



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, March 11, 2019 MINUTES

Meeting convened at 6:05 p.m.

Chairman Mowatt, Commissioner Diaz and Commissioner Dawicki were present.

A motion was made by Commissioner Dawicki, seconded and unanimously VOTED to approve the February 11, 2019 minutes as presented.

The License Commission Special Meeting was confirmed for Monday, March 18, 2019 6pm in room 315.

Next commission meeting scheduled for April 8, 2019 6pm in room 201.

PUBLIC PARTICIPATION:

None

PUBLIC HEARING:

1. Sirdar Investment Group, Inc. d/b/a Westfield Shell, 259 North Elm Street applying for a Sec. 15 Wine & Malt Package Store license.

Present was Michael Sirdar owner.

Chairman Mowatt read the legal ad into the minutes.

Mr Sirdar stated the following:

- He would like to add beer & wine to his convenience store.

- The floor plan where the beer and wine would be stored in the cooler and storage area are accurate.
- He is requesting this to maximize his stores sales to increase revenue.
- He will have the beer and wine in a single 6 door cooler that is lockable.
- His registers do not allow for the purchase of tobacco to anyone under 18 and lottery to anyone under 21. He will add this feature for no alcohol sales to anyone under 21.
- He will card everyone who looks under 30.
- They must add the date of birth to the sale of these items when ringing in the register.
- He is hoping down the road to purchase a scanner.
- His current hours are 5am to 11pm.
- To prevent sales during allowable times only he will be having his employees lock the coolers and entering time restrictions into his registers.
- He will not allow his employees to fudge dates to sell to someone under 21.
- If this happens he will not be having them work for him anymore.
- He has never handled alcohol before.
- He and his staff will be tips certified.

With nothing further, a motion was made by Chairman Mowatt, seconded and unanimously VOTED to move to deliberation.

DELIBERATION,

Councilor Andrew Surprise, 25 Bates Street, Westfield, MA spoke in favor of the application and stated the following,

- This business is trying to generate revenue.
- He has a system in place to control underage sales.
- The strongly supports them.
- He does not know the applicant.
- He supports any business who wants to bring revenue to the City.

No one spoke in opposition.

The office manager informed the commission of the liquor quota numbers as requested by Commissioner Dawicki. She advised the commission that if this license is granted there will still be three beer & wine package store licenses available in the City.

Chairman Mowatt stated the following,

- He would like to put the same restrictions on as the other convenience stores.
- No single can sales other than wine.

- It seems as the licensee is able to control the sale of alcohol outside of the package store hours.

Commissioner Diaz stated the following:

- He has no issues with this request.
- This is a service station, a place where someone can get gas and grab a 6 pack.
- Mr Phipps is close if they want more of a variety.
- There are no schools in the area.

The office manager stated only TIPS certificate is pending.

A motion was made by Chairman Mowatt, seconded and unanimously VOTED to approve the Sec. 15 Wine & Malt Package Store request with a condition of no single can sales and receipt of tips certification for the manager.

REGULAR MEETING – SECTION 14 ONE DAY REQUESTS.

1. Surprise Committee, Andrew K Surprise requesting a Sect. 14 wine & malt license for Thursday March 28, 2019 5pm to 9pm for a Comedy Show Benefit for the Surprise Committee at the Lang Auditorium at the Westfield Athenaeum.

Present was Councilor Andrew Surprise who stated the following:

- He is holding a one day fundraiser for his political campaign at the Athenaeum.
- The doors open at 6pm. The event will run till 8:30pm and everyone will be gone by 9pm.
- He will be submitting the insurance binder to the office.

The office manager stated just the license fee of \$100.00 is pending.

Councilor Surprise stated the following:

- He will have tips certified bartenders.
- They will be selling tickets for alcohol and will be checking all ID's.
- No one will be allowed to leave the auditorium. He will have a doorman making sure.
- They are considering stamping or banding people's hand once their ID is checked.

A motion was made by Chairman Mowatt, seconded and unanimously VOTED to approve the Section 14 wine & malt license contingent upon receiving the \$100.00 license fee.

2. Amelia Park Children's Museum, Michael Roundy requesting a Sec. 14 malt beverage only license for Saturday, June 1, 2019 12noon to 5pm for the Whip City Brewfest fundraiser at the Westfield News parking lot at 62 School Street.

