



City of Westfield, Massachusetts

RECEIVED LICENSE COMMISSION

OCT 16 2019

WESTFIELD CITY CLERK

Commissioners
Christopher Mowatt, Chr.
Edward Diaz
Alice Dawicki

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LICENSE COMMISSION MEETING Wednesday, September 11, 2019 MINUTES

Meeting convened at 6:00 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 August 12, 2019 minutes as presented.

Due to the October holiday, the October License Commission meeting will be held on Wednesday, October 9, 2019. Due to the November holiday, the November License Commission meeting will be held on Tuesday, November 11, 2019.

PUBLIC PARTICIPATION:

None

TABLED DELIBERATION:

1. Ashabmannan LLC, d/b/a Lucky Mart, 286 Southampton Road, requesting a wine & malt section 15 package store license.

Chairman Mowatt stated the following:

- The commission at their last meeting tabled the deliberation portion of this request.
- The commission cannot hear any additional testimony or receive any documents in favor or opposition of this request due to the public hearing being closed at the last meeting.
- He was able to look at the site of this request and has a better idea where the location is.
- The Commission is going to use the Ballarin Case factors which are pretty standard for the ABCC as well as Municipalities.

Commissioner Dawicki stated the following:

- Last meeting the commission heard opposition due to it being so close to a school.
- The commission has granted other licenses that have been in close proximity of a school.
- There is no history of problems regarding this application.

Commissioner Diaz stated the following:

- They have not heard any opposition from the school.
- He would like to ask Lucky Mart a few questions.

Chairman Mowatt stated that they could call the licensee back up for clarifications for the commission to make a decision.

Attorney Neil Phillips was present representing the application.

Commissioner Diaz asked for clarification on how the applicant will prevent underage sales since the beer and wine will be near other beverages.

Attorney Phillips stated the following:

- The licensee will have zero tolerance for underage sales.
- He is personally there full time from morning when they open to the evening when they close.
- The nips that were spoken about at the last meeting behind the building did not come from them. They do not have an alcohol license.
- They need this wine & malt license to survive in the marketplace and will work with the neighbors.
- He is not sure if the licensee has cameras but he would install them if this would be a condition of the license.
- The licensee will install electronic or other technology that the commission would like him to.

Chairman Mowatt stated the following:

- He looked on Google maps and saw that Westfield Spirit shop was also in close proximity of a school.
- The location proximity is near a dense residential area. This sometimes could cause the licensee to slack and violations to take place.
- Other locations that officer beer and wine or all alcohol very few of them are in a high density area.
- The business can develop close relationships with the patrons that go into that neighborhood establishment.
- His concern is that by developing these relationships there is a possibility that the sale of alcohol could be done outside of package store hours.
- Control is a critical factor.

- He understands the concerns of being near a school.
- He is concerned with the controls that are put in place to prevent the sale to minors and prevent the sale of alcohol outside of the licensed hours.

Commissioner Dawicki stated the following:

- Similar applicants have installed a register system that locks down by bar code before or after hours to comply with the laws.
- That to her is a good control in place.
- She would like to prevent the sales of single cans.

Chairman Mowatt stated the following:

- The commission implemented no single can sales for gas stations but they have not implemented that for convenience stores.
- There is a concern with other competing business.
- As a commission we cannot take into consideration those with financial outcomes.
- It is well noted and understood.
- What the commission is talking about is controls.
- The licensee must be in compliance with the Health Department to maintain their areas in regards to trash.
- Based on what he can see from the factors there is Westfield Spirit Shop, Shell gas station down the hill and Mr Phipps a little further down the road.
- He cannot say there are too many package stores in the immediate area.
- There is parking for the business.
- The business seems to be well run.
- There have been complaints regarding noise from the establishment.
- The concerns and opposition from the neighbors wasn't about the person running the store it was more about the location and if it was a good idea to be near two schools.

A motion was made by Chairman Mowatt to approve the request for beer and wine on condition that controls are put in place that prevents the sale of alcohol outside of licensed hours. Those controls must actually prevent the sale and must be such that it is not based on one persons consideration or regard for making decisions to whether that sale be allowed or not.

Commissioner Dawicki amended the motion to include that all employees and any new employees must be TIPS certified. She would also like another control put in place to prevent the sale to minors. Whether it be scanners or some sort of written procedure or written policy.

Chairman Mowatt stated the license would be approved pending acceptance of the plans and implementation of measures to prevent the sale of alcohol to minors and the sale of alcohol outside of legal hours. He would like to ensure that all employees are TIPS certified.

