Minutes for October 17, 2019 meeting held at 6:00 PM at River Mills Senior Center

In attendance: Chairman Pagel, Commissioners Goulette, Martin, Jez and St. George. Also in attendance: Atty. Rooke.
Public Input: None

Minutes for September are presented to the Board. Commissioner Jez makes a motion to approve. Commissioner Martin seconds. Motion approved 5-0.

**Hearing for Bulls Eye Café**

**Alleged Violations**

**Count 1 - M.G.L. Chapter 138, §23** - sale of alcoholic beverages other than those purchased under §18 or §19 or from a holder of a special permit under; **Count 2 - M.G.L. Chapter 140 § Section 183A.** - The licensing authorities shall grant a license under this section unless they find that the license, taken alone or in combination with other licensed activities on the premises, would adversely affect the public health, safety or order, in that the concert, dance, exhibition, cabaret, or public show cannot be conducted in a manner so as to: (a) protect employees, patrons, and members of the public inside or outside the premises from disruptive conduct, from criminal activity, or from health, safety or fire hazards; - **Regulations of the ABCC 204 CMR 204-2.05: Licensed Premises (2)** No licensee for the sale of alcoholic beverages shall permit any disorder, disturbance or illegality of any kind to the place in or on the licensed premises. The licensee shall be responsible therefore, whether present or not.

In attendance: Atty. Dan Kelly, Kristin Racine, Luiselis Hernandez and Det. Mike Dion. Atty. Rooke advises the Board that this is a first violation for this establishment and suggests a Warning be issued. They were very cooperative with Det. Dion. Chairman Pagel asks if they understand they are not allowed to have customers provide their own alcohol at any event. Atty. Kelly states they understand. Atty. Rooke reiterates that all alcohol must be purchased through a distributor. Commissioner Jez makes a motion to place a letter of Warning on file. Commissioner Martin seconds. Motion approved 5-0.

**Hearing for TD’s Pub**

**Alleged violations**

**Count 1 - M.G.L. Chapter 138 § Section 34.** - Sale, delivery or furnishing alcoholic beverages to persons under twenty-one years of age. **Count 2 - Regulations of the ABCC 204 CMR 204-2.05:** Licensed Premises (2) No licensee for the sale of alcoholic beverages shall permit any disorder, disturbance or illegality of any kind to the place in or on the licensed premises. The licensee shall be responsible therefore, whether present or not. **Count 3 - M.G.L. Chapter 138 § Section 12** - License authorizing sale of beverages to be drunk on premises; (No patrons or employees of a Section 12 pouring license may leave the premises with alcoholic beverages.)

In attendance: Atty. Jeff Guiel, Tom Hill, Officer C, Sawa and Det. Mike Dion. Atty. Rooke has spoken at length to Atty. Guiel concerning these violations. Mr. Hill will stipulate to the 5 violations of serving a minor and allowing a patron to leave his business with an alcoholic beverage. He will accept a 10 day
suspension for Count 1(5 counts) with 5 days served and 5 days held in abeyance for 1 year and a 1 day suspension for Count 3. Atty Guiel states he would like to address the Board. He has never represented Mr. Hill previously. He has gotten to know him in the past few months. Mr. Hill is retired military, has family and friends in the area. Mr. Hill believes he is being targeted. He would like to make a fresh start starting tonight and become more vigilant. This business is his livelihood. He acknowledges there have been previous violations and he is hoping for leniency tonight. He has spoken to all the bartenders at length. There is an after shift report that all employees must complete and submit, there has been 1 termination. Atty. Guiel has spoken to him about his rights and he will accept penalties but asks that the abeyance term be shortened to 6 months. Chairman Pagel states that he is not being targeted. This Board would love never to see him again. He has no problem with the 6 months abeyance period. So there would be 6 days served and 5 days held in abeyance for 6 months. Atty. Guiel asks for clarification on the time frame and the letter. Chairman Pagel states the letter will go out on Monday and the suspension served in November. Commissioner J ez reiterates that the Commissioners do not know the day to day operations. We want to see you succeed. You are treated the same as every other business. Commissioner St. George asks if the days will be consecutive. Chairman Pagel states they will be. The suspension will be November 1-November 6, Friday to Wednesday. Atty. Guiel asks if there is any way to receive notification any earlier if there is another incident. Ms. Tailléfer explains we have to wait for the reports to be generated from the police department after they conclude the investigation. Commissioner St. George makes a motion that there is a finding on Count 1, Count 2 and Count 3, Commissioner Martin seconds. Motion approved 5-0. Commissioner J ez makes a motion Count 1 is founded and a 10 day suspension ordered with 5 days served and 5 days held in abeyance for 6 months provided there are no further violations. Commissioner Martin seconds. Motion approved 5-0. Commissioner J ez makes a motion Count 2 is founded and a 1 day suspension to be served consecutive to Count 1. Commissioner Goulet seconds. Motion approved 5-0. Commissioner J ez makes a motion Count 3 is founded and a 1 day suspension be held in abeyance for 6 months provided there are no further violations Commissioner Martin seconds. Motion approved 5-0. The suspension will be served November 1 through November 6, 2019. This concludes the hearing.

