MEETING MINUTES
Wednesday, October 9, 2019
City Council Chambers, 212 Main Street
4:00 p.m.

1. MEETING CALLED TO ORDER by Commissioner Campedelli at 4 p.m.
   ROLL CALL – Commissioner Campedelli, Commissioner Yakovlev and Commissioner Kahn were all present.
   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: Friday, October 11, 2019, 5 – 8 p.m.
   Location: 20 West St.
   Event: Hosmer Gallery; Arts Council Biennial Reception
   Type: Wine & Malt
   Fee: Request fee waiver

   Faith Kaufmann was present for this application. She stated that the event will be held the same as usual with no changes.

   Commissioner Kahn moved to approve the short term liquor license for Forbes Library as well as the fee waiver request. Commissioner Yakovlev seconded. The motion passed unanimously 3-0.

4. APPLICATION FOR SHORT TERM LIQUOR LICENSE
   Abandoned Building Brewery, LLC
   Date/Time: Sunday, October 20, 2019, 10 a.m. – 2 p.m.
   Location: Look Park, 300 N. Main St., Florence
   Event: Happy Valley Half Marathon
   Type: Wine & Malt

   Matt Tarlecki was present for this application. Setup will take place near the pedal boats and everything will be confined to one area. Individuals will have their identifications checked for age and will receive a wrist band. The event will conclude no later than 2 p.m.

   Commissioner Yakovlev moved to approve the short term liquor license for Abandoned Building Brewery. Commissioner Campedelli seconded. The motion passed unanimously 3-0.
5. APPLICATION FOR SHORT TERM LIQUOR LICENSE
Headwater Cider, Inc.
Date/Time: Sunday, October 20, 2019, 9 a.m. – 1 p.m.
Location: Look Park, 300 N. Main St., Florence
Event: Happy Valley Half Marathon
Type: Wine & Malt

Jessie Cooley, Director of Big Brothers Big Sisters Hampshire County, was present to represent this application. She stated that setup and serving will be identical to Abandoned Building Brewery. Setup will start at 9 a.m. but serving won’t start until 10 a.m.

Commissioner Kahn moved to approve the short term liquor license for Headwater Cider, Inc., and change the event ending time from 10 a.m. to 2 p.m. Commissioner Campedelli seconded. The motion passed unanimously 3-0.

6. APPLICATIONS FOR SHORT TERM LIQUOR LICENSES
Click Workspace
Location: 9 ½ Market St.
Type: Wine & Malt
Date/Time: Friday, October 11, 2019, 7 – 9 p.m.
Event: Click Music Performance
Date/Time: Wednesday, October 23, 2019, 5 – 8 p.m.
Event: Gazette Launch Party

Tiffany Bergeron was present for these applications. The October 11 event will be a typical Click music series event with a band from Boston and the October 23 event will be the Gazette’s launch party of their new headliner. Setup will be the same as usual.

Commissioner Yakovlev moved to approve the short term liquor licenses for Click Workspace. Commissioner Campedelli seconded. The motion passed unanimously 3-0.

7. APPLICATION FOR CHANGE OF DBA
Sangtawan, Inc., 84 Pleasant St.
Previous DBA: Asian Taste
New DBA: Thai Thai

Kanittha Lertsangjaemsai was present for this application. She stated they are looking to change their DBA to Thai Thai Restaurant.

Commissioner Kahn moved to approve the change of dba from Asian Taste to Thai Thai Restaurant. Commissioner Yakovlev seconded. The motion passed unanimously 3-0.

8. APPLICATION FOR SHORT TERM LIQUOR LICENSE
Silverscape Designs
Dates/Time: Friday, November 29, 2019, 12 – 5 p.m.
Saturday, November 30, 2019, 12 – 5 p.m.
Sunday, December 1, 2019, 12 – 5 p.m.
Location: 1 King St.
Event: Annual Customer Appreciation Event
Type: Wine & Malt
Jane Merrill, general manager of Silverscape, was present for this application. This is the forty-fifth year of the customer appreciation event. Everything will be set up the same as usual.

