

MINUTES OF THE PROCEEDINGS OF THE
LICENSE COMMISSION OF THE CITY OF WORCESTER
MAY 11, 2017
ESTHER HOWLAND CHAMBER

Commission Members Present:

Walter Shea, Commissioner
Barbara Haller, Commissioner

Commission Members Absent: Anthony Salvidio, Chair

Staff Present:

Stephen Rolle, Planning & Regulatory Services
Deborah Steele, Planning & Regulatory Services
James Foley, Inspectional Services
Lt. James Johnson, Worcester Police Department
Officer Edward Saucier, Worcester Police Department
Officer Shane Marcotte, Worcester Police Department
Alexandra Kalkounis, Law Department

Minutes

April 27, 2017

Call to Order – 10:00 a.m

NEW BUSINESS

I Special One Day Liquor & Entertainment Requests

I-1: Worcester Hibernian Cultural Foundation, 19 Temple Street

Request for one day liquor license

- September 9, 2017-10:00 a.m.-10:00 p.m.

Paul Foley appeared on behalf of the application. He stated that this is for the Canal Diggers Race and police will be hired for event.

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

Exhibit A: One day liquor application received April 12, 2017 and dated April 12, 2017.

I-2: Food Truck Festival of America, Worcester Common

Request for one day liquor license

- June 3, 2017-11:00 a.m.-5:00 p.m.

Ariel Riggieri appeared on behalf of the application. She stated that this for the annual Food Truck Festival.

Commissioner Shea recommended that the applicant contact the Police Department to work out details needed for the event.

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

Exhibit A: One day liquor application received April 9, 2017 and dated April 9, 2017.

I-3: Assumption College Reunion Weekend Committee, 500 Salisbury Street

Request for one day liquor license

- June 2, 2017-6:00 p.m.-1:00 a.m.-La Maison Building
- June 2, 2017-6:00 p.m.-1:00 a.m.-Testa Science Building
- June 3, 2017-4:00 p.m.-Midnight-Stadium/Baseball field

Amy Logan appeared upon behalf of the application. She stated that they will be withdrawing the La Maison Building event. The Testa Science event is an alumni reunion and the June 3, 2017 event is a mini food truck festival.

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

Exhibit A: Application for one day liquor license received April 26, 2017 and dated April 26, 2017.

I-4: Holy Name Parish/St. Joseph Church, 10 Dupont Street

Request for one day liquor license

- September 9, 2017-6:00 p.m.-9:00 p.m.
- June 3, 2017-6:00 p.m.-11:00 p.m.

Ed Bourcourt appeared on behalf of the application. He stated that this is a Brazilian dance and pig roast and will be on the campus. He stated that they expect about 400 people and that they have as sound permit and have a police detail for the event

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

Exhibit A: Application for one day liquor license received April 26, 2017 and dated April 26, 2017.

I-5: Gerald Azzarone, 104 Shrewsbury Street-Outside

Request for one day liquor license

- June 3, 2017 – Noon-11:00 p.m.-Saturday
- June 20, 2017-4:00 p.m.-11:00 p.m.-Tuesday

Exhibit A: Application for one day liquor license received May 1, 2017 and dated May 1, 2017.

I-5a: Gerald Azzarone, 104 Shrewsbury Street-Outside

Request for one day entertainment license for radio, dancing by patrons, recorded music, live music, amplification system, light show

- June 3, 2017 – Noon-11:00 p.m.-Saturday
- June 20, 2017- Noon.-11:00 p.m.-Tuesday

I-5&I-5a were taken contemporaneously.

Gerry Azzarone appeared upon behalf of the petitions.

He stated that the June 2, 2017 is the 21st celebration of Brew City and June 20, 2017 is the Taste of Shrewsbury Street event.

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

Commissioner Shea stated that for the entertainment that they would like to reduce the hours. Mr. Azzarone stated that he would not have problem with that.

Upon a motion the Commission voted 2-0 to approve June 3, 2017 event with ending time of 10:30 p.m. and the June 20, 2017 event with ending time of 10:00 p.m.

Exhibit A: Application for one day entertainment license received May 1, 2017 and dated May 1, 2017.

I-6: John Travaglio, Humboldt Avenue road race

Request for one day liquor license

- June 11, 2017 – 10:00 a.m.-4:00 p.m.

Theresa Travaglio appeared upon behalf of the application. She stated that this is for the Worcester Firefighters 5k and police details have been hired for the event.

