

MINUTES OF THE PROCEEDINGS OF THE  
LICENSE COMMISSION OF THE CITY OF WORCESTER  
**SEPTEMBER 1, 2016**

ESTHER HOWLAND CHAMBER

**Commission Members Present:** Karon Shea, Chairperson  
Anthony Salvidio, Commissioner  
Walter Shea, Commissioner

**Commission Members Absent:**

**Staff Present:** Stephen Rolle, Planning & Regulatory Services  
Deborah Steele, Planning & Regulatory Services  
Alexandra Kalkounis, Law Department  
James Foley, Inspectional Services  
Sergeant Thomas Needham, Worcester Police Department  
Officer Patrick Harrington, Worcester Police Department  
Lt. Brian McGurl, Fire Prevention Division

**Approval of the Minutes** – August 11, 2016

Upon a motion the Commission voted 3-0 to approve the minutes of August 11, 2016.

**OLD BUSINESS**

**I-1** Proposed Amendments to Entertainment Rules & Regulations

Upon a motion the Commission voted 3-0 to continue the item until the September 29, 2016 License Commission meeting.

**I-2** 765 Main Street LLC, Lodging house hearing

Upon a motion the Commission voted 3-0 to continue the item until the October 13, 2016 License Commission meeting with the condition that no new tenants be allowed at establishment until the item comes back before the Commission.

**I-3:** Petitioner: Meze Greek Tapas, 156 Shrewsbury Street

Request for entertainment license for jukebox, tv, radio, dancing by patrons, dancing by entertainers, recorded music, live music, amplification system, light show, karaoke

Item was postponed until the September 15, 2016 License Commission meeting.

Exhibit A: Application for entertainment license received July 15, 2016 and dated July 15, 2016.

## **NEW BUSINESS**

### **II Special One Day Liquor & Entertainment Requests**

**II-1** Petitioner: Holy Trinity Nursing and Rehabilitation Center, 102 Russell Street

Request for one day liquor license

- October 6, 2016-5:00 p.m.-9:00 p.m.-Thursday

Michael Dionis appeared on behalf of the application. He stated that this is for an anniversary party and off duty police will be present for the event.

Upon a motion the Commission voted 3-0 to approve the one day liquor request.

Exhibit A: Application for one day liquor license received July 28, 2016 and dated July 28, 2016.

**II-2** Petitioner: Gerald Azzarone, 104 Shrewsbury Street – to be held in parking lot-  
**WITHDRAWN**

**II-2a:** Request for one day liquor license

- October 1, 2016 – 11:00 a.m.-11:00 p.m.-Saturday
- October 2, 2016 – 11:00 a.m.-11:00 p.m.-Sunday

**II-2b:** Request for one day entertainment license for radio, dancing by patrons, recorded music, live music, amplification system

- October 1, 2016 – Noon-11:00 p.m.-Saturday
- October 2, 2016 – Noon-11:00 p.m.-Sunday-

Applications were withdrawn.

Exhibit A: Application for one day liquor license and entertainment license received August 15, 2016 and dated August 15, 2016.

**II-3** Petitioner: Elm Park Grille, Inc., 257 Park Avenue

Request for one day liquor license

- September 18, 2016-11:00 a.m.-6:00 p.m.-Sunday

Item was postponed until the September 15, 2016 License Commission meeting.

**II-4** Petitioner: Worcester Hibernian Cultural Foundation, Inc., 19 Temple Street

**II-4a:** Request for one day liquor license

- September 10, 2016- 10:00 a.m.-3:00 p.m.-Saturday

**II-4b:** Request for one day entertainment license for live music, amplification system

- September 10, 2016 – 10:00 a.m.-3:00 p.m.-Saturday

Paul Foley appeared on behalf of the applications. He stated that this is for the 10<sup>th</sup> annual Canal Road Race and about 1,000 people are expected and police details have been hired. He stated that they will have a sound system and a live band.

Upon a motion the Commission voted 3-0 to approve the one day liquor license.

Upon a motion the Commission voted 3-0 to entertainment license.