Commissioner Yakovlev moved to approve the short term liquor license for Silverscape Designs. Commissioner Campedelli seconded. The motion passed unanimously 3-0.

9. APPLICATION FOR SHORT TERM LIQUOR LICENSE  
Friends of Children, Inc.  
Date/Time: Friday, November 1, 2019, 6 – 9 p.m.  
Location: Northampton Center for the Arts, 33 Hawley St.  
Event: Arts Auction Benefit  
Type: Wine & Malt

Susan Swift was present for this application. She stated that this a benefit arts program to benefit Friends of Children’s’ focus programs which support young adults aging out of foster care. The event will be held in the main area of the Arts Trust.

Commissioner Kahn moved to approve the short term liquor license for Friends of Children. Commissioner Campedelli seconded. The motion passed unanimously 3-0.

10. APPLICATION FOR SHORT TERM LIQUOR LICENSE  
Dwellings Arts, Inc.  
Date/Time: Saturday, October 12, 2019, 1 – 11 p.m.  
Location: Northampton Center for the Arts, 33 Hawley St.  
Event: Dwellings Arts Festival  
Type: Wine & Malt

Kate Simpson, co-director of Dwellings Arts, was present for this application. Setup for the event will be in the main lobby and the flex space with the bar set up in the lobby. This is Dwellings Arts first time hosting this festival.

Commissioner Yakovlev moved to approve the short term liquor license for Dwellings Arts. Commissioner Campedelli seconded. The motion passed unanimously 3-0.

11. APPLICATION FOR SHORT TERM LIQUOR LICENSE  
Pioneer Valley Ballet Guild  
Date/Time: Thursday, December 12, 2019, 6 – 7 p.m.  
Location: Academy of Music, 274 Main St.  
Event: VIP Reception for The Nutcracker  
Type: Wine & Malt

Noelle Serafino, Pioneer Valley Ballet Guild board member, was present for this application. This event is a VIP reception for the sponsors and advertisers for the Nutcracker. The reception will be in the lobby and set up like any other Academy of Music event.

Commission Kahn moved to approve the short term liquor license for Pioneer Valley Ballet Guild. Commissioner Campedelli seconded. The motion passed unanimously 3-0.

12. APPLICATION FOR A CHARITY WINE LICENSE  
Northampton Education Foundation, Inc.  
Date/Time: December 3, 2019, 6 – 8 p.m.  
Location: Smith College Campus Center  
Event: Fundraising Event
Elizabeth Horn was present for this application. The event is a celebration for the end of their endowment campaign. Invitations will be sent to about 150 people. Smith College will cater the event with hor d’oeuvres and there will be donated wine served. The event will be held in the Carroll Room.

Commissioner Yakovlev moved to approve the charity wine license for Northampton Education Foundation. Commissioner Campedelli seconded. The motion passed unanimously 3-0.

13. APPLICATIONS FOR SHORT TERM LIQUOR LICENSES

Academy of Music
Location: 274 Main Street
Type: Wine & Malt
Fee: Request Fee Waiver

Date/Time: Friday, October 11, 2019, 9 – 11 p.m.
Event: Suicide Girls, Blackheart Burlesque

Date/Time: Friday, November 22, 2019, 8 – 11 p.m.
Event: Last Podcast on the Left

Melissa Cleary Pearson was present for these applications. These events are the same as usual with no changes.

Commissioner Kahn moved to approve the short term liquor licenses for the Academy of Music as well as the fee waivers. Commissioner Yakovlev seconded. The motion passed unanimously 3-0.

14. DISCUSSION AND POSSIBLE VOTE TO DETERMINE THE FAIR WAGE BOND AMOUNT FOR OSAKA JAPANESE, INC.

The clerk explained that the Commission should clarify whether the wage bond amount is based off the civil penalty amount, the restitution amount, or both.

Commissioner Kahn explained that the wage bond amount should include the restitution amount because it is a way to guarantee, if there is another judgement, that there is money available to pay restitution.