Chairman Mowatt modified the motion to approve the beer and wine license contingent upon putting controls in place to prevent the sale to minors and prevent the sale of alcohol outside of non licensed hours. This can include written policy or equipment to prevent these sales. Proof of TIPS certification for the liquor manager and all existing and any new employees. Written policy for employment and what the consequences are if an employee sells to a minor or sells during unlicensed hours. The licensee is to submit this plan to the commission by the next commission meeting. If they are looking to purchase and install any equipment how and when it would be installed. Equipment must be purchased, installed and inspected by the Westfield police department before the license will be issued. Motion was seconded and unanimously VOTED.

PUBLIC HEARING.

1. Delaney's Market, LLC d/b/a Delaney's Market, 587 East Main Street, Unit 160 requesting a wine & malt section 15 package store license.

Chairman Mowatt read the legal ad into the minutes.

Present at the meeting representing the application was:

- Peter Rosskofhen, owner.
- Attorney Mike Sidell.
- Roberta Hurwitz proposed liquor manager.

Attorney Sidell stated the following:

- Everyone knows Peter.
- He came to the area to be a restaurateur.
- That has happened over the last thirty years with banquet facilities, restaurants with fine dining and casual dining, pubs, coffee shops, local food stations and now Delaney's Markets.
- Delaney's Market is an on the go meal delivery business.
- His stores in Longmeadow and Springfield are now open.
- The Wilbraham location will open soon.
- He is excited to come to Westfield.
- The location is terrific and the landlord is excited what he can bring to Westfield.
- The plaza is beautiful with no noise issues.
- This request is for a beer and wine license.

- When you walk into the store however, it is a food business experience.
- The beer and wine is offered to supplement the food.
- It is not like a package store.
- He respectfully asks to commission to consider this application for beer and wine favorable.

Peter stated the following:

- This business is food driven with only 7% of floor space for beer & wine.
- Wine would be stored in coolers and on a couple tables in the center of the store with dried goods.
- Beer & wine would be close to the food but 90% of the food would not be intertwined with the beer & wine.

Roberta stated the following:

- They will help customer's pair beer and wine with their takeout food.
- They will be open Monday – Saturday 11am – 8pm.
- Sunday 12noon – 5pm.

Commissioner Diaz asked how business has been for the other locations.

Peter stated the following:

- All his other stores have beer and wine licenses.
- Longmeadow has been open for more than 3 years.
- They have never had any alcohol related issues.
- They are not in the business to be a package store.
- The beer & wine is to compliment the food.
- The combination of the two is crucial to the business.
- They do not stay open late at night.
- Longmeadow and Springfield has been very welcoming to them.
- Wilbraham has been great in regards to the permitting process.

Attorney Sidell stated the following:

- The Springfield location is right outside his office.
- They have a steady flow of business.
- They had a great opening with no issues in Springfield and have received nothing but praise from the City.

Commissioner Dawicki asked what controls are in place to prevent the sales to minors.

Peter stated the following.

- All employees are required to be tips certified.
- Employees will be trained to not sell to minors nor to sell to anyone who is intoxicated.

Roberta stated the following.

- There will be cameras on the registers, on the wine gondola's and the entire front of the business.
- Their policy is that everyone will be carded if they look under 50 years of age.
- There will be no second changes.

Peter stated that they stress the TIPS certification with their employees.

Attorney Sidell stated that this business is a little different than package stores as their hours are limited. They close down after dinner.

Commissioner Dawicki stated that her primary concern since they are not a package store they may not focus on checking ID's.

Peter stated he is extremely passionate about the work he does and his establishments. They have secret shoppers and they receive awards all the time for doing the right thing. Roberta is a fantastic manager and will run this business without any violations.

The Officer Manager stated that the application is in order.

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

PUBLIC PARTICIPATION

IN FAVOR

George Boersig of 27 Bates Road in Westfield was in favor of the application and stated the following.

- This is a great opportunity for the residents of Westfield, especially the elderly.
- He has been a resident for 30 years.
- He has listened to Peter's business history and success. He feels this is terrific for Westfield.

Paul Kalill of 187 Munger Hill Road in Westfield was in favor of the application and stated the following.

- He is a lawyer in Springfield and his wife works at Baypath.
- They both have purchased take out from the Springfield and Longmeadow stores.
- Their meals are great at night and not unlike what you get a Delaney House or Log Cabin.
- Peter is a great operator.
- He met him in 2002 and has been following his business venture.
- He is pleased with the food and the small amount of alcohol sales from his stores.
- He runs a nice operation.
- He strongly urges the commission to allow him to do this business in Westfield.
- Westfield will be lucky to have him.
- This will show that Westfield is on the cutting edge of the food business.
- He hopes the commission will consider his request.

