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MINUTES OF THE PROCEEDINGS OF THE
LICENSE COMMISSION OF THE CITY OF WORCESTER

April 26, 2018

ESTHER HOWLAND CHAMBERS

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

Commission Members Absent:

Staff Present: Stephen Rolle, Planning & Regulatory Services
Jennifer Beaton, Law Department
Sergeant Thomas Needham, Worcester Police Department
Officer Patrick Harrington, Worcester Police Department
Officer Mark Jolin, Worcester Police Department
Officer Glenn Stout, Worcester, Police Department
John Biancheria, Inspectional Services
Deborah Steele, Planning & Regulatory Services

Minutes

April 12, 2018

Upon a motion the Commission voted 3-0 to approve the minutes of April 12, 2018.

NEW BUSINESS

Common Victualer Requests

I-1: Danco African Market, 785 Main Street

Request for common victualer license

Mbalou Kaba 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 April 9 2018 and received April 9, 2018.

I-2: Holy Poke, 2 Oliver Street

Request for common victualer license

Tina Nguyen 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 April 11, 2018 and received April 11, 2018.

I-3: North Main Provisions, 122 Main Street

Request for common victualer license

Alexis Kelleher 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 April 18, 2018 and received April 18, 2018.

I-4: Palace Pizza, 1032 Southbridge Street

Request for common victualer license

Wayel Aldyoub 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 April 18, 2018 and received April 18, 2018.

I-5: Denny's, 494 Lincoln Street

Request for common victualer license

Spencer Morrison appeared upon behalf of the application. He stated that the company is buying back the existing business from the franchisee.

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

Exhibit A: Application for common victualer license dated April 18, 2018 and received April 18, 2018.

Special One Day Liquor & Entertainment Requests

II-1: St. Spyridon Greek Orthodox Cathedral, 102 Russell Street

Request for one day liquor license

- May 5, 2018 – 6:00 p.m.-11:00 p.m.
- May 11, 2018-6:00 p.m.-9:00 p.m.
- May 20, 2018-6:00 p.m.-11:00 p.m.

- May 26, 2018-7:00 p.m.-Midnight
- June 23, 2018-7:00 p.m.-Midnight

Mike Dionis appeared upon behalf of the applications.

He stated that the first event is a fundraiser, second is an event for Worcester Chorus and last two are parishioner events. He stated that TIPS certified bartenders will be at the events.

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

Exhibit A: Application for one day liquor license dated April 9, 2018 and received April 9, 2018.

II-2: WICN Radio, Portland & Myrtle Street

Request for one day liquor license

- July 13, 2018-5:30 p.m.-8:30 p.m.
- August 3, 2018-5:30 p.m.-8:30 p.m.

Amanda Carr appeared upon behalf of the applications. She stated that this will be for two concerts in the Theatre District and there will be security and TIPS certified bartenders for the events.

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

Exhibit A: Application for one day liquor license dated March 29, 2018 and received March 29, 2018.

II-3: Paul Irish, 1 College Street

Request for one day liquor license

- May 24, 2018 – 9:00 p.m.-1:00 a.m.

Paul Irish appeared upon behalf of the application. He stated that this will be for a commencement event.

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

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

II-4: Chartwells Catering, 10 Lincoln Square

Request for one day liquor license

- May 1, 2018 – 2:30 p.m.-5:00 p.m.

Exhibit A: Application for one day liquor license dated March 28, 2018 and received March 28, 2018.

II-5: Chartwells Catering, 10 Lincoln Square

Request for one day liquor license

- May 10, 2018-6:30 p.m.-9:30 p.m.
- June 2, 2018-2:00 p.m. - 11:00 p.m.
- June 2, 2018-6:30 p.m.-8:30 p.m.
- June 2, 2018-6:30 p.m.-11:00 p.m.
- June 2, 2018-6:30 p.m.-9:30 p.m.
- June 2, 2018-8:00 p.m-11:00 p.m.