Commissioner Campedelli believes, to be fair, that it should only be the penalty amount.

Commissioner Kahn pointed out that it should include restitution because that is how much that was stolen/taken.

Commissioner Campedelli stated that it should cover both amounts in the event there is no restitution amount then there is still coverage.

Commissioner Kahn believes that whatever charges there are, the wage bond amount should be the total amount of the charges. She furthered that the language proposed for adoption under section 4-2 states “... amount imposed upon the judgment for wage law violation”. Her understanding of this sentence is that whatever the charges are, it should be the total amount to include both restitution and the penalty amount.

Commissioner Campedelli doesn’t understand why the business owner has to keep being penalized when they have already paid the restitution plus the fine. He stated that the State already has laws in place so why does the Commission still have to keep penalizing them.

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The clerk pointed out that Osaka’s total citation amount was $62,566. She asks for clarification on whether the wage bond amount should be exactly two times that amount or whether it should be rounded off.

Commissioner Kahn believes it should be exact. The Commission concurred.

The Commission jumped to item #15 of the agenda.

15. DISCUSSION AND VOTE TO ADOPT SECTION 4-2: GRANT OR RENEWAL OF LICENSE – WAGE COMPLIANCE INTO THE RULES AND REGULATIONS

Commissioner Yakovlev wasn’t present at the last meeting but agrees that incoming businesses have to fill out the Fair Wage Compliance Certificate so they will be responsible for a wage bond depending on the circumstances.

Commissioner Kahn moved to adopt Section 4-2: Grant or Renewal of License – Wage Compliance into the Northampton License Commission’s rules and regulations with the clarification that when it states the amount imposed upon the judgement that includes the civil penalty and restitution amount, if they exist. Commissioner Campedelli seconded. The motion passed unanimously 3-0.

The Commission revisited #14 of the agenda.

14. (continued…) DISCUSSION AND POSSIBLE VOTE TO DETERMINE THE FAIR WAGE BOND AMOUNT FOR OSAKA JAPANESE, INC.

Now that section 4-2 has been adopted into the rules and regulations, the Commission determined it was not necessary to vote on the amount of the wage bond for Osaka.

After a brief discussion, it was determined that Osaka’s wage bond amount for year two is imposed in the amount of $125,132.00.

16. DISCUSSION AND VOTE TO DETERMINE OUTCOME OF THE ALL ALCOHOL CLUB LICENSE, CURRENTLY HELD BY PINE GROVE GOLF CLUB, INC., IN ACCORDANCE WITH CHAPTER 144 ACTS OF 2008

The clerk explained that Pine Grove Golf Course originally had a seasonal all alcohol license. In accordance with Chapter 144 Acts 2008, Pine Grove was permitted to convert its license to an annual all alcohol license for a fee of $10,000. The license was converted and now Pine Grove is closing so Gil Verrillo, owner, would like to sell the license. The special act states... “If a license converted under this act is cancelled, revoked or no longer in use, it shall be returned physically, with all of the legal rights, privileges and restrictions pertaining thereto, to the licensing authority which may then grant the license to a new applicant at the same location or at a location within the same economic development target zone and under the same conditions as specified in this act.” The clerk explained that it is up to the License Commission to determine whether Pine Grove has the leeway to transfer the license or whether the License Commission wants to take it back for reissuance.

Mr. Verrillo was present and stated that he is planning to renew the license because he is still open for business. The golf course is sold but nine holes of golf is still open (closing shortly) and the clubhouse and facilities are open. In the next six months he is hoping for a sale but in the meantime he intends to keep the clubhouse and bar open. He furthered that he has had this license for almost 50 years and was shot down seven times when he applied to convert it because the License Commission deemed the license wasn’t necessary as it is a seasonal operation.
Commissioner Campedelli would prefer to see Mr. Verrillo transfer or sell the license to whomever he deems necessary because he has put his fair share of money into it over the years and should be afforded that right.

Commissioner Yakovlev questioned what the operating days and hours currently are.

Mr. Verrillo stated that the clubhouse is open from 10 a.m. until about 7 p.m. or 8 p.m. at night, seven days a week.

