

MINUTES OF THE PROCEEDINGS OF THE
LICENSE COMMISSION OF THE CITY OF WORCESTER
DECEMBER 13, 2018

ESTHER HOWLAND CHAMBERS

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

Commission Members Absent:

Staff Present: Alexandra Kalkounis, Law Department
Jennifer Beaton, Law Department
Lt. James Johnson, Worcester Police Department
Sergeant Thomas Needham, Worcester Police Department
Officer Edward Saucier, Worcester Police Department
Officer Glenn Stout, Worcester Police Department
Officer Patrick Harrington, Worcester Police Department
Amanda Wilson, Inspectional Services Department
Deborah Steele, Planning & Regulatory Services

Minutes

November 15, 2018

NEW BUSINESS

Common Victualer Requests

I-1: Centro America Mini Market, 891A Main Street

Request for a common victualer license

Pablo Casas 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 dated November 19, 2018 and received November 19, 2018

I-2: Kisoro, 482 Park Avenue

Request for common victualer license

Yanlong Li 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 dated November 19, 2018 and received November 19, 2018.

I-3: Idy's Pizzeria, 153 Stafford Street

Request for common victualer license

Othmane Idy 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 dated November 20, 2018 and received November 20, 2018.

Special One Day Liquor & Entertainment Requests

II-1: St. Mary's Albanian Orthodox Church 535 Salisbury Street

a. Request for one day liquor license

- May 31, 2019 – 5:00 p.m. – 11:30 p.m.
- June 1, 2019 – Noon – 11:30 p.m.
- June 2, 2019 – Noon – 5:30 p.m.

b. Request for one day entertainment license for dancing by patrons, dancing by entertainers, recorded music, live music, amplification system

- May 31, 2019 – 5:00 p.m. – 11:30 p.m.
- June 1, 2019 – Noon – 11:30 p.m.
- June 2, 2019 – Noon – 5:30 p.m.

A representative from St. Mary's Albanian Orthodox Church appeared upon behalf of the application. He stated that this is for their annual festival.

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 dated November 19, 2018 and received November 19, 2018.

Exhibit B: Application for one day entertainment license dated November 19, 2018 and received November 19, 2018.

II-2: St. Spyridon Cathedral, 102 Russell Street

- a. Request for one day liquor license
 - January 5, 2019 – 6:00 p.m. – Midnight
 - January 26, 2019 – 6:00 p.m. – 11:00 p.m.
 - March 2, 2019 – 10:00 a.m. – 8:00 p.m.

Mike Dionis appeared upon behalf of the application. He stated that they will have certified bartenders at each event.

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

Exhibit A: Application for one day liquor license dated November 19, 2018 and received November 19, 2018.

II-3: Soraya Farias Prescott dba Bella's Beverage Services, 100 Barber Avenue

- a. Request for one day liquor license
 - December 16, 2018 – Noon – 4:00 p.m.

Application was withdrawn.

Exhibit A: Application for one day liquor license dated December 3, 2018 and received December 3, 2018.

II-4: AADHYAC LLC dba IceBox, 1454 Grafton Street

Request to conduct wine-tastings

Kalpesh Patel appeared upon behalf of the request.

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

Exhibit A: Application for wine-tastings received electronically December 6, 2018.

Alcohol & Entertainment Requests

III-1: Worcester Polytechnic Institute, Campus Center, 100 Institute Road

Request for change of manager, Change of Officers/Directors/LLC Managers

Attorney Megan Smith and Stefan Dugans appeared upon behalf of the application.

Upon a motion the Commission voted 3-0 to approve the change of manager, change of Officers/Directors/LLC Managers.

Exhibit A: Application for change of manager/officers/directors dated November 30, 2018 and received November 30, 2018.

III-2: Worcester Polytechnic Institute, Founders Hall, 100 Institute Road

Request for change of manager, Change of Officers/Directors/LLC Managers

Attorney Megan Smith and Lucky Raptis appeared upon behalf of the application.

