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TOWN OF WEST HARTFORD

TOWN COUNCIL PUBLIC HEARING

March 24, 2015, 7:00 p.m.,

Legislative Chambers

Re: Ordinance Permitting the Sale of
Alcohol at Golf Courses and Permitting
Accessory Snack Bars at Golf Courses and
Other Recreational Facilities

1 A p p e a r a n c e s :

2 Town Council Members Present:

3 MAYOR SCOTT SLIFKA

4 CHRIS BARNES

5 HARRY CAPTAIN

6 BURKE DOAR

7 DENISE HALL

8 LEON DAVIDOFF

9 CLARE KINDALL

10 SHARI CANTOR

11 JUDY CASPERSON

12

13 RONALD VAN WINKLE

14 Town Manager

15

16 JOSEPH A. O'BRIEN, ESQ.

17 Corporation Counsel

18

19 PATRICK ALAIR, ESQ.

20 Deputy Corporation Counsel

21

22 HELEN RUBINO-TURCO

23 Director, Human & Leisure Services

24

25

1 PRESIDENT SLIFKA: And the
2 clock says we can go right into the next one.
3 So we will call to order the seven o'clock
4 public hearing. This is on a substitute
5 ordinance permitting the sale of alcohol at
6 golf courses and permitting accessory snack
7 bars at golf courses and other recreational
8 facilities.

9 A roll call please,
10 Ms. Labrot.

11 MS. LABROT: Mr. Barnes.

12 COUNCILOR BARNES: Present.

13 MS. LABROT: Ms. Cantor.

14 COUNCILOR CANTOR: Here.

15 MS. LABROT: Mr. Captain.

16 COUNCILOR CAPTAIN: I'm here.

17 MS. LABROT: Ms. Casperson.

18 COUNCILOR CASPERSON: Here.

19 MS. LABROT: Mr. Davidoff.

20 COUNCILOR DAVIDOFF: Here.

21 MS. LABROT: Mr. Doar.

22 COUNCILOR DOAR: Here.

23 MS. LABROT: Ms. Hall.

24 COUNCILOR HALL: Here.

25 MS. LABROT: Ms. Kindall.

1 COUNCILOR KINDALL: Here.

2 MS. LABROT: And Mr. Slifka.

3 PRESIDENT SLIFKA: Here.

4 Thank you.

5 We have a presentation from
6 the administration. I see our director of
7 human and leisure services is here.

8 Welcome, Helen.

9 HELEN RUBINO-TURCO: Thank
10 you.

11 PRESIDENT SLIFKA: The floor
12 is yours, madam.

13 HELEN RUBINO-TURCO: Thank
14 you, Mr. Mayor.

15 We regularly assess potential
16 sources of revenue in order to maintain West
17 Hartford's award-winning public golf courses.
18 In order to stay competitive in the regional
19 market, Rockledge Golf Course would like to
20 sell beer at the golf course and the snack
21 shack. We are the only dry course in the
22 region.

23 Numerous current users and
24 potential tournament organizers have asked us
25 to explore this opportunity, and this

1 ordinance change would allow us to do that.
2 The only place we're talking about is
3 Rockledge, and we would still have to go
4 through the established permitting process
5 through the Town Planning and Zoning to seek
6 a special use permit.

7 But when Pat Alair was
8 researching the requirements for us to go
9 through this, he discovered some
10 inconsistencies in the Town's ordinance, and
11 therefore, he drafted the proposed ordinance
12 changes that you have. And he can explain
13 them in more detail.

14 MR. ALAIR: How do you follow
15 a presentation like the last one? Right?

16 COUNCILOR CAPTAIN: With
17 humor -- with humor.

18 MR. ALAIR: With golf and
19 liquor. And -- and let's face it, it's a
20 game that could only have been invented by
21 somebody who had been drinking. Right?

22 So the -- the history of golf
23 and liquor is clearly a long and storied one,
24 and we're trying to make sure that that can
25 continue.

1 Helen has summarized the
2 business problem for you. We have the only
3 dry course in the area. It is -- we are
4 losing business to other courses which are
5 not. Our ordinances have an impediment to --
6 to this, which is actually quite simple. We
7 only allow the service of liquor within a
8 restaurant, and obviously, a golf course, in
9 general, is not a restaurant.

