

City of Westfield, Massachusetts 2023
LICENSE COMMISSION

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WESTFIELD CITY CLERK

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, June 12, 2023,
Municipal Building
59 Court Street, Westfield, MA
Council Chambers Room 315-A 6:00 PM

MINUTES

Meeting convened at 6:00 pm.

Chairman Mowatt and Commissioner Diaz were present. Commissioner Dawicki was absent.

Upon motion of Chairman Mowatt, and duly seconded by Commissioner Diaz, it was unanimously VOTED: The License Commission minutes for April 10, 2023, and May 8, 2023, be APPROVED.

The next License Commission meeting was scheduled for July 17, 2023, or July 10, as needed.

PUBLIC PARTICIPATION – none

REGULAR MEETING

3. PUBLIC HEARING: Whip City Spirits, LLC for a transfer of an All-Alcoholic General OFF Premises license, FROM: OM Westfield, LLC d/b/a City Package Store, Alpa Patel, manager, 131 Meadow Street TO: Whip City Spirits, LLC, Charles Miller, manager, 131 Meadow Street, Westfield, MA. Attorney, Vitaliy Yusenko and Charles Miller, manager, were present to represent the application. Chairman Mowatt read the Public Hearing notice into the record.

Attorney Vitaly Yusenko is representing MF Holdings Company, LLC and Whip City Sprits LLC. MF Holdings Company LLC is purchasing the building and Whip City Sprits LLC will be taking over the package store operations and slowly modernize with renovations.

Chairman Mowatt asked if they will be keeping the same square footage with no changes and Attorney Yusenko confirmed.

Charles Miller, manager, was present to represent the application and represented himself as MF Holdings Company, LLC soon to be Whip City Sprits, LLC.

Chairman Mowatt stated that he checked over the whole application and saw a different entity will be purchasing the business and asked Charles Miller, manager, if he will be the lease holder and will be renting the property back from the company to which Charles Miller replied with, correct.

Charles Miller stated that two buildings are involved with the purchase, one is 123 Meadow Street, which is inhabitable from fire damage years ago and 131 Meadow Street, which is the current location of the package store.

Chairman Mowatt stated that currently there were duplicates of the map and repetition of the layout of the premises in the application. He wanted to clarify if it was intentional or an error in submitting.

Charles Miller stated the following:

- The layout was submitted as is.
- There are some office spaces used as dry storage.
- Wanted to represent all of the available retail space.
- Retail space that is currently in use will remain in use, just one section.
- A question in the application asked if “intend to use as storage purposes to list it.”

Attorney Vitaly Yusenko then provided a final version of the map that includes square footage of the premises to be used for dry storage and retail space. Chairman Mowatt asked if the map of the site matches to what ABCC has on record for the site. It was confirmed by Attorney Yusenko.

Chairman Mowatt stated that the other thing that he found and doesn't believe it is a consequence at all for this but that there were a couple of typos on the form on page 4, section 11, type of representation, the representation was spelled wrong and page 5, section 12, the word covenants wasn't correctly spelled. He doesn't believe that it has any bearings whatsoever but as a lawyer and a representative, he should know, just in case.

Chairman Mowatt added that application is really straight forward and looks in order.

Chairman Mowatt asked Charles Miller if he has operated a package store before.

Charles Miller stated that he used to own a supermarket shop in Connecticut. He added that he has held a liquor license before but that it was just for beer for grocery store sales.

Chairman Mowatt asked if he is planning to have all his employees TIPS certified. Charles Miller replied yes and added that there will be only one employee.

Chairman Mowatt stated as the Commissioner Diaz says, to protect your license.

Chairman Mowatt made a motion, seconded by Commissioner Diaz, to open it up to the public to speak in favor or opposition. No one spoke in favor or opposition of the application.

DELIBERATION:

Both Chairman Mowatt and Commissioner Diaz agreed that the application looks complete and is really well done and straightforward.