Upon a motion the Commission voted 3-0 to approve the change of manager, Change of Officers/Directors/LLC Managers.

Exhibit A: Application for change of manager/officers/directors dated November 30, 2018 and received November 30, 2018.

III-3: Meze, LLC dba Meze, 166 Shrewsbury Street

- a. Request for restaurant all alcohol license with outside seating
- b. Request for entertainment license for radio, dancing by patrons, dancing by entertainers, recorded music, live music, light show-Inside

Panagiotis Georgiadis and Siotiris Georgiadis appeared upon behalf of the application.

Chairman Salvidio stated that the Commission had viewed the site prior to the meeting.

Mr. Georgiadis stated that they are just moving from their current location and running the same type of operation at this location.

Chairman Salvidio stated that with regard to the entertainment that the Commission had spoken with the applicant and the entertainment is for special events and cultural events and the establishment will not be a nightclub.

Upon a motion the Commission voted 3-0 to approve the restaurant all alcohol license with outside seating.

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

Exhibit A: Application for restaurant all alcohol license dated December 3, 2018 and received December 3, 2018.

Exhibit B: Application for entertainment license dated December 3, 2018 and received December 3, 2018.

III-4: Rock Bar, LLC dba Rock Bar, 81 Water Street

- a. Request for general on premises all alcohol license with outside seating
- b. Request for entertainment license for jukebox, tv, dancing by patrons, live music-Inside

George Yantsides appeared upon behalf of the application.

Chairman Salvidio stated that the Commission had view the site prior to the meeting.

Upon a motion the Commission voted 3-0 to approve the general on premises all alcohol license with outside seating.

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

Exhibit A: Application for general on premises all alcohol license dated November 29, 2018 and received November 29, 2018.

Exhibit B: Application for entertainment license dated December 3, 2018 and received December 3, 2018.

III-5: Redemption Rock Brewery Corporation, 333 Shrewsbury Street

- a. Request for Farmer Series Pouring Permit with outside seating
- b. Request for entertainment license tv, radio, recorded music, live music, amplification system-Inside

Danielle Babineau along with Dan Carlson appeared upon behalf of the application.

Chairman Salvidio stated that the Commission viewed the site prior to the meeting.

Commissioner Shea stated that one of the neighbors is a construction company and reminded the applicant to not block their driveway.

Ms. Babineau stated that they plan to put a parking lot map on their web site showing people where parking is located.

Upon a motion the Commission voted 3-0 to approve the Farmer Series Pouring Permit with outside seating.

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

Exhibit A: Application for Farmer Series Pouring Permit dated November 27, 2018 and received November 27, 2018.

Exhibit B: Application for entertainment license dated November 27, 2018 and received November 27, 2018.

III-6: Tulsi Corporation, 638A Chandler Street

Request for transfer of location to 638 Chandler Street

Attorney Matthew Porter appeared upon behalf of the application.

Chairman Salvidio stated that the Commission had viewed the site prior to the meeting.

Upon a motion the Commission voted 3-0 to approve the transfer of location.

Exhibit A: Application for Alteration of Premises dated November 26, 2018 and received November 26, 2018.

III-7: Shooters Bar and Billiards, LLC, 70 James Street

Request for Change of LLC Members

Daniel Nigro and Tobias Bassett appeared upon behalf of the application.

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

Exhibit A: Application for change of LLC members dated November 26, 2018 and received November 26, 2018

III-8: Smokestack Urban Barbeque, 139 Green Street

Request for Change of Manager

Richard Romaine along with the proposed manager appeared upon 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 dated November 20, 2018 and received November 20, 2018

III-9: Worcester Detachment Marine Corps League, 181 Lake Avenue

Request for change of manager/officers/directors

John Zwirlia and Melissa Peterson appeared upon behalf of the application.