Present was Mike Roundy who stated the following:

- Last year was the first year for the Whip City Brewfest.
- It was a great success with approximately 500 people attending.
- This will be the same as last year.
- They will have more tent space this year.
- It is a fully controlled site with police barriers and fencing.
- People will be carded and will receive a wrist band when checking in.
- No one under 21 years old will be allowed it.
- There were no problems last year.
- They are working with the Westfield Police Department for the set up of this event.

A motion was made by Chairman Mowatt, seconded and unanimously VOTED to approve the Sec. 14 malt beverage only license and to waive the fee due to being nonprofit.

3. Westfield on Weekends, Gerald Tomasko requesting a Sec. 14 wine & malt license for June 20, 2019, July 18, 2019 and August 15, 2019 for Concerts on the Park Square.

The Office Manager stated that this request is the same as years past. The application is pending the hour of sale.

A motion was made by Chairman Mowatt, seconded and unanimously VOTED to approve the request contingent upon receiving the hours of sale and the officers filled out on the application and to waive the fee due to being nonprofit.

INFORMATIONAL HEARINGS.

1. Emma's LLC, d/b/a Emma's Everyday Gourmet, Gianpaolo Sesti., mgr, 45 Washington Street, Westfield MA regarding change in ownership.

The office manager stated the following:

- The licensee can into the office for help on the paperwork.
- I suggested he speak with his attorney.
- His attorney contacted the office and is working on submitting the paperwork to the commission either for the April meeting or the May meeting.

A motion was made by Chairman Mowatt, seconded and unanimously VOTED to request status on the application at every meeting until the application is submitted for approval.

2. Tin Bridge Brewing, LLC d/b/a Tin Bridge Brewing, Nicholas Raymond Cocchi, mgr, 487 East Main Street, Westfield, MA regarding the status of altering the licensed premises to include an outside patio.

Present were Nick & Joe Cocchi who stated the following,

- They closed the patio in October after they realized it was not licensed.
- They have contacted their lawyer to start the process.
- They are working with Conservation on getting all the proper permits for the work done in the back of the establishment.
- Their Attorney is putting together a plot plan for building.
- They are working with R Levesque for a survey.
- They replaced the existing fence that was already there.
- They are looking to have no live music on the patio. Only a radio with speakers. Just basically seating outside.

Chairman Mowatt advised the licensees to work with the office manager on the application process should they have any questions.

3. 99 Restaurants of Boston, LLC, d/b/a 99 Restaurant & Pub, Holly Carrol, mgr., 342 East Main Street, Westfield regarding status of change of corporate officers.

The office manager stated the following:

- The licensee is unable to attend the meeting.
- A letter from their corporate lawyer was received in the office.
- They are working on changing the corporate officers with all establishments in the state.
- They have been working with the ABCC on making this change.
- They are hoping to have this process submitted to the local board shortly,

A motion was made by Chairman Mowatt, seconded and unanimously VOTED to accept the letter and put the letter on file and request status on the application at every meeting until the application is submitted for approval.

4. Westborough Beverage Corp. d/b/a Walmart #2174, Jessica Ellen Obrzut, mgr 141 Springfield Road, Westfield, MA regarding status of change of corporate officers.

The office manager stated the following,

- The licensee is unable to attend the meeting.
- A letter from their corporate lawyer was received in the office.
- They are working on changing the corporate officers will all establishments in the state.
- They have been working with the ABCC on making this change.
- They are hoping to have this process submitted to the local board shortly,

A motion was made by Chairman Mowatt, seconded and unanimously VOTED to accept the letter and put the letter on file and request status on the application at every meeting until the application is submitted for approval.

PUBLIC HEARING.

1. Westfield Sons of Erin, 22 William Street, Westfield, MA requesting a manager and corporate officer change.

Present was Brian Colton, proposed manager who stated the following.

- They are requesting a corporate officer change and a manager change.
- His entire staff is scheduled for TIPS certification on March 23, 2019.

The office manager stated the application is in order and only pending the TIPS certification.

A motion was Chairman Mowatt, seconded and unanimously VOTED to approve the corporate officer and manager change contingent upon receiving the TIPS certification.

2. A & Z Autos Corporation, 66 South Broad Street, Westfield, MA requesting a class 2 auto wholesale license.

The office manager stated the following,

- Per the zoning requirements the licensee had to apply for a special permit from City Council which was granted with no additional conditions.
- A wholesale license issued by the commission has the following restrictions for the Registry of Motor Vehicles.
 - No retail sales at any time, solely wholesale
 - Retail sales is a violation of the license
 - Must have a separate and distinct business location, no offices within a person's private dwelling. Although business offices set up separately in a residential home is acceptable, such as a doctor's offices are established. Separate entrances from the residence.
 - Wholesale dealers are exempt from a business sign and display area.