Exhibit A: Applications for one day liquor license & entertainment licenses received September 1, 2016 and dated September 1, 2016.

**II-5** Petitioner: Che Anderson, 455 Main Street-Worcester Common

**II-5a:** Request for one day liquor license

- September 3, 2016 – 3:00 p.m.-7:00 p.m.-Saturday

**II-5b:** Request for one day entertainment for dancing by patrons, live music, amplification system

- September 3, 2016 – 3:00 p.m.-7:00 p.m.-Saturday

Che Anderson appeared on behalf of the applications. He stated that this is for the Pow Wow Festival and murals are being painted all over the city and this request is to have a final block party at the end of the event on the Worcester Common. He stated that the beer tent will be on the plaza of City Hall and will be roped off and they will have four bands playing until 7:00 p.m.

Upon a motion the Commission voted 3-0 to approve the one day liquor license.

Upon a motion the Commission voted 3-0 to approve the one day entertainment license.

Exhibit A: Applications for one day liquor & entertainment licenses received August 22, 2016 and dated August 22, 2016.

**II-6** Petitioner: Ecotarium, 222 Harrington Way

Request for one day liquor license

- September 9, 2016 – 6:00 p.m.-8:00 p.m.-Friday

Carolyn Stempler appeared on behalf of the application. She stated that this will be for a cocktail reception.

Upon a motion the Commission voted 3-0 to approve the one day liquor license.

Exhibit A: Application for one day liquor license received August 15, 2016 and dated August 15, 2016.

**II-7** Petitioner: Sprinkler Factory, 38 Harlow Street-**Withdrawn**

**II-7a:** Request for one day liquor license

- September 1, 2016 6:00 p.m.-10:00 p.m.

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**II-7b:** Request for entertainment for live entertainment, amplification

- September 1, 2016-6:00 p.m.-10:00 p.m.

### **III Common Victualer Request**

**III-1:** Petitioner: Donana Food Services, Inc., 358 Shrewsbury Street

Request for common victualer license

Ann Maria Monfa along with her son appeared on behalf of the item. They stated that they will be open seven days a week from 10:00 a.m. to either 8:00 p.m. or 9:00 p.m.

Upon a motion the Commission voted 3-0 to approve the common victualer license.

Exhibit A: Application for one common victualer license received August 15, 2016 and dated August 15, 2016.

**III-2:** Petitioner: BIO Enterprises LLC; dba WooBerry, 141 Highland Street

Request for common victualer license

Brendan Melican appeared on behalf of the application. He stated that this will be a change of ownership.

Upon a motion the Commission voted 3-0 to approve the common victualer license.

Exhibit A: Application for common victualer license received August 4, 2016 and dated August 4, 2016.

### **IV Alcohol & Entertainment Requests**

**IV-1:** Petitioner: Seven Hills Hospitality, LLC, dba Deadhorse Hill, 281 Main Street

Request to open at 10:00 a.m. on Sunday

John Woods appeared on behalf of the application. He stated that they would like to start serving brunch on Sunday.

Upon a motion the Commission voted 3-0 to approve the request to open at 10:00 a.m. on Sunday.

Exhibit A: Application to open at 10:00 a.m. on Sunday received August 5, 2016 and dated August 5, 2016.

**IV-2** Petition: Big Red, Inc., dba Art's, 541 West Boylston Street

Request for entertainment license for tv, radio

Item was postponed until September 15, 2016 License Commission meeting.

**IV-3** Petitioner: KAP Hospitality Inc., 1028 Southbridge Street

Request to transfer restaurant all alcohol license

Ben and Joe Caplan appeared on behalf of the application. They stated that they are requesting a transfer of ownership of the liquor license.

Upon a motion the Commission voted 3-0 to approve the transfer of the restaurant all alcohol license.

Exhibit A: Application for transfer of restaurant all alcohol license received August 4, 2016 and dated August 4, 2016.

**IV-4** Petitioner: 4<sup>th</sup> and 1 Club, Inc., 7 Muskeego Street

Request to transfer club all alcohol license and transfer location from 12 Aitchison Street

Bill Feraco appeared on behalf of the application.