Commissioner Diaz encouraged Charles Miller to reach out to Lieutenant Eric Hall with WPD with any questions or concerns. He added that Lieutenant Hall and his team have dealt with different sorts of issues and that they have a lot of great ideas. He later asked if Charles Miller has cameras set up at the package store. Charles Miller stated that it does but that they need to be updated in both locations. Commissioner Diaz added that sometimes bad things happen, and cameras happen not to be working. He encouraged Charles Miller to take note of that.

Upon motion of Chairman Mowatt and duly seconded by Commissioner Diaz, it was UNANIMOUSLY VOTED: to APPROVE the Transfer of License of an All-Alcoholic General OFF-Premise License. FROM: OM Westfield, LLC d/b/a City Package Store, Alpa Patel, manager, TO: Whip City Spirits, Charles Miller, manager.

4. INFORMATIONAL HEARING for Krause, LLC d/b/a Gabe's 252, Gabriel Krause, owner, 252 Elm Street, Westfield, MA, regarding Police Incident Report #23-12230. Chairman Mowatt read the letter for informational hearing into the record. Gabriel Krause, owner was present to represent Gabe's 252.

Chairman Mowatt stated the following:

- Asked Gabriel Krause if he received the Public Hearing notice and read the Police Incident Report.
- Will not be reading the entirety of the police incident report in the record because it was previously read at the last meeting.
- The fight seems to have started inside of the bar and seems like it has escalated to outside of the bar.
- Asked if the fight has been going on for hours, were there any indication to any of your staff that something should've been dealt with while they were inside?

Gabriel Krause stated the following:

- Knows the individual involved personally.
- The particular individual was inside while all the bouncers were outside trying to help the boys to break up the fight and bring order to front of the bar.
- Has video evidence of the involved individual being inside.
- One bouncer that was inside had asked the individual to leave their premises while the individual was still holding the beer in his hand.
- You can see in the video that the individual was verbally threatening the bouncer, who was physically smaller than him, then proceeded to go further into the bar with the beer in his hand refusing to leave.
- Multiple Security Personnel asked him to leave, and he refused to leave.
- Informed his staff to leave the individuals who refuse to leave and notify the WPD to escort them out of the premises.
- One of his staff members reached over and yanked the beer out of his hand but proceeded to go further into the end of the bar and threatened more of his staff, including the short, female manager.
- The other individual involved doesn't directly work for Gabriel Krause but helps his current employed DJ, got defensive trying to step up for the staff and that is when the fight had escalated.
- Manager on duty went outside to grab one of the officers that were in the area and the police officer escorted the individual outside.
- On video surveillance, it shows the involved individual in his truck with his friend and the individual saw a friend, they exchanged couple words, got outside of his truck and that's when the fight broke out outside in the parking lot.
- The incident that had happened outside did not go on for a long time between them.
- To address the giant incident outside, Holyoke kids had showed up and started issues with the local basketball team and he has reached out to the coach for the local basketball team and brought the incident to his attention.
- The DJ of the night was an invited DJ by his normal DJ, did not listen to his staff.
- It was 0152 hours when he turned off the music and there was still around max capacity of patrons inside the premises.
- All of the bouncers were inside trying to get the patrons out for closing time and that just made everything worse.
- And all of the patrons who had exited the premises formed a crowd and that's when the fight escalated.
- Informed his staff that the DJ involved, is not allowed back and that the last call is between 0115 to 0120 hours and the music needs to be off by 0130 hours with a large crowd like that night.
- Has a bouncer outside for crowd control, a bouncer in the parking lot so that people are not standing out front, and to tell them to keep moving, keep walking really does help fix

the giant influx of people getting pushed out, to having a steady trickle of people clearing the bar in the half house period.

Chairman Mowatt asked if it was the DJ that ran the music longer than was allowed.

