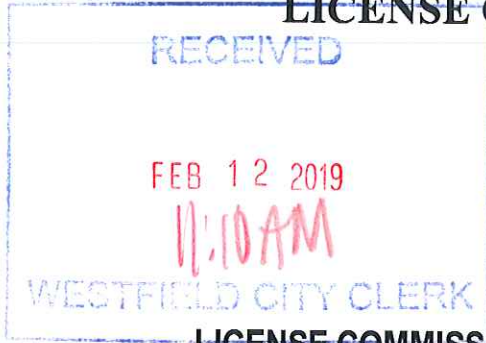




City of Westfield, Massachusetts

LICENSE COMMISSION



Commissioners
Christopher Mowatt, Chr.
Edward Diaz
Alice Dawicki

CITY HALL
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WESTFIELD, MA 01085
Phone 572-6202
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LICENSE COMMISSION MEETING Monday, January 7, 2019 MINUTES

Meeting convened at 6:02 p.m.

Chairman Mowatt, Commissioner Diaz and Commissioner Dawicki were present.

Next commission meeting scheduled for February 11, 2019

A motion was made by Commissioner Dawicki, seconded and unanimously VOTED to approve the December 10, 2018 minutes as presented.

PUBLIC PARTICIPATION.

None

INFORMATIONAL HEARING.

1. The P AHK, d/b/a The PAHK, Richard Dowling, President, 285 Elm Street, Westfield regarding police incident report# 18-35442.

Chairman Mowatt read the summons into the minutes.

Owner Richard Dowling was present and stated he has read the incident report so it does not need to be read into the minutes.

Chairman Mowatt stated to the licensee that he is being called in because of the following information from incident report# 18-35442 dated 10-26-18.

- Ms. Wilkinson stated Ms Starkey punched her in the left side of the face as she was walking out of the bathroom. Ms. Wilkinson stated she continued to strike her and then smashed her head into the

bathroom sink before exiting with her friend back into the bar. Ms. Wilkinson stated she immediately went to the bouncer to report what happened and informed them to call the police for her. Ms. Wilkinson stated the bouncer informed her that the police usually parked across the street at the Gulf gas station as she could speak with one of them. There were no police officers parked across the street so Ms. Wilkinson called for an officer.

Richard Dowling stated the following.

- They always call the police when asked.
- Ms. Wilkinson had called to speak with a specific sergeant.
- It is their policy to call dispatch for officer assistance.
- They will not call and ask for specific sergeant as requested by patrons.
- Ms. Wilkinson was the one that started the fight in the bathroom.
- There is a bouncer stationed at the bathrooms at all times.
- The main doors to the bathroom are always open to monitor any problems that could happen.
- The statement of no toiletries in the bathroom does not make sense because the bouncer stationed at the door has them on hand where he stands.
- Ms. Wilkinson wanted the police called because she wanted a specific person to be removed from the establishment.
- That patron was removed via the side entrance.
- When a disturbance happens the parties are removed separately.
- They do not want to remove them to the front of the building to spill the disturbance out onto the street or sidewalk.
- Both patrons were asked to be removed and will be trespassed from the establishment.
- This is a common occurrence with these two patrons. They both started a disturbance in Rain a couple weeks before this incident.
- The establishment will also call the police and seek medical treatment when needed.
- The bouncer stationed at the bathroom is hearing impaired. He believes what happened is that he told Ms. Wilkinson to go to the front to talk to the lead bouncer not to call the police herself.

Commissioner Dawicki stated that the commission calls establishments in for alleged assaults to review what happened. She appreciated their hard work and the protocol they have in place.

Richard Dowling stated that safety is number one and they take it seriously.

Commissioner Diaz stated the establishment did a good job separating the parties involved, identifying them and communicating the correct information to the police. Commissioner Diaz asked if they have any female staff on duty.

Richard Dowling stated they have four female staff on Thursday nights which is their busiest night. He stations them at the front of the establishment as deterrence, not enforcement.

Commissioner Diaz stated the establishment did a good job. He suggested to them that they might want to share any issues with patrons with Lt. Hall.

Richard Dowling stated the following,

- He speaks with Lt Hall one or two times per month.
- He speaks with the officers across the street.
- He communicates regularly with the police.
- They do not want bad elements at the establishment or at any of the other bars in Westfield.

A motion was made by Chairman Mowatt, seconded and unanimously VOTED to move to deliberation.

DELIBERATION

Chairman Mowatt stated the licensee's explanation of the incident is reasonable and makes the situation clear based on past performance on how the licensee runs his business.

A motion was made by Chairman Mowatt, seconded and unanimously VOTED to file the incident.

PUBLIC HEARING.