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

Exhibit A: Application for change of manager dated November 29, 2018 and received November 29, 2018

III-10: CBE Worcester, LLC, dba Craft Brewers Exchange, 241 Southbridge Street

- a. Request for transfer of restaurant all alcohol license
- b. Request for common victualer license
- c. Request for entertainment license for tv, radio, recorded music, dancing by entertainers, light show
- d. Request for change of manager

Attorney Carolyn O'Connell and Mike Carney appeared upon behalf of the application.

The Commission took the change of manager request out of order and as a separate item as it was for the current licensee.

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

The Commission then took up the transfer to CBC Worcester LLC.

Ms. O'Connell stated that the ownership is transferring to Mike Carney and stated that they have met with Lt. Johnson several times to discuss the running of the operation.

Ms. O'Connell stated that they are requesting a number of restrictions be removed as no longer applicable.

Lt. Johnson stated that new rules have been implemented that now cover the previous conditions that had been implemented.

Ms. Kalkounis stated that the conditions that would remain would be 4a, 5a, 5b and 6 which are as follows:

- Each room in establishment must be illuminated sufficiently to allow occupants to be easily visible by police and security details.
- A private security detail shall circulate throughout the establishment during all hours of operations to ensure that all license conditions and other club policies are monitored for compliance, as well as the rules and regulations of the License Commission.

- One paid detail, Thursday, Friday, Saturday from 11:00 p.m. to 3:00 a.m.

Video Monitoring

- The entire parking lot shall be monitored by video surveillance 24 hours a day, seven days a week.
- Parking areas shall be equipped with sufficient lighting to allow effective video surveillance of the entire parking area.
- The interior of the premises and all ingress/egresses shall be monitored by closed circuit video surveillance system 24 hours a day, seven days a week.
- Video clarity must be maintained such as too clearly identify parties to include clear facial and physical characteristics and should be of no less quality than what was previously submitted to the police.
- All video surveillance recordings shall be saved for ten (10) calendar days. Any two (2) hours of video during the preceding (10) calendar days shall be made available upon request by the Police/License Commission in less than 24 hours.

Lt. Johnson also requested that a condition of transfer that the establishment closes at 1:00 a.m. until the new owner officially takes over the establishment.

Upon a motion the Commission voted 3-0 to approve the transfer of the restaurant all alcohol license, the common victualer license, the entertainment license with the amended conditions and the condition that current license holder will close the establishment at 1:00 a.m. until the new owner officially takes over the establishment.

Exhibit A: Application for transfer of restaurant all alcohol license dated October 5, 2018 and received October 5, 2018.

Exhibit B: Application for common victualer license dated October 5, 2018 and received October 5, 2018.

Exhibit C: Application for change of manager dated December 12, 2018 and received electronically December 12, 2018.

Hearings:

IV-1: JS Media Corporation dba Badoux Lounge, 802 Main Street
204 CMR 2.05 (2) and M.G.L. c. 138, §23 and Rule #14 – Permitting an illegality on the premises, sale of alcoholic beverages other than those purchase from a Licensee under § 18 or 19 or from a holder of a special permit under §22A

Yaris Palcano along with Joel Suarez appeared to answer to the violation.

Lt. Johnson presented the following,

On November 17, 2018 Officer Pat Harrington from the Alcohol Enforcement Unit was conducting surveillance at area liquor stores and while outside Webster Square Package Store he observed a male purchase a large amount of alcohol and observed the male drive to Badoux Lounge.

Officer Harrington observed the male take the alcohol purchased from Webster Square Package store and bring into Badoux Lounge.

Officer Harrington entered the Badoux Lounge and spoke with Joel Suarez and asked about the bottles of liquor he had brought into the premises. Mr. Suarez pulled a bottle off the shelf where the alcohol is sold to the customers and stated the he had purchased the alcohol with cash but only brought in one bottle.

Officer Harrington viewed the video surveillance from the establishment and confirmed that Mr. Suarez only placed one bottle behind the bar.

Mr. Suarez waived his right to counsel.

Ms. Palcano stated that the incident did occur and they apologize. She stated that Mr. Suarez was not familiar with the rules as he has just taken over the premises and she obtained a copy of the rules from staff and has reviewed them with him. She stated that Mr. Suarez is aware now that all liquor must be purchased from wholesaler.