Hearing for Exchange St Station

Alleged Violations: Count 1-Violation of previous suspension from June 2019. The Chicopee License Commission in a 4-0 vote for Count 1 issues a 1 day suspension to be held in abeyance for 6 months provided there are no further violations. The Chicopee License Commission in a 4-0 vote for Count 2 a 1 day suspension to be held in abeyance for 6 months provided there are no further violations. Count 2 - Chicopee Rules and Regulations-Section One: General Licensing Rules for Licensees - 1.03Admissions to the Premises h. Licensees shall not permit entrance to the premises by more persons than the maximum occupancy limit established by the Building Department. Certificate of Inspections should be posted next to liquor licenses. Count 3- Chicopee Rules and Regulations-Section One: General Licensing Rules for Licensees -1.02 Posting and Signs a .Licenses issued by the Chicopee License Commission shall be posted in a conspicuous place easily seen by the public where they can read without difficulty and without the assistance of employees at the premises. Count 4- M.G.L. Chapter 140 § Section 183A. - The licensing authorities shall grant a license under this section unless they find that the license, taken alone or in combination with other licensed activities on the premises, would adversely affect the public health, safety or order, in that the concert, dance, exhibition, cabaret, or public show cannot be conducted in a manner so as to: (a) protect employees, patrons, and members of the public inside or outside the premises from disruptive conduct, from criminal activity, or from health, safety or fire hazards.

In attendance: Tyron Zaitshik and Sgt. Jan Wegrzynek. Atty. Rooke has spoken to Mr. Zaitshik and he is aware that the previous 2 day suspension held in abeyance will be served. Chairman Pagel asks about the counter at the door that he was supposed to have. Mr. Zaitshik states there is one. Atty.
Rooke states the suspension will be in November. Mr. Zaitshik states he asked for 3 days not for 4 days. Chairman Pagel states the previous suspension of 2 days will be served and 2 days for the current violations. He also states that there has been a fine issued by the Fire Department. Commissioner Jez makes a motion that Count 2 is founded. Commissioner Goulette seconds. Motion approved 5-0. Commissioner Jez makes a motion that Count 3 is founded. Commissioner Goulette seconds. Motion approved 5-0. Commissioner Jez makes a motion that Count 4 is founded. Commissioner Goulette seconds. Motion approved 5-0. At this time Sgt. Wegrzynek reads his report. Mr. Zaitshik disputes the facts of the report that states his licenses were not properly posted. He had taken them down to show Sgt. Wegrzynek. Sgt. Wegrzynek states they were in a clipboard on the bar when he entered. Commissioner Martin asks if he is aware of the capacity. If he had a counter this might not have happened. It appears there was one in control of the situation. Mr. Zaitshik states there was someone else using the counter. Commissioner Martin suggests that he change his approach. As the business owner he should have noticed that many people in his establishment. Commissioner Jez makes a motion to invoke the previous suspension of 2 days and a 2 day suspension for Counts 2, 3, 4. Commissioner Goulette seconds. Motion approved 5-0. The suspension will be served November 1 through November 5, 2019.

This concludes the hearing.