10 And, actually, the way the
11 ordinance is phrased, it says "within a
12 restaurant." So it almost implies that it
13 can't be outside, although we do allow
14 outdoor dining.

15 So the problem seemed to have
16 a simple solution. Most of our restaurants
17 are individually leased premises or
18 individually owned buildings. The premises
19 is defined as the building. We could craft a
20 simple narrow amendment to the ordinance
21 which would say that when it comes to golf
22 courses, the premises is the golf course.
23 That allows the entire course to be part of
24 the premises, part of the liquor license.

25 In the case of Rockledge, it

1 would allow us to sell liquor from the snack
2 bar and also from the mobile carts that you
3 see at some courses now, because as long as
4 they're on the golf course, they're on the
5 premises.

6 The important thing to
7 understand is, by crafting that amendment,
8 which is Section 1 of the ordinance in front
9 of you, you know, as Helen said, it only
10 allows us to apply. Any time a restaurant
11 serves liquor outdoors, they are required to
12 get a special use permit, an outdoor dining
13 special use permit from the TP and Z. So
14 this amendment would only allow us to apply
15 for that. It's not an automatic approval.

16 Unfortunately, along the way
17 to that simple fix, I noticed a problem. And
18 the problem is that our outdoor dining
19 ordinance prohibits takeout windows, walk-out
20 or takeout window service. Now, when we
21 drafted that ordinance, we drafted it to deal
22 with the restaurants we have in town. The
23 restaurants we have in town, in the Center
24 particularly, we expressly, the TP and Z, as
25 the crafters of the ordinance who submitted

1 it to you, did not want take up -- or takeout
2 restaurants, walk -- or windows rather -- or
3 walk-up windows.

4 By making this change and
5 saying that on a golf course the premises
6 includes the snack bar, we are suddenly
7 allowing a takeout window. That's part of a
8 restaurant, a problem that needed to be
9 fixed. So we added a second section to the
10 ordinance, and that section -- second section
11 allows snack bars, in very narrow cases, on
12 pedestrian -- in pedestrian only areas, the
13 idea being they are places where the takeout
14 window itself is not the destination.

15 No one is going to the snack
16 bar at Rockledge just to go to the snack bar.
17 They're going there because they're playing
18 golf and they happened to come across it. Or
19 they go to the snack bar at one of our school
20 ballgames because they're there for the
21 ballgame, or similarly, at the snack bars in
22 our parks. They're going there. They're
23 really only open during those events, which
24 is what -- which is what are actually drawing
25 people to the facility. So that became the

1 secondary piece that we had to add in order
2 to make the primary piece work.

3 But what I want to make very
4 clear is we are only talking about changing
5 the definition of a restaurant to -- attached
6 to golf courses. It doesn't attach to the
7 snack bar at any of our parks, Field of
8 Dreams, at many of the schools. It only
9 attaches to the snack bar at Rockledge. So
10 we're not going to be selling beer at high
11 school football games. I know that may
12 disappoint some of you.

13 And that brings me to the
14 reason -- and I just want to state it for the
15 record -- why you have a substitute in front
16 of you. When I wrote the title of the
17 ordinance, I was writing with the -- with
18 only Section 1 in mind. When I realized that
19 I had to add Section 2, I forgot to go back
20 and change the title, and as a result, the
21 full scope of the ordinance, as it was
22 originally written, wasn't reflected in the
23 title, which is what is published as the
24 legal notice for tonight's hearing.

25 So before it was introduced to

1 you, we provided you with a substitute at the
2 table so that the legal notice would
3 correctly reflect the full scope of the
4 ordinance that's in front of you tonight.

5 And with that, if you have any
6 questions?

7 MR. VAN WINKLE: Does it apply
8 to a public or private golf course?

9 MR. ALAIR: Mr. Van Winkle has
10 asked whether this applies to public or
11 private golf courses, and the answer is, it
12 does.

13 As you know, we have two
14 other -- well, we have two public golf
15 courses, but we have two private golf courses
16 in town. Based on Helen's research, I am
17 willing to bet that both of them have snack
18 bars and golf bar -- bar carts on their
19 courses already, which may or may not be
20 legal at the present time, but certainly
21 would be, after this, simply by getting a
22 special use permit.