Gabriel Krause stated the following:

- The DJ was not his normal DJ.
- The DJ involved was not privy to the rules and time parameters that he tries to keep.
- Zach, his security manager, wrote in the incident report that he informed the DJ at least three times after 'this' song.
- Showed his security manager and senior bouncer where the switch off for the whole system was and informed them to turn it off if a DJ refused or ignored to turn off the music at appropriate times.
- Didn't like how the DJ was ignoring his staff.

Commissioner Diaz stated the following:

- He knows Gabriel Krause is doing a good job.
- The establishment is on the corner, and it always draws attention when the patrons spill out into the streets and the whole city knows about it. And if it happens where Tin Bridge Brewing is, the whole city will not know about it, because there is a little more parking lot immediately there.
- Feels that due to the area, it is natural for the crowds to fill the streets as the music gets them hyped, and when they see a fight that hypes them up even more.

Gabriel stated that he saw on social media outlets that everything started because there were a lot of people poured out at once.

Commissioner Diaz stated that when Gabe has a large crowd like this to shut down the establishment down even earlier.

Gabriel Krause stated the following:

- Agreed with Commissioner Diaz that it definitely helps mitigate to have everything off and completely done by 0125-0130 because even with 10 or 15 bouncers would have been the same outcome because all of the people were being pushed out at once.
- Wants to see everyone in their specific station and people leaving gradually.
- Has people watching for drinks and watching the parking lot,
- Praised and grateful for the State Troopers, a couple of them are fellow Marines, for their assistance with the parking lot and getting people to get going.
- Praised and grateful for the Westfield Police Department as well for their assistance on the night shift.
- Was working with the involved individual as a bouncer.
- Has trespassed the individual that had started the fight.

- His staff speaks for him when he is not at the establishment and wants for guests to respect their staff when he is not there for everyone's safety.

Commissioner Mowatt asked Lieutenant Eric Hall if there were other things that should've been done with the incident at Gabe's 252.

Lieutenant Eric Hall stated the following:

- This establishment is particularly popular with college students.
- The only college bar left in town and where the college kids go on Thursday nights.
- Commissioner Diaz always mentions for new Liquor owners to always reach out to him with any questions and Gabe is the only one that does.
- When these types of incidents do occur, Gabriel Krause calls him the following day or two to go over what happened and what he can do about it and what things he is changing.
- Gabriel Krause is trying to the right thing.
- There was an uptick on calls towards the end of the season towards the end of the school year with this incident being a big one.
- What concerned him the most was the intoxicated piece in the report, there was people at the bar intoxicated that should've been asked to leave earlier or shut down earlier.
- Understands that Gabriel is trying to do the right thing but wants him to concentrate on the overserving education.

Gabriel Krause stated the following:

- The shut off process of preventing patrons from being intoxicated by asking them to leave with a friend or call somebody.
- A new rule he is trying to implement is to limit motorcycle riders to three beers only as a precautionary because motorcycles are more dangerous to operate and takes this very seriously.
- Never aims to overserve anybody especially motorcycle riders.
- Will try to limit everyone as well as motorcycle riders to how many drinks they can have.

Commissioner Diaz stated the following:

- The incident became more of a crowd control issue and suggested to let people out in small groups at a time.
- The bigger concern is the crowd itself when they spill out to the street and then you have cars coming by and people are going to get hurt and then the alcohol factor enhances people to fight when they are intoxicated and get hurt or hit by cars.

Gabriel Krause stated that he will try to get people out in small groups to avoid large crowds.

Chairman Mowatt stated the following:

- Wants him to be careful and pull back to what he serves based on what his customers driving the motorcycle is admirable but may not be in his best interest because in the end

if someone is riding a motorcycle and the next thing they get into an accident, he would think he only had three beers and still got into an accident, it must be his fault.

