



City of Westfield, Massachusetts
LICENSE COMMISSION

Commissioners
Christopher Mowatt, Chr.
Edward Diaz
Alice Dawicki

MUNICIPAL BUILDING
59 COURT STREET
WESTFIELD, MA 01085
Phone 642-9302
Fax 572-6332

LICENSE COMMISSION
Monday, March 13, 2023
Municipal Building
59 Court Street, Westfield, MA
Council Chambers Room 207 6:00 PM



MINUTES

Meeting convened at 6:00 PM.

All Commissioners were in attendance.

Upon motion of Chairman Mowatt, and duly seconded by Commissioner Dawicki, it was unanimously VOTED: That the License Commission minutes for February 13, 2023 be APPROVED.

The next License Commission meeting was scheduled for March 13, 2023.

PUBLIC PARTICIPATION – None

INFORMATIONAL HEARING for City Hotel Inc. of Westfield d/b/a City Hotel, Thomas Daley, owner, 43-45 Elm Street, Westfield, MA, relative to a complaint. Chairman Mowatt read the letter for informational hearing into the record regarding a complaint. Thomas Daley's daughter and son, Trisha and Bill Daley, were present to represent the City Hotel. Chairman Mowatt stated that having an entertainment license opens up a whole different spectrum of responsibility and accountability of the premises as well as the business itself. Chairman Mowatt then directed City Hotel to present their case.

Bill Daley stated the following:

- The City Hotel is a family business and has been around over 100 years with same family ownership.
- Has only been called in for a License Commission hearing twice in the past 50 years.
- Owners of Victory approached them about a year ago and voiced their concerns about patrons leaving City Hotel and urinating on their side of the property.
- Addressed the issue with the City Hotel staff and put a sign up regarding this matter.
- Hired an official to work Friday nights when it gets busy to monitor the area.
- Did not receive a formal complaint from owners of Victory or from the Westfield Police to talk about the ongoing issue until they received a letter from the License Commission.

Chairman Mowatt asked if the strip between the two buildings belongs to the City Hotel. Mr. Daley stated that from their back door 10x8 feet is their property and that both buildings abutt each other and that is where the issue has been going on.

Commissioner Diaz asked which direction from the front is the City Hotel from the alley. Mrs. Daley replied that they are on the left side and that there is a corner where the buildings meet. Commissioner Diaz then asked about the lighting in the alley/behind the building. The Daley's responded that they both have lights on their doors.

Chairman Mowatt asked if that is where the two buildings physically touch and the Daley's confirmed that is where the buildings touch. Chairman Mowatt added that when he went by the area, he thought that the alley between the two buildings, was where the issue was referred to.

Bill Daley stated that he never had a complaint from other neighboring businesses. He expressed that just because he did not get any complaints from his neighbors, that it did not mean that Victory's complaints were not valid. Mr. Daley added that if there is surveillance he would love to see it.

Chairman Mowatt stated that he brought up the ownership of that strip area because with the entertainment license, it also includes outside of the building, all of the parking lot, basic perimeter, media perimeter around the facility and any other property that is owned by the establishment. Chairman Mowatt wanted to make sure that the City Hotel understood the responsibilities of the entertainment license. Mr. Daley confirmed that he understood. Chairman Mowatt later added according to how the complaint was made, he was unclear to which area the complaint was pertaining to. He added that he cannot ignore a complaint but wanted to bring to their attention and to see if there is anything that can be done regarding this matter.

Commissioner Diaz asked the Daley's if they knew the owners of Victory and the Daley's stated that they are present at the meeting.

Chairman Mowatt then asked the owners of the Victory Store to step forward and to offer any information that would support the complaint.

Owners of Westfield Victory Store, Victor and Pavel Usatyy, were present to represent the complaint.