1. Krause, LLC d/b/a Rain, Gabriel Krause, mgr, 252 Elm Street applying for an all alcoholic section 12 GOP license,
common victualler, coin operated device and entertainment license.

Chairman Mowatt read the legal ad into the minutes.

Gabriel Krause was present and stated the following,

- He is looking to open an establishment and provide a safe and fun atmosphere.
- He does not want any issues at the establishment with intoxicated patrons and patrons bringing weapons.
- He will work with the police on underage patrons and turn in any fake id's he may confiscate.
- Rain provides the space that he is looking for.

Chairman Mowatt stated that the current owners of Rain have had a hard time with the business.

Gabriel stated the following,

- He is looking to make improvements to the establishment by redecorating and brightening up the mood and atmosphere.
- He would like in the future to expand the bathrooms.
- He does not have any experience owning a bar.
- He currently works six jobs.
- He has been working for Applebees for the past 5 years.
- He was the bar back and doorman for Maple Leaf for 3 years.
- He has been working at Rain since they opened in 2016 where he is trained for bartending and crowd control.
- He is TIPS certified.
- He would like to open more hours than the current bar has done in the past.
- He does not want to focus on just college kids.
- He would like to draw more local patrons to the establishment.
- He is looking to have comedy nights, line dancing nights.
- Will promote different themed nights for patrons to participate in.
- Pedro from Rain will work with him for a little while.
- He will be doing this himself. He feels very confident he can maintain a good and safe atmosphere.
- He will make sure all bouncers and bartenders are TIPS certified.

Commissioner Diaz stated the following,

- He strongly suggests that he reach out and speak with Lt. Hall.
- His main concern is security and the safety of the patrons.
- When there is a crowd he is worried about the patrons exiting to the front and side of the establishment.

Gabriel stated the following,

- He understands patrons exiting his establishment will be his problem.
- He will send out his bouncers to remove them in an orderly fashion.
- He would like all patrons out of his establishment between 1.45am and 1.50am.

Commissioner Diaz stated the following,

- He recommends watching the front, side and back of the establishment.
- Set up an appointment to meet with Lt. Hall.

- He would like to know if the back door is open all the time and if people can come and go through the back door.

Gabriel stated the following:

- He will always have a bouncer at the back door.
- The previous owner put a new fence around the back patio.
- The fence stays unlocked for safety reasons.
- Patrons only come and go through the front entrance.
- He has a scanner for the front door and will be working towards updating to a new system as soon as he can.
- He will be keeping on a couple of bouncers and bartenders.
- All staff will be TIPS certified.

Chairman Mowatt asked Gabriel if he can afford this type of business venture.

Gabriel stated the following:

- Yes he can afford it.
- He has other financial means.
- He has been saving.
- He currently works six jobs but will taper back on some of them to be at the bar.
- He has been in the Marine Corp Reserves for 7 years.
- He has just signed up for another 3 years and has received a signing bonus to help with the expenses at the bar.
- He is still working on business hours but looking for 7 days a week opening between 1pm and 2.30pm to 2 am.
- He will be working at the establishment 50+ hours per week.
- Mike Holmes will be working with him as a manager to help him out.

Commissioner Diaz stated that there is a history with that establishment. He wants the licensee to be successful and run a safe place.

Commissioner Dawicki asked what disciplinary procedures will be in place for the staff.

Gabriel stated the following:

- He will work with the staff to correct the errors that happened.
- He does not want to fire them right off the bat.
- He will keep training his staff.
- No over serving will be allowed.

- He will not tolerate drugs, weapons or disorderly patrons in his establishment.
- The previous owners were lax in handling issues but he will not be.
- There policy will be taking the following ID's,
 - Military ID
 - Passport
 - MA Drivers license
 - MA State alcohol ID
- They will card everyone to be on the safe side.

Chairman Mowatt stated the following to the licensee.

- You are starting from scratch.
- You will need to set standard procedures.
- If you use the ABCC acceptable forms of ID's.
- You need to familiarize yourself with the ABCC rules and regulations.
- There is a lot of learning ahead of you.
- He is concerned about the financial aspect and when people are short on money they cut corners which means they cut staff. Then when there are large crowds there is no staff to control situations.
- This is a risk if you don't have alternative means of support to make your payments.
- Given the experience the licensee has there is a risk.
- He has no problem with the application or the licensee as an individual or as a person capable of doing this type of business.
- Without experience we as the commission do not know if there is a successful pattern.
- The Commission does know he has worked at Applebees, Maple Leaf and Rain.
- He is concerned for the licensee.
- He is not willing to say no to this application but he is just concerned for the licensee.

Commissioner Dawicki stated the following.