Chair Shea stated that they had viewed the premises this a.m. prior to the meeting and it looked very nice and asked what would be the occupancy. Mr. Feraco responded that the occupancy is under 100 but their membership is about 300 but all members do not show up at the same time. He stated that they don't prepare any food but they are allowed to use the kitchen downstairs if they did want to do that.

Commissioner Shea reminded applicant that he would need to apply to transfer the entertainment license.

Upon a motion the Commission voted 3-0 to approve the transfer of the club all alcohol license and the transfer of location.

Exhibit A: Application for transfer of club all alcohol license and transfer of location received July 28, 2016 and dated July 28, 2016.

**IV-5** Petitioner: RDC Beer & Wine, Inc., 50 Cambridge Street

Request for alteration of premises to allow sales at all registers

Attorney James O'Brien along with Jay West and Anne Crowley appeared on behalf of the application.

Mr. O'Brien stated that RDC would like to sell alcohol through the Price Chopper registers and the product would be rung up by Price Chopper employees which are TIPS certified. They would not be employees of RDC and would not be compensated by Price Chopper. He stated that the registers will be outfitted with scanning device to check the identifications.

Sergeant Needham stated that at the view there was 10 registers and asked if all the registers would be equipped with the scanners. Mr. O'Brien stated that they would be.

Sergeant Needham suggested that maybe to cut back on the registers to just a few near the current license set up. Mr. O'Brien stated that he would prefer to keep it at the ten registers.

Commissioner Salvidio stated that he had a problem with Price Chopper employees ringing up RDC sales.

Chair Shea stated that she had been to the Price Chopper at the Summit and the employees there were doing a good job of checking identifications.

Ms. Steele stated that the applicant applied for this similar petition in the past and the ABCC had disapproved it as the use of the Price Chopper employees would violate the three store package store limit and asked if Attorney O'Brien could address that with the Commission.

Attorney O'Brien stated that at the time of that application the state only allowed the entity to have three licenses but the law has changed to allow to up to seven and the argument that they are willing to make is that under MGL Chapter 138, Section 15 that the relationship between RDC and Price Chopper doesn't rise to the level of any of those definitions in the chapter because there is no ownership. Price Chopper will do the mechanics of selling the product but they don't benefit financially and nor do they control anything. It would just be the mechanics of selling the product and within the registers there would be compensation for sale identifying the product and RDC would earn the revenue of that. He stated he is not sure how many licenses Price Chopper has but even if they are near the seven they are going to take the position that there is legal precedent to do this due to the mechanics involved and he understands the Commission concerns and they will do everything to prevent underage sales and the Price Chopper at Summit is run very well.

Commissioner Salvidio stated that the Price Chopper at the Summit is one owner and this is a split control and can't think of another license that has been issued that the direct handlers of the alcohol aren't the owners employees.

Attorney O'Brien stated that he would disagree on the word ownership. There is command and control. RDC will buy and stock the product and all that is happening is a customer is taking the product to registers to be rung up and believes that this can be done correctly.

Commissioner Shea stated that the package store inside is small and understands that there can be backup and he would like to suggest is that they just do the first five registers next to the package store for six months and then come back if there is no problem. Attorney O'Brien stated they would be okay with that.

Commissioner Salvidio stated that he fundamentally disagrees with this but the ABCC will review this and they will make a determination. Attorney O'Brien stated he knows that and knows he has another battle to fight.

Upon a motion the Commission voted 3-0 to approve the alteration of premises with condition that it be limited to the first five registers next to the existing package store and would be on a trial period of six months.

Exhibit A: Application for alteration of premises received August 19, 2016 and dated August 19, 2016.

Commissioner Salvidio recused himself and left the meeting room.

**IV-6** Petitioner: Noamesco, LLC, 3 Mill Street

**IV-6a:** Request to transfer location to 37 Pleasant Street

**IV-6b** Request for entertainment license for jukebox, tv, radio, dancing by patrons, recorded music, live music, karaoke

Attorney Todd Brodner along with Julius Kumah appeared on behalf of the application.

