

MINUTES OF THE PROCEEDINGS OF THE
LICENSE COMMISSION OF THE CITY OF WORCESTER
JUNE 23, 2016

ESTHER HOWLAND CHAMBER

Commission Members Present: Karon Shea, Chairperson
Walter Shea, Commissioner

Commission Members Absent: Anthony Salvidio, Commissioner

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

Approval of the Minutes – June 9, 2016-Forthcoming

NEW BUSINESS

One Day Liquor & Entertainment Requests:

1. Petition: Request for one day liquor license
 - Saturday-June 25, 2016-2:00 p.m.-6:00 p.m.

Petitioner: Peter Heaney, 2 Ionic Avenue

Peter Heaney appeared on behalf of the application. He stated that this will be for an open house.

Upon a motion the Commission voted 2-0 to approve the one day liquor license.

Exhibit A: Application for one day liquor license received June 7, 2016 and dated June 7, 2016.

2. Petition: Request for one day liquor license

- Saturday- July 2, 2016-11:00 a.m.-6:00 p.m.

Petitioner: Worcester Telegram & Gazette, Plaza at Worcester City Hall

Exhibit A: Application for one day liquor license received June 8, 2016 and dated June 8, 2016.

3. Petition: Request for one day entertainment license for live music, amplification system

- Saturday - July 2, 2016 – 2:00 p.m. – 4:00 p.m.

Petitioner: Telegram & Gazette, Worcester Common

Items #2, #3 were taken contemporaneously.

Susan De George and Paul Provost appeared on behalf of the items. They stated that this is for the Woo Challenge which is obstacle course to be held on the Worcester Common. Ms. De George stated that the entertainment will be from 10:00 a.m. to 4:00 p.m.

Upon a motion the Commission voted 2-0 to approve the one day liquor license.

Upon a motion the Commission voted 2-0 to approve the one day entertainment license with the amended time.

Exhibit A: Application for one day entertainment license received June 1, 2016 and dated June 1, 2016.

4. Petition: Request for one day entertainment license for live music

- Saturday – July 29, 2016 – Noon-6:00 p.m.
- Saturday – August 27, 2016-Noon-6:00 p.m.

Petitioner: Compass Tavern, 90 Harding Street

David Domenic and Paul Girorgio appeared on behalf of the application. Mr. Giorgio stated that one event is for a chili festival and the other is a blues festival and food and music will be available outside.

Lt. Dubeau stated that if vendors would be using propane and using more than two propane tanks that they would need to obtain a propane special permit.

Exhibit A: Application for one day entertainment license received June 17, 2016 and dated June 17, 2016.

5. Petition: Request for one day entertainment license for outdoor music

- Friday, July 1, 2016- 6:00 p.m.-10:00 p.m.
- Wednesday, July 6, 2016-6:00 p.m.-10:00 p.m.
- Wednesday, July 13, 2016-6:00 p.m.-10:00 p.m.
- Wednesday, July 20, 2016-6:00 p.m.-10:00 p.m.
- Wednesday, July 27, 2016-6:00 p.m.-10:00 p.m.
- Sunday, October 9, 2016-3:00 p.m.-8:00 p.m.

Petitioner: Brycol, Inc. dba Ralph's Tavern, 117 Shrewsbury Street

Joan Sealey appeared on behalf of the application.

Upon a motion the Commission voted 2-0 to approve the six one day entertainment licenses.

Exhibit A: Application for one day entertainment license received June 8, 2016 and dated June 8, 2016.

6. Petition: Request for one day liquor license

- Saturday-August 6, 2016 – 6:00 p.m.-10:00 p.m.

Petitioner: Ecotarium, 222 Harrington Way

Carolyn Stempler appeared on behalf of the application. She stated that this event will be for a Bar Mitvazh.

Upon a motion the Commission voted 2-0 to approve the one day liquor license.

Exhibit A: Application for one day liquor license received June 16, 2016 and dated June 16, 2016.

7. Petition: Request for one day liquor license

- July 22, 2016-6:00 p.m.-9:00 p.m.

Petitioner: Worcester Center for Crafts, 25 Sagamore Road

Candy Casey appeared on behalf of the application. She stated that this is for an open house for the studio.

Upon a motion the Commission voted 2-0 to approve the one day liquor license.

Exhibit A: Application for one day liquor license received June 16, 2016 and dated June 16, 2016.

Common Victualer Requests:

8. Petition: Request for common victualer license

Petitioner: La Terraza, 591 Park Avenue

Homero Arroniz appeared on behalf of the application. He stated that this will be for a Mexican restaurant.