Robert Ferrin from Westfield was in favor of the application and stated the following.

- He is in favor of this business coming to Westfield.
- His wife travels to the Longmeadow store to get food frequently.
- The Commission needs to think of all the people from other communities that will be coming to Westfield.
- He has known Peter for many years. He is very passionate about his business. He will run this business the right way.
- People will frequent his establishment to purchase meals.
- Other businesses will not lose business.
- People need to think of all the patrons from surrounding communities that will be coming into Westfield.
- Westfield won't be disappointed having this business open.

Kate Phelon from the Chamber of Commerce in Westfield was in favor of the application and stated that following.

- This business would be a wonderful asset to the Community.
- Having attended Chamber events at the Delaney House and Log Cabin, they are professional and committed to running their business correctly.
- Their food is fresh and she urges the commission to please look favorably on this application.

Heather Sullivan of 27 Overlook Drive, Westfield was in favor of the application and stated the following.

- She has raised her children in Westfield and was involved in establishment the BID in Westfield.
- This is a great opportunity for Westfield.
- They will offer take out dinner with pairing of wine & beer.

- Other people will be coming into Westfield to get food and this will offer more exposure for other business.
- They will not be buying a large quantity of beer and wine.
- People will stop in buy their dinner and 1 bottle of wine or beer to take home for the evening.
- We are a community trying to get more business.
- We have a gem here and we need to make sure we welcome them with open arms.

Mark Cast, landlord of the location was in favor of the application and stated the following:

- He met Peter six to eight weeks ago.
- Peter is very passionate about this business.
- He went to visit the operation in Longmeadow.
- They had him at hello.
- When you see the operation it is very clean, simple with thoughtful employees.
- He believes in Peter and this concept.
- Everyone is excited for this to come to Westfield and he can't speak more highly of Peter or his business.

Karen Kopinski of 80 Wildflower, Westfield was in favor of the application and stated the following:

- She is a business woman, mom and wife.
- She orders blue apron meals to come to the house because she does not have time to cook.
- Blue apron is a lot of work.
- She is ready to give blue apron up and start buying her meals from Delaney's Market.
- She does not know Peter but she has been to his establishments.
- This is a great thing for Westfield.
- If having beer and wine at his business helps, then she feels this is great for Westfield.

Matt Emershy, City Councilor, 36 Fowler Street, Westfield was in favor of the application and stated the following:

- He heard a couple of weeks ago that the liquor license was denied and the business would not open without it.
- He also heard the reason why.
- Westfield has 42,000 residents
- We have nothing like this in Westfield.
- We are at the foot hills of the hill towns.
- This is a tremendous opportunity for the City.
- There are a lot of vacancy store fronts.
- Seventeen year olds going out trying to get beer on a Friday night are not going to go to Delaney's Market.

- People are going there to purchase dinner and pairing their alcohol of choice with the meal to go.
- They will go to Mrs. Phipps for their alcohol.
- They will not go to Delaney's Market.
- They will have a limited selection of beer and wine.
- This does not fit the model of a package store.
- He really hopes the commission reconsiders this and approves this request.

Jack Gerry of Westfield was in favor of the application and stated the following:

- He does not see this as a saturation issue.
- He sees representatives for Tin Bridge, Mrs. Phipps and Westfield Spirit Shop in attendance.
- He would like to speak as a customer.
- Those package stores do not have anything to worry about.
- Patrons will frequent their establishments.
- Peter is here to support the community and build relationships with other businesses.

John Beltrandi, Ward 5 Councilor, 11 Jeanne Marie Drive, Westfield was in favor of the application and stated the following:

- He has been in the seat of the Commission and this is not an easy decision.
- He is here tonight as a business person and resident.
- This is a unique opportunity for the City.
- He is pro business.
- He would like to see this business come into town and thrive.

Joe Mitchell of 53 Munger Hill Road, Westfield was in favor of the application and stated the following:

- He previously was the City Advancement officer.
- He has worked with Mr. Cast trying to fill his empty store fronts.
- Having empty spaces in a retail area is not something that the City wants.
- Nearly a year ago he was approved by the City, the Economic Director and the Community Director regarding this opportunity.
- Peter owns the Log Cabin and the Delaney House.
- He has additional capacity in his facilities kitchen area to maximize his product to people in the community.
- This has been a long fuse and he wants to see this cross the finish line.
- People love them in Longmeadow.
- He has visited the Longmeadow store.
- Alcohol has a small presence in the store.
- This is a unique offering.

