



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
alesko@northamptonma.gov

MEETING MINUTES

DRAFT

Wednesday, April 7, 2021

Virtual Meeting

4:00 p.m.

The April 7, 2021, License Commission meeting will be held via remote participation.

Join Virtual Meeting

- **Video Conference:** <https://zoom.us/j/97593806297?pwd=MmdhbGc5bjl6cUZhUENZdklqanMzZz09>

OR

- **Telephone, call:** +1-929-436-2866, Meeting ID: 975 9380 6297, Password: 590254

1. **MEETING CALLED TO ORDER** by Commissioner Campedelli at 4:01 p.m.
ROLL CALL - Commissioners Campedelli, Yakovlev and Kahn were all present.
ANNOUNCEMENT OF ZOOM RECORDING made by Commissioner Campedelli

2. **PUBLIC COMMENT**

Amy Cahillane, Executive Director of the Downtown Northampton Association was present and took a minute to speak in favor of the pending application for temporary closure of Strong Avenue to facilitate outdoor dining. Amy noted that in an effort to make sure the proposed plaza works for everyone on Strong Ave., not just those included in the plaza area. Amy noted that the DNA has marketing dollars and efforts in place to market all of Strong Avenue because she is conscious that there are multiple businesses on Strong Ave. and hopefully it will turn into a destination.

3. **PROPOSAL TO TEMPORARILY CLOSE A PORTION OF STRONG AVENUE TO FACILITATE OUTDOOR DINING FOR THE FOLLOWING ESTABLISHMENTS**

- LILO, Inc. d/b/a Eastside Grill, 19 Strong Ave.
- Local Burger, Inc., 16 Main St.
- Think Tank Brewers, LLC d/b/a Progression Brewing Company, 9 Pearl St.
- Ichor, LLC d/b/a Familiars Coffee & Tea, 6 Strong Ave.
- Rias Baixas, LLC d/b/a Ibiza Tapas, 7 Strong Ave.

Deb Flynn, owner of Eastside Grill, was present and stated that per the submitted plan, each restaurant will have its own boundaries with landscapes, plants, and trees dividing each licensed premises so that no liquor will be transported into another restaurant or to a restaurant that doesn't have liquor. There will be outdoor plans with herbs that chefs can use to cook with and the proposed closing hours for Eastside Grill will be 9 p.m. on the weekdays, 10 p.m. on weekends, and from 2 - 8 p.m. on Sunday so that the condos don't have to deal with a lot of noise.

Robbie Bocon, General Manager of Eastside Grill, was present and stated that each restaurant's section will be managed by host stands and managers and to ensure people aren't randomly walking through the plaza area.

Deb Flynn stated she will be outside policing the area this year and has hired more hostesses inside her restaurant so she can focus on the outdoor area and ensure it is managed properly.

Commissioner Yakovlev asked whether the neighbors of the proposed plaza have been looped in on the project so they are in the know about what is coming up.

Deb Flynn noted she spoke with the condo association's president and he brought up the proposed project at one of their meetings and so far there haven't been any complaints.

Jeff Igneri from Local Burger was present and stated he will have a staff person stationed outside to oversee the eight tables he hopes to have. Trash receptacles will be located outside so there are less people walking around. Another staff person will be outside sanitizing tables and telling guests when and where they can sit. Hand sanitizer and a hand washing station will be provided and the proposed hours are 7 days a week from 11:30 a.m. to 10:00 p.m.

Drew Starkweather from Progression Brewery was present and stated that since he doesn't have a kitchen in the proximity of the end of Strong Ave. in question, then he needs to hold off on his involvement due to the requirement of serving food with alcohol. Drew noted that when the food requirement is lifted, he hopes to have a beer tap station with some tables and umbrellas in the plaza area. Until then, he is in a holding pattern.

Commissioner Campedelli suggested that Drew submit a plan for the May meeting in the hopes that the requirement will soon be lifted but until then, Progression can't be included in the current plan.

Danny McColgan, co-owner of Familiars, was present and stated that there won't be significant changes to the current set up with the exception of the fence coming down and the tables being pushed further out into the street with additional seating, to make room for flower boxes to create a more inclusive environment. The current hours are 8 a.m. to 4 p.m. with 8 or 9 p.m. being considered for the latest closing time on weekends depending on post-dinner espressos, etc.

Jeremy Werther from Ibiza Tapas was present and stated he plans to expand his current footprint into the street area to include between 3 and 5 additional tables which would provide an additional 12-13 seats from what is currently approved. Closing time is currently 9 p.m. three nights a week but days and hours will be expanding and Jeremy will gladly shut down by 10 p.m. or 11 p.m. and is happy to adjust the hours as needed.

