosen@verizon.net)>; Brad Shimel <(bshimel@aol.com)>; Stephanie Levin <(slevin@hampshire.edu)>
Subject: Re: Wine sales at Farmers markets

Hi,

Yes, I have talked to both the Mass Winery Assoc and MDAR. Like so much at the State level, they make the laws and then it is up to the towns to figure out how to implement them. David Webber at MDAR (617-625-1754 david.webber@state.ma.us) would be the one to talk to about any issues. We are a licensed farmer-winery (FW-57 with ABCC) and can sell to stores, restaurants, and direct to consumers, but this legislation allows towns the option to let us sell off-site at certified agricultural events.

thank you very much
-Garth Shaneyfelt
Green River Ambrosia Meadery
413-774-5350

Mary Midura

From: Mary Midura
Sent: Wednesday, December 01, 2010 9:47 AM
To: Garth Shaneyfelt
Cc: 'andrewhuckins@gmail.com'
Subject: FW: Wine sales at Farmers markets
Attachments: Farmers_Market_Letter_Wine_Nov_2010_Final_email version.pdf; FINAL Ag Event Application 101410.pdf; Guidelines for wineries selling at agricultural events.pdf; 2011 Meeting Schedule.doc; December 1, 2010 License Agenda.doc

Garth – I cannot give you an answer today. I must speak to City officials regarding this request, as we have not dealt with this before. As you can see below, I have also contacted the ABCC for advice on how to proceed. I have attached a list of License Commission meetings. We have no meeting again until February 2, 2011. If I should get more information, I will contact you!

If you would like to speak to the Northampton License Commission at today's meeting, I have attached the agenda of the meeting. You would be allowed to speak under New Business.

Mary L. Midura, Executive Secretary
Northampton, MA City Council & License Commission
210 Main Street
Northampton, MA 01060
413-587-1210
413-587-1264 fax

office hours: Monday - Thursday 8:30 am-4:30 pm
Friday 8:30 am - 12:00 pm

From: Mary Midura
Sent: Wednesday, December 01, 2010 9:40 AM
To: Ralph Sacramone (rsacramone@tre.state.ma.us)
Cc: Bill Rosen (billrosen@verizon.net); Brad Shimel (bshimel@aol.com); Stephanie Levin (slevin@hampshire.edu)
Subject: FW: Wine sales at Farmers markets

Ralph – Good morning! Below is an email I received today from a person requesting a temporary license to sell bottles of wine at a farmers' market. I've had no experience in this office with this. Do you know if this is done similar to a One-Day Short Term License? Would you advise that our License Commission be the body to approve such licenses?

Thanks for any advice you can give me!

Mary Midura

From: Mary Midura
Sent: Wednesday, December 01, 2010 10:18 AM
To: Garth Shaneyfelt
Cc: mayor (mchiggins@northamptonma.gov); Teri Anderson; 'andrewhuckins@gmail.com'; Bill Rosen (billrosen@verizon.net); Brad Shimel (bshimel@aol.com); Stephanie Levin (slevin@hampshire.edu)
Subject: FW: Wine sales at Farmers markets
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Garth – In reading the information you provided, I see in the letter to you from Bonita Oehlke, MDAR, that she advises you to first contact the MA Farm Winery Growers Association. Also, Mr. Andrew Huckins (email is above) called me regarding your request.

Again, you are welcome to come to today's License Commission meeting. As you just called me this morning, however, we need some time to review the possible process involved here. I must inform the Mayor and the Economic Director, also. Ms. Anderson, Economic Director is presently on vacation until December 6.

I will be happy to keep you informed as the City considers your request!

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From: Garth Shaneyfelt [mailto:gshaneyfelt@yahoo.com]
Sent: Wednesday, December 01, 2010 9:18 AM
To: Mary Midura
Cc: Andrew Huckins
Subject: Wine sales at Farmers markets

Hi Mary,

I talked to MDAR. Apparently, the legislation allows the local licensing commission to have a new license for "Wine Sales & Sampling at Farmers' Markets" Fee of \$50 for the market season (or 1-day larger event), subject to the "agricultural event" being certified by MDAR.