- Any drink amount is dangerous to anybody, and it depends on the rider/driver.
- Things get ahead of you because they sneak up behind you, and you don't see it coming, thus getting out of hand.
- Like a motorcycle accident, not one thing happens but on accumulation of factors that allow things to culminate into a crash.
- Three big ques, the number of people coming in, music is getting hyped up, the place is getting overloaded, and people are getting tanked.
- Think about steps you can do to actually get people to leave early.
- Recommends turning down volume in increments as the night goes on that way when things start to calm down, people will calm down.
- Drop levels down as the night goes on and you'll see people start to relax a little bit and start to leave earlier.

Commissioner Diaz stated the following:

- He is doing a good job.
- Maybe play department store music towards the end of the night
- License Commission is not trying to beat him up just because he gets called in it is not a bad thing; the Commission is trying to keep him in business too.
- If the community read the minutes, they could see that they were speaking with Lieutenant Hall and his team, talking with owners, and everyone is trying to work together.
- Thinks that he is doing the best he can with the Lieutenant Hall
- Wants everybody to be safe and have a good time because that's what it's for.
- License Commission is here for the best interest of the community.

Chairman Mowatt made a motion, seconded by Commissioner Diaz, to go into deliberation.

DELIBERATION:

Chairman Mowatt stated the following:

- Extenuating circumstances that didn't quite come out and understands why it wouldn't come out in the police report.
- It's nice to get some color about what was going on and it doesn't make it less problematic just makes understanding where the problem came in and why it happened.
- Overall Gabe's is doing a great job. He is trying to do the right thing.
- Thinks that if he takes some of the advice they gave, for Gabriel to give it a shot.
- The worst thing can happen is nothing.

Chairman Mowatt made a motion, seconded by Commissioner Diaz, to file the police incident report into the record.

5. Bright Westfield, LLC, Bright Ideas Brewing, 109 Apremont Way, requesting an Entertainment License to play RADIO, TV, JUKEBOX, KARAOKE, BANDS, DJ, VOCAL MUSIC, GENERAL DANCING BY PATRONS AND STAND UP. Orion Howard, manager was present to represent the application.

Orion Howard stated the following:

- Came before the Commission for the pouring permit about a month ago.
- The entertainment license they are applying for will be predominantly indoors.
- Will have three taproom areas inside the building. Front space which has the capacity of approximately 200 and two more rooms in the back one room will have the capacity between 30-40 and the other room will have the capacity of about 60.
- The small room will be more for business gatherings, or his own friends visiting. The middle size room would be the only room that will have TVs and games.
- The front of the building has a built-in stage (northeast of the room) which will accommodate up to 5 persons for musical acts with built in speaker systems. This area also will have space for up to 50 persons to dance and the rest of the area will have tables and chairs for listening of the bands.
- The front space could hold up to a max of 400 standing persons and 13 bathrooms to accommodate the large crowd.
- Will be mostly a once-a-month thing at most. Will be having singer and songwriters. Bands and bigger events will be confined to Fridays and Saturday nights and singers more on Thursdays and Sundays during the day.

Chairman Mowatt asked if he will be doing anything with entertainment outside.

Orion Howard stated the following:

- Planning to have a beer garden in the front garden but will not be getting to the real construction of that this year.
- Currently has 10 picnic tables for the summer outdoor events.
- Will have a singer, songwriter with a guitar and a mic but no major bands for the outdoors, better set up to do entertainment indoors.

Chairman Mowatt asked what the hours of operation would be.

Orion Howard stated the following:

- Has a brewery in North Adams, tends to be open all the time.
- Sister restaurant that opens at 11:00 AM everyday
- On Monday and Wednesdays, he closes at 8:00 PM Thursdays at 10:00 PM, Friday and Saturday at 11:00 PM.
- Probably will have similar hours at the Westfield location as well, doesn't get any business after 8:00 PM.

Chairman Mowatt stated that the establishment is not too far from the mobile home park and residential area and if he does decide to go with larger bands, the wind carries sound through to the surrounding residences, just to be aware that could be a problem if he does decide to do large scale bands.