Upon a motion the Commission voted 2-0 to approve the common victualer license.

Exhibit A: Application for common victualer license received June 9, 2016 and dated June 9, 2016.

9. Petition: Request for common victualer license

Petitioner: Pho Saigon, 85 Highland Street

Tai Chen along with his partner appeared on behalf of the application. He stated that this will be a Vietnamese Restaurant and will be open seven days a week.

Upon a motion the Commission voted 2-0 to approve the common victualer license.

Exhibit A: Application for common victualer license received June 9, 2016 and dated June 9, 2016.

Alcohol & Entertainment Requests:

10. Petition: Request for change of manager

Petitioner: 99 Restaurants of Boston, LLC, 900 West Boylston Street

Gina Bandalewicz appeared on behalf of the application and stated that she will be the manager of the premises.

Upon a motion the Commission voted 2-0 to approve the change of manager.

Exhibit A: Application for change of manager received

11. Petition: Request for alteration of premises for outdoor café

Petitioner: Mezcal Tequila Cantina Inc., The Fix, 108 Grove Street

Michael Covino appeared on behalf of the application. He stated that they are looking to add an outdoor area in the front sidewalk area and there are two gates for the patio and they hope to open July 11.

Mr. Rolle asked if the outside area was on the sidewalk in front of the establishment. Mr. Covino stated that it was. Mr. Rolle reminded the Commission that the zoning ordinance would then only allow for 20 seats.

Upon a motion the Commission voted 2-0 to approve the alteration of premises.

Exhibit A: Application for alteration of premises received June 9, 2016 and dated June 9, 2016.

12. Petition: Request for general on premises all alcohol license with outdoor seating

Petitioner: Bull Mansion Equity LLC dba Bull Mansion, 55 Pearl Street

12a. Petition: Request for entertainment license for tv, radio, dancing by patrons, dancing by entertainers, recorded music, live music, amplification system, play, moving picture show, light show, theatrical exhibition, karaoke, any other audio or visual show whether live or recorded specifically. Outdoor music will be only light acoustic music with no amplification or drum kits

Items #12 and 12a were taken contemporaneously.

Victoria Mariano appeared on behalf of the application

Chair Shea stated that her and Commissioner Shea had viewed the premises prior to the meeting and were very impressed.

Lt. Johnson stated that on the outside entertainment he would recommend that outdoor music end at particular time.

Upon a motion the Commission voted 2-0 to approve the general on premises all alcohol license.

Upon a motion the Commission voted 2-0 to approve the entertainment license with condition that the outside entertainment must end by 10:00 p.m.

Exhibit A: Application for general on premises all alcohol license received May 24, 2016 and dated May 24, 2016.

Exhibit B: Application for entertainment license received May 24, 2016 and dated May 24, 2016.

- 13.** Petition: Request for alteration of premises for outdoor patio

Petitioner: Alidemi Inc. dba Livia's Dish, 1394 Main Street

Orola Koci and Enteen Mahallaj appeared on behalf of the application. Ms. Koci stated that they would like to add an outdoor patio from 7:00 a.m. to 3:00 p.m. for their regular hours and they do private functions from 3:00 p.m. to 6:00 p.m. and 6:00 p.m. would be the latest that they would use the patio.

Upon a motion the Commission voted 2-0 to approve the alteration of premises.

Exhibit A: Application for alteration of premise received May 27, 2016 and dated May 27, 2016.

- 14.** Petition: Request for restaurant all alcohol license

Petitioner: Mehillaj, Inc. 259 Park Avenue

Orola Koci and Enteen Mahallaj appeared on behalf of the application along with Attorney Glenn Mattheson.

Ms. Kochi stated that the hours would be 7:00 a.m. to 10:00 p.m. at this location and they would be open seven days a week.

Upon a motion the Commission voted 2-0 to approve the restaurant all alcohol license.

Exhibit A: Application for restaurant all alcohol license received June 6, 2016 and dated June 6, 2016.

- 15.** Petition: Request for restaurant all alcohol license with outdoor sidewalk cafe

Petitioner: Brew on the Grid, LLC, 56 Franklin Street

Frank Peace and Jon Zompetti appeared on behalf of the application.

Chair Shea stated that she and Commissioner Shea visited the site prior to the meeting and the site looks wonderful.

Mr. Peace stated that they plan to open in mid July.

Mr. Rolle stated that the outdoor seating needs to be limited to 20 seats.

Chair Shea and Commissioner Shea stated that they are happy with the investment that this company is making in the city of Worcester and welcome them.