Present was Farzaan Mufeed, owner who stated the following.

- There will be no retail sales.
- He understands the restrictions.
- He is only looking to have 7-10 cars stored inside at a time.
- Most of the time he will be purchasing the vehicles from the auction and bringing them right to the dealer or shipping them off to another country.
- There is space to park outside but the landlord will not allow it.

A motion was made by Chairman Mowatt, seconded and unanimously VOTED to approve the class 2 wholesale license.

REGULAR MEETING.

1. Railroad Auto Recycling, LLC, 19 Railroad Avenue regarding submitted business plan.

The office manager stated the following.

- At the February license commission meeting the commission approved their class 2 & class 3 auto renewal license contingent upon receiving a business plan of when the operation would be up and running and what contingencies are ahead of you to be operational.
- The office received in their business plan but we were not comfortable in issuing the licenses to the licensee without the commission reading their plan first.
- In the plan it states that they have tenants beyond the concrete barriers and chained entrance and they have agreed to provide titles for all cars in their possession (beyond the concrete barriers) by the end of this calendar year.
- Also in the plan they are looking to sell unusable cars and parts as scrap metal. This type of business requires a junk dealer/junk collector license issued by the City Council. A letter will go out to them with the steps they must complete before they can do that type of business at that location.

A discussion was held.

A motion was made Chairman Mowatt, seconded and unanimously VOTED to instruct Officer Stoyak to visit the location to interview the owner and to send the owner notification that the commission would like to have the property inspected to understand how the business plan presented aligns with what is actually happening at the location. Chairman Mowatt would like a report back from Officer Stoyak by the April meeting. Chairman Mowatt also requested a copy of the initial application so that the commissioners can review it and discuss it at the next meeting.

In regards to the licensed location not receiving mail for the last couple years, the office manager stated the following:

- She contacted the postmaster and asked why the location could be having problems receiving mail when the previous owners never had an issue.
- The postmaster stated that since the new owners have taken over there is a new carrier assigned to that route and maybe they did realize there was a business at that location. She also stated if there was no sign at the location, no number on the mailbox or if the business did not look open the mail carriers would not deliver.
- When the licensee dropped off the business plan he stated that they put up signs near the mailbox and there is a number on the mailbox. The licensee submitted pictures showing that this was done.
- The office sent a certified letter to the location and it was received and signed for.
- The office also sent a letter regular mail and we are under the assumption that the letter was delivered successfully as we have not received it returned to address by the post office.
- The licensee feels that the problem of receiving mail at that location has been resolved.

2. Commissioner Dawicki read the monthly police incident reports.

- Maple Leaf incident# 19-5064 2-16-19
A motion was made by Chairman Mowatt, seconded and unanimously VOTED to file the incident.
- 99 Restaurant incident# 19-5479 2-20-19
A motion was made by Chairman Mowatt, seconded and unanimously VOTED to call the licensee into an informational hearing regarding possible over serving.

3. Laflamme Trucks & Equipments Sales, 82 Medeiros Way regarding \$25M dealer bond.

The office manager stated the following:

- A letter was received CNA Surety stating they are taking advantage of canceling Laflamme Trucks & Equipments Sales \$25M dealer bond due to nonpayment of the premium.
- A certified letter was sent to the licensee requesting proof of the \$25M bond by Friday March 8th.
- To date the office has not received any correspondence or call from the licensee.
- \$25M dealer bond is a requirement to hold a class 2 auto license.

A motion was made by Chairman Mowatt, seconded and unanimously VOTED to have Officer Stoyak the commissions police agent visit the establishment to see if they are still in operation.

LATE COMMUNICATIONS

1. Skyline Trading Co requesting a Sec. 14 wine & malt license for the 5K Kooldown Post 5 Block Party on Saturday, May 18, 2019 to 6pm.

The office manager stated this event has been held in the past. There will be more liquor licensees that will be submitting their request for this event also. The Commission has waived the fee in the past years.

A motion was made by Chairman Mowatt, seconded and unanimously VOTED to approve the Sec. 14 one day request from Skyline Trading Co and to waive the license fee.

