

MINUTES OF THE PROCEEDINGS OF THE
LICENSE COMMISSION OF THE CITY OF WORCESTER
APRIL 13, 2017
ESTHER HOWLAND CHAMBER

Commission Members Present:

Walter Shea, Commissioner
Barbara Haller, Commissioner
Anthony Salvidio, Commissioner

Commission Members Absent:

Staff Present:

Stephen Rolle, Planning & Regulatory Services
Deborah Steele, Planning & Regulatory Services
James Foley, Inspectional Services
Lt. James Johnson, Worcester Police Department
Office Edward Saucier, Worcester Police Department
Alexandra Kalkounis, Law Department
Amanda Wilson, Inspectional Services

I Old Business

Petitioner: Terra Brasilis Restaurant, 480 Shrewsbury Street

Request to amend hours of entertainment license which include tv, live music, amplification system, live music, karaoke-Inside only

- 6:00 p.m.-Midnight-Monday thru Saturday
- 6:00 p.m.-10:00 p.m.-Sunday
-

The general manager and the branch manager appeared on behalf of the application. They stated that the request was to extend the hours of the entertainment.

Upon a motion the Commission voted 3-0 to approve the amendment.

Exhibit A: Application to amend entertainment license received March 8, 2017 and dated March 8, 2017.

NEW BUSINESS

Minutes

March 30, 2017 – Upon a motion the Commission voted 3-0 to approve the minutes of March 30, 2017.

Upon a motion the Commission voted 3-0 to approve the March 30, 2017 minutes.

II Special One Day Liquor & Entertainment Requests

II-1: Petitioner: Worcester Caribbean American Carnival Association. 30
30 Elm Street

Request for one day liquor license

- September 9, 2017-5:30 p.m.-8:30 p.m.

Jennifer Gatson appeared on behalf of the item. She stated that the event is being held at the Historical Museum and expect about 100 people.

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

Exhibit A: Application for one day liquor license received February 24, 2017 and dated February 24, 2017.

II-2: Petitioner: Chartwells, 10 Lincoln Square, 100 Institute Road

Request for one day liquor license

- April 13, 2017 – 7:30 p.m.-10:30 p.m.
- April 29, 2017 – 3:00 p.m.-8:00 p.m.

Cathy Palumbo appeared on behalf of the applications. She stated that 100 people are expected at each event and security will be provided.

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

Exhibit A: Application for one day liquor license received March 24, 2017 and dated March 24, 2017.

II-3: Petitioner: Saint Peter Marian Jr-Sr. High School, 781 Grove Street

Request for one day liquor license

- May 13, 2017-6:00 p.m. – 10:00 p.m.

Christopher Cummings appeared on behalf of the application. He stated that they have certified bartenders and expect about 200 people.

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

Exhibit A: Application for one day liquor license received March 30, 2017 and dated March 30, 2017.

II-4: Petitioner: Marc Guinette, 236 Franklin Street-Outside

Request for one day liquor license

- April 22, 2017 – 3:00 p.m. – 1:15 a.m.
- June 24, 2017-3:00 p.m.-1:15 a.m.
- September 8, 2017-3:00 p.m.-1:15 a.m.

Exhibit A: Application for one day liquor license received March 27, 2017 and dated March 27, 2017.

II-4a: Petitioner: Marc Guinette, 236 Franklin Street-Outside

Request for one day entertainment license outside for dancing by patrons, recorded music, amplification system

- April 22, 2017 – 3:00 p.m. – 1:15 a.m.
- June 24, 2017-3:00 p.m.-1:15 a.m.
- September 8, 2017-3:00 p.m.-1:15 a.m.

Items #4, 4a were taken contemporaneously.

Marc Guinette appeared on behalf of the applications. He stated that he has certified bartenders and security and they have never had any problems in the past.

Lt. Johnson reminded Mr. Guinette to keep the noise level down.

Mr. Rolle reminded the Commission that there are now 250 residents across the street and entertainment goes to 1:15 a.m.

Commissioner Salvidio stated that they will let it go this year but if there is a problem they will re visit the item next year.

Mr. Guinette stated that they turn the sound down.

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

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

Exhibit A: Application for one day liquor license received March 27, 2017 and dated March 27, 2017.

II-5: Petitioner: Boom Bap Heroes, Institute Park, 100 Salisbury Street

Request for one day entertainment license for live music, amplification system, any other audio or visual show, whether live or recorded specifically

- May 20, 2017 – Noon-6:00 p.m.

Item was postponed to April 27, 2017.

Exhibit A: Application for one day entertainment license received March 28, 2017 and dated March 28, 2017.

II-6: Petitioner: Habaibna Hookah Lounge, 250 Commercial Street

- Request for four pool tables

Item was postponed to the April 27, 2017 License Commission meeting.

Exhibit A: Application for pool table license received March 31, 2017 and dated March 31, 2017.

II-7: Petitioner: Working for Worcester, 455 Main Street

Request for one day liquor license

- April 21, 2017-6:00 p.m.-8:00 p.m.

Application was withdrawn.

Exhibit A: Application for one day liquor license received April 7, 2017 and dated April 7, 2017.

III Common Victualer Requests

III-1: Alanwar Market, LLC, 106-104 Water Street

Request for common victualer license

Application was postponed to the April 27, 2017 License Commission meeting.

Exhibit A: Application for a common victualer license received March 30, 2017 and dated March 30, 2017.

III-2: Nafai Restaurant, Inc., 490 Lincoln Street

Request for common victualer license

Application was postponed to the April 27, 2017 License Commission meeting.

Exhibit A: Application for common victualer license received March 30, 2017 and dated March 30, 2017.

