



City of Westfield, Massachusetts

LICENSE COMMISSION
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WESTFIELD CITY CLERK

LICENSE COMMISSION MEETING
Wednesday, March 24, 2021 6pm

CITY HALL
59 COURT STREET
WESTFIELD, MA 01085
Phone 572-6202
Fax 572-6332

Commissioners
Christopher Mowatt, Chr.
Edward Diaz
Alice Dawicki

MINUTES

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §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 on 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 Channel 12 or online at westfieldtv.org or online at Youtube.com - Westfield Community Programming Channel. 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 on the City's website an audio recording, transcript, or other comprehensive record of proceedings as soon as possible after the meeting.

Access information for the meeting is as follows:

Join Zoom Meeting at zoom.us/join

<https://cityofwestfield-org.zoom.us/j/82644140123?pwd=S0tCZ25CcUJrS1MrZHNzWXZmcVdzUT09>

Meeting ID: **826 4414 0123**

Passcode: **9W2ur2m%**

Dial by your location

1 646 558 8656

Meeting ID: **826 4414 0123**

Passcode: **87046266**

Meeting convened at 6:06 p.m.

Chairman Mowatt, Commissioner Diaz and Commissioner Dawicki were present.

The next license commission meeting was confirmed for April 12, 2021

A motion was made by Chairman Mowatt, seconded and unanimously VOTED to approve the following minutes as presented:

- February 3, 2021
- October 7, 2020
- August 13, 2020
- August 5, 2020
- July 13, 2020
- June 10, 2020
- March 23, 2020
- March 9, 2020
- January 13, 2020
- December 9, 2019
- November 13, 2019

REGULAR MEETING:

1. Arnold Street Enterprises, LLC d/b/a The Maple Leaf Pub, 11 Arnold Street, Westfield, MA, Holly Neylon requesting a pledge of license and change of liquor manager from Holly Neylon to Thomas Ray.

The office manager stated the following:

- The owner Holly Neylon is unable to attend the meeting to support the pledge of license.
- It is a simple pledge of license that should have been included with the paperwork of when the transfer was originally asked.
- All paperwork is in order.
- They are also asking for a manager change from Holly Neylon to Thomas Ray and Mr. Ray is present tonight to request that transfer.

Thomas Ray was present and stated the following:

- He has been working at the establishment since December 15, 2020.
- He also worked with the previous owners during the transition to the new owners.
- He has previous experience with alcohol.
- He is TIPS certified.
- He is fully aware of the responsibilities associated with being a liquor manager.
- Holly has gone over everything with him.

Commissioner Diaz instructed Mr. Ray to work with the Community Police and Lt. Bard with any issues.

Commissioner Dawicki reminded Mr. Ray to ID everyone and protect the license.

The office manager stated that the application is in order.

A motion was made by Chairman Mowatt, seconded and unanimously VOTED to approve the request for a pledge of license and change of liquor manager.

2. Request for a Section 15 All Alcohol Package Store License through the Special Act of the Legislature for the establishment at 287 North Elm Street, Westfield.

The office manager stated that there is a request of the owner of 287 North Elm Street to change their license type from a restaurant to a package store. The office manager stated that we currently do not have any Section 15 all alcohol package store licenses available and the only way that one can be applied for is through the Special Act of the Legislature. If the commission approves this request, a letter will be sent to the Mayor asking that he move this forward to the City Council for them to review for approval. If approved then it will go to the legislature for approval. This process is very lengthy and takes upward of 8 or more MONTHS to see if it gets approved or rejected by the State.

Mr. Francis (Bo) Tangredi was present and stated the following:

- The business has been operating at 287 North Elm Street for 20 years.
- They barely made it through the pandemic.
- They closed for 4 ½ months for renovations.
- When they were finally able to open, business was slow and they almost didn't make it.
- It is time to make a change to the property.
- He is looking to change the business to a nice upper scale package store.
- They will be enclosing the deck to turn it into an area for wine and a wine tasting area.
- He feels there is a lot less headaches associated with a package store.
- He has new ideas that no one else is doing.
- This location has a large parking lot and close to the mass pike.

Commissioner Diaz stated the he has run a successful business in the City and he has been involved in the Community. This business has built a good relationship with the Westfield Police.

Commissioner Dawicki asked if he was concerned that there are 2 establishments selling alcohol close to this location.

Bo stated that he thrives on competition. He feels it is a time for a change in his life.