23 PRESIDENT SLIFKA: Okay. Any
24 questions.

25 Mrs. Kindall.

1 COUNCILOR KINDALL: Pat, on
2 the operations one on Page 4, B2, it says
3 that it shall be provided -- a takeout, you
4 know, except that walk out, walk-up takeout
5 windows can be provided as an accessory use
6 within a recreational facility such as public
7 parks, school sports stadiums or golf
8 courses. Given that you've just gone into a
9 long dissertation about how this has nothing
10 to do with school sports stadiums, why is
11 that just -- why are those two phrases there?

12 MR. ALAIR: Sure. The liquor
13 piece has nothing to do with school sports
14 stadiums or public parks. The takeout window
15 piece does. I didn't want to put in that it
16 only applies to golf courses and then have
17 somebody say, well, you can't have a takeout
18 window in a -- in a public park or else it
19 would be in there.

20 So for the takeout window side
21 of the equation, we wanted to expand it to
22 include the facilities where, frankly, we
23 already have some. We have several. Some of
24 which, I know, were adopted or approved and
25 were made part of the special use permit for

1 those parks or facilities before our outdoor
2 dining ordinance went into effect. But some
3 of them may well have gone into effect after
4 the outdoor dining ordinance went into effect
5 and may, frankly, be illegal simply because
6 they were an oversight. So I wanted to cover
7 those.

8 I wanted to cover the
9 possibility that we might have a new snack
10 bar. If Helen decided that we wanted to have
11 a snack bar at Westmoor Park and the
12 ordinance said you can have snack bars but
13 only at golf courses, we'd have to say no.
14 So that's what we were trying to protect.

15 COUNCILOR KINDALL: So the
16 ordinances for both the golf courses, but
17 also for purposes of takeout windows, it's
18 also for public parks and school stadiums?

19 MR. ALAIR: Correct.

20 PRESIDENT SLIFKA: Mrs. Cantor.

21 COUNCILOR CANTOR: I just
22 wanted clarification on Buena Vista. So,
23 obviously, a takeout window would work there
24 as -- as it would for a public park. But the
25 liquor, would that be by -- be by special use

1 permit as well at Buena Vista?

2 MR. ALAIR: Buena Vista, right
3 now, probably couldn't even apply for a
4 special use permit for the simple reason they
5 don't have a restaurant. The only restaurant
6 is at Rockledge. So in order to have a bar,
7 you have to get a liquor permit. You can
8 only apply to get a liquor permit in West
9 Hartford. We limit the kinds of liquor
10 permits we'll even allow to restaurant
11 permits.

12 In order to have a restaurant
13 permit and get one from the State, you have
14 to have a permanent building, a place within
15 a permanent building where you regularly
16 serve hot meals. We have nothing in -- in
17 that -- like that in Buena Vista so there's
18 no practical way of doing it, unless we want
19 to build another restaurant.

20 COUNCILOR CANTOR: Thank you.

21 PRESIDENT SLIFKA: Mrs. Hall.

22 COUNCILOR HALL: Thank you.

23 So Mr. Alair, assuming that
24 this were to pass, would we be going out to
25 the Hartford Golf Club in Wampanoag and

1 telling them that they need to apply should
2 they wish to serve alcohol on the golf course
3 or would they be sort of grandfathered or
4 what would -- what would we do there?

5 MR. ALAIR: The answer is yes,
6 one -- one or the other of those things. I'd
7 need to go back and see how long they've had
8 their snack bar windows to see if they
9 predated the outdoor dining ordinance. If
10 they did, then they would be entitled to be
11 grandfathered. They wouldn't need to come
12 back. If they are serving liquor from -- and
13 if they were serving liquor, they'd -- they'd
14 be fine.

15 If, since the outdoor dining
16 ordinance was passed, they started doing
17 that, then technically, they'd need an
18 outdoor dining permit.

19 COUNCILOR HALL: Okay.

20 PRESIDENT SLIFKA: Mr. Barnes.

21 COUNCILOR BARNES: I'm all
22 set.

23 PRESIDENT SLIFKA: Okay.

24 Then Mr. Captain was waiting.

25 COUNCILOR CAPTAIN: Thank you,

1 Mr. Mayor.

2 Is there any applicability to
3 the Pond House Cafe in Elizabeth Park?

4 MR. ALAIR: No. The Pond
5 House Cafe is the only takeout window, other
6 than the ones in the Town's facilities, that
7 has specifically been approved. It was
8 actually approved by the Town Council as part
9 of the special development district. In
10 fact, it was a condition of approval that
11 they keep it. Because if -- for those of you
12 who remember that hearing, the -- the
13 potential loss of the ice cream window at
14 the -- at the Pond House was a source of
15 great concern in the -- in the community.