Mr. Usatyy stated the following:

- Owners of Victory Store since February 2018.
- Began to notice a repetitive pattern of strange smell, especially when it is hot.
- They started noticing that the patrons of the City Hotel were urinating on their side of the property in the back alley.
- Spoke with Thomas Daley, owner, multiple times in person at the location and voiced their issue.
- Victory Store has two entrances for their customers, front of the building and from the Thomas lot and that his customers were the ones that brought the smell to the owner's attention.
- He was trying to come up with a solution on his end as well.
- After putting up the signs the vandalizing was reduced
- Additionally, tempering of their commercial vehicle (box truck) and multiple police reports were filed regarding this matter. There is video surveillance to show proof.
- Five Police reports were filed with video surveillance as evidence regarding tempering of the vehicle.
- Multiple dates of surveillance of City Hotel's patrons tampering with Victory Store's truck.
- Working with the Westfield Police on a solution to put a lock on the truck to prevent it from being tampered with.

Commissioner Dawicki asked Mr. Usatyy about the signs that he put up and asked what the signs read. Mr. Usatyy stated that one of them reads, please don't use neighboring building as an apartment bathroom. Commissioner Dawicki asked if the sign states that says you're under surveillance. Mr. Usatyy stated that there are currently four signs on the electrical fence and that state, smile you're on camera.

Commissioner Diaz asked Mr. Daley who the majority of his patrons were. Mr. Daley replied that the majority of his patrons are older local crowd but that he gets college kids around the Thanksgiving when they visit family in town.

Commissioner Diaz asked the Daley's if there are any squatters behind the building to which Trish Daley replied that they do see them occasionally towards the evening but more of them when she closes at nights. But her impression was that this was happening during the day.

Trish Daley added to the truck issue that they would love to work with their neighbors on this issue. She stated that in the past they used to always do snow removal with everybody including the old Victory owners and that they also shared dumpsters. Trisha stated that they would love to work together with their neighbors.

Trish Daley stated that regarding the truck issue, the police have contacted them several times, she does have it written down but she didn't come prepared for that topic, but that with the police incidents, the City Hotel patrons were not found responsible for the damages to the truck.

Commissioner Diaz asked both parties if any of them notified Lieutenant Hall. He recommended to reach out to Lieutenant Hall to come up with a solution for their problem. Lieutenant Hall worked with other local bars to come up with a solution and get everybody to work happily together.

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

DELIBERATION

Chairman Mowatt stated the following:

- File this complaint
- Entertainment license – puts your responsibility outside the premises.
- If it's not working out, then you have to try something different
- Post someone outside
- Not the same folks that it was five years ago, two years ago, even a year ago, it has changed and it's not always in a good way.
- Protect the license
- Posted sign, tells them they are noticed but there are no consequences, and when there are consequences, there tends to be more weight.
- Trespassing the patrons that are caught doing that on the property
- Be sure that these patrons came from your establishment and use that as a lever to create more compliance

Commissioner Dawicki agreed with Chairman Mowatt that it's unfortunate that this is happening.

Mr. Usatyy stated that he is willing to share the surveillance and sit down with the City Hotel to work together to solve the issue. He added that the Police Department also has the footage.

Mr. Daley also agreed that he does not want his patrons to doing this and wants to work together for a solution.

Upon motion of Chairman Mowatt and duly seconded by Commissioner Diaz, it was unanimously VOTED to mile the complaint.

After the parties for City Hotel and Victory Store were dismissed, Mr. Krause, owner of Gabe's 252, brought up how the scanner is very useful in identifying people at his bar for these types of situations.

Commissioner Diaz advised for Mr. Krause to pass this over to City Hotel, Victory Store owners and to Lieutenant Hall.

INFORMATIONAL HEARING for Gabe's 252, 252 Elm Street – on Police Incident Report #23-3675 dated 2/5/2023. Gabriel Krause, owner, and Zack, security personnel, were present to represent Gabe's 252.

Chairman Mowatt read the incident report and explained that the reason for the informational hearing was to address the major concern was about the altercation inside the bar with the possibility of the patrons being overserved.

