



City of Chicopee, Massachusetts

License Commission

Joseph Martin, Chairman
Donald Goulette
Jeanette Jez
Joseph Pasternak
George Tarnowski

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Minutes for July 15, 2021 meeting held in City Council Chambers @ 6:00 PM

Public Input-none

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

Application for a Change of Manager for 99 Restaurants, 555 Memorial Dr. In attendance: Alexia Ronneu. Ms. Ronneu informs the Board that she has worked at 99 for several years in different capacities. She is TIPs trained. She will also be working various shifts. Commissioner Goulette makes a motion to approve. Commissioner Jez seconds. Motion approved 5-0.

Hearing for the Dugout **Café**- In attendance: Roger Benoit and Officer Robert Archambault.

Chairman Martin reads the alleged violations: Count 1- Chapter 138 §69- Sale or delivery to intoxicated persons; Count 2- Chicopee Rules and Regulations-1.08 Environs of Licensed Premises

a.It shall be the obligation of licensees to ensure that a high degree of supervision is exercised

over the conduct of the licensed establishment at all times. Count 3- 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. Officer Archambault reads his report for the record. Commissioners state it seems to be the Wild West down there. Mr. Benoit states it is not. Sometimes patrons call the cops for no reason. He doesn't want the cops there unless there is an uncontrollable issue. Commissioner Jez states the only reason we know there is an issue with overserving is when the cops are there. It bears the question of what is happening when the cops are not there. It is Mr. Benoit's responsibility to not overserve. Commissioner Goulette asks if all the bartenders are TIPs certified because it looks like they don't know what they are doing. Mr. Benoit responds they are as they are required to be. Commissioners state we have several

reports dating back several years for the same offenses. Overserving is becoming a disturbing occurrence. Somebody can't sit there all day drinking and not be overserved by the end of the day/night. This needs to stop. Commissioners ask what Mr. Benoit's schedule is. He states he starts at 6:00 AM until 2:30 PM and then returns around 12:30- 1:00 AM to close. The incidents are happening when he is not there. He is asked what his responsibilities are as a manager. He states to make sure the patrons are not overserved and the business runs efficiently and everyone gets home safe. He is asked if his schedule should change to curb these incidents. He responds that it should and he will have to hire somebody. And should the bartenders be re-trained or have additional training. He agrees that it wouldn't hurt. It is stated that he should consider changing his hours. It is very concerning to the Commission that these incidents keep happening. It affects the city by tying up police officers when you have 3 or 4 cars responding. The Commission is trying to work with him to alleviate these issues. Mr. Benoit understands the concerns. Commissioner Jez makes a motion that Count 1 is founded. Commissioner Goulette seconds. Motion approved 5-0. 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. Commissioners discuss the violations and the need for a corrective action plan and the need to work with the police department. There is a need for punishment but also Mr. Benoit needs to realize that there needs to be changes made in order to continue holding a license. The prior violations are read for discussion. There was a total of 11 days that were held until Covid regulations were lifted. There needs to be several things addressed with his employees. Commissioner Jez makes a motion on Count 1, Count 2 and Count 3 to suspend all licenses for a period of one (1) day each and added to the 11 days that need to be served and that an action plan submitted prior to the next meeting. Commissioner Tarnowski seconds. Motion approved 5-0. This suspension is to be served on the following dates: August 2-3, August 9-10, August 16-17, August 23-24, August 30-31, September 6-7, and September 13-14, 2021. Chairman Martin states that an action plan needs to be submitted and should include a different work schedule for the manager, retraining of all employees including himself and hiring more staff.

Hearing for Kennedy Post 275- In attendance: Louis Brault. Mr. Brault informs the Board that he will be the new manager and will be completing the paperwork he has been given. The building is for sale and there has been interest but nothing formalized yet. If the building is not sold they will re-open. Commissioner Tarnowski states there are parties being held there and it is illegal to sell alcohol and they need to stop.

Hearing for Chicopee Convenience Store-In attendance: Mohammed Khokar. Mr. Khokar informs the Board that he has made a payment. He also has made an arrangement with the Collector. This is confirmed with Ms. Taillefer. Commissioner Goulette makes a motion to approve. Commissioner Tarnowski seconds. Motion approved 5-0.

Review and discussion of suspensions from 2020- Commissioners review a suspension for American Legion Post 452 from 2020. Now that Covid restrictions have been lifted a date for the 3 day suspension can be set. Commissioner Jez makes a

motion for the suspension to be served August 2, 3, 4, 2021. Commissioner Tarnowski seconds. Motion approved 5-0.

Review of Court Yard **Café** license- Commissioners are updated as to the status of this business. Mr. Williams has not filed any paperwork to change the location of the license. He no longer has a valid lease at the Grove St location. The landlord would like to rent the space again but with a license still located there they are unable to. Commissioner Jez makes a motion to schedule a revocation/cancellation hearing. Commissioner Tarnowski seconds. Motion approved 5-0.

Application for a Special One Day Permit (Beer/Wine) for the Friends of Chicopee Senior Center, 5 West Main St for the Senior Center Cookout/Picnic to be held on Wednesday August 18, 2021 from 3:00 PM until 8:00 PM with R. Kupiec as applicant (there are 2 seating times for the event with inside and outside dining) Commissioner Jez makes a motion to approve. Commissioner Goulette seconds. Motion approved 5-0.