2. Deals 4 Wheels, Inc. d/b/a Car Mart, 276 Union Street, Westfield MA

The office manager stated that years ago the commission voted for appointment only hours for this licensee and that is stated on the license. The licensee is now having problems obtaining her dealer registrations due to the Massachusetts RMV stated that there must be hours for the appointment only on the license. The licensee is requesting we add. Office Hours: Appointment Only – Mon. Tues. Thurs & Friday 11:30am – 4:30pm to the license.

A motion was made by Chairman Mowatt, seconded and unanimously VOTED to approve the office hours as submitted and to add to the license.

ADMINISTRATIVE BUSINESS

1. The office manager submitted to the Commissioners information regarding a free open meeting law webinar on March 19th from 12:30pm to 2:00pm.
2. The office manager stated that we received APPROVAL from the ABCC regarding the following.
 - a. Italian Club requesting a manager change, new license was issued.
 - b. Rain requesting a new Sec. 12 all alcohol license – license was issued on February 14, 2019.
 - c. American Legion requesting a corporate officer change
 - d. New Corner Variety requesting a transfer of their Sec. 15 wine & malt package store license.
Transfer approved, pending closing paperwork then will issue license to new owner.

Before the Commission adjourned the meeting, Chairman Mowatt recognized that Michael Altobelli of Westfield Spirit Shop and George Phillips of Mr Phipps were still present at the meeting and asked if they would like to address the Commission.

Mike Altobelli stated the following:

- His concern is that any new license granted by the Commission and some of the current licensees do not take redemption.
- He feels there should be a plan for them that they have to take redemption.
- He submitted to the commission 301 CMR 4.00 provisions for recycling of beverage containers.
- Under 4.05 Refunds and Acceptance of empty beverage containers, it states whatever the business sells in 60 days they must take back for 60 days.
- He and George from Mr. Phipps are being inundated with redemption.
- They take all the Walmart bottles and cans back along with other gas stations and convenience stores.
- Not everyone takes redemption and they are supposed to be. It is a strain on them taking other peoples redemption at their establishment.
- They have so much redemption they are having problems having it picked up. There is no place to store it so they have to start storing it in any empty space in the establishment.
- Not all the redemption they are taking back is there's.
- He feels anyone receiving a license should submit a redemption plan.
- George had to purchase a shed to put on property to store his redemption because he has run out of room in his establishment.
- Walmart does take redemption but most of the time their machine is broken.
- Most of the customers do not like to use the machine and like to bring them to someone who will do it manually.

Chairman Mowatt stated the following:

- The minimum the commission can do is send notification to the wine & malt package stores reminding them of their obligations in taking back redemptions and they should place some sort of notification in their store that they accept returns.
- He would like a legal opinion from the law department regarding this issue.

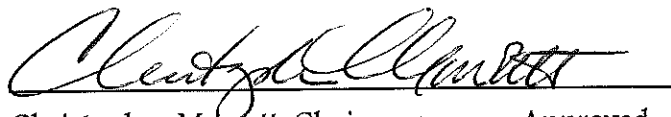
A motion was made by Chairman Mowatt, seconded and unanimously VOTED to ask for a legal opinion on how to handle this with the law department.

George Phillips from Mr. Phipps asked the commission to explain a informational hearing.

After receiving the information needed he stated that he is dealing with an issue with the Tin Bridge alteration and they have a lawyer involved. He is part owner of Mrs. Phipps with his brother; they do not speak so he does not know what is happening with that situation.

The office manager stated that he can reach out to Karen Leigh in Conservation if he has any questions with the process that is happening.

With no further business the meeting adjourned at 7:28 pm.

A handwritten signature in cursive script, appearing to read "Christopher Mowatt", written over a horizontal line.

Christopher Mowatt, Chairman Approved.

SIGN-IN SHEET

License Commission Meeting

Held on: Monday 3-11-19

NAME

ADDRESS

REASON FOR BEING PRESENT

Michael Sirdar	259 WELMST	Beer and Wine
Andrew Surprise	25 Bates St. #2	One Day Request Event
Mike Rowdy	74 Old Feeding Hills Rd.	One day request
Nick Cocchi	99 Norton St W. Spfld	-White City Brewed
Joe Bocci	94 King St Westfield	
Brian Calkins	89 Mulberry Ave Westfield	
FARZAD N.	25 MARGUERITE ST. W/SP	WHOLE SAME CAR LI