The clerk asked for clarification from each restaurant about their proposed table and chair count so that she can record it for the record.

Eastside Grill plans to have 7 tables and possibly a picnic table. Familiars currently has 10 tables in the street area which he will just move around and space out as opposed to adding additional tables. Local Burger plans to have eight tables. Ibiza Tapas plans to have eight tables.

The clerk asked if the planters were coming from the City.

Deb Flynn stated that she is working with Lowe's who is providing a good price on planters. Deb also asked if the city would be able to provide some planters.

Amy Cahillane stated she spoke with Alan Wolf in the Mayor's office who is working on securing planters for Strong Ave.

The clerk asked the Commission if it is comfortable with having planters be the delineations between each restaurant.

Commissioner Campedelli stated that usually the Commission requires an impassable chain so that people can't walk in and out of the space and with planters, it is possible to do that. Commissioner Campedelli furthered that since managers will be outside managing the space he doesn't see an issue with having planters be the only delineation.

Commissioner Kahn pointed out that she would like to trust that restaurants are managing the space because fences and ropes will go against the vibe of inclusiveness that this project is hoping for.

Commissioner Yakovlev concurred with both sentiments and agreed that roping isn't necessary as long as managers are overseeing beverages and patrons.

After a brief discussion about closing times, the Commission agreed to approve a closing time of 11 p.m. on Thursday, Friday and Saturdays and 10 p.m. as a closing time on weekdays.

Commissioner Yakovlev moved approval of the strong avenue street closure to facilitate outdoor dining for the establishments detailed in the agenda with the exception of Progression Brewery, with a closing time of 10 p.m. Sunday through Wednesday and 11 p.m. Thursday, Friday and Saturday, unless there are issues brought forward then the Commission will revisit the vote. Commissioner Campedelli seconded the motion.

Commissioner Yakovlev moved to amend the previous motion to include the dates of Memorial Day through Labor Day for the Strong Avenue plaza. Commissioner Kahn seconded. The motion passed unanimously 3-0 by a roll call vote.

4. PUBLIC HEARING ON AN APPLICATION FOR ALTERATION OF LICENSED PREMISES ON AN ANNUAL FARMER WINERY POURING PERMIT

Artifact, LLC d/b/a Artifact Cider Project
34 N. Maple St., Florence

Commissioner Campedelli moved to open the public hearing at 4:30 p.m. Commissioner Yakovlev seconded the motion and the public hearing was opened.

The clerk read a letter that was emailed from abutting neighbors, "We live behind Artifact, across the alley. (We recently built a backyard home for our son who has a disability)...just got your letter about the outdoor space and want you to know we support you 100%! just wanted to respond to give you our contact info if you ever need/want to be in touch. Valle Dwight: 413-320-7711 and Phil O'Donoghue: 413-335-6195"

Seeing no additional public comment, Commissioner Campedelli moved to close the public hearing at 4:32 p.m. Commissioner Kahn seconded and the public hearing was closed.

Jake Mazar, co-owner of Artifact, was present for this application.

Commissioner Yakovlev asked if the extension will be bleeding into the loading dock area.

Jake Mazar stated that the loading dock is partly covered and the goal is to have tables in the first 15 feet and the tables and chairs will be broken down every weekend so that area won't be permanent.

Commissioner Kahn moved to approve the alteration of premises application for Artifact, LLC. Commissioner Yakovlev seconded. The motion passed unanimously 3-0 by a roll call vote.

5. PUBLIC HEARING ON AN APPLICATION FOR CHANGE OF OFFICERS AND DIRECTORS AND CHANGE OF DBA ON AN ANNUAL WINE & MALT PACKAGE STORE LICENSE

River Valley Market, LLC
Proposed DBA: River Valley Coop

Commissioner Campedelli moved to open the public hearing at 4:35 p.m. Commissioner Kahn seconded and the public hearing was opened.

Attorney Tom Miranda was present for this application and stated River Valley is applying to change the DBA to River Valley Coop. Attorney Miranda also stated that River Valley is also applying to change the officers and directors on the liquor license because with the nature of the business, members of the coop come and go on a regular basis.

Seeing no public comment, Commissioner Campedelli moved to close the public hearing at 4:38 p.m. Commissioner Kahn seconded and the public hearing was closed.

Commissioner Kahn moved to approve the change of DBA application and change of officers and directors application for River Valley Market, LLC. Commissioner Yakovlev seconded. The motion passed unanimously 3-0 by a roll call vote.

