



City of Chicopee, Massachusetts

License Commission

City Hall Annex - 274 Front Street - Chicopee, MA 01013

Tel: (413) 594-1530 Fax: (413) 594-1531

William Pagel, Chairman
Donald Goulette
Joseph Martin
Jeanette Jez
Bernie St. George

Minutes for March 21, 2019 meeting held in the City Council Chambers at 6:00 PM

In attendance: Chairman Pagel, Commissioners Goulette, Martin, Jez and St. George

Minutes for February 28, 2019 are presented to the Board. Commissioner Jez makes a motion to approve. Commissioner Martin seconds. Motion approved 5-0.

Hearing for Priya- In attendance: Atty. Paul Malek, Raj Pandurangan and Det. Michael Dion. Det. Dion reads his reports into the record. Chairman Pagel states the alleged violations are: **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-Chicopee Rules and Regulations- 1.06 Business Arrangements of Licensees** d. No licensee shall permit any person to work at the licensed premises or to hold themselves out as a person in a position of at the premises except for those persons who are owners and officers or who are salaried employees for whom payroll records are available. No licensee shall pay an employee any percentage of the profits of the business or pay an employee in any manner other than by salary or hourly rate except upon approval of the Chicopee License Commission. f. No licensee shall lease out any part of the premises or any part of the business without the approval of the Chicopee License Commission. No licensee shall lease out the food or beverage service without the approval of the Chicopee License Commission; **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.** Atty. Malek states that Count 1 is unfounded as there is no indication that under aged patrons were served. He states that as for Count 2 there was a fight in the parking lot that occurred. On Count 3 Ms. Santiago had her Tru shirt on and was there for clean up only. The bartender was the only one checking ID's. Atty. Rooke states he has spoken to Atty. Malek several times and he has agreed to the following: Count 1 is unfounded, Count 2 and Count 3 are founded and they will agree to a 1 day suspension for each. Atty. Malek asks that if there is a finding of a violation that the business be allowed to stay open and remove the alcohol from the premise as required. Commissioners Goulette and Martin ask what procedures will be implemented to prevent this from occurring again. Atty. Malek informs the Board that there will be a TIPS trained employee clearly identifiable as a Priya employee on patrol to monitor for all events, a dedicated bartender for the event and wrist bands will be used for over 21 patrons. Atty. Rooke asks that these proposals be sent over for the Commissions review. Atty. Malek also states that the 3rd door could possibly be locked but they do not want to violate fire codes. Commissioners do express concerns that there seems to be no accountability for the parking lot. They are responsible for the parking lot but agree that it is a tricky situation because of the way the buildings are in close proximity. The majority of the Commissioners have viewed the site in preparation for the hearing. Atty. Malek states that Tru employees book the event rooms and are there for cleanup purposes only. Atty. Rooke states that Det. Dion has the right to conduct compliance checks and ask for payroll records. If these staff members are working at an event and are not on Priya's payroll records it will be considered a violation. Commissioner Jez makes a motion that Count 1 is unfounded, Count 2 is founded and Count 3 is founded. Commissioner Martin seconds. Motion approved 5-0. Commissioner Jez makes a motion there be a 1 day suspension for Count 2 and a 1 day suspension for

Count 3. Commissioner Martin seconds. Motion approved 5-0. This suspension will be served on April 1 and April 2, 2019. This concluded the hearing.

Application for a Mobile Common Victualer for The Very Best Soft Ice Cream

Commissioner Goulette makes a motion to approve. Commissioner Martin seconds. Motion approved 5-0.

Application for a Common Victualer for Blue Asian Cuisine, 450 Grattan St (new)

Commissioner Goulette makes a motion to approve. Commissioner Martin seconds. Motion approved 5-0.

Filing fees are read by Chairman Pagel

ABCC approvals -none

Review of Police reports. Det. Dion submits a report concerning Friendly Package store. There will be follow up with the Fire and Building departments. Also a report for Frontera Grill. There was an incident involving a fire arm. Mr. Mendiola handled the situation exactly the way he was supposed to. A letter of acknowledgement will be sent.

Correspondence - Copy of Certificates for TIPs training from Mass Pack. Commissioners review the Certificate that is provided after a course is taken. Commissioner Goulette makes a motion to accept. Commissioner Martin seconds. Motion approved 5-0.