- There is no market saturation.
- This is similar to a package store but this offers more food.
- The commission should try to welcome this into Westfield.
- People are not buying a six pack and lottery tickets.
- There will go there to buy prepared foods.
- He urges the Commission to support this.

OPPOSITION

Jordan Phillips, 73 Llewellyn Drive, Westfield was present to speak in opposition and stated the following.

- He was in front of the commission in opposition to this request last month.
- The Commission discussed it and stated the area was over saturated.
- He will not argue that he has the best food in the world.
- He does not need beer and wine to make this business work.
- He said if he doesn't get the license he will not open in Westfield.
- If he is such a great business person and this is the best thing why does he need alcohol?
- This will be at my expense.
- Three to five dozen customers that will go to his store are his existing customers that he will lose.
- Why can't people buy his food then come over to Mrs. Phipps to buy their liquor.
- The Commission doesn't do anything to help his business.
- The Commission keeps cutting his base.
- What has the Commission done to help the store in the area?
- We are losing customers.
- He will be running a great store at my expense.

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

DELIBERATION.

Chairman Mowatt stated the following.

- When we look at the saturation point at the last meeting where we made a decision, we looked at it from a standpoint of a package store license.
- When we look at it now as face value the saturation is there. There's Mrs. Phipps, Country Mart, Walmart, Union Mart and Westfield Liquors. There are also several restaurants in the area.
- On the surface, that is what it looks like, over saturation.
- Regarding the whole idea of what have we done for Mrs. Phipps, part of the hallmark of business is taking care of yourself.

- There is such a thing as competition.
- As much as he would like to say he could take care of every business from competition, he can't. It is not his job or the commission's responsibility.
- What we don't have is Delaney's.
- There is not an oversaturation of places to eat.
- When he looked at the Ballarin case, there is an interesting statement that reads, "The issuance of liquor licenses speaks in terms of serving the public need and in such a manner as to protect the common good and to that end, to provide in the opinion of the licensing authorities an adequate number of places at which the public may obtain, in the manner and for the kind of use indicated, the different sorts of beverages for the sale of which provisions are made. Need, in the literal sense of requirement is not what the statute is about. Rather, the test includes an assessment of public want and the appropriateness of a liquor license at a particular location. We also have to consider the number of existing dispensaries which is what happened at the last meeting. In the views of inhabitants of the locality in which the license is sought, such as traffic, noise, size and the sort of operation that carries the license and the reputation of the applicant."
- There are a couple things we could put away right now. That's the reputation of the applicant. It seems to be stellar. From the input that the commission is getting from the people here tonight, and from Delaney's reputation overall there is nothing that could prevent the commission from denying the license for that reason.
- The parking and the noise are consistent with the location. If we have a lot of traffic in that location it probably would be a good thing for Mrs. Phipps also.
- We need this type of establishment in Westfield.
- When looking at the license, it seems this is appropriate and not out of place.
- The hours of operation are not in direct correlation with a package store.
- This is a really good idea.
- He is glad they came back so they could take another look and see that the people here tonight who spoke in favor have a desire to have this business in the City.

Commissioner Diaz stated the following:

- This is a need for the community.
- It is evident by the people here tonight in support that we have a lot more detail not of the operation and the reputation of the owner.
- He does not think this business is going to hurt anyone.
- This is a good concept for Westfield.
- They seem to have everything in order.

Commissioner Dawicki stated all has been said. She has nothing further to add.

A motion was made by Commissioner Diaz, seconded and unanimously VOTED to approve the wine & malt application for Delaney's Market.

Chairman Mowatt stated the following:

- He feels what we have here tonight is an opportunity.
- He feels the traffic is going to be great for all the businesses in the area.
- The idea and concept is great. The commission always believed that it would be good we just wanted to make sure that it was right for Westfield.

REGULAR MEETING.

1. Gaslight Entertainment, LLC, 42 Sylvan Drive, Westfield, Jay Pagluica & Patrick Berry requesting a Section 14 Wine & Malt License and Entertainment License at the Westfield Women's Club for Stage Performances. 5pm to 11pm November 8, 9 & 10, 2019 / January 10, 11 & 12, 2020 / February 7, 8 & 9, 2020 / March 13, 14 & 15, 2020 / April 24, 25 & 26, 2020 & May 8, 9 & 10, 2020.

Jay Pagluica was present and stated the following:

- Him and Patrick Berry are looking to continuing to officer music to the community after the Concerts on the Green have concluded.
- The Women's Club is allowing them to rent one weekend per month.
- They will be having bands play and they are looking to offer beer & wine to patrons.
- They will be partnering with the Tavern who will sell the beer and wine and will have TIPS certified bartenders pouring the beer and wine.