6. APPLICATION FOR CHANGE OF DBA ON AN COMMON VICTUALLER LICENSE

Cherry Pi, LLC d/b/a Catalpa Coffee
269 Pleasant St.

This agenda item was taken after agenda item #11. The clerk noted there was still no one present for this application but stated it is a straightforward change of a DBA from Northampton Coffee to Catalpa Coffee.

Commissioner Kahn moved to approve the change of DBA on the Common Victualler license for Cherry Pi, LLC. Commissioner Yakovlev seconded. The motion passed unanimously 3-0 by a roll call vote.

7. APPLICATION FOR A NEW COMMON VICTUALLER LICENSE

Cafe Balagan
241 Main St.

Rachael Workman, Gil Sasson and Raz were all present for this application.

Rachael Workman stated Cafe Balagan will be bringing in all of its baked goods from Easthampton and the hours will start at 8 a.m. to 6 p.m. with a plan for expanding the hours. Rachael stated the Cafe will be receiving its inspection from the Health Department soon and hopes to open within the next 7 days.

Commissioner Yakovlev moved to approve the application for a new common victualler license for Cafe Balagan. Commissioner Kahn seconded. The motion passed unanimously 3-0 by a roll call vote.

8. REVIEW AND APPROVAL OF THE FOLLOWING ON-PREMISES OUTDOOR DINING EXPANSION APPLICATIONS FOR PUBLIC AND PRIVATE SPACES

- Think Tank Brewers, LLC d/b/a Progression Brewing Company, 9 Pearl St.

Drew Starkweather was present for this application and stated he is looking to operate in the same fashion as last year on the Pearl Street side of his establishment. Drew stated he would not be using tents this year and instead will be using umbrellas. Drew also pointed out he will be transporting alcohol on the sidewalk.

Commissioner Kahn moved approval of the extension of premises application for Think Tank Brewers, LLC d/b/a Progression Brewing Company as shown on the plan on file with the License Commission, to include eight tables and 40 chairs in the street area cordoned off with jersey barriers placed by the city, to include the sidewalk in between limited to transportation of alcoholic beverages contingent upon a site inspection by the Building Department prior to operation. Commissioner Yakovlev seconded. The motion passed unanimously 3-0 by a roll call vote.

- Sangtawan, Inc. d/b/a Thai Thai, 84 Pleasant St.

Kanittha Nithiprechakul, owner of Thai Thai, was present for this application and stated she hopes to operate in the same fashion as last year with the exception of changing the aesthetics and adding additional barriers and plans for protection.

Commissioner Yakovlev moved approval of the extension of premises application for Sangtawan, Inc. d/b/a Thai Thai as shown on the plan on file with the License Commission, to include 9 tables and 26

chairs total, to include the sidewalk in between limited to transportation of alcoholic beverages contingent upon a site inspection by the Building Department prior to operation. Commissioner Kahn seconded. The motion passed unanimously 3-0 by a roll call vote.

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

Jeremiah Micka, owner of Notch 8, Inc., was present and stated he will be operating in the same fashion in the parking lot with 55 seats for outdoor dining. Jeremiah stated he plans to add outdoor dining space in front of the Tunnel Bar on Strong Ave. to include 720 square feet and 42 total seats. Jeremiah will erect a few tents and hopes to operate until 11 p.m. with everyone out of the Tunnel Bar by midnight. Jeremiah stated this area will be minimal and laid back to include drinks and heavy apps. Jeremiah stated a host will be outside at all times and there is a need to transport alcohol on the sidewalk.

Commissioner Kahn moved approval of the extension of premises application for Notch 8, Inc. d/b/a/ Union Station, Tunnel Bar, Platform Bar, The Deck, as shown on the plan on file with the License Commission, to include an additional 720 square feet on Strong Ave. in front of the Tunnel Bar (7 tables and 42 chairs), also to include the sidewalk in between limited to transportation of alcoholic beverages contingent upon a site inspection by the Building Department prior to operation. Commissioner Yakovlev seconded. The motion passed unanimously 3-0 by a roll call vote.

- Sylvester's Fine Foods, Inc. d/b/a Sylvester's Restaurant, 111 Pleasant St.

Jilian Duclos, the general manager for Sylvester's, stated Sylvester's hopes to expand outside this year on Pleasant Street. The city provided jersey barriers and blocked off four parking spaces. Jilian noted that the application stated she hopes for seven tables but with the extra parking space provided, she hopes for eight tables to include an additional 16 seats outside. Jilian stated she will have umbrellas and will be transporting alcohol on the sidewalk.