Chairman Mowatt stated that there are two establishments close by but Bo has an established business, he has been around for a long time and this new change will give him and the establishment a new lease on life.

A motion was made by Chairman Mowatt, seconded and unanimously VOTED to support the request to add a Section 15 all alcohol package store license through the home rule petition for Francis Tangredi at 287 North Elm Street.

The office manager was instructed to send this request for the Mayor for his approval and after such removal to ask that he move this request to City Council for needed Resolution.

3. Discussion regarding Private Clubs being open to the public during COVID.

The office manager stated that she received complaints regarding a private club advertising that they were open to the public. The office manager stated the following:

- All private clubs are in a financial burden due to COVID.
- The ones that are open are selling food as per the COVID guidelines.
- Per the ABCC clubs may serve alcoholic beverages to members of the club. Should the member at any time leave the premises, the bartender can no longer serve the guest and the guest may also vacate the premises.

- Private clubs can hold membership drives and have non-members visit but with the current COVID guidelines they are not allowed to have membership drives.
- If the commission is in favor, a letter to the private clubs can be sent reminding them of this rule.

A motion was made by Chairman Mowatt, seconded and unanimously VOTED to send all private clubs a letter reminding them of the rules they must follow regarding their club license and that they cannot be open to the general public.

4. A motion was made by Chairman Mowatt, seconded and unanimously VOTED to approve the 2021 Seasonal All Alcohol License renewals for:
 - a. S and N Westfield Corp d/b/a One Stop Convenience, 1056 North Road, Unit B.
 - b. Gopal Krishna Convenience, Inc. d/b/a Union Mart, 420 Union Street, Suite D.

PUBLIC HEARING:

1. 6:15 p.m. Shiva Laxmi, Inc. d/b/a Pleasant Street Market, Umeshkumar Patel, mgr, applying for a transfer of a Section 15 all alcoholic package goods license, pledge of inventory and pledge of license **FROM:** AAYRA Krishna, Inc. d/b/a Pleasant Street Market, 54 Pleasant Street, Westfield, MA, Bharatkumar S Patel, president in 1 room on first floor with one entrance and 1 exit and basement for storage. 1,925 total square feet.

Present on the zoom meeting was Attorney Matthew Porter and owner Umeshkumar Patel.

Chairman Mowatt read the legal ad into the minutes.

The office manager stated that the \$200.00 filing fee for the City, proof of TIPS certification for the liquor manager and confirmation that the owner has read the rules and regulations is still pending.

Attorney Porter stated the following:

- He will submit all the pending items to the commission as soon as possible.
- Mr. Umeshkumar Patel will be purchasing Pleasant Street Market and will be the sole owner and the liquor manager.
- There will be no changes to the business.
- He understands the responsibilities he will be taking on.
- He has been training at the business for the last month.
- He has taken the TIPS certificate and is waiting for his card.
- They are also asking to pledge the inventory and the license.

Umeshkumar Patel stated the following:

- He has worked in another state from 2017 – 2020.
- He currently owns a subway in West Springfield.
- He has been living upstairs of the establishment for the last couple of months.
- He has changed his license to a Massachusetts license.
- He still has not registered his car in Massachusetts.

Chairman Mowatt stated that the commission needs to make sure that whoever runs Pleasant Street Market takes the liquor license seriously and serves the community well.

Attorney Porter stated the following:

- They are aware of the history with Pleasant Street Market.

- This buyer has no relationship to the past and current owners.
- He only shares the same last name.
- Umeshkumar Patel understands that he will be under a spot light.
- He is trying for a clean slate and is hoping the City will be happy to have him in the community.
- There is a lot of pressure for Mr. Patel to run this business appropriately.

Chairman Mowatt stated that it sounds like the new owner is looking to start new. The Commission needs to make sure he is good for Westfield and is happy with how he wants to run the business.

Umeshkumar Patel stated the following:

- Purchasing this store is a good opportunity for him.
- He would like to get involved in the Community and change the history and reputation of the store.
- He wants to run this business the right way.
- He has family in the same industry who will be able to help him achieve this.

Commissioner Diaz stated the following:

- The owner who originally received the liquor license for this location was well known in the Community and ran a tight business.
- The commission is still concerned that there are schools close by.
- The Westfield Police will be watching what happens at this establishment closely.
- Police Chief Vallier was receiving complaints about this establishment selling to minors by the previous owner.
- Security at the establishment must be tight.