Application for a Special Event Permit for the K of C Elder Council, 460 Granby Rd with Paul Kelly as applicant for the Weekly Car Shows to be held from 4:00 PM until 8:00 PM on the following dates:

Wednesday July 21, 28

Wednesday August 4, 11, 18, 25

Wednesday September 1, 8, 15

Saturday September 18

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

Application for a Special One Day Permit(All Alcohol) for the K of C Elder Council, 460 Granby Rd for a Lorraine's Soup Kitchen Fundraiser with Live Music and 3 bands to be held on Saturday August 28, 2021 from 1:00 PM until 10:00 PM with Bobby Liswell as applicant (Rain date Sunday August 29, 2021)

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

Application for a Special One Day Permit (Wine/Malt) for Geraldine's, 116 School St with Richard Harty as applicant for Live Concert/Band Performance to be held on the following dates:

Thursday July 29 from 5:00 PM until 9:00 PM

Sunday August 8 from 3:00 PM until 9:00 PM

Sunday August 15 from 3:00 PM until 9:00 PM

Saturday August 28 from 12:00 PM until 7:00 PM

Commissioner Jez makes a motion to approve contingent on the success of the first date. Commissioner Goulette seconds. Motion approved 5-0.

Application for a Mobile Common Victualer for Buen Provecho (new)

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

Application for a Common Victualer for Pastorpiff, LLC, 165 Front St (new) In attendance: Terron Hall and Alonzo Marks, Cpt. Ben Turnberg and Det. Mike Dion. Mr. Hall informs the Board that he has rented space at 165 Front St from Silverbrick (Real Estate owner). He was never told he would need any permits or licenses from the city. He is a stand-up comic and rented the space for comedy shows, an event space, parties, sweet 16 parties, showers, etc. He has recently learned of the need for licensing. Also that there might be some code issues with the building. His plan was to bring food in for the events. He was also planning on allowing his renters to bring in their own alcohol. Chairman Martin states that is not allowed in Chicopee. He would like to eventually apply for a liquor license. Mr. Marks states they have been looking at other spaces in the area but they are out of their price range. Cpt. Turnberg has inspected the building and there are many safety issues that need to be dealt with including the fire escape. There will be inspections by several departments scheduled shortly. They will need a list of the current businesses to determine if there is a need for permitting or licensing for those as well. Chairman Martin states that due to uncertainty of the condition of the building and if there is code violations it is premature to act on this application. An inspection report should be issued to determine if the building is up to code in order to allow this type of business to operate in the space. This application will be tabled until it is determined it is safe for this business to operate in the space.

Update- Mr. Hall was in the office and stated that he feels his business is being unfairly targeted as there are other businesses still operating in the space. He was advised some of those businesses do not need to be licensed through this office and that he was not properly licensed at this time. On the advice of his lawyer he will continue to operate until he receives notice from the City to cease and desist. He was advised by Ms. Taillefer to not operate as he could be criminally charged. After he left, Ms. Taillefer sent an e-mail to the Building, Fire, Health and Law departments advising of them of Mr. Hall's statements. There was a meeting held with all these departments to determine the next step. Ms. Pikula advised each department to send her all the violations from each department and she would draft a Cease and Desist letter to the owners of the building and a copy sent to each business if necessary. This is an on-going process and the Commission will be updated on the progress as it continues.

Application for a Weekday Entertainment License (Monday-Saturday 9:00 AM until 2:00 AM) for Pastorpiff, LLC, 165 Front St (new) This application will be tabled until it is determined it is safe for this business to operate in the space. See above.

Filing fees are read by Commissioner Jez

Review of Police reports- There are several reports for Cabotville, 165 Front St. There has been an increase in the rental of spaces within the last few months. There has also been an increase in after hour's parties with no appropriate licensing. This has

prompted the city to increase inspections of the building and to increase police patrols as well.

There was also a complaint concerning Jenrose Package Store possibly selling to a minor. After consulting with Mr. Patel, manager/owner, this was an unfounded allegation. Mr. Patel was very cooperative and helpful to the investigation.

There was a situation reported at Priya Indian Restaurant. There was a party of some kind and it spilled out into the parking lot with a multitude of teenagers fighting in the parking lot. After speaking with Raj, manager/owner, it was noted there are several events booked in the next few months. At this time Chairman Martin requests any information regarding Priya and a tour of the facility that was made. In 2019 Commissioners had toured the banquet facilities in that location and spoke to Raj. At that time it was noted that TRU hotel books the events and has an employee there for cleanup purposes only. Priya has previously stated they will have an employee monitor the events as well as a dedicated bartender for all events. There is the expectation that Det. Dion or any police officer has the right to make inspections on our behalf and that all employees are on the payroll records which can be requested at any time.

Correspondence- Sales and Security Plan- Commissioners discuss the plan that was created and sent to all licensees. Atty. Corridan states there are so many variables concerning this document. The most pressing being how the information will be used by the Commission, if it will be used as a tool for information only or if it will be used as evidence of liability. The overall intent of the plan was for informational purposes and to make licensees aware they should have something in place for any incidents. At this time the information will not be issued to any new licensees.