III-3: May Food Corporation, 4 May Street

Request for common victualer license

A representative for Edwin Polanco appeared upon behalf of the application.

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

Exhibit A: Application for common victualer license received April 4, 2017 and dated April 4, 2017.

IV Alcohol & Entertainment Requests

IV-1: 711 West Boylston Street, LLC, 711 West Boylston Street

Request for alteration of premises for 360 SF patio

Timothy Quinn appeared upon behalf of the application.

Commissioner Salvidio stated that they had viewed the area this a.m. and asked Mr. Quinn if the patio would be fenced in. Mr. Quinn stated that it would be.

Staff stated that conditions were placed on the special permit by the Zoning Board of Appeals which will need to be complied with for the outside area.

Upon a motion the Commission voted 3-0 to approve the alteration of premises with condition that it complies with conditions placed by the Zoning Board of Appeals..

Exhibit A: Application for alteration of premises received April 13, 2017 and dated April 13, 2017.

IV-2: Petitioner: International Lounge, 27 Pleasant Street

Request to amend legal structure and change of license type to restaurant all alcohol license

Exhibit A: Application to amend license received December 20, 2016 and dated December 20, 2016.

IV-3: Petitioner: Dubai Restaurant and Lounge, 27 Pleasant Street

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

Exhibit A: Application for entertainment license received December 20, 2016 and dated December 20, 2016.

IV-2, IV-3: Attorney Dan Cotton requested to postpone the items.

Upon a motion the Commission voted 3-0 to postpone the items to the April 27, 2017 License Commission meeting.

V Lodging House Status hearing

V-1: 765 Main Realty, 765 Main Street

Attorney Jonathan Finkelstein along with Michael O'Rourke appeared on behalf of the item.

Mr. O'Rourke stated that they just had their annual inspection and only two items were found and they have them corrected them. Mr. O'Rourke stated that since he has purchased the building the police calls have fallen.

Amanda Wilson, Director of Housing from Inspectional Services stated that Mr. O'Rourke has done a large amount of renovations since he purchased the building and Mr. O'Rourke is in constant contact with the Division regarding the property.

Lt. Johnson stated that everything is running well there now.

The Commission stated that they were happy to see the improvements that have been made to the property and it is a model of how to manage this type of large property.

The Commission stated that they would like the applicant to come back in another six months for another status update.

VI Violations

VI-1: International Lounge, 27 Pleasant Street

Violation of Rules #2, #5, #14, 204 CMR 2.05-Transfer of license without approval, No licenses posted, manager responsible for premises.

Upon a motion the Commission voted 3-0 to postpone the items to the April 27, 2017 License Commission meeting.

Exhibit A: Police report dated November 12, 2016

VI-2: The Blackstone Tap Corporation, 81 Water Street

Violation of Rules #7, #13, #14, 204 CMR 2.05 – Sale to underage, sale to intoxicated person, manager responsible for the premises

Attorney Ivy Nguyen along with Stacey Gala appeared on behalf of the violation.

On February 16, 2017 at 10:40 a.m. Officer Patrick Harrington was assigned to the Alcohol Enforcement Unit and observed a large crowd outside the Licensed Premises and began to monitor the

premises as it appeared that the inside of the Licensed Premises was overcrowded. Officer Harrington contacted other members of the Unit to come to the Licensed Premises to conduct a compliance check with him.

Alcohol Enforcement Officers arrived at location and asked the employees monitoring the front door of the Licensed Premises what was the occupancy of the Licensed Premises and the employees stated that they thought 165 and stated that 165 patrons were inside the Licensed Premises. The Alcohol Unit estimated through their own count there were over 200 people inside the Licensed Premises not including staff.

The officers observed several young patrons inside the Licensed Premises who began to exit upon observing the officers. An officer approached two males and a female holding a Naragansett beer standing near the wall who did not appear to be 21 years of age and requested to see some identification. The male through very slurred speech asked why and one of the females attempted to walk away from the officer. Upon requesting identification again the female told the officer that she didn't have one and used her college ID to obtain entrance. After further questioning it was confirmed that she was only 20 years old and produced a fake New York identification.

The officers also observed that the out door emergency exits to be blocked with frozen snow and one appeared to be locked.

Ms. Nguyen stated that Ms. Gala had a band that evening and people came earlier than expected and arrived earlier prior to the doorman being at the door.

Ms. Nguyen stated that moving forward the bouncers are scheduled much earlier.

Commissioner Salvidio asked how they address the intoxicated person. Ms. Nguyen stated that she didn't believe the bartender served anyone who was drunk.

Ms. Nguyen stated that they were unable to determine if the beer had been sold to the male or someone had given it to him.

Commissioner Salvidio asked about the overcrowding. Ms. Nguyen stated that they didn't believe they were overcrowded.

Ms. Gala stated that there was something wrong with the clicker and they usually are not that busy.

Commissioner Haller stated that it important that the owner/manager take responsibility for the violation and doesn't hear how the problems are going to be corrected going forward and is concerned that there hasn't been more acceptance of responsibility.

Ms. Nguyen stated that moving forward the bartenders are under strict instructions to check ID's and check for intoxication.

Ms. Gala stated that they now have a scanner at the door now and every out of state ID or ID that looks fake they scan.

Commissioner Shea stated that concern is two people were asked how many people were inside premises and were told 165 and both lied to the police.

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

Upon a motion the Commission voted 3-0 that a four day suspension be imposed. Two days suspended and two days served-May 4, 5, 2017.

Exhibit A: Police report dated February 28, 2017.

Communications

- a. ABCC notice of Suspension-Ho Toy Luau Restaurant, 401 Park Avenue-Filed

ADJOURNMENT