Attorney Porter stated the following:

- Mr. Patel will be living above the establishment.
- He will eat, sleep and breathe the business.
- He is looking at purchasing a scanning system for the business.
- All employees will be TIPS certified.
- If a violation occurs, the owner will handle it on a case by case basis.
- He will run a tight ship and train his employees.
- If the employees continue to do something wrong then they will face the consequences.
- He has a vested interest in not having any violations as he will be purchasing the entire property and living upstairs.

Commissioner Diaz asked what controls will be in place to prevent the sale to minors.

Mr. Umeshkumar Patel stated the following:

- He will be purchasing scanners.
- They will ask for ID's every time.
- He wants to comply with all the laws.

Commissioner Dawicki suggested establishing a handbook for employees stating the consequences of not following the rules.

Chairman Mowatt asked Mr. Patel if the liquor license transfer was not approved would he still purchase the business.

Mr. Umeshkumar Patel stated that he would probably still move forward with the purchase.

Chairman Mowatt is looking to understand if alcohol sales are supporting the convenience store or if the convenience store is supporting the alcohol sales.

No one spoke in favor of the application.

No one spoke in opposition of the application.

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

Chairman Mowatt stated the following:

- He sees no reason to not approve the transfer.
- Looking at the personal funding the account shows that it has been stagnant.
- He is not in a position to argue about the financial documentation.

Commissioner Diaz stated the following:

- He has no issue approving the transfer.
- He is trusting that the new owner will not violate any laws.
- No one from the Community spoke up with any opposition of this transfer.
- He is hoping that the new owner's word is good and wishes him success.

Commissioner Dawicki stated that she is still stuck on having the owner provide proof of Massachusetts residency.

The office manager stated that he submitted a notarized CORI with Westfield as his address and showed his Massachusetts driver's license. If there are any issues the ABCC will address them.

Commissioner Diaz stated to Mr. Patel that he needs to make sure he protects his liquor license.

A motion was made by Chairman Mowatt, seconded and unanimously VOTED to approve the Section 15 all alcohol package store license transfer and pledge of inventory and license contingent upon receiving the \$200.00 filing fee for the City, proof of TIPS certification for the liquor manager and confirmation that the owner has read the rules and regulations document.

LATE COMMUNICATION:

1. Anderson Family Enterprise, Inc. d/b/a Ryan's Package Store, 33 Franklin Street requesting a liquor manager change from Edwin O Anderson Jr. to Shawn Anderson.

Present was Shawn Anderson who stated the following:

- His father is the current liquor manager and due to his age and health he is looking to take on the liquor manager role for the business.
- He has been working at the establishment for five years.
- They have become more street smart with selling alcohol to customers.
- He loves working at the establishment and being a part of the Westfield Community.
- He has a great staff and they are all TIPS trained.
- Their clientele has changed since they moved locations. This location is larger and brighter.
- They have worked closely in the past with the Westfield Police Department regarding accidents that happen near their establishment. They have a wonderful camera system.

Commissioner Diaz stated that they are doing a great job with their business. He reminded them to protect their license and reach out to the Westfield Police Department if they have any concerns or issues.

Commissioner Dawicki stated to the licensee to keep up the good work.

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

ADMINISTRATIVE BUSINESS:

1. The Office Manager stated that the transfer of Westfield Spirits was completed. The licenses were issued to the new owners on February 16, 2021.
2. The Office Manager stated that two new advisories from the ABCC regarding Musical Performances at licensed establishments and The Opening of Large Capacity Venues were received. She stated the following:
 - Both advisories were emailed to all the Section 12 licensees.
 - She received many calls regarding why singing could not take place and also complaints about establishments allowing bands at the establishments.
 - The advisory from the ABCC stated that the Massachusetts Department of Labor Standards has clarified that while musical performances are permitted at licensed establishments for on-premises alcohol consumption singing is not permissible indoors as part of the performances.
 - Singing is permissible outdoors, provided that there is a minimum of 10 feet between performers and there must be a minimum of 25 feet between performers and first row of the audience.
 - A couple of the businesses that were having live entertainment have called the office to confirm that they cannot have live music. They stated that since they received the ABCC advisory they have suspended their live entertainment until the Governor allows live music.

With no further business the meeting adjourned at 7:04 pm.


Christopher Mowatt, Chairman Approved: