

MINUTES OF THE PROCEEDINGS OF THE
LICENSE COMMISSION OF THE CITY OF WORCESTER
OCTOBER 19, 2017
LEVI LINCOLN CHAMBERS

Commission Members Present: Anthony Salvidio
Walter Shea, Commissioner
Barbara Haller, Commissioner

Commission Members Absent:

Staff Present: Stephen Rolle, Planning & Regulatory Services
Deborah Steele, Planning & Regulatory Services
Alexandra Kalkounis, Law Department
Jennifer Beaton, Law Department
Sergeant Thomas Needham, Worcester Police Department
Edward Saucier, Worcester Police Department
John Biancheria, Inspectional Services

Minutes

September 28, 2017 & October 4, 2017

Upon a motion the Commission voted 3-0 to approve the minutes of September 28, 2017 and October 4, 2017.

NEW BUSINESS

Common Victualer Requests

I-1: Corporate Chefs @ Quinsigamond Community College, 670 West Boylston Street

Request for common victualer license

Exhibit A: Common victualer application dated September 26, 2017 and received September 26, 2017.

Mark Giodano appeared upon behalf of the application.

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

I-2: Acoustic Java Roastery & Tasting Room, 6 Brussels Street

Request for common victualer license

David Fullerton appeared upon behalf of the application.

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

Exhibit A: Common victualer application dated October 13, 2017 and received October 13, 2017.

Special One Day Liquor & Entertainment Requests

II-1: Mass Martial Arts Academy, 596 Cambridge Street

Request for one day liquor license

- November 11, 2017-6:00 p.m.-11:00 p.m.

David Oleski appeared upon behalf of the application and stated that this is for a spaghetti supper fundraiser.

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

Exhibit A: One day liquor application dated October 2, 2017 and received October 2, 2017.

II-2: Garden Fresh-YMCA, 123 Summer Street

Request for one day liquor license

- November 2, 2017-5:00 p.m.-7:00 p.m.

Dean Stamoulis and Sharon from the YMCA appeared upon behalf of the application. Mr. Stamoulis stated that this is for a fundraiser for the Live Strong Event and hospital security will be present at the event.

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

Exhibit A: One day liquor application dated October 5, 2017 and received October 5, 2017.

II-3: St. George Orthodox Cathedral, 30 Anna Street

Request for one day liquor license

- October 21, 2017-5:00 p.m.-Midnight

Judy Shaughnessy appeared upon behalf of the application. She stated that this is a fundraiser to build a church in Lebanon and they expect about 200 people and off duty police will be hired for the event.

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

Exhibit A: One day liquor application dated September 25, 2017 and received September 25, 2017.

II-4: Brazilian Catholic Community, 30 Anna Street

Request for one day liquor license

- November 4, 2017-7:00 p.m.-11:00 p.m.

Sandra Limer appeared upon behalf of the application. She stated that she is changing the wholesaler to Quality Beverages in Auburn and that this event is for a Brazilian festival and she expects about 400 people and off duty police will be hired for the event.

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

Exhibit A: One day liquor application dated October 11, 2017 and received October 11, 2017.

II-5: John Tarashuck, 5 Saugus Place-Outside

Request for one day liquor license

- November 5, 2017-Noon-10:00 p.m.

II-5a: John Tarashuck, 5 Saugus Place

Request for one day entertainment license outside for live music, radio, dancing, recorded music, amplification, karaoke

- November 5, 2017-Noon-10:00 p.m.

Items #II-5, II-5a were taken contemporaneously.

John Tarashuck and Rosa Heminiz appeared upon behalf of the application.

Mr. Tarashuck stated that this will be for a fundraiser for Puerto Rico and they expect about 400 people.

Chairman Salvidio asked if the parking lot will be cordoned off. Mr. Tarashuck stated that there are natural barriers such as a wall and stone barriers. In addition, they will have a team of security and will hire off duty officers.

Sergeant Neehdam stated that he would recommend two officers for the event.

Commissioner Haller asked if there would be any problem with neighbor complaints about noise. Mr. Tarashuck stated that he has never had a problem with noise and they are right next to train tracks.

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: One day liquor application dated October 2, 2017 and received October 2, 2017.

Exhibit A: One day entertainment application dated October 2, 2017 and received October 2, 2017.

Alcohol & Entertainment Requests

III-1 Worcester Art Museum, 55 Salisbury Street

Request for change of manager

No one appeared for the item but Sergeant Needham stated that the proposed applicant had passed the background check.

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

Exhibit A: Application for change of manager dated September 15, 2017 and received September 15, 2017.

III-2: National Amusements, Inc. 135 Brooks Street

Request for change in beneficial interest

Julie Heinzman and Kyle Adman from National Amusements appeared upon behalf of the application.

Upon a motion the Commission voted 3-0 to approve the change in beneficial interest.

Exhibit A: Application for change in beneficial interest dated September 22, 2017 and received September 25, 2017.

III-3: K&B 168 Restaurant Group, Inc., 401 Park Avenue

Request to transfer restaurant all alcohol license from Ho Toy Luau

Attorney Chris Panagitious along with the applicant appeared upon behalf of the application. Mr. Panagitious stated that this is for a transfer of the existing liquor license.

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

Exhibit A: Application for transfer of license dated September 26, 2017 and received September 26, 2017.

III-4: Anokye Krom LLC, 687 Millbury Street

Request for entertainment license for jukebox, tv, radio, dancing by patrons, recorded music, karaoke

Richard Boateng along with his wife appeared upon behalf of the application. Mr. Boateng stated that this request would be for Sundays as his customers come in after church.

Mr. Rolle stated that he has spoken with the Worcester Police Department and he has spoken with the owner as well as they know there have been complaints from the neighbors about noise and public urination but they do not find anything that ties the problems to the restaurant.

Sergeant Needham stated that he and other officers have made weekly checks of the locations and they haven't observed any activity as described by the residents of the area.

Chair Salvidio asked if there were tenants upstairs and would they be bothered by the music. Mr. Boateng stated that music isn't for outside and neighbors upstairs are fine with the request.

Tiffany Nguyen, owner of the property, stated that tenants upstairs would not complain.

Chair Salvidio stated that there is a concern with this building and informed Ms. Nguyen that she needs to better control her property.

Matthew Hemmigway expressed concern about problems with parking due to the restaurant.

Mr. Boateng stated that with regard to the parking they now have a commercial lease with an adjacent lot to use their parking.

Commissioner Haller stated that at this time she cannot support the entertainment request as the landlord needs to get the property under better control before she would entertain any expansion of the license.

Chair Salvidio stated that he could not support the entertainment going to 1:00 a.m. but could consider going to 10:00 p.m. for the entertainment request.

Upon a motion the Commission voted 2-1 (Commissioner Haller voting against) to approve the entertainment license with condition that entertainment would end by 10:00 p.m.

Exhibit A: Application for entertainment license dated August 23, 2017 and received August 23, 2017.

III-5: Brewski's Pub, LLC, 413 Park Avenue

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

Item postponed to November meeting.

Exhibit A: Application for entertainment license dated October 10, 2017 and received October 10, 2017.

Violations

IV-1: Bull Mansion, LLC, 55 Pearl Street

Violation of Rules #14, #17-Manager responsible for premises, Alcohol not allowed to be taken from premises

Victoria Mariano appeared to answer to the violation and waived her right to counsel.

Sergeant Needham presented the following,

On August 4, 2017, Sergeant Thomas Needham was assigned to the Alcohol Enforcement Unit and was in the area of 55 Pearl Street when he observed a large number of people outside the Licensed Premises. Sergeant Needham observed three individuals exit the patio area from the Licensed Premises with plastic cups and begin to walk up the street. Sergeant Needham contacted Officer Glen Stout and asked him to stop the individuals.

Sergeant Needham and Officer Stout spoke with the three individuals and asked what were in the drinks and were informed that they were “Jerry Garcias from the Grateful Dead” in honor of his birthday and they stated that the cups contained alcoholic beverages.

Sergeant Needham along with other officers returned to the Licensed Premises and had a conversation with Hannah Gren who stated that there was no manager on duty that evening.

Ms. Mariano stated that she was extremely sorry that this incident happened and this must have happened twenty minutes after she left the premises. Ms. Mariano stated that the person who should have been at their post to prevent people leaving with drinks must have left the post and didn't make sure they had coverage. Ms. Mariano stated that since the incident employees are to make sure they have coverage if they need to leave their post. Also, they have posted signs stating that no alcohol may leave the premises and this was an unfortunate situation.

Commissioner Haller asked how many people were on the premises that evening. Ms. Mariano stated 200 people.

Commissioner Haller suggested that Ms. Mariano take advantage of the liquor training course that the Worcester Police Department offers.

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

Upon a motion the Commission voted 3-0 to issue a warning.

Exhibit A: Police report dated August 8, 2017.

IV-2: Anokye Krom, LLC, 687 Millbury Street

Violation of Rule #17-Alcohol not purchased from wholesaler

Richard Boateng along with his wife appeared upon behalf of the application. Mr. Boateng waived his right to counsel.

On July 14, 2017, Officer Edward Saucier and Officer Shane Marcotte went to the Licensed Premises to see how they were conducting business.

Officer Saucier observed a large number of half pint or 100 ml bottles of Orijin Bitters as well as 50 ml plastic pouches of Kasempa Ginger Flavoured Gin on display and it was determined that these items were 42% alcohol and produced in Ghana. Officer Saucier asked Eunice Addy, who stated that she was in charge of the premises as the manager was on vacation, where the alcohol was purchased and she stated that she did not know.

On July 19, 2017, Officer Saucier met with Richard Boateng, the manager of record, and advised him that he was prohibited from having bottles of liquor smaller than .75 liters and asked him where he had purchased the items. Mr. Boateng produced an invoice from AfrikFood out of Dedham, MA. A check with the Massachusetts Alcoholic Beverages Control Commission showed no record of a Section 18 license for AfrikFood.

On July 27, 2017, Officer Saucier returned to the Licensed Premises and informed Mr. Boateng that AfrikFood was not a licensed business. Mr. Boateng called the owner of the business who informed Officer Saucier that he obtains the liquor from Africa and sells to Mr. Boateng and he didn't know that he couldn't sell it to him.

Mr. Boateng stated that he believed he could sell the item as it's imported from Africa and goes through customs and stated that he is sorry incident happened.

Officer Saucier stated that he believed that Mr. Boateng did believe he was buying from a wholesaler and his concern was the size of the bottles and that is the violation Mr. Boateng is charged with.

Commissioner Haller stated that she believed that the establishment could use some training on liquor laws as Mr. Boateng doesn't seem familiar with the rules. Mr. Boateng stated the evening of the incident Officer Saucier sat with him for an hour to review the laws.

Chair Salvidio stated that he believed Mr. Boateng believed that he was buying from a licensed wholesaler.

Upon a motion the Commission voted 3-0 that the violation of having liquor bottles smaller than .75 liters had occurred.

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

Exhibit A: Police report dated July 27, 2017.

IV-3: Pho Dakao, Inc. 593 Park Avenue

Violation of Rule #14-Manager responsible for premises

No one appeared for item and item was postponed to November.

Exhibit A: Police report dated August 7, 2017

IV-4: Marlyn Gas Corp, dba Bee Zee Gas, 177 Southwest Cutoff

Violation of Rules #6, #21-Sale to minor

George Youssef appeared to answer to the violation and waived his right to counsel.

On March 18, 2017, Officers of the Worcester Police Department Alcohol Unit conducted compliance checks at various package stores throughout the city of Worcester. An underage male accompanied the officers and was instructed to enter a package store and attempt to purchase alcohol without providing identification.

At around 12:39 p.m. the underage male entered the Licensed Premises and purchased a six pack of Bud Light. The male was able to purchase the alcohol without being asked for identification.

Mr. Youssef stated that the girl on duty made a big mistake and knew right after the sale she made the mistake.

Mr. Youssef stated that all employees including himself are taking E-TIPS class and that they card everyone who comes in the store now.

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 March 18, 2017

IV-5: P. D'Errico & Sons Co., Inc., 141 East Central Street

Violation of Rules #6, #21-Sale to minor

Exhibit A: Police report dated March 18, 2017.

No one appeared for item and item was postponed to November.

Other Business

- 39 Irving Street- Lodging House status update

Mr. Rolle stated that various city departments have met with the owner of the property owner and SMOC who could not be present today to review the situation at the site.

Representative Mary O'Keefe stated that the property has become a problem over the past several months with drug overdoses and police calls and there is a lack of management for the location.

Ken Hannigan Riccardi stated that the property needs a 24 hour hands on property manager who would strictly enforce the rules.

Ann Flynn stated that she's an abutter to the property and the property has been a lodging house for many years and has never been the nightmare it has become. Ms. Flynn stated that given the number of police, fire and ambulance calls in one month that something needs to be done and the location use to have a 24 hour manager which should be required to prevent incidents from occurring.

Commissioner Haller stated that for the November meeting she would like the following questions answered and would like information prior to the November meeting.

- Number of occupants in the building.
 - What is the current management operation.
 - Who is population property leased too.
 - Are there published house rules
 - Emergency contact phone number for building
 - Copy of police incidents from January 2017 to date
- Amendment to Rules and Regulations for Sale of Alcoholic Beverages to be drunk on premises- Bottle Service-Item was postponed to November 2017 meeting.
 - Amendment to Rules and Regulations for Sale of Alcoholic Beverages to be drunk on premises- Nightclubs-Item to be advertised for the November 2017 meeting.

Communications

ABCC communication – Fine in Lieu of suspension-No comment.

ABCC communication – Resealing of partially consumed bottles of wine-No comment.

Adjournment

Upon a motion the Commission voted 3-0 to adjourn the meeting at 11:40 a.m.