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

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

I-7: Scott Bove, 117 Shrewsbury Street-Outside

Request for one day entertainment license for jukebox, tv, radio, live music, recorded music

- May 27, 2017-Noon-10:00 p.m.-Saturday
- June 30, 2017-4:00 p.m.-10:00 p.m.-Friday
- July 13, 2017-4:00 p.m.-10:00 p.m.-Thursday
- July 20, 2017-4:00 p.m.-10:00 p.m.-Thursday
- July 27, 2017-4:00 p.m.-10:00 p.m.-Thursday
- September 2, 2017-Noon-10:00 p.m.-Saturday
- October 8, 2017-Noon-8:00 p.m.-Sunday

Item was held to the May 25, 2017 License Commission meeting.

Exhibit A: Application for one day entertainment licenses received May 1, 2017 and dated May 1, 2017.

II Common Victualer Requests

II-1: Fresh Farm One, Inc., 560 Lincoln Street

Request for common victualer license

Hussein Zaid appeared upon behalf of the application. He stated that he was taking over an existing location.

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

Exhibit A: Application for common victualer license received April 27, 2017 and dated April 27, 2017.

II-2: Alicia's Homemade, 12 Aitchison Street

Request for common victualer license

Alicia Haddad appeared upon behalf of the application. She stated that she currently owns a salsa and spice company and looking to open a storefront in Worcester to sell items.

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

Exhibit A: Application for common victualer license received April 27, 2017 and dated April 27, 2017.

III Alcohol & Entertainment Requests

III-1: The Queens Cup, 56 Water Street

Request for entertainment license for radio, recorded music

Renee King appeared on behalf of the application.

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

Exhibit A: Application for entertainment license received May 1, 2017 and dated May 1, 2017.

III-2: My Sister's Pho & Crawfish, Inc., 442 Park Avenue-Request to postpone to June 8, 2017.

Request for restaurant all alcohol license

Exhibit A: Application for restaurant all alcohol license received April 24, 2017 and dated April 24, 2017.

III-3: Lawton Holdings, Inc., dba Wild Willy's, 317 West Boylston Street

Request to transfer restaurant all alcohol license

Attorney Howard Stempler and Dan Lawton appeared on behalf of the application. Mr. Stempler stated that this is a request for a transfer of the license.

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

Exhibit A: Application to transfer restaurant all alcohol license received April 24, 2017 and dated April 24, 2017.

IV Lodging House

IV: New Albion, LLC, 765 Main Street

Request to increase total number of rooms to 72-Request to postpone to May 25, 2017.

Exhibit A: Application to amend lodging house license received April 27, 2017 and dated April 27, 2017.

V Violations

V-1: M&S Entertainment, Inc. 336 Main Street-Cessation of Business hearing

Mohan Prashad appeared upon behalf of the item. He stated that he has been closed but looking for a new location and would like to postpone hearing to August.

Staff explained that a new tenant is trying to go into location and is unable to do so while Mr. Prashad still hold the license at location. Mr. Prashad stated that he could get in an application to transfer license by Friday, May 12, 2017.

The Commission stated that they would continue the item to the next meeting.
Upon a motion the Commission voted 2-0 to continue the item to the May 25, 2017 License Commission meeting.

V-2: Albino's Grocery and Deli, Inc., 90-92 Belmont Street-
Violation of Rules #6, #21-Sale to minor

No one appeared for item and item was postponed to the May 25, 2017 License Commission meeting.

Exhibit A: Police report dated March 18, 2017.

V-3: Swamishriji Corp.dba Boston Discount Liquors

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

Jignesh Patel along with his attorney, Matthew Porter, appeared to answer to the violation.

Lt. Johnson presented the following,

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 12:18 p.m., the underage male entered Boston Discount Liquors and purchased a six pack of Bud Light bottles for \$6.50 and was not asked for identification.

Mr. Porter stated that they are not disputing the facts and it was a new employee that sold that day. He stated that they do rigorous training and staff is told to check all IDs but this was a lapse in judgement.

Mr. Porter stated that going forward all employees will be TIPS certified and Mr. Patel will be a larger presence at the store.

Lt. Johnson stated that the Worcester Police currently has a training course and can go to the location and give a class reviewing the liquor laws.

Commissioner Haller noted that there was a similar violation in 2015.

Mr. Porter stated that they believe that this was lapse in judgement.

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

Upon a motion the Commission voted 2-0 to issue a one day suspended suspension.

Exhibit A: Police report dated March 18, 2017.