16 But that was actually, if I'm
17 getting my timing right, that was actually
18 before our outdoor dining ordinance was
19 amended to specifically prohibit them, so it
20 would have been grandfathered anyway,
21 under -- under the ordinance as it's written
22 now.

23 COUNCILOR CAPTAIN: Thank you.

24 PRESIDENT SLIFKA: Mr. Doar.

25 COUNCILOR DOAR: Thank you,

1 Mr. Mayor.

2 So you mentioned shacks and
3 mobile carts. So I understand the shacks,
4 but where do the mobile carts come in?

5 MR. ALAIR: Because the
6 ordinance says "anywhere on the premises of
7 the golf course where food or beverages are
8 served," if that cart is driving around
9 serving food or beverages, it's covered.

10 COUNCILOR DOAR: Okay. So
11 take the Field of Dreams, where we -- there's
12 an existing snack shack. And I think there
13 are plans to modernize that and actually make
14 it a more permanent structure. And there's
15 no liquor permitted there --

16 MR. ALAIR: Right.

17 COUNCILOR DOAR: -- under this
18 ordinance -- still no liquor there.

19 MR. ALAIR: Correct.

20 COUNCILOR DOAR: At that
21 facility, is a mobile cart permitted to
22 distribute -- snacks -- snacks under this
23 ordinance?

24 MR. ALAIR: Well, let -- let's
25 say somebody drove up with a -- with a food

1 truck, you know, the -- the cupcake truck,
2 what have you, I believe our -- I'd have to
3 double-check it. I don't have it with me --
4 our ordinance on mobile food vending requires
5 food vending vehicles to park at town parks
6 and schools only so long as is necessary to
7 serve. So the idea is that the ice cream
8 truck comes by and stops. They can only be
9 stopped for only so long as is necessary to
10 be served, and I think it says, and no longer
11 than ten minutes. So...

12 COUNCILOR DOAR: And nothing
13 in this ordinance would change that --

14 MR. ALAIR: No.

15 COUNCILOR DOAR: -- or -- now?

16 MR. ALAIR: No.

17 COUNCILOR DOAR: At the places
18 like Field of Dreams?

19 MR. ALAIR: Correct.

20 COUNCILOR DOAR: Okay.

21 See, the other question I had
22 was -- you're very good with definitions.
23 Did you actually define golf courses in here?

24 MR. ALAIR: No. I did not.

25 COUNCILOR DOAR: Because?

1 MR. ALAIR: Well, we already
2 have the term in our ordinances. There is no
3 definition. Just for -- I wonder if there is
4 a definition. I didn't add one, but I --

5 COUNCILOR DOAR: The reason I
6 asked the question is that I think there's a
7 development project taking place -- and I'm
8 not intending to be humorous here -- in
9 Canton where -- what do you call it? A pitch
10 and putt or -- what is this?

11 MR. ALAIR: Mini golf.

12 COUNCILOR DOAR: Mini golf,
13 that's it -- where they're developing a mini
14 golf, a pretty elaborate one, if I'm -- I'm
15 not mistaken, on Route 44. And this
16 ordinance wouldn't apply to mini golf.
17 You're talking about real golf. Is that
18 correct?

19 MR. ALAIR: You know, yes,
20 that's what we were intending to cover by
21 this. And if nothing else, the legislative
22 history is now clear on that point. We don't
23 have a definition of golf course in our
24 ordinances. We do, however, have a
25 definition of golf course restaurant, which

1 is a restaurant defined pursuant to this
2 section of the code which is located on the
3 same parcel of land as a golf course, which,
4 of course, is undefined. So it's -- it's not
5 a particularly helpful definition.

