MEETING MINUTES
Friday, September 27, 2019
City Council Chambers, 212 Main Street
9:00 a.m.

1. MEETING CALLED TO ORDER by Commissioner Campedelli at 9:32 a.m.

ROLL CALL - Commissioners Campedelli and Kahn were present. Commissioner Yakovlev was absent

ANNOUNCEMENT OF AUDIO/VIDEO RECORDING made by Commissioner Campedelli

2. PUBLIC COMMENT - None

3. APPLICATION FOR SHORT TERM LIQUOR LICENSE
Northampton Center for the Arts
Date/Time: Friday, September 27, 2019, 7 – 10 p.m.
Location: 33 Hawley Street
Event: Classical Guitar Concert
Type: Wine & Malt
Fee: Request Fee Waiver

Joanna Walker was present for this application. Beer and wine will be sold in the lobby and the event is
being held the same as usual with no changes.

Commissioner Kahn moved to approve the short term liquor license as well as the request for a fee
waiver. Commissioner Campedelli seconded. The motion passed unanimously 2-0.

4. VOTE TO RESCIND A PREVIOUSLY APPROVED SHORT TERM LIQUOR LICENSE
Chicopee FestofAll, Inc.
Dates/Times: Friday, September 20, 2019, 4 p.m. – 10 p.m.
Saturday, September 21, 2019, 11 a.m. – 10 p.m.
Location: Three County Fairgrounds (Allsport Arena)
Event: Fall Music & Brew Fest to benefit New England Support Team
Type: All Alcohol

The clerk explained that this event has been cancelled and rescheduled to a new date in 2020. The event
didn’t garner enough interest and the organizers realized their event conflicted with the Big E so they
decided to push it back. For administrative purposes, the clerk requested that the license be rescinded.

Commissioner Kahn moved to rescind the previously approved short term liquor license for September 20, 2019, and September 21, 2019. Commissioner Campedelli seconded. The motion to rescind approval
of the aforementioned license passed unanimously 2-0.
5. DISCUSSION AND POSSIBLE VOTE ON SETTING A PROCEDURE FOR ADMINISTERING FAIR WAGE BONDS

Commissioner Campedelli updated Commissioner Kahn on the conversation from September 4 meeting. He suggested reducing the amount of the wage bond each year by a third so that it systematically goes down, instead of penalizing a licensee by imposing a bond three times their judgement amount for three years.

Commissioner Kahn felt as if that was a good proposal. She stated she is trying to understand the intent behind requiring licensees to obtain a wage bond. She questioned whether it was imposed on restaurants to protect workers because if restaurants do it once, they are likely to do it again, or was it imposed to put an extra penalty on the licensee.

Commissioner Campedelli believes it is an extra penalty because the licensee was already fined by the state. He questioned why the License Commission has to impose an additional penalty when the state already takes care of that.

Commissioner Kahn questioned whether, in Osaka’s case, the roughly $60,000 judgement was three times what their actually penalty amount.

The clerk stated she was unsure but believes that the $60,000 judgement amount was imposed because the restitution amount was about $50,000 and the penalty amount was $10,000 so it makes sense that the penalty amount is a factor of how much was stolen or cheated from their employees.

Commissioner Kahn would like to know if the $50,000 restitution amount is three times the amount of what the owners took or whether that is the total amount of what was taken. She furthered questioned the intent of the bond and whether or not it was imposed to protect workers or if it is a way to put an extra penalty on a restaurant that indicates the City of Northampton believes what they are doing is unjust. She stated that if that is the case, it makes sense to double or triple the wage bond amount but if not, then it makes sense for the amount to be equal to the amount of the penalty.

Commissioner Campedelli rhetorically asked how many times licensees have to pay for the same crime. He believes it is redundant and disagrees.

The clerk read Commissioner Yakovlev’s email opining on this topic. The email read, “While I believe on the one hand each wage bond situation merits individual conversation, we don't have available to us a set of standards that are both just and fair, nor would we be able to reasonably create such standards due to the variables for each situation. Because of this, I find Brian’s suggestion to have the bond tiered at 3x the penalty for year 1, 2x the penalty for year 2, and 1x the penalty for year 1 makes the most sense. This insures that anyone found in violation by the Attorney General will be treated in exactly the same manner.”

The clerk believes the intention behind the wage bond was to protect the workers because the issue came to light after the Gazette wrote a series about restaurants and wage theft.

Commissioner Kahn questioned whether a new restaurant coming to town with an active judgment is also required to obtain a wage bond.

The clerk questioned whether or not it matters if the violation occurred in Northampton.

Commissioner Kahn pointed out that based on the way the Fair Wage Compliance Certificate reads, if a judgement is federal or a state citation, then the applicant needs to obtain a wage bond. The certificate reads, “This License applicant is subject to a federal or state criminal or civil judgment, administrative
citation, order or final administrative determination resulting from a violation of G.L. c. 149, c. 151, or the Fair Labor Standards Act within the last three years. This applicant will provide a wage bond or wage insurance for the period of the license.” She questioned whether it should be implemented based on how long ago the violation happened. For example, if it happened one year ago, would the licensee be required to obtain a wage bond in the amount of two times the judgement?

The clerk questioned whether or not that would be a deterrent for incoming businesses.

Commissioner Campedelli feels that it will be and reiterated that the state is already imposing a penalty. He furthered that if the violation happens again then the state will penalize the licensee again. He stated that if there is a law requiring the commission to impose a wage bond on individuals from out of the city and out of the area then the Commission has to impose it. However, if there is not, then he doesn’t want to scare people away from doing business in Northampton.

Commissioner Kahn stated she is willing to say that all three years of the penalty should be equal to the penalty amount with the assumption that the licensee is not going to violate again.

Commissioner Campedelli proposed an alternative option which could include, for example, imposing a bond amount for three times the penalty if $1,000 was stolen and if the penalty amount was higher than the bond amount could be less.

Commissioner Kahn pointed out that that option is ironic because licensees would be getting a break or a lower bond for a more egregious violation. Her concern is for new businesses moving to Northampton that have violations elsewhere. She wants to make sure that the workers are protected and make the restaurants aware they’ve had a violation.

Commissioner Campedelli moved to change the “three times the penalty amount” for determining wage bond amounts to a tiered system laid out as follows: three times the penalty amount for the first year, two times the penalty amount for the second year and one times the penalty amount for the third year. Any prospective licensee that discloses a judgement from the Attorney General’s office will be required to comply with either the first, second or third year penalty amount based on the year in which the judgement was imposed. Commissioner Kahn seconded. The motion passed unanimously 2-0.

6. NEW BUSINESS - None

7. ADJOURN

Commissioner Campedelli moved to adjourn at 9:58 a.m. Commissioner Kahn seconded. The motion to adjourn passed unanimously 2-0.

The next meeting of the Northampton License Commission is scheduled for October 9, 2019.