Items II-4 and II-5 were taken contemporaneously.

Cathy Columbo appeared upon behalf of the applications. She stated that the May 1, 2018 event is a reception for the Massachusetts College of Pharmacy and the other dates are for graduation related events.

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

Exhibit A: Application for one day liquor license dated April 9, 2018 and received April 9, 2018.

II-6: Christopher Besaw, 20 Exchange Street Parking Lot

Request for one day liquor license

- August 25, 2018-2:00 p.m.-8:00 p.m.

Request for one day entertainment license live music

- August 25, 2018-2:00 p.m.-8:00 p.m.

Christopher Besaw appeared upon behalf of the applications. He stated that this will be for an outdoor concert behind the Palladium and private security as well as police details will be present for the event.

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: Application for one day liquor license dated April 6, 2018 and received April 6, 2018.

Alcohol & Entertainment Requests

III-1: Stone Restaurant Service, Inc., 301 Park Avenue

- a. Request for transfer of restaurant all alcohol license
- b. Request for entertainment license for tv, recorded music

Attorney Wei Jia along with the applicant, Jian Jia Chen, appeared upon behalf of the applications.

Mr. Jia stated that this is a transfer of the license and the operation of the business will remain the same.

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

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

Exhibit A: Application for transfer of restaurant all alcohol license dated March 29, 2018 and received March 29, 2018.

Exhibit B: Application for entertainment license dated March 29, 2017 and received March 29, 2018.

III-2: Guru Ne Sang Corp, 370 Park Avenue

- a. Request for transfer of package store all alcohol license
- b. Request for pledge of license

Attorney Matthew Porter along with the applicant, Jay Patel, appeared upon behalf of the application.

Mr. Porter stated that Mr. Patel has 20 years of experience in the business and there will be no major changes to the business.

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

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

Exhibit A: Application for transfer of package store all alcohol license and pledge of license dated March 10, 2018 and received March 10, 2018.

III-3: AMZ Convenience Inc. dba Colony Farms, 1127 Main Street

- a. Request for transfer of package store malt and wine license
- b. Pledge of License

Attorney Arthur Pearlman along with the applicant, Abebaw Tessema, appeared upon behalf of the application.

Upon a motion the Commission voted 3-0 to approve the transfer of the package store malt and wine license.

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

Exhibit A: Application for transfer of package store malt and wine license and pledge of license dated March 10, 2018 and received March 19, 2018.

III-4: Three Js Market, Inc., 90 Belmont Street

Request for transfer of package store malt and wine license

Application was withdrawn.

Exhibit A: Application for transfer of package store malt and wine licensed dated March 19, 2018 and received March 19, 2018.

III-5: The Hangover Corp., dba The Hangover Pub, 102-110 Green Street

- a. Request for restaurant all alcohol license
- b. Request for common victualer license

Attorney Henry Simonelii, Jr. along with Michael Arrastia appeared upon behalf of the applications.

Mr. Simonelii stated that Mr. Arrastia is the sole stockholder and owner of the business. Mr. Simonelii stated that it is disclosed in the application that Jay Gray is the lender and seller of the assets to this current corporation.

The Board asked if the former owner would have any interest in the business. Attorney Simonelii stated no.

Chair Salvidio asked if Mr. Gray had any interest in the business or will be involved in the day to day operations. Mr. Simonelli stated no.

Chair Salvidio stated that if the Commission hears anything about the former owner having any involvement in the business they will be back before the Commission.

Sergeant Needham asked Mr. Arrastoa if he will be head chef, owner and manager. Mr. Arrastia stated yes and that he plans to take more of a managerial position in the business.

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

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

Exhibit A: Application for restaurant all alcohol licenses dated April 6, 2018 and received April 6, 2018.

Exhibit B: Application for entertainment license dated April 6, 2018 and received April 6, 2018.

Chair Salvidio recused himself from item III-6 and left the meeting room.