The commission agreed that this will be excellent for the City of Westfield.

A motion was made by Chairman Mowatt, seconded and unanimously VOTED to approve the entertainment license for the dates applied for and to waive the fee.

A motion was made by Chairman Mowatt, seconded and unanimously VOTED to approve the Section 14 beer & wine license for the dates applied for and to charge a fee of \$100.00 total for all events.

2. Amelia Park Arena, Dan French, manager, 21 Broad Street requesting a Section 14 Malt Beverage only license for October 26, 2019 1pm – 5pm at Amelia Garden for a ticketed beer tasting event.

The office manager stated that the event has been cancelled.

3. Papps Bar & Grill, LLC d/b/a Sok's Runway, 110 Airport Road requesting a change of manager.

Owner Sokharun Yim, manager/owner and James Lindley, proposed new manager were present to represent the application.

Proposed liquor manager James Lindley stated the following:

- He will be on the licensed premises a minimum of 40 hours per week.
- He has been a manager for Sok's Runway since December 2018.
- He was Assistant Manager for Collegian Court for five years.
- He is TIPS certified.

A motion was made by Chairman Mowatt, seconded and unanimously VOTED to approve the change of manager.

4. Westfield Post 124 The American Legion, 38 Broad Street requesting a change of manager.

The office manager stated she received a letter from the current liquor manager stating that the Club has let him go as the liquor manager.

William E Cervonayco proposed new liquor manager was present and stated the following:

- He has been a member of the American Legion for many years.
- He has bartended for many years.
- He will be taking a TIPS course in October.

A motion was made by Chairman Mowatt, seconded and unanimously VOTED to approve the change of manager.

5. Krause, LLC Rain, 252 Elm Street submission of Bartender's & Bouncer Rules and Regulations.

A motion was made by Chairman Mowatt, seconded and unanimously VOTED to approve the Rules & Regulations and file in the licensees folder. No further action is required by the licensee.

6. St. Mary's Parish School, 27 – 35 Bartlett Street, requesting a Section 14 wine & Malt license for September 15, 2019 12:30 – 4:30pm for a Fall Family Festival.

A motion was made by Chairman Mowatt, seconded and unanimously VOTED to approve the one day request and to waive the fee due to being nonprofit.

7. 2019 Auto Dealer Inspections from Officer Stoyak.

The Commission accepted the inspection reports and asked the Office Manager to file in the licensee files.

8. Monthly Police Incident Reports.

The Office Manager stated to date no police incident reports have been received since June 6, 2019.

LATE COMMUNICATION

1. Received approval from the ABCC for Skyline change of officers, change of stock and change of location.

The office manager stated that Skyline is still working on the build out for the new location. As soon as they are ready to move to the new location a new license will be issued and the commission will be notified.

2. Received approval from the ABCC for Applebees manager change.

The office manager stated that a new license was issued and sent to the Licensee.

3. Westfield State University Dining Services requesting a Section 14 wine & malt one day license for September 28, 2019 from 1pm – 6:30pm for Alumni Homecoming at the Woodward Center Homecoming Tent by the football / baseball field.

A motion was made by Chairman Mowatt, seconded and unanimously VOTED to approve the one day event.

4. The office manager handed the Commissioners a Tax Obligation ordinance from the Law Department for them to review for the upcoming renewal season.

ADMINISTRATIVE BUSINESS

1. The office manager stated to date the office has not received an application for change of officers.
2. The office received a letter from Anthony Lucca of The American Legion that he has replaced as the liquor manager. He would like it to go on file in case any issues arise.

With no further business the meeting adjourned at 7:50 pm.



Christopher Mowatt, Chairman Approved.

SIGN-IN SHEET

License Commission Meeting

Held on: Wednesday 9-11-19

NAME

ADDRESS

REASON FOR BEING PRESENT

<u>NAME</u>	<u>ADDRESS</u>	<u>REASON FOR BEING PRESENT</u>
Neil Aron	185 Belmont Ave	6/20/19
Feder Roszkotten		Lidons
Robertu Hurwitz		USAA
Michael Siddal		Wain
Robert J. Freese		
Fate Pkston		Law
Haller Sullivan		Delaney Mkt
Mark Katz		Delaney Market
Karen Kop		Delaney Market
Matt Emery		LITTLE RIVER AREA US
JACK SURY		Delaney
Joe Mitchell		Delaney
Jay Pasqua		Delaney
Sokharun Yim		GASLIGHT ENTERTAINMENT
James Lindley		SOK'S Running
		SOK'S Running