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

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

Exhibit A: Police report dated November 29, 2018.

IV-2: Elite Club Enterprises, Inc., dba Rivera Show Club, 241 Southbridge Street

Violation of 204 CMR 2.05 – liquor license and the associated common victualer license and entertainment license – Permitting an illegality on the premises, failure to adhere to conditions on license – November 1, 2018

Violation of Rules #1, #14, #16, #17, #30, #37, 204 CMR – Hours, manager violation, bottle service- November 18, 2018

Violation of Rules #14, #36, #37 – Manager violation, Promoter violation, bottle service violation – November 24, 25, 2018

Violation of Rules #14, #37- Manager violation, bottle service violation – December 1, 2, 2018

Lt. Johnson withdrew the police reports for this hearing.

IV-3: Wintergreen Partners LLC, 62 Green Street

Violation of Rule #7, Rule #14 and Rule #27 – Sale to persons under 21, Manager responsible for premises, Occupancy violation

Attorney Dan Cotton and Wayne Russell appeared to answer to the violation.

Lt. Johnson presented the following:

On October 25, 2018 Officer Pat Harrington was assigned to the Alcohol Enforcement Unit when he observed a large crowd outside the establishment and several people in the crowd did not appear to be 21 years of age.

Officer Harrington exited his cruiser and observed a male outside the premises drinking from a 12 oz. Natural Ice beer and the male was placed under arrest for having an open container.

Officer Harrington observed that the inside of the premises was very crowded and asked front door staff what the current occupancy was and was told about 98. The occupancy for this premises is 76.

Officer Harrington entered the premises to conduct a compliance check and immediately upon entering noticed that the premises was well over occupancy. Officer Harrington counted 121 people in the front of the premises and observed several people did not appear to be 21 years of age. Officer Harrington observed another 40-50 patrons in the rear game area of the premises.

Officer Harrington then began to check IDs'. Officer Harrington requested an ID from a female patron and she tried to walk away and tried to throw away the beer she was drinking. Officer Harrington again requested an ID from the female who reached into her pocket and handed an unknown item to a group of patrons and told Officer Harrington she did not have ID.

Officer Harrington questioned the female outside the premises and asked what she handed to the other patrons and she stated nothing. When questioned how she was able to enter the premises she responded she was just let in. The female was arrested.

Attorney Cotton stated that they did not dispute someone underage was served but did not agree with number of people in rear of building.

Mr. Russell stated that they are usually dead the evening the incident occurred but all of sudden that night the Holy Cross kids showed up and his staff called him and he told them to make sure they keep the number down in the premises and he called extra staff to come to the premises to help out.

The doorman admitted to Mr. Russell after the incident that he did not show how to check identifications and Mr. Russell stated that he subsequently let him go after that evening.

Chairman Salvidio stated that the Commission is troubled as this is the third violation in two years for occupancy violation.

Mr. Russell stated that he fired the doorman and he had all staff download an APP on how to check IDs' and reminded staff that they cannot just rely on the ID and that staff needs to make sure person in photo is person in front of them.

Lt. Johnson stated that the police have been offering a liquor training course and would recommend that the establishment take that training.

Mr. Cotton stated that when the girl was arrested that Mr. Russell closed the establishment.

Commissioner Haller asked how the occupancy issue is being handled. Mr. Russell stated that he reminded staff that occupancy is 76 and they have a counter at the front door.

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

Upon a motion the Commission voted 3-0 to impose a five day suspension with two days served – December 20, 2018 and December 27, 2018.

The Commission also conditions that the premises must take the liquor training course offered by the Worcester Police Department.

Exhibit A: Police report dated November 2, 2018.

Communications

- a. ABCC decision Narayandas Corporation, 1014 Main Street-Filed

Adjournment

Upon a motion the Commission voted 3-0 to adjourn the meeting at 10:50 a.m.