6 I would note that it was added
7 about eight months before I started working
8 here, so -- but your point is well-taken. I
9 had not --

10 COUNCILOR DOAR: Certainly,
11 it's --

12 MR. ALAIR: -- considered the
13 possibility, but that that's the intent.

14 COUNCILOR DOAR: -- certainly
15 the intent is only real golf courses.

16 MR. ALAIR: Real golf courses.

17 COUNCILOR DOAR: Okay.

18 MR. ALAIR: Yep.

19 COUNCILOR DOAR: Thank you.

20 PRESIDENT SLIFKA: Okay.

21 Mr. Davidoff.

22 COUNCILOR DAVIDOFF: Thank
23 you.

24 Rockledge Country Club
25 currently has what type of alcohol permit?

1 Do they have the restaurant permit, a
2 restaurant permit for beer only or a
3 restaurant permit for beer and wine?

4 MR. ALAIR: I believe they
5 have a full restaurant permit because they
6 serve hard liquor as well as beer and wine.

7 COUNCILOR DAVIDOFF: So under
8 this ordinance, any type of alcohol could be
9 served in a mobile cart. Is that correct?

10 MR. ALAIR: Correct. It's my
11 understanding that these golf carts will
12 change what they offer during the course of a
13 day or during the course of a tournament, and
14 that they may serve mimosas or bloody Mary's
15 in the morning and may switch over to beer.
16 Is that not correct?

17 HELEN RUBINO-TURCO: I don't
18 know what they serve at Rock -- at Hartford
19 Golf Club or Wampanoag.

20 COUNCILOR DAVIDOFF: So
21 does -- does --

22 MR. ALAIR: But the ordinance
23 would allow them to serve any kind of -- of
24 liquor that is -- that's permitted under
25 their permit.

1 COUNCILOR DAVIDOFF: Is there
2 any testimony available or research done as
3 to what other golf courses serve that we're
4 trying to get on par with in terms of the
5 alcohol that's --

6 MR. ALAIR: So we're going
7 down the road of puns, are we?

8 The -- we -- we have heard
9 anecdotally that there are golf courses out
10 there that serve more than just beer from
11 carts; that they serve mimosas, bloody
12 Mary's, that kind of thing. We don't know
13 what is served at each course in our -- in
14 our community. But we have sent secret
15 shoppers out to test the other facilities,
16 and they reported back that there are mixed
17 drinks available.

18 COUNCILOR DAVIDOFF: A
19 follow-up. Is the number of tournaments that
20 are booked at Rockledge Country Club
21 declining, staying the same, increasing? And
22 is the reason that they're declining -- is
23 the reason given for them not being booked
24 there, because Rockledge does not have an
25 alcohol permit on the golf course?

1 HELEN RUBINO-TURCO: Over the
2 years -- and I don't have the specific
3 numbers -- we have slightly increased the
4 number of tournaments. But there are groups
5 that have turned us down as a potential
6 location because we are dry.

7 COUNCILOR DAVIDOFF: Thank
8 you.

9 PRESIDENT SLIFKA: Anyone
10 else? Okay.

11 With that, thank you,
12 Mr. Alair.

13 We'll go to the sign-up sheet.
14 There's nobody who signed up.

15 Is there anybody who did not
16 sign up who wishes to speak to the subject
17 matter of this public hearing?

18 (No response.)

19 PRESIDENT SLIFKA: Okay.

20 If not, you brought up the
21 Mr. Frosty truck. I was having flashbacks to
22 Chuck Coursey and I having the summit meeting
23 with Mr. Frosty about the boing-boing noise,
24 one of the more seminal moments in West
25 Hartford history.

1 Anyway, having reviewed the
2 sign-up sheet, we'll read into the record a
3 letter, dated March 4, 2015, from the Town
4 Plan and Zoning Commission recommending
5 approval, and a letter, dated February 26,
6 2015, from the Capitol Region Council of
7 Governments finding no apparent conflict.

8 And if there is nothing
9 further from my colleagues or the
10 administration, we will close the public
11 hearing. Thank you.

12 (Whereupon, the above
13 proceedings were adjourned at 7:24 p.m.)

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CERTIFICATE

I hereby certify that the foregoing 23 pages are a complete and accurate computer-aided transcription of my original verbatim notes taken of the Public Hearing In Re: ORDINANCE PERMITTING THE SALE OF ALCOHOL AT GOLF COURSES AND PERMITTING ACCESSORY SNACK BARS AT GOLF COURSES AND OTHER RECREATIONAL FACILITIES, held before the West Hartford Town Council, at Town Hall, 50 South Main Street, Room 314, West Hartford, Connecticut, on March 24, 2015.

Robert G. Dixon, CVR-M 857
Notary Public
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