Legislation and FAQ is here: <http://www.mass.gov/agr/markets/wineries/winery-application.htm>

If there is ANY way we could get this temporary license done before February that would be fabulous (as the market only goes through April...then we'll want to re-apply for summer markets).

thank you in advance
-Garth Shaneyfelt
413-774-5350

----- Forwarded Message -----

From: "Oehlke, Bonita (AGR)" <Bonita.Oehlke@state.ma.us>
To: "gshaneyfelt@yahoo.com" <gshaneyfelt@yahoo.com>
Cc: "Bahadur, Himanshu (AGR)" <Himanshu.Bahadur@state.ma.us>
Sent: Thu, November 11, 2010 11:31:43 AM
Subject: Application available to certify agricultural events to sell wine

Dear Garth:

Massachusetts farm wineries may begin submitting applications to sell wine at approved agricultural events. The application, as well as additional information regarding wine sales at agricultural events, is available on the Department's website at <http://www.mass.gov/agr/markets/wineries/winery-application.htm>. A few pointers follow:

Although MDAR is the certifying agency for the agricultural event (e.g. farmers' markets and fairs), the legislation specifies that the applicant is the winery, not the agricultural event. The winery will need information from the event manager in order to complete the application, including a letter of interest from the agricultural event, copy of the event's rules and vendor list. Plan to work closely with the agricultural event manager to work facilitate this process.

After the application is approved by MDAR, the winery will need to make an application with the local liquor/license control board that has jurisdiction over the event's location to obtain a license to allow the sale of wine.

By statute, applicants to the MDAR cannot include non-wineries such as retail stores wishing to sell local wine. The law also limits a winery to sell only their own wine. Cooperative selling arrangements are not allowed.

Farmers' Markets including wine as a vendor must meet the minimum qualifications for recognition as a Massachusetts Farmers' Market. A list of Massachusetts farmers markets (and agricultural fairs), as well as the Farmers' Market Policy can be found at www.mass.gov.

Please contact the MA Farm Winery Growers Association for additional guidance to sell wine at Massachusetts agricultural events.

We expect there will be questions that have not been anticipated and will post updates to the website. Please share any questions that you think should be added.

Best regards, Bonita

Bonita Oehlke
Massachusetts Department of Agricultural Resources
251 Causeway Street, Suite 500
Boston, MA 02114
617-626-1753 FAX: 617-626-1850

www.mass.gov/massgrown

Visit The Great Outdoors blog: www.mass.gov/blog/environment

Follow Commissioner Soares on Twitter: www.twitter.com/AgCommishSoares

Check out export development programs: www.mass.gov/agr/markets/exports/index.htm



THE COMMONWEALTH OF MASSACHUSETTS

EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS



Department of Agricultural Resources

251 Causeway Street, Suite 500, Boston, MA 02114
617-626-1700 fax: 617-626-1850 www.mass.gov/agr



DEVAL L. PATRICK
Governor

TIMOTHY P. MURRAY
Lieutenant Governor

IAN A. BOWLES
Secretary

SCOTT J. SOARES
Commissioner

November 10, 2010

Greetings:

As you may know, on August 5, 2010, Governor Patrick signed S 2582: An Act Relative to Economic Development Reorganization that provides for the opportunity of the sale of wine from Massachusetts licensed wineries at approved agricultural events in Massachusetts such as farmers' markets and agricultural fairs. According to the legislation, events must be approved and certified as an agricultural event by the Department of Agricultural Resources (MDAR) before a winery can apply for the appropriate license from the local authority.

MDAR has developed the attached application with input from the Federation of Massachusetts Farmers' Markets and Massachusetts Farm-Winery and Growers Association in an effort to fulfill the MDAR's role in this process. The application, as well as additional information regarding wine sales at agricultural events, is now available on the Department's website at <http://www.mass.gov/agr/markets/wineries/winery-application.htm>. Massachusetts farm wineries may begin submitting applications at this time. A few pointers follow:

- Although MDAR is the certifying agency for the agricultural event (e.g. farmers' market), the legislation specifies that the applicant is the winery, not the market itself. However, the winery will need information from the event manager in order to complete the application, including a letter of interest from the agricultural event, copy of the event's rules and vendor list. Accordingly, managers will need to work closely with the applicant to facilitate this process. See the attached application for details.
- After the application is approved by MDAR, the winery will need to make an application with the local liquor/license control board that has jurisdiction over the event's location to obtain a license to allow the sale of wine.
- By statute, applicants to the MDAR cannot include non-wineries such as retail stores wishing to sell local wine. The law also limits a winery to sell only their own wine. Cooperative selling arrangements are not allowed.
- Farmers' Markets including wine as a vendor must meet the minimum qualifications for recognition as a Massachusetts Farmers' Market. Go to <http://www.mass.gov/agr/markets/wineries/winery-application.htm> for more information.
- The MA Farm-Winery and Growers Association offer additional guidance for farm wineries to sell wine at agricultural events. Information can be found at www.masswinery.com. A list of Massachusetts wineries can also be found there or at www.mass.gov/massgown.