III-6: Niche Sports Concepts, Inc. dba Railers Sports Tavern, 90 Commercial Street

- a. Request for alteration of premises for outside seating for 20 seats
- b. Request for entertainment license for tv, live music, karaoke outside

Michael Covino appeared upon behalf of the applications. He stated that this will be for an outdoor area and it will be completely closed off with access only from inside the licensed premises.

There was a brief discussion as to what the hours would be for the outside entertainment. It was decided that entertainment would be allowed to go to midnight.

Upon a motion the Commission voted 2-0 to approve the alteration of premises with outside seating for 20 seats.

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

Exhibit A: Application for alteration of premises dated March 27, 2018 and received March 27, 2018.

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

Chair Salvidio returned to the meeting room.

Violations

IV-1: Volturmo, 72 Shrewsbury Street

Violation of Rule #7 – Sale to minor

Gregory Califano appeared to answer to the violation and waived his right to counsel.

Sgt. Needham presented the following:

On March 17, 2018 members of the Alcohol Enforcement Team were conducting compliance checks throughout the City of Worcester.

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

At 1:12 p.m. Officer Glenn Stout and the underage female entered the Licensed Premises and both ordered a pint of Guinness draught. Both were served by the male waiter. Neither one was asked to provide identification.

Mr. Califano stated that the server made a mistake. He is TIPS certified, but had a lapse in judgement, and he was suspended for a week.

Mr. Califano stated that they are telling staff every day now that anyone who looks under the age of 60 to ID them.

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

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

Exhibit A: Police report dated March 20, 2018.

IV-2: Ifendu Enterprises, LLC dba Moynihan's Pub, 895 Main Street

Violation of Rule #7- Sale to minor

No one appeared for the meeting and the item was postponed to May 10, 2018.

Exhibit A: Police report dated March 21, 2018.

IV-3: The Branch Investment Enterprises dba Scal's Sports Bar, 3 Mill Street

Violation of Rule #1 – Hours

Ryan Scalley appeared to answer to the violation and waived his right to counsel.

Sgt. Needham presented the following:

On January 28, 2018 Officer Mark Jolin of the Worcester Police Department observed seven to eight cars outside the Licensed Premises at 2:10 a.m.

Officer Jolin entered the unlocked Licensed Premises and observed patrons inside drinking.

Officer Jolin asked Kristopher Klink, who identified himself as being in charge of the Licensed Premises, as to why patrons were still inside and Mr. Klink stated that they were all employees. Officer Jolin requested to see W-2s for all the employees present and Mr. Klink admitted that they were not employees.

Mr. Scalley stated that he was not there that evening as he had a family matter to attend to but there were two security guards there and the person in charge was a manager in training who he suspended for a month after the incident had happened. He stated there were people inside who were waiting for rides and they do not allow that anymore.

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

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

Exhibit A: Police report dated February 8, 2018.

IV-4: Kobe Enterprises, Inc. dba 7 Nana, 60 Shrewsbury Street

Attorney Chung Le along with Kap Peng Soon, the president of Kobe Enterprises, appeared to answer to the violation.

Chair Salvidio noted that there were two previous violations for sale to minors last year for this premises.

Sergeant Thomas Needham presented the following:

Violation of Rule #7- Sale to minor

On November 25, 2017 members of the Alcohol Enforcement Team were conducting compliance checks throughout the City of Worcester.

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

At 12:37 p.m. Officer Edward Saucier and the underage male entered the Licensed Premises and both ordered a Bud Light 12 oz. bottle.

Both were served by the female bartender. Neither one was asked to provide identification.

Mr. Le stated he was very upset to be appearing before the Commission again for a violation hearing. He stated that he realizes there have been multiple violations and previously the company thought it was ill-trained employees but after this violation he spoke with the corporate officers and they reviewed the business, met with all the staff and determined it was the manager. The manager did have personal problems and it was decided to let her go. The new manager proposed is someone who can dedicate more time to training and managing the business and is currently the kitchen manager at the premises.

