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City of Westfield, Massachusetts
LICENSE COMMISSION

Commissioners
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Edward Diaz
Alice Dawicki

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WESTFIELD, MA 01085
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LICENSE COMMISSION MEETING
Monday, September 14, 2020
Telephone Conference
MINUTES

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A Section 20, and the Governor's March 15, 2020 Order imposing strict limitation on the number of people that may gather in one place, this meeting of the City of Westfield **LICENSE COMMISSION** will be conducted via remote participation. Specific information can be found the City of Westfield website at www.cityofwestfield.org. For this meeting, members of the public who wish to listen to the meeting may do so by tuning into Channel 15 or online at westfieldtv.org. No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings in real time, via technological means. In the event that we are unable to do so, despite best efforts, we will post of the City's website an audio recording, transcript or other comprehensive record of proceedings as soon as possible after the meeting.

Meeting convened at 6:00 p.m.

REGULAR MEETING:

1. Monty's Motorsports, LLC, 1 Arch Road, Suite 8, Westfield, MA 01085, William "Monty" Greer requesting a Class 1 Auto License.

The office manager, Kimberly Sienkiewicz stated the following:

- The application is complete.
- The applicant is requesting a Class 1 Auto License.
- They currently have a location on Southampton Road but that location is not zoned for auto sales.
- They are in the process of moving to Arch Road so that they can now apply for a Class 1 Auto License so that they may sell on road motorcycles.
- They did receive a special permit from the Planning Board.

Monty was on line for the teleconference and stated the following:

- He is a motorcycle dealership and it will be power sport related. Just like Popoli's when they were in business.

- He will be selling on an off road dirt bikes, motorcycles, ATV's and side by sides.
- The name of the manufacturer that they will be selling under is BETA. It is an Italian motorcycle line.
- Hours of operation will be Monday – Friday 10am to 6pm, Saturday 10am – 2pm, Sunday Closed.

A motion was made by Chairman Mowatt, seconded and unanimously VOTED to approve the Class 1 Auto License.

2. Gopal Krishna Convenience, Inc. d/b/a Union Mart requesting to convert their seasonal all alcohol and annual wine & malt license to an annual all alcohol license through a special act through a home rule petition to the legislation.

Present was Attorney Brad Moir and Owner Meet Patel.

Attorney Brad Moir stated the following:

- The licensee owns a convenience store at the end of Union Street.
- They currently have had an annual wine & malt package store license for a couple of years and last year they received a seasonal all alcohol package store license from the Commission.
- Most of the customers that frequent his store stop in on their way home.
- His store and location is very convenient.
- Most of his customers do not want to go to Mrs. Phipps because of where the store is located and his store is more accessible to them.
- He has a more limited selection of alcohol than most package stores. He only has 2 coolers dedicated to alcohol sales.
- When he only had beer and wine he averaged \$400.00 per day.
- Once he received his seasonal all alcohol license, his sales went to about \$1400.00 per day.
- It is very costly for him to remove his all alcohol every year since the seasonal all alcohol only runs April 1st to January 15th.
- It costs him \$1000.00 to move this alcohol after the 15th of January and he has to store it which is costly also. Then it costs him \$1000.00 to move it back.
- Mr Patel feels it is in the best interest of himself, the City and his customers to try to get his request for a home rule petition for an annual all alcoholic license approved.

The office manager, Kimberly Sienkiewicz, stated the following:

- She wants to make sure that the licensee knows that if this is approved to move forward, the next step is for Mayor approval, then he will move the request to City Council. Once council passes, it is then sent to our State Representative or Senator to be passed at the State level.
- There is also a first time fee of between \$3000.00 to \$5000.00 along with their license fee.
- If approved the licensee would need to turn his seasonal all alcohol license and annual wine & malt license back to the Commission.
- Once that happens the commission will have those 2 licenses available for another licensee to apply for.
- This approval will save the licensee the cost and effort of removing his all alcohol for the 2 ½ months that he cannot sell due to the seasonal license.