Commissioner Campedelli moved approval of the extension of premises application for Sylvester's Fine Foods, Inc. d/b/a Sylvester's Restaurant, as shown on the plan on file with the License Commission, to include four parking spots in front of Sylvester's (nine tables) cordoned off with jersey barriers placed by the city, also to include the sidewalk in between limited to transportation of alcoholic beverages contingent upon a site inspection by the Building Department prior to operation. Commissioner Yakovlev seconded. The motion passed unanimously 3-0 by a roll call vote.

- Fortune Creative, LLC d/b/a Oriental Taste, 41 Main St.

Chenghui Zheng, owner of Oriental Taste, was present and stated he plans to have three tables on the sidewalk and will operate on the weekdays from 3 p.m. to 9 p.m. and on Saturday and Sunday from 11 a.m. to 9 p.m.

Commissioner Yakovlev moved approval of the extension of premises application for Fortune Creative, LLC d/b/a Oriental Taste, as shown on the plan on file with the License Commission, to include three tables and six chairs placed on the sidewalk in front of the restaurant, also to include the sidewalk in between limited to transportation of alcoholic beverages contingent upon a site inspection by the Building Department prior to operation. Commissioner Kahn seconded. The motion passed unanimously 3-0 by a roll call vote.

- The Roost Northampton, Inc., 1 Market St.

Robyn Wynn, owner of The Roost, was present for this application and stated this will be her first time having outdoor seating and she's hoping to place benches against the wall of the building on the Bridge Street side. Robyn noted that the benches won't be affixed and plants will live in between the benches. Robyn noted her thinking behind the benches is that they will be more flexible with seating instead of having two tops which makes things more limited. Robyn noted that staff will be monitoring the area and wiping down tables. Closing time will be 8 p.m., 7 days a week. However, as the summer gets closer, there may be a need to stay open until 11 p.m. on Thursday, Friday and Saturdays. Robyn also noted she will be transporting alcohol on the sidewalk and will build a rope for delineating the area.

Commissioner Kahn moved approval of the extension of premises application for The Roost Northampton, Inc., as shown on the plan on file with the License Commission, to include three five-foot long benches along the Bridge Street side of the establishment with one table in front of each of the benches, also to include the sidewalk in between limited to transportation of alcoholic beverages contingent upon a site inspection by the Building Department prior to operation. Commissioner Yakovlev seconded. The motion passed unanimously 3-0 by a roll call vote.

- Very Limited d/b/a Fitzwilly's/Toasted Owl, 23 Main St.

Fred Gohr, owner of Fitzwilly's, was present for this application and stated he hopes to add five tables in the street area that has been cordoned off by the city. Fred noted there will be no changes from last year and the parking lot and sidewalk premises are already licensed.

Commissioner Campedelli moved approval of the extension of premises application for Very Limited d/b/a Fitzwilly's/Toasted Owl as shown on the plan on file with the License Commission, to include five tables and 14 chairs in the street area cordoned off by jersey barriers placed by the city, also to include the sidewalk in between limited to transportation of alcoholic beverages contingent upon a site inspection by the Building Department prior to operation. Commissioner Kahn seconded. The motion passed unanimously 3-0 by a roll call vote.

9. DISCUSSION AND VOTE TO AMEND AN ENTERTAINMENT LICENSE

Blue Paws, Inc. d/b/a JJ's Tavern
99 Main St., Florence

The clerk reminded the Commissioners that this application was discussed at the last meeting but it couldn't be voted on because it wasn't on the agenda. Based on the previous meeting's conversation, **Commissioner Yakovlev moved to amend the entertainment license for Blue Paws, Inc., to include entertainment in the outdoor space from 5 p.m. to 9 p.m., 7 days a week. Commissioner Kahn seconded. The motion passed unanimously 3-0 by a roll call vote.**

10. DISCUSSION OF CURRENT POCKET LICENSES

- The Olive Juice Company, Inc. d/b/a Bistro Les Gras
- World War II Veterans Association of Hampshire County, Inc. d/b/a World War II Club

The clerk noted that the above licenses are currently pocket licenses and an update should be provided to the Commission soon.

After a brief discussion of pocket licenses, the Commission instructed the clerk to send a letter to each pocket license holder requesting their attendance at the next meeting to provide an update on the status of the license.

11. TO DISCUSS AND DECIDE WHETHER TO SCHEDULE A PUBLIC HEARING TO DETERMINE WHETHER RIAS BAIXAS D/B/A IBIZA TAPAS HAS CEASED CONDUCTING THE LICENSED BUSINESS OF IBIZA TAPAS AS REQUIRED BY ST. 2016, C. 109 IN ACCORDANCE WITH M.G.L. C. 138, SEC. 77.