Zack stated the following:

- Agreed that the altercation did begin inside the bar but patrons did not appear intoxicated.
- Stated that he has been a security guard for more than four years and that he generally knows what people look like when they are intoxicated.
- Zack stated that they didn't look angry
- The two parties involved were college kids and there was a verbal fight between two groups.
- One person threw the punch and then it escalated from there.
- As soon as the fight broke out he grabbed the rest of the security crew to take them outside and separated everybody.
- He banded the two that were involved in the fight.
- Did not trespass them because he didn't want to mark their records for their personal life and they were being cooperative with him
- Usually its not the college getting violent with each other

Chairman Mowatt asked Zack how he knows that someone is overserved.

Zack stated that the way they stand and carry themselves, stumbling, shouting at one another, eyes, are redder than normal when they come in. And a lot of the patrons are regular patrons that come in all the time. Zack added that based on how the college kids were shouting at one another, there was no slurred language. The two groups were just playing the tough one.

Commissioner Diaz praised Zack for doing the right thing. He also added that just because the parties were pushed outside doesn't mean that it ends there. He reminded them that they are responsible for outside of the premises too and for them to be careful.

Mr. Krause added that his doorman had been keeping an eye on the parties and were outside along with his security team until the police arrived. He added that the police help with the disbursement of the crowd. The people were still yelling as they were walking away.

Commissioner Dawicki asked if there is somebody at the door.

Zack stated that there is a doorman that stays by the door and checks the sidewalks whose main job is to keep an eye on drinks and make sure people are just moving down the sidewalk, and

make sure nobody is sneaking in and out. Once all the patrons are out, the security team try to get them get on their way. Zack personally goes out to the parking lot every half hour to monitor and make sure they are no issues going on.

Chairman Mowatt praised them for doing well but he was concerned about the overserving – it must've been noticeable for it to be on the police report. Wanted to make aware of the possible problem.

Mr. Krause understands that overserving is serious – take care of it right there and then, buy them a ride or have a friend drive them home.

Commissioner Dawicki praised them for their effort and is proud of the establishment.

Mr. Krause praised his amazing employees. Appreciates them for what they do.

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

DELIBERATION

Chairman Mowatt praised Gabe's 252 for staying on top of things and appreciates the oversight they provide and for the process they use for getting the folks out the door and away from a drink and getting home safe.

Upon motion of Chairman Mowatt and duly seconded by Commissioner Diaz, it was unanimously VOTED to file the police incident report.

SECTION 14, ONE DAY LICENSES TO BE APPROVED BY LICENSE COMMISSION:

Section 14, One Day License to be approved by Commission: Froggy's Saloon, 846 Airport Industrial Park Road, Terry Duval, owner, Parking lot grass, September 16, 2023, 12:00 PM – 9:30 PM. Terry Duval was present to represent for one day license application.

Terry Duval stated the following:

- Provided a map for the Commissioners to look as she describes the areas where the special event would take place.
- End of the year celebration for her customers.
- Will be having three to four food trucks for the whole entire day.
- Will have three different types of bands playing throughout the day.
- The entire end of the parking lot (grass) will be used for the special event.
- The area would be blocked off and controlled.
- Talked with the Police Department to see if they could close off the end of Old Stage road so that her customers could get out to the road safely.
- Has permission from her neighboring auto body shop to use lot for her customers parking for overflow.

- Hire two police officers for traffic control for everyone's safety.

Chairman Mowatt asked how close Froggy's was to residential area.

Terry Duval stated that the only residential area was an older woman in the corner.

- The airport paid the customer to sound proof her house and windows due to noise complaints of being by the airport.
- There are very dense trees around the section where her event would be taking place and a fence also lines it and muffles the sound as well.
- She said she would've love it if the airports also considered sound proofing local business too.

Upon motion of Chairman Mowatt and seconded by Commissioner Dawicki, it was unanimously VOTED: to approve One Day License for St Mary's High School, 27 Bartlett Street, High School Gymnasium April 28, 2023.