Chairman Mowatt stated the following:

- That is certainly a viable motivation to approve this request.
- When we look at decisions like this, we look at the overall need for Westfield.

- We talked about this with another store, unfortunately we couldn't justify the need.
- Hearing what kind of business this licensee has it does serve a need in the area.
- They are looking at trying to convert two licenses into one.
- The need in this situation has already been established.
- This request is a tough road to go, in this case it is probably worth it.
- It will also free up a couple of licenses that other establishments have been asking for.
- The difference between this request and the request of another licensee last month is that this licensee is already an established businesses with liquor licenses.
- This request would just help him so that he would not have to remove his all alcohol items from the store for 2 ½ months.
- The need for the other request last month was an economic need.

The office manager explained to the Commissioners what types of license's the licensee has and what benefit the licensee will have with this new license so that they could understand the process.

The office manager also explained to the Commissioners that the licensee will not own this license like the other package stores in the City do. If the licensee wants to sell his business the licenses comes back to the commission and can only be applied for by another licensee for that same location. The licensee cannot sell for profit the license.

Attorney Moir stated the following:

- He was involved in the Four Mile Country Store conversion many years ago.
- It is a Special Act Home Rule Petition that has to go to legislature to be passed and the Governor has to sign it. This process does take some time.
- Once approved, the license has to stay at that location. It cannot go anywhere else.
- Each time the license changes ownership at that location and the new owners want to apply for this license there is a fee paid to the City not the seller.

Chairman Mowatt stated the following:

- This license when approved will always remain a special home rule petition license.
- It will never go into our quota system.
- It is to satisfy a need for a certain location.

Commissioner Dawicki asked Attorney Moir is the intent of the licensee to get rid of the convenience store and become a full package store?

Attorney Moir stated the following:

- No. The licensee wants to be a convenience store offering alcohol.
- He does not want to just be a package store.
- He may expand a little bit to offer a little more variety.
- It is not going to become a package store.
- His whole store is approved for alcohol storage and sales.

The Office Manager stated to the Commission that the licensee has had no violations against his establishment.

Chairman Mowatt stated the following:

- He understands that this is a long process.

- This would also benefit other establishments by freeing up 2 other licenses.
- Based on the business the licensee has been doing, it is satisfying a need.

A motion was made by Chairman Mowatt, seconded and unanimously VOTED approve the request to move forward the process to convert their seasonal all alcohol and annual wine & malt license to an annual all alcohol license through a special act through a home rule petition to the legislation.

LATE COMMUNICATION

1. The office manager, Kimberly Sienkiewicz stated the following:
 - There are still a number of Section 12 Licensees that are not open to date due to the COVID-19 restrictions.
 - There are some clubs and GOP's that are working with the Health Department to open as restaurants.
 - There are other licensees that will more than likely stay closed until the Governor lifts all restrictions.
 - Every licensee does need to renew their liquor license but we do not need to collect a fee from them until they are open.
2. We have received another order from the Governor extending the temporary outdoor alteration of premises to expire 60 days after the State of Emergency is lifted.

A motion was made by Chairman Mowatt, seconded and unanimously VOTED to approve a blanket extension to all temporary outdoor alteration of premises to expire 60 days after the State of Emergency is lifted.

At this time Commissioner Dawicki asked to speak regarding the Liquor Renewals. She is asking if there is anything the License Commission can do to try to grant some relief to the licensees regarding the fees or the timing of the renewals.

The office manager, Kimberly Sienkiewicz stated the following:


- All licensees must renew the month of November. This is a state law.
- If anyone misses the November 30th deadline then they must file for a new license and this will hold them up from opening for the New Year.
- Any licensee not open right now still needs to apply but they do not have to pay until they are open and need their licenses.

Commission Dawicki feels all licensees are struggling at this time.

The office manager stated she will look into fees and the commission can have this discussion at the next meeting.

The office manager stated that all Auto Renewals have gone out in the Mail and will be VOTED on at the November meeting.

With no further business, the meeting adjourned at 6:30pm.



 Christopher Mowatt, Chairman