Chair Salvidio stated that all that needs to be done is for staff to ask for an ID.

Mr. Le stated that the previous manager did not properly train the staff and manage staff's hours which resulted in these problems.

Commissioner Shea stated that all that is needed is common sense and just tell staff to ask everyone for ID.

Mr. Le stated that they are now requiring a mandatory liquor server training course for all employees and have bi-weekly meetings with staff to discuss issues.

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

Upon a roll call the Commission voted 3-0 to impose a seven day suspension.

Exhibit A: Police report dated March 20, 2018.

IV-5: Bahn Thai Corporation, 2 Coes Square

Violation of Rule #7 – Sale to minor

No one appeared for the meeting and the item was postponed to May 10, 2018.

Exhibit A: Police report dated March 17, 2018.

IV-6: Seven Hills Bay State Inc. dba Canal Restaurant, 65 Water Street

Elaine Courtney appeared to answer to the violation. Prior to the start of the proceedings Ms. Courtney disclosed to the Commission that she no longer owns the business and no longer has the keys to the premises.

The Commission had a brief discussion with Ms. Courtney as to who actually held the license at this time and recommended that since Ms. Courtney stated for the record she no longer holds the license that she should go meet with staff later that day and turn in her license officially to the City of Worcester. Sgt. Needham would follow up on an inspection of the premises.

Violation of Rule #7 – Sale to minor

Item was continued to the May 10, 2018 License Commission meeting.

Exhibit A: Police report dated March 23, 2018.

Other Business

V: Mambo Drinks, 105 Water Street

- a. Six month status hearing
- b. Request to amend hours to be open to 2:00 a.m. Sunday through Saturday

Jonathan Pena appeared on behalf of the item. Mr. Pena stated that there have been no problems lately.

Sgt. Needham stated in past three months there have been 16 incidents with three arrests in the area.

Chair Salvadio stated that if there is problem again the establishment would be back before the Commission.

The Commission voted 3-0 to amend the conditions to the following:

- The Licensed Premises shall be 21 and older at all times.
- A police detail shall be required on Friday, Saturday and Sunday nights.
- Hours of operation are as follows:
 - Wednesday closing time is 2:00 a.m.
 - Thursday, Friday, Saturday closing time is 2:00 a.m.
 - Sunday closing time is 2:00 a.m.
 - Monday and Tuesday closing time is 2:00 a.m.
- The licensee shall email the Police Department a list of upcoming events with expected occupancy one month in advance. The detail office will determine how many officers will be required.

Exhibit A: Electronic communication dated April 10, 2018.

V-1: Dubai Restaurant & Lounge, 27 Pleasant Street

- a. Request to amend condition on license that detail officer be changed from Thursday to Sunday

Julio Alcantre appeared on behalf of the request. He stated that they would like to change the detail officer to Sunday as they are busier on that night.

Sgt. Needham stated that he believes that would be a better use of police man power and stated in the past three months there have been 60 incidents, four arrests, one incident involving a stabbing and one liquor violation hearing pending.

Chair Salvidio stated that the goal is to have the police calls go down.

The Commission voted 3-0 to amend the conditions on the license to the following:

- One WPD detail Friday, Saturday and Sunday from 11:00 P.M. TO 3:00 A.M.
- Establishment shall be 21 and older at all times
- Entertainment to end by 1:00 A.M.

Exhibit A: Electronic communication April 10, 2018.

Communications

- ABCC hearing Seven Hills Bay State Inc. dba Canal Restaurant, 65 Water Street-No comment.
- ABCC hearing 90 Harding Street LLC dba The Compass Tavern, 90 Harding Street-No comment.
- ABCC decision 90 Harding Street LLC dba The Compass Tavern, 90 Harding Street-No comment.
- ABCC hearing Emerald Ale Corp, 108 Belmont Street-No comment.

Adjournment

Upon a motion the Commission voted 3-0 to adjourn the meeting at 11:15 a.m.