Commissioner Dawicki asked the Commission if Froggy's would need an entertainment license for the bands she will be playing outside. Chairman Mowatt asked Head License Clerk, Valentina to check what was done in the past for Skyline regarding the outdoor concert that they were doing.

Chairman Mowatt asked Valentina, Head Licensing Clerk, to see reach out to Terry Duval as soon as she finds out about what was done in the past for Skyline and see if Froggy's needed an extra license.

Section 14, One Day License to be approved by Commission: St Mary's High School, 27 Bartlett Street, Matthew Collins, principal, High School Gymnasium April 28, 2023, 6:00 PM – 10:00 PM

Upon motion of Chairman Mowatt and seconded by Commissioner Dawicki, it was unanimously VOTED: to approve One Day License for St Mary's High School, 27 Bartlett Street, High School Gymnasium April 28, 2023.

2023 SEASONAL POPULATION INCREASE VOTE:

Upon motion of Commissioner Mowatt and duly seconded by Commissioner Dawicki, it was UNANIMOUSLY VOTED: That the Seasonal increased resident population of Westfield as of July 10, 2023 will be 5,500. During the discussion, Commissioner Mowatt asked Head Licensing Clerk, Valentina Rafalskiy the current population of Westfield. The Head Licensing Clerk replied that based on the Federal Census of 2020 the official population of Westfield is 40,834.

Upon motion of Chairman Mowatt and duly seconded by Commissioner Dawicki, it was unanimously VOTED: to approve the increase of the estimated population.

POLICE INCIDENT REPORTS:

Chairman Mowatt read the Incident reports into the record.

Upon motion of Chairman Mowatt and duly seconded by Commissioner Diaz. It was unanimously VOTED: That the following reports be placed on file.

#23-3894 – Applebee’s Neighborhood Grill & Bar- 441 E Main St - motion to file

#23-4367 – Rally’s Sports Bar – 119 Meadow St - motion to file

#23-5340 – Gabe 252 – 252 Elm St - motion to file

#23-6001 – Gabe 252 – 252 Elm St - motion to file

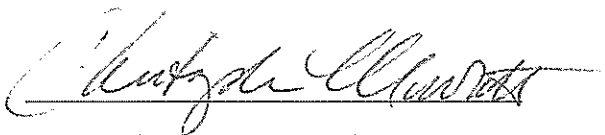
#23-6706 – Whip City Brew – 287 N Elm St - motion to file

At 7:00 PM and upon motion of Chairman Mowatt and duly seconded by Commissioner Diaz, it was unanimously VOTED: To ADJOURN.

A True Record, Attest:

Valentina Rafalskiy

Head Licensing Clerk



Christopher Mowatt, Chair

WESTFIELD LICENSE COMMISSION'S MISSION STATEMENT IS TO SERVE THE PUBLIC NEED AND PROTECT THE COMMON GOOD OF THE CITIZENS OF THE CITY OF WESTFIELD, BY ENSURING THAT ALL LICENSES GOVERNED BY THE COMMISSION OPERATE IN COMPLIANCE WITH ALL LAWS OF THE COMMONWEALTH.

LICENSE COMMISSION MEETING SIGN-IN SHEET

Meeting Date: MARCH 13TH 2023
 Place/Room: @ 6:00 PM

PRINT NAME	SIGNATURE	ADDRESS	PHONE
Tricia Daley	<i>Tricia Daley</i>	320 Falley Dr.	214-3539
Bill Daley			
Viktor Usaty	<i>Viktor Usaty</i>	47 Elm St	413-579-2735
Paul Usaty	<i>Paul Usaty</i>	↓	↓
William Daley	<i>William Daley</i>	43 Elm St	413-531-4839
Terrie Duval	<i>Terrie Duval</i>	141 Old Stage Rd	
Gabe			

Zack - informational hearing