We expect there may be questions that have not been anticipated and will post updates to the website, as necessary. In the meantime, please get in touch with the following contacts should you have any questions.

Farmers' Markets:

David Webber, 617-626-1754 or David.Webber@state.ma.us.

Agricultural Fairs and Other Agricultural Events:

Melissa Guerrero, 617-626-1730 or Melissa.Guerrero@state.ma.us

Sincerely,

Scott J. Soares, Commissioner

THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS



Department of Agricultural Resources

251 Causeway Street, Suite 500, Boston, MA 02114
617-626-1700 fax: 617-626-1850 www.mass.gov/agr



Application for Certification of an Agricultural Event for the Sale of Wine
Pursuant to M.G.L. c. 138, Section 15F
*To be completed by the licensed farm-winery and returned to the
Agricultural Event Certification Program, 251 Causeway Street, Suite 500, Boston, MA 02114

1. Applicant Information:

Name of Licensed Farm-Winery					
Contact Person					
Address					
City		State		Zip	
Phone Number		Email			
Name of Agricultural Event (Please attach Approval Letter from event management as required by M.G.L. c. 138, Section 15F)					

2. Event Information:

Type of Event	<input type="checkbox"/> Agricultural Fair (as defined by MDAR policy) <input type="checkbox"/> Farmers Market (as defined by MDAR policy) <input type="checkbox"/> Other Agricultural Event				
Name of Event					
Event Address					
City		State		Zip	
Event Phone Number		Event Website			
Primary Contact for Event					
Contact Address					
City		State		Zip	
Phone Number		Email			

3. Event Description			
What are the date(s) and time(s) of the event?			
Is this an annual event?			<input type="checkbox"/> Yes <input type="checkbox"/> No
How does this event promote local agriculture?			
Are all or some of the products at the event grown and produced in Massachusetts?		<input type="checkbox"/> Yes <input type="checkbox"/> No	
How many exhibitors have products that are grown or produced in Massachusetts?			
What is the total number of exhibitors at event?			
Does the event include Massachusetts farmers selling their own goods? (If yes, please attach a list of vendors with brief descriptions)		<input type="checkbox"/> Yes <input type="checkbox"/> No	
Does the event include competitive agriculture?		<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	
Does the event have operational guidelines or rules? (If yes, please attach a copy)		<input type="checkbox"/> Yes <input type="checkbox"/> No	
Has the event been inspected by the Department in the last two years? If yes, what was the date of the inspection(s)? _____		<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	
Is the event sponsored or run by an agricultural/horticultural society, grange, agricultural commission or association whose primary purpose is the promotion of agriculture and its allied industries?		<input type="checkbox"/> Yes <input type="checkbox"/> No If yes, please identify: _____	

4. Event Management				
Name of Event Manager				
Manager Address				
City		State		Zip
Is this person the on-site manager?		<input type="checkbox"/> Yes <input type="checkbox"/> No		
If no, please identify on-site manager (include contact information): _____				
If there are multiple managers please list (include contact information):				

List or attach any credentials for training of the on-site manager (Attach resume if applicable):

4. General

Please attach or provide in the space below a plan depicting the premises and the specific location where the sale of wine will occur at the event as well as a detailed narrative of your plan operations (including the opportunity for sampling or sales only):

Signature of Applicant

Date

Farm-Winery License Number

State

FOR DEPARTMENT USE ONLY:

The event listed above is an approved agricultural event by the Massachusetts Department of Agricultural Resources under M.G.L. C138, Sec. 15F.

Signature

Date

The event listed above is not approved as an agricultural event by the Massachusetts Department of Agricultural Resources for the following reason(s):

Signature

Date



MASSACHUSETTS FARM WINERIES & GROWERS ASSOCIATION

RECOMMENDED FARMERS MARKET DOCUMENTATION

Copy of Approved MDAR Certification of an Agricultural Event for the Sale of Wine

Copy of Federal Basic Winery Permit

Copy of Mass. Farmer-Winery License

Copy of Mass. Salesman Permit

Copy of Mass. Salesman Transportation Permit

Copy of Mass. Transportation Permit

Certificate of TIPS training or Serve Safe Alcohol Program

Certificate of Insurance

Approval from Town board and/or Board of Health

ABCC underage drinking signs

For additional information or to join MFWGA, please contact Kim LaFleur at the address or telephone below.

*Massachusetts Farm Wineries & Growers Association
c/o Kim LaFleur
72 Brook Street
Plympton, MA 02367
508-585-1999
leesidemini@gmail.com*