Orion Howard stated that the only thing that would be the issue is the double doors that open into the beer garden, which on a nice night it would be left open so some sound could carry out through the doors and the garage doors would open towards the graveyard, industrial area, so not going to be complaints there. Does a yearly anniversary party in July.

Chairman Mowatt stated when you go to a concert venue, there is not a lot of security going in but there is a ton of security going out. That is because of the entertainment license and not because of the pouring of beer. Chairman Mowatt stated that an entertainment license opens up a whole new set of responsibilities for the safety of people as they enter and the dispersion of people as they exit which includes the parking lots and so forth.

Commissioner Diaz stated that this is good for Westfield. He added that there is a restaurant right at the airport and that Mr. Howards establishment will complement the area.

Mr. Howard added that during the summer and fall and that they would be using the food trucks and build their kitchen (500 sq. ft.) in the spring where they would serve limited bar menu inside.

Chairman Mowatt asked when Mr. Howard was anticipating that he would open.

Mr. Howard answered that they want to open first week on September 1, to be more realistic.

Upon motion of Chairman Mowatt and seconded by Commissioner Diaz, it was UNANIMOUSLY VOTED: The entertainment license for Bright Westfield LLC, Bright Ideas Brewing, be APPROVED.

6. SECTION 14, ONE DAY LICENSES, TO BE APPROVED:

Upon motion of Chairman Mowatt and seconded by Commissioner Diaz, it was UNANIMOUSLY VOTED: That the following Section 14, One Day Licenses, be APPROVED.

a. St. Mary's Parish, Parish Picnic, 30 Bartlett Street, Kate Tabbi, mgr., Saturday, June 17, 2023, 5:00 PM - 7:30 PM. Fee waived due to non-profit status.

b. Genesis Spiritual Life and Conference Center, Fundraiser, 53 Mill Street, Anne Chapdelaine, mgr, September 8, 2023, 6:30 PM - 8:30 PM. Fee waived due to non-profit status.

c. WSU Dining, 577 Western Ave, William Connor, mgr., requesting all alcoholic beverage for a dinner, June 13, 2023, 6 pm – 7:30 pm. Fee waived due to non-profit status.

Upon motion of Chairman Mowatt and seconded by Commissioner Diaz, it was UNANIMOUSLY VOTED: That all of the One Day Licenses that were APPROVED have the fees waived due to their non-profit status.

7. POLICE INCIDENT REPORTS:

Chairman Mowatt read the Police 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.

#23-12325 – Hutghi’s at the Nook – 8 Franklin St – Motion to file.

#23-13781 – Shaker Farms Country Club – 866 Shaker Rd – Motion to file.

#23-14046 – Gabe 252 - 252 Elm St – Motion to file.

#23-14388 – Gabe 252 – 252 Elm St – Motion to file.

Lieutenant Hall stated this was the same calling party every time and he knows him very well. He’s worked with him over the years and used to run a towing company back in the day. He is not sure what has changed lately but the volume hasn’t. He stated that he personally went out there on two different nights so he downloaded two apps on his phone because they have a decibel meter, but it hasn’t been calibrated in ten years and can’t use that. Lieutenant Hall stated that apparently there is a difference between a decibels and dBAs, and he had to look up to which one would register dBAs because that’s what the ordinance says. But even when he was out there, the loudest anything ever got was the truck carrier hauler that went by that caused his noise meter to spike up a little bit. When he was standing in front of the calling party’s house, it almost didn’t register. He added that standing in the parking lot of the old bowling alley, it actually never went above but what the lowest level for residential was after 10:00 PM other than the car carrier that spiked up pretty high. He has spoken to Gabe several times. Gabe is really trying to keep the door closed when there’s nobody going in and out and not propping it open. He had another officer go by the two apartments by the street and spoke with the residents and they said it would get a little loud sometimes but not enough to call the police. The bar has always been there even before he got the job and he stated that he used to go to that bar in college and nothing has changed ever since then.