Commissioner Kahn stated that if Mr. Verrillo is still operating then there is no need to make a decision at this time because assumptions can’t be made about something that could happen when it’s unknown what will happen in the future.

Commissioner Yakovlev concurred that the Commission should wait until this situation becomes an actual agenda item.

Mr. Verrillo questioned whether the transfer stipulation carries with the license and if so, does it devalue the license.

Commissioner Campedelli explained that it does carry with the license and it would be up to the License Commission to determine whether it can be sold and transferred.

Commissioner Campedelli explained to Mr. Verrillo that he needs to stay open and utilize the license all winter because if he doesn’t it becomes a pocket license.

The Commission agreed that no vote needed to be taken and the discussion can be tabled until there is movement with the license. In the meantime, the clerk will include Mr. Verrillo’s name on the list of individuals actively looking for a liquor license buyer.

17. APPROVAL OF MINUTES
   • September 4, 2019

   Commissioner Yakovlev moved to approve the September 4, 2019, minutes as written. Commissioner Campedelli seconded. The motion passed 2-0-1 with Commissioner Kahn abstaining.

   • September 27, 2019

   Commissioner Kahn moved to approve the September 27, 2019, minutes as written. Commissioner Campedelli seconded. The motion passed 2-0-1 with Commissioner Yakovlev abstaining.

18. CLERK’S UPDATE
   • Report on information from the 2019 ABCC outreach seminar

The clerk updated the Commission with the following information that was gleaned from the 2019 ABCC outreach seminar she attended:
   o ABCC violations should be used as progressive discipline when deliberating local violations
   o Local boards should be approving licenses based on whether there is a public need
   o Local boards should be approving license managers based on good character and fitness (Good moral character and fitness is vaguely defined as the ability to perform one’s professional work in an open, honest and forthright manner)
   o With licensees/establishments that aren’t operating every day, the local board has the authority to call the licensee in for an informational hearing which then puts the licensee on
Commissioner Kahn asked whether there is an alternative license for individuals only operating three days a week, for example. She further questioned whether licensees have to be open on the days and times that their liquor licenses indicate.

The clerk explained that there is no alternative license for establishments that only operate intermittently with the exception of one day liquor licenses. She furthered that there is a possibility the licensee would need to come before the Commission to ask for permission to change their operating hours however she will verify to be certain.

Commissioner Yakovlev pointed out that the Calvin Theater is only open when there is a show. She questioned, if a licensee amended their hours of operation to reflect when they are actually open, would they then be in good standing.

The clerk is not sure but she will research the question.

- The local board can approve an ABCC application on a contingency. Once all the documents are collected and there is a complete application, the three-day clock to forward the application to the ABCC begins.

- One Bridge St, Inc. d/b/a Spoleto – Manager of Record issue

The clerk explained that the new manager of record for Spoleto was approved on July 3, 2019. The approved manager has yet to pick up the license and submit proof of TIPS certification. The clerk called three times, September 11, September 20 and October 3 and left several messages. The clerk informed the manager that if she didn’t provide TIPS certification before the October meeting then she would let the License Commission know.

Commissioner Yakovlev pointed out that it is not complicated to get certified and it is not acceptable that a manager being approved in July has yet to submit proof of TIPS certification.

Commissioner Campedelli suggested sending a letter to the owner and cc’ing the manager informing them they have five days upon receipt of the letter to provide TIPS certification and if for some unforeseen reason that is not enough time then they need to contact the office immediately to discuss next steps.

Commissioner Yakovlev stated that if the manager is not able to produce TIPS certification then someone else will need to be the manager of record.

The clerk will send a letter to the owner and cc the approved manager.

19. **NEW BUSINESS** - None

20. **ADJOURN**

Commissioner Campedelli moved to adjourn the meeting at 5:01 p.m. Commissioner Yakovlev seconded. The motion to adjourn passed unanimously 3-0.

*The next meeting of the Northampton License Commission is scheduled for November 6, 2019.*