Attorney Brodner stated that his client is looking to move is liquor license to 37 Pleasant Street.

Chair Shea stated that the Commission had viewed the premises this a.m. and looks good but historically this area has been a problem and warned the applicant that he must be vigilant about keeping the noise under control and keep the occupancy at its limits.

Attorney Brodeur stated that Mr. Kumah will have security and staff to keep occupancy under control and to control the noise.

Sergeant Needham stated that the Worcester Police Department would like as a condition that the licensee be required to email the Worcester Police any time they have a promoter event and would also like a paid detail Thursday, Friday and Saturday.

Attorney Brodeur stated that they are aware of the Police Department's and the neighbor concerns.

Upon a motion the Commission voted 2-0 to approve the transfer of the general on premises all alcohol license and the entertainment license with condition that the licensee will email all promoter events to the Worcester Police Department and that a paid detail be hired on Thursday, Friday and Saturday between 11:00 p.m. and 2:00 a.m.

Exhibit A: Application for transfer of general on premises all alcohol license & entertainment license received August 16, 2016 and dated August 16, 2016.

Commissioner Salvidio returned to the meeting room.

**IV-7** Petitioner: Worcester Detachment Marine Corps League, 179-181 Lake Avenue  
Request for change of manager

Arianna Saarinen appeared on behalf of the application.

Upon a motion the Commission voted 3-0 to approve the change of manager.

Exhibit A: Application for change of manager received August 16, 2016 and dated August 16, 2016.

## **V Other Business**

**V-1** The Gun Parlor, Inc., 140 Prescott Street- Renewal of license/Status hearing

Justin Gabriel appeared on behalf of the application.

Sergeant Needham stated that there have been no problems.

Commissioner Salvidio recommended that the Commission remove the condition that the license holder have to appear at every renewal.

Upon a motion the Commission voted 3-0 to renew the license with removal of one condition that license holder has to appear for each renewal. All other conditions remain in place.

List of Exhibits: Shooting Gallery renewal application received electronically July 15, 2016,

## **VI Violations**

**VI-1** Kohax Corporation dba Smokey Joe's, 373 Park Avenue-Violation of Rules #1, #14-Hours violations, manager responsible for the premises

Niko Agora appeared to answer to the violation and waived his right to counsel.

Sergeant Needham presented the following.

On June 19, 2016 Officer Patrick Harrington was working on his current assignment as a member of the Worcester Police Alcohol Enforcement Unit. At approximately 3:00 a.m. Officer Harrington observed numerous people inside the Licensed Premises.

Officer Harrington monitored the Licensed Premises and observed inside several people congregated around the bar area and observed a bartender who was later identified as Suzanna Rivera pour what appeared to be liquor into a snifter glass that was on the bar in front of a male.

Officer Harrington knocked at the Licensed Premises and a person leaving the Licensed Premises unlocked the door. Upon entering Officer Harrington observed several people at the bar with full alcoholic beverages in front of them.

Officer Harrington asked if any of the people inside were employees and was informed several people were not.

Officer Harrington informed Kamel Houry, who was in charge of the Licensed Premises at that time, that they would be receiving notice to appear before the License Commission for a violation.

Mr. Agora admitted that the violation had occurred and stated that he had left around 2:45 a.m. and the people inside one was a family member and other were workers but one of the bartenders had let his girlfriend stay and stated that he sorry that the incident had occurred and it would not happen again.

Chair Shea asked if Mr. Agora had spoken to his staff. Mr. Agora stated that he had let three of the workers go after the incident.

Upon a motion the Commission voted 3-0 that the violation had occurred.

Upon a motion the Commission voted 3-0 to issue a one day suspended suspension.

Exhibit A: Police report dated July 26, 2016.

### **Communications**

- a) ABCC communications alcohol sales day after Christmas-Filed
- b) Correspondence from AGO – OUI Notices-Filed

### **ADJOURNMENT**

Upon a motion the Commission adjourned the meeting at 11:05 a.m.