Attorney John Shinn was present for Rias Baixas, LLC, and stated that he recognizes Rias Baixas and Jeremy Werther have made mistakes in regards to the license and while JermeY isn't an experienced businessman, he is a very excellent chef, and relied on past business partners to guide him. Attorney Shinn noted that because of COVID-19, Jeremy has lost a business partner, which Attorney Shinn stated he will submit an amendment application for in the near future (in addition to a change of manager application). Attorney Shinn furthered that Jeremy has used all of his resources to try to keep the restaurant open and save jobs for his employees and at the same time, trying his best to correct the past wrongs and operate in full compliance with the license. Attorney Shinn stated that Jeremy plans to re-open the restaurant on Monday as Ibiza Tapas and run the restaurant as such. Attorney Shinn concluded by pointing out that cancellation of the license would dampen all of the changes and efforts being on Strong Ave. and all of the efforts Jeremy has made to correct this.

Commissioner Campedelli pointed out that in past Commission discussions, the problem was that the restaurant was operating as Homestead instead of Ibiza Tapas.

Commissioner Campedelli questioned whether a public hearing is necessary since Jeremy plans to start operating as Ibiza Tapas. Commissioner Campedelli asked if the restaurant will remain Ibiza Tapas.

Attorney Shinn stated that he believes Jeremy intends to do whatever necessary to be in full compliance with the license, which means operating as Ibiza Tapas. Attorney Shinn stated that in the future there might be an application for an alteration of premises to change the concept of the restaurant.

The clerk asked for clarification because to change the name from ibiza to homestead it would be a change of dba application not an alteration of premises.

Commissioner Kahn asked Jeremy to speak about what this change will mean for the restaurant on Monday.

Jeremy Werther stated will that he is rebranding the restaurant to be in full compliance and if going backwards for a little while means that he will be able to move forward and emerge from the pandemic, than that is what he has to do in order to be in compliance and to add to the downtown community.

Commissioner Kahn expressed her sympathy for Jeremy and noted that she doesn't want to see him change the whole model of his restaurant because of a technicality and because it's been over a year that the Commission has been discussing this issue. Commissioner Kahn acknowledged that the license was mishandled years ago and doesn't like the fact that Jeremy has to jump through hoops.

Commissioner Yakovlev noted that it is clear Jeremy has been doing everything he can in order to be in compliance and he got the bad end of the deal.

Commissioner Kahn asked Jeremy if a cordials license would be beneficial for his operation.

Jeremy Werther noted that he has done his due diligence in looking into all other avenues to make this right.

Attorney Shinn stated that the only restriction he sees is that the license needs to be issued to someone in the central business district or the Florence business district if it were rescinded, cancelled or returned to the City.

The clerk pointed out that the City Solicitor interprets the special act as four licenses were given to four specific entities and they are not transferable in any way.

Commissioner Kahn noted that the special act does not specify how the license has to be reissued so she wonders if it's legally possible to take back the license from Ibiza Tapas and reissue it to Homestead. Commissioner Kahn noted she is leaning strongly towards giving the license to Homestead and righting a wrong that will hopefully not set a precedent.

Commissioner Campedelli questioned whether the Commission would experience any ramifications if it were to issue the license directly to Homestead.

After a brief discussion, the Commission would like the following questions answered by the City Solicitor in time for the May meeting:

1. Are there any legal ramifications if the License Commission took the license from Ibiza Tapas and reissued it to Homestead?
2. Would this decision impact or prohibit the city from receiving over quota licenses in the future?
3. Does the License Commission have the authority to proceed with taking back the license and reissuing it to an establishment of its choosing?

Commissioner Yakovlev believes it is within the authority of the Commission to reissue the license however it sees fit so Homestead should continue operating as it has been until the Commission gets answers to its questions.

12. APPROVAL OF MINUTES

- February 3, 2021
- March 18, 2021

Commissioner Campedelli moved to approve the February 3, 2021 minutes as written. Commissioner Kahn seconded. The motion passed unanimously 3-0.

Commissioner Campedelli moved to approve the March 18, 2021, minutes as written. Commissioner Yakovlev seconded. The motion passed unanimously 3-0.

13. NEW BUSINESS - None

14. ADJOURN

Commissioner Kahn moved to adjourn the meeting at 6:11 p.m. Commissioner Campedelli seconded. The motion passed unanimously 3-0.