Upon a motion the Commission voted 2-0 to approve the restaurant all alcohol license with outdoor sidewalk café.

Exhibit A: Application for restaurant all alcohol license received June 9, 2016 and dated June 9, 2016.

Violations

16. Leitrim's, 265 Park Avenue – Violation of Rules #7, #14, 204 CMR 2.05 (2)-Sale to person underage age, Manager responsible for premises

Rebecca Laramee appeared to answer to the violation and waived her right to counsel.

Lt. Johnson presented the following:

On April 3, 2016 Officer Patrick Harrington was working on his current assignment as a member of the Worcester Police Alcohol Enforcement Unit responded to a call that there may be underage drinking at Leitrim's Pub.

Officer Harrington drove to Letirim's Pub and upon his arrival noticed that there was no door person checking for ID's and there were approximately ten people in the Licensed Premises.

Officer Harrington observed a male quickly exit the Licensed Premises when he observed Officer Harrington. The male was later identified as being 20 years old.

Officer Harrington also observed a female drinking a mixed drink at the bar and requested to see her license and she gave Officer Harrington a Rhode Island license with a date of birth of 6-3-1994 and Officer Harrington observed that the corner of the license appeared to be separating. When he informed the female he was going to check the license to confirm identity the female started to cry and said she was not 21 and that the ID was fake.

Officer Harrington observed another male drinking a mixed drink at bar and requested his identification and the male stated that he lost it. Upon questioning the male the male admitted he was not 21.

As Officer Harrington documented the underage drinkers the female became very upset and continued to cry despite Officer Harrington trying to calm her down. At this time a bartender, Julie Lyman, told Officer Harrington to stop being so mean and asked if he didn't have something better to do.

Officer Harrington spoke with Ms. Lyman who stated that she didn't want them in trouble and she was the one who sold the alcohol and informed Officer Harrington that she and the drinkers all attend the same college.

Officer Harrington informed the head staff member Grace Carvajal that the Licensed Premises will be receiving a notice to appear in front of the License Commission.

Ms. Laramee stated that in response to the violation she got taken by the employee and she hired her and it was first time the employee was left in charge by herself. She stated that door staff was doing spring cleaning that night so was in the basement and out back but the bartender is responsible for checking ID's and she just sold to her friends and Ms. Laramee stated that she fired the employee that evening.

Ms. Laramee stated that she apologized to police for the way employee talked to the police and that should have never happen but she is the owner so she is responsible.

Upon a motion the Commission voted 2-0 that the violation had occurred.

Upon a motion the Commission voted 2-0 to implement the two day suspended suspension from the last violation.

Upon a motion the Commission voted 2-0 to impose an additional three day suspension with one day served.

Exhibit A: Police report dated June 3, 2016.

Other Business

17. Lotus & Son, dba London Billiards, 70 James Street-Request to amend conditions on license

Thamarai Chelvan appeared on behalf of the item.

Mr. Rolle stated that two meetings ago Mr. Chelvan's spouse came and requested that the conditions on their licensed be lifted and the Commission at that time asked that several months go by before the license holder come back and request the conditions be lifted.

Mr. Chelvan stated that he is just trying to have some music in back club and when customers come and he tells them he closes at 1:00 a.m. they leave.

Mr. Chelvan stated that he does not book any hip hop show or rap and he is losing business as he has to close early and the person who booked the show in January who caused the fight tried to book again and he refused and the person went to building manager and is now renting the back room in other portion of the building and holding the events. Lt. Johnson stated that the police are aware of that and it will not be happening again.

Lt. Johnson stated that due to the past history at the location and the short amount of time that has passed since the violation the police would not recommend having the sanctions lifted and would recommend the license holder come back at the September 1, 2016 License Commission meeting.

Mr. Chelvan stated that they have not incident since the violation and they have the detail officers and the police details are even asking them why they need details as there only ten people in the establishment and due to the cost of the details he is behind on his rent and other bills.

Commissioner Shea stated that in good faith lift he could not lift the conditions with the previous history of the establishment as the track record for the establishment is not good.

Officer Harrington stated that the events at the establishment are promoted events on social media and few weeks ago he met a promoter at the establishment who told him that he was doing a promoted event at the establishment.

Lt. Johnson stated that he doesn't believe the track record warrants lifting the conditions.

Upon a motion the Commission voted 2-0 to not lift the conditions and advised the license holder to come back in September or October relative to the request to lift the conditions.

Exhibit A: Email dated May 31, 2016.

Communications

ADJOURNMENT