Commissioner Diaz stated that he didn’t ever recall since he was on the Commission that they’ve had music noise complaints.

Chairman Mowatt added that what has changed over the years are the subwoofers.

Lieutenant Hall stated that the complainant said that he could feel everything shaking but from where Lieutenant Hall stood in front of his house with the noise meter and stated that he could hear but did not feel the shaking. He added that he doesn’t see anything that they could really act against unless there was a type of ordinance change or a license regulation that could be added on, he doesn’t see how they would require for Gabe’s to turn his music down.

Commissioner Diaz asked if the windows were open.

Lieutenant Hall stated that he doesn’t know if the calling party’s windows were open but as far as Gabe’s, the only thing that would be open occasionally was the door, because his windows don’t even open.

Chairman Mowatt added that if the calling party is saying things are vibrating, it's the subwoofers.

Lieutenant Hall agreed and stated that he's stood out there many times and especially the distance he is and there is a building between them.

Commissioner Diaz added that the traffic could cancel a lot of it out.

Chairman Mowatt added that the reason that he ran into this was that he was doing a seismic study at Hamilton, and depending upon what is in the ground, will tell you where the sound is going to go and what level the sound will be transmitted. It's entirely possible that where the subs are and the ground below wet, it is taking it right under his apartment. He asked if it's possible that if the calling party calls again, if it's possible to have an officer go to his apartment and just stand there and see if they feel the same thing.

Lieutenant Hall stated that they would give it a shot.

#23-14499 – Whip City Brew – 287 N Elm St – Motion to file.

#23-14619 – City Hotel – 43 Elm St – Motion to file

#23-14731 – Shaker Farms Country Club – 866 Shaker Rd – Motion to file.

Lieutenant Hall stated when they saw a second break in at this location, him and his guys were starting to pay a little more attention. He added he doesn't know if it's a pattern of coincidence or not.

#23-15208 – City Hotel – 43 Elm St – Motion to file.

#23-15294 – Skyline Brewing – 98 Southwick Rd – Motion to file.

#23-15446 – Shaker Farms Country Club – 866 Shaker Rd – Motion to file.

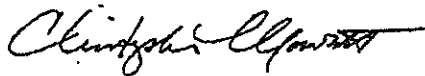
8. Chairman Mowatt and Commissioner Diaz signed the Contract Signature Authorization Form and for it to be placed on file with Purchasing Office for FY 24.

At 7:10 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


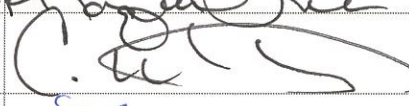


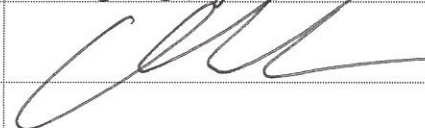
*WESTFIELD LICENSE COMMISSIONS MISSION STATEMENT IS TO SERVE THE PUBLIC
NEED AND PROTECT THE COMMON GOOD OF THE CITIZENS OF THE CITY OF
WESTFIELD, BY ENSURING THAT ALL LICENSES GOVERNED BY THE COMMISSION
OPERATE IN COMPLIANCE WITH ALL LAWS OF THE COMMONWEALTH.*

Please sign ☺

LICENSE COMMISSION MEETING SIGN-IN SHEET

Meeting Date: JUNE 12TH 2023

Place/Room: @ 6:00 PM – 315A

PRINT NAME	SIGNATURE	ADDRESS	PHONE
Raquel Spradley		109 apermont way	413-454-4271
Charles Miller		711 Laurel St Longmeadow	201 803 0779
Vitaly Yisenko		430 Main St Avon	413-439-7000
Gabriel Krause		142 South Longyard Rd	413-233-7023
Orion Howard		109 Apremont	413 346 3826