V-4: OM Harsh Corp.dba A&B Liquors, 110 McKeon Road

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

Attorney Jonathan Finkelstein, Demakis Patel and Govind Patel, appeared to answer to the violation.

Lt. Johnson reported the following,

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 12:02 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.

Lt. Johnson stated since the incident the license holder has contacted him and Worcester Police have done a training at the store.

Mr. Finkelstein stated that they are not disputing the fact the violation had occurred.

Mr. Finkelstein stated that besides having employees take the police class the store has also installed a new ID scanner and every alcohol sale you must punch in the driver's license and date.

Commissioner Haller asked since Mr. Patel is the owner and was the one who sold how did the incident happen. Mr. Patel stated that he had received a call from his doctor regarding MRI results and was distracted.

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

The Commission noted that there was a previous suspended suspension still pending from last year.

Upon a motion the Commission voted 2-0 to impose the one day suspended suspension from last year and to impose an additional one day suspended suspension.

Mr. Patel stated that he would like to serve the suspension on May 30, 2017.

Exhibit A: Police report dated March 18, 2017.

V-5: Cotter Grille, LLCdba Elm Park Grille, 257 Park Avenue
Violation of Rules #7, #14-Sale to minor

Nancy Cotter Pearson appeared to answer to the violation and waived her right to counsel.

Lt. Johnson presented the following,

On April 15, 2017 members of the Alcohol Enforcement Team were conducting compliance checks throughout the City of Worcester.

A nineteen year old male was instructed to enter the Licensed Premises and sit with an accompanying officer at the bar area and attempt to order an alcoholic beverage without providing identification.

At 12:10 p.m. Officer Shane Marcotte and the underage male entered the Licensed Premises and both ordered a Miller Lite. Both were served the Miller Lite bottles by a female with blond hair. Neither one was asked to provide identification.

Ms. Cotter stated that she is embarrassed to be before the Commission and the bartender from the incident was let go. She stated that she has retrained all the staff and everyone staff person is TIPS certified.

Ms. Perarson stated that she has sat down one on one with each employee to review the rules and she has reviewed the proper forms of IDs with employees and each employee has signed that they have reviewed it. She said she is taken steps to make sure that this type of incident does not happen again.

Commissioner Haller stated that training is what needed to be done.

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

Upon a motion the Commission voted 2-0 to issue a warning.

Exhibit A: Police report dated April 18, 2017.

V-6: 99 Restaurants of Boston, LLC. 900 West Boylston Street
Violation of Rules #7, #14-Sale to minor

Attorney Joseph Devlin, Brian Gasey, Gina Bandalewicz and Amy Ledec appeared to answer to the violation.

Lt. Johnson presented the following,

On April 15, 2017 members of the Alcohol Enforcement Team were conducting compliance checks throughout the City of Worcester.

A nineteen year old male was instructed to enter the Licensed Premises and sit with an accompanying officer at the bar area and attempt to order an alcoholic beverage without providing identification.

At 12:30 p.m. Officer Shane Marcotte and the underage male entered the Licensed Premises and both ordered a Miller Lite. Both were served the Miller Lite bottles by a male with dark hair. Neither one was asked to provide identification.

Sergeant Needham later notified the Licensed Premises of the violation and that they would be notified to appear before the License Commission.

Mr. Devlin stated that they are not disputing the facts. Mr. Devlin stated that right after the incident the bartender went to the manager and said he thought he was part of a sting.

Mr. Devlin stated that the bartender is no longer employed by the 99 as they have zero tolerance policy for sales to underage.

Mr. Devlin stated that 99 has been at location 25 years and had one violation 23 years ago.

Mr. Devlin stated that the restaurant has a policy of carding anyone over 30 and after this incident they moving the age up to 35 but of course they understand that staff must actually check the ID.

Mr. Devlin stated that the managers will be doing their own spot checks and all employees have to be trained before they go onto the service floor and the managers have reviewed during staff training this specific incident.

Ms. Bandalewicz stated that they are embarrassed to be before the Commission as they are always reviewing with staff how they have to be responsible and vigilant with carding.

Commissioner Shea stated that it appears they are being vigilant after this incident.

Commissioner Haller asked if they knew why the bartender did not card that day. Ms. Bandalewicz stated that she believed the bartender's family was in the dining room and he was distracted and not doing what he should have been doing at that time.

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

Upon a motion the Commission voted 2-0 to issue a warning.

Exhibit A: Police report dated April 19, 2017.

Communications

ADJOURNMENT

Upon a motion the Commission voted 2-0 to adjourn the meeting at 11:05 a.m.