Hearing for Moose

Alleged violations - Count 1- M.G.L.Chapter 140 § Section 183A. - The licensing authorities shall grant a license under this section unless they find that the license, taken alone or in combination with other licensed activities on the premises, would adversely affect the public health, safety or order, in that the concert, dance, exhibition, cabaret, or public show cannot be conducted in a manner so as to: (a) protect employees, patrons, and members of the public inside or outside the premises from disruptive conduct, criminal activity, or from health, safety or fire hazards; - Regulations of the ABCC 204 CMR 204-2.05: Licensed Premises (2) No licensee for the sale of alcoholic beverages shall permit any disorder, disturbance, or illegality of any kind to the place in or on the licensed premises. The licensee shall be responsible therefore, whether present or not. Count 2 - Chicopee Rules and Regulations- §03 Admissions to the Premises-d. No licensee shall require any person(s) (men and women) to pay a minimum charge or cover charge unless a sign is conspicuously posted at every entrance to any dining room or rooms where such charge is required, in letters no less than one inch in height, stating that a minimum charge or cover charge shall be charged and also stating the amount of charge; provided, however, that no such licensee shall require a person under thirteen years of age to pay a minimum charge or cover charge. Such cover charge shall not be collected in advance of gaining entrance to the licensed premises, and can only be charged upon a written or printed receipt, permanently recorded and numbered seriatim, presented to each individual customer or group of customers. Records of such receipts shall be kept by the licensee for a period not less than two years. Cover charge shall mean all admission fees or admission charges. Such charges must also be posted on the outside of the licensed premises. Nothing in this regulation shall be construed to prohibit advance ticket sales. Count 3- Chicopee Rules and Regulations D. “18 & OVER NIGHTS”, “21 & UNDER NIGHTS” AND LIKE EVENTS-SPECIAL EVENT PERMITS 1. Holders of an alcohol pouring license such as a restaurant, tavern, hotel, club and general-on-premises (M.G.L. c138 sec12) license and an entertainment license must provide the entertainment licensing authority at least one month notice of its request to offer an “18 & Over Night”, “21 & Under Nights” and like event (herein after “special event”). Licensee must seek a Special Event Permit by submitting a Special Event Application to the office of the License Commission and provide the following details a. The type of entertainment to be offered; b. The number of persons expected to attend; c. The age range of persons expected to attend; d. The conditions and setup of the premises; e. Measures Licensee will take to prevent persons under the age of 21 from consuming alcoholic beverages; and f. Security measures to be taken in order to prevent danger to the public safety, health or order. 2. After reviewing the documentation submitted by the Licensee, the Commission or its agent may reject the Licensee’s request to offer the special event if he/she finds that the special
event, taken alone or in combination with other licensed activities on the premises, would adversely affect the public health, safety, or order, in that concert, dance, exhibition, cabaret, or public show cannot be conducted in a manner so as to: 1) prevent a public nuisance; and/or 2) (a) protect employees, patrons, and members of the public inside or outside the premises from the disruptive conduct, from criminal activity, or from health, safety or fire hazards; (b) prevent an unreasonable increase in the level of noise in the area caused by the licensed activity or caused by patrons entering or leaving the premises; or (c) prevent an unreasonable increase in the level of pedestrian or vehicular traffic in the area of the premises or an unreasonable increase in the number of vehicles to be parked in the area of the premises. 4. The Licensee shall hire a minimum of (3) three Police Officer details during the operation of a special event unless the Commission at its discretion requires more Police Officers to be present, the Licensee shall be solely responsible for all costs of such details. 5. If the Commission at its discretion requires the Licensee to hire a Fire detail(s) during the operation of a special event, the Licensee shall be solely responsible for all costs of such detail(s).

In attendance: Det. Mike Dion and Richard Maxwell. Mr. Maxwell states that there have been many events held without any incidents. Once they became aware there were problems they immediately locked down the event and stopped serving alcohol. This was a member that had rented the space. They were told it was a family event. The member had posted information about the event on social media and it escalated from there. They found out later that there were motorcycles shipped from Puerto Rico for the event. There were probably 300-350 motorcycles at the event. There was no additional security present. State Police and Chicopee Police provided escorts to ensure public safety. Mr. Maxwell stated that this member has been barred for 1 year from the club. Commissioners suggest after reviewing the rental agreement that it be updated and all the information be completed before approving. Commissioners also state that a Special Event permit should have been applied for. Mr. Maxwell states that any event with over 200 attendees always has police details hired. They will also employ stricter policies. Commissioner Goulette makes a motion that Count 1 is founded. Commissioner Jez seconds. Motion approved 5-0. Commissioner Jez makes a motion that Count 2 is founded. Commissioner St. George seconds. Motion approved 5-0. Commissioner Jez makes a motion that Count 3 is founded. Commissioner St. George seconds. Motion approved 5-0. Commissioner Goulette makes a motion for a 1 day suspension to be held in abeyance. There was no second. Commissioner Jez makes a motion for a 1 day suspension. Commissioner St. George seconds. Motion approved 4-1. Commissioner Goulette does not approve. The suspension will be served November 1, 2019. This concludes the hearing

Application for a Common Victualer, Weekday Entertainment, Sunday Entertainment and Automatic Amusements (1 Pool Table, 2 Darts) for Court Yard Café, 19 Grove St
Commissioner St. George makes a motion to approve. Commissioner Martin seconds. Motion approved 5-0

Application for a Common Victualer, Weekday Entertainment, Sunday Entertainment for Rivoli, 43 Springfield St
Commissioner Jez makes a motion to approve. Commissioner Martin seconds. Motion approved 5-0

Application for a Mobile Common Victualer for Bruisers Barbeque
Commissioner Goulette makes a motion to approve. Commissioner Martin seconds. Motion approved 5-0

Application for a Common Victualer for Chinos Pizzeria and Grille, 140 Broadway (new)
Commissioner Jez makes a motion to approve. Commissioner St. George seconds. Motion approved 5-0

Filing fees are read by Commissioner Jez

ABCC approvals- Change of Officers/ Directors for Moose Lodge
Review of Police reports - Det. Dion submits a report concerning the Portuguese Club. Commissioner Goulette makes a motion to hold a hearing. Commissioner Martin seconds. Motion approved 5-0