- The licensee needs to be aware of what his entertainment license involves and the area it covers.
- Monitoring the outside and the patrons is part of the entertainment license.
- Be aware of what it involves and what your responsibilities are.
- If there are ever any questions, please call the office or come to a commission meeting.
- We as a commission are not here to just be a disciplinary board. We are here to help you be successful.

Commissioner Diaz stated the following.

- Invited the licensee to come to the commission meetings to see how the meetings run.
- Listen to what other establishments are going through when they are called in for informational hearings.

- What the process and procedures of the license commission are and how they are handled.
- The licensee needs to learn what they are getting in to.
- He is fearful for the licensee.
- He feels he is capable and can do it, but learning and coming to meetings will help him successful.

The office manager stated she will email the licensee how to find when the commission meetings are, where to find copies of previous minutes and the link to the ABCC and their rules and regulations.

Commissioner Dawicki advised the licensee to always call the police when needed. The Commission wants you to call police before a disturbance gets out of hand.

No one spoke in favor.

No one spoke in opposition.

Linda Vela from 20 City View Blvd in Westfield was present at the meeting. She owns rental property on Orange Street. She is not here to speak in favor or opposition but is concerned with any entertainment on the back patio. She stated that her tenants do complain about noise from college students walking to and from downtown bars.

Ms. Vela was told that there is no entertainment that is granted to the outside patio.

Commissioner Diaz advised again to work with Lt. Hall who will also work with the neighbors and share information to and from everyone.

A motion was made by Chairman Mowatt, seconded and unanimously VOTED to close the public hearing.

DELIBERATION.

Commissioner Dawicki stated her concern is the lack of experience of the licensee. Although with everything she has heard from the licensee tonight they have thought this all out.

Commissioner Diaz stated he is also concerned with the lack of experience and the safety of the patrons in the establishment. The licensee has shown he is being genuine. It is important that the licensee reach out to Lt. Hall.

Chairman Mowatt stated the following to the licensee.

- This will be financially tight for you.
- You had to borrow the initial money to start this business.

- If you need to modify your business hours you need to contact the commission.

A motion was made by Commissioner Dawicki to approve the new alcoholic section 12 GOP license. Chairman Mowatt amended the motion to be contingent upon receiving verification that the abutters were notified. Motion was made and unanimously VOTED.

REGULAR MEETING,

1. Railroad Auto Recycling, LLC, 19 Railroad Avenue, Westfield, MA approval of Class 2 & Class 3 Auto License.

The office manager stated that the renewal was mailed to the licensee in September and returned by the post office undelivered. This is the third year that mail cannot be delivered by the post office to the licensee.

The office manager stated the following,

- One of the owners came into the office at the end of December asking to renew the licenses.
- He was handed the undelivered renewals.
- His response was that he did not know why the post office wouldn't deliver. There is a mailbox at the location.
- He submitted the 2019 renewal for approval on December 31, 2018.
- The office manager stated that they are still not operating the establishment as of yet.

A motion was made by Chairman Mowatt, seconded and unanimously VOTED to call the licensee into a renewal hearing at the February meeting.

2. Commissioner Diaz read the monthly police incident reports.

The following incidents reports were filed by the Commission.

- The PAHK incident# 18-39972 12-7-18
- Maple Leaf incident# 18-40156 12-8-18
- The PAHK incident# 18-40746 12-14-18
- Maple Leaf incident# 18-41678 12-23-18
- Whip City Brew incident# 18-42304 12-29-18
- Tin Bridge incident# 18-42364 12-30-18

3. The office manager stated that all licenses for 2019 have been mailed to the licensees except for McDonalds on North Elm Street. The licensee was sent reminder letters and applications were resubmitted by email

after request by licensee. The Health Department has also emailed the licensee that they are operating an unlicensed establishment. To date they are unlicensed and operating.

A motion was made by Chairman Mowatt, seconded and unanimously VOTED to have an officer hand deliver a summons to the licensee to attend a violation hearing the February meeting explaining why they failed to renew their 2019 license renewals. If the licensee renews before the February meeting they do not have to attend.

ADMINISTRATIVE BUSINESS

1. The office manager stated that she received correspondence from the City Clerk's Office asking to help them update the website for 2019 by completing a questionnaire.

After the commission reviewed the questionnaire the chairman stated that he has a few thoughts on changing the impact statement and will submit to the office manager for submission.

With no further business the meeting adjourned at 7.20 pm.



Christopher Mowatt, Chairman

Approved.

SIGN-IN SHEET

License Commission Meeting

Held on: Monday January 7, 2019

NAME

ADDRESS

REASON FOR BEING PRESENT

Richard Dowling 25 Acreebrook Rd informational

Gabriel Krause 142 Southlongyard rd Licensing

Lined area for additional sign-ins.