

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

November 3, 2011

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ESTHER HOWLAND CHAMBER – CITY HALL

Commission Members Present: Peter Lukes, Chair
Paul Mullan, Commissioner
Karon Shea, Commissioner

Staff Present: Deborah Steele, Division of Planning & Regulatory Services
Edgar Luna, Division of Planning & Regulatory Services
Jennifer Beaton, Law Department
Lt. James Johnson, Worcester Police Department
James Foley, Health Department

REGULAR MEETING (10:00 AM)

CALL TO ORDER:

Chairman Lukes called the meeting to order at 10:03 a.m.

MINUTES:

There were no minutes to approve.

UNFINISHED BUSINESS:

1. 90 Harding Street – Carrington Hall LLC – William Chase

William Chase and Attorney Jonathan Finkelstein appeared on behalf of the item. Attorney Finkelstein stated location is opened for events and he will provide a copy of the events to the DPRS staff. Chairman Lukes requested a list of events through end of December 2011 be given to the DPRS staff.

2. 11 Sycamore Street – Manual Marca

No one appeared on behalf of application. Item continued until the November 10, 2011 License Commission meeting.

NEW BUSINESS

3. 97 Millbury Street – Katherine Tsigas

Petition: Request for one day liquor permit – November 24, 2011 – Noon – 4:00 p.m.

Katherine Tsigas & Peter Tsigas appeared on behalf of application. The event is for their annual Thanksgiving Dinner and this year they plan to have a pig roast outside. Food, soft drinks and coffee is free. Each adult will be able to obtain one glass of wine.

Ms. Tsigas stated that a police officer has been hired for the event.

Jim Foley of the Health Department asked that applicants notify the Fire Department as there will be cooking outside.

Chairman Lukes asked how the outside area will be roped off.

Lt. Johnson stated he will view the area to make sure set up at location is okay.

Upon a motion by Chairman Lukes and seconded by Commissioner Shea the Commission voted 3-0 to approve the one day liquor permit for November 24, 2011.

Exhibit 1: Application for one day liquor permit received on October 25, 2011 and dated October 25, 2011.

4. 3 Mill Street – Noamesco, LLC – Julius Kumah

Petition: Request for general on premises all alcoholic license & entertainment license to include, jukebox, tv, radio, recorded music, live music, karaoke, any other audio or visual show, whether live or recorded specifically, pool table, dj

Julius Kumah and Attorney Todd Brodeur appeared on behalf of application. Attorney Brodeur stated that Mr. Kumah use to work at Tropical Gardens but this will be a whole new venture.

Attorney Brodeur stated that location has been cleaned up and hours will be Monday through Friday 5:00 p.m. – 2:00 a.m. and Saturday-Sunday Noon – 2:00 a.m. and they will employ eight to ten people and will hire a police detail on Friday & Saturday evenings.

Attorney Brodeur stated that all staff will be TIPS certified and a light menu will be served.

Lt. Johnson stated that with regard to the police details that if establishment becomes busy on other nights the applicants have agreed to obtain police details on those evenings as well.

Upon a motion by Commissioner Shea and seconded by Commissioner Mullan the Commission voted 3-0 to approve a general on premises all alcoholic license & entertainment license at 3 Mill Street.

Exhibit 1: Application for liquor license & entertainment license received on October 15, 2011 and dated October 10, 2011.

5. 611 W. Boylston Street – Dansmit Enterprises Inc., Daniel R. Zoppo

Petition: Request to transfer common victualer all alcoholic license & entertainment license from Cambridge Café Inc. to Dansmit Enterprises, Inc.

Attorney Paul Suschyk, Attorney Larry Cohen, Richard Grigor, Dan Zoppo and Robert Smith appeared on behalf of application.

Attorney Suschyk stated this application is transfer of existing license that has been in business since the 1960's. Mr. Zoppo & Mr. Smith are purchasing the assets of the business.

Attorney Suschyk stated that Mr. Smith will work days and Mr. Zoppo will work nights and a light menu will be offered.

Upon a motion by Chairman Lukes and seconded by Commissioner Mullan the Commission voted 3-0 to approve the transfer of the common victualer all alcoholic license & entertainment license for Dansmit Enterprises, Inc.

Exhibit 1: Application for liquor license & entertainment license received on October 11, 2011 and dated October 10, 2011.

6. 120 Stafford Street – Food Works – Xu Quiang Zou

Petition: Request for non alcoholic common victualer license

Xu Quiang Zou appeared on behalf of application. Mr. Zou stated he is taking over the ownership of the Subway at 120 Stafford Street and there will be no changes to the business.

Upon a motion by Chairman Lukes and seconded by Commissioner Shea the Commission voted 3-0 to approve the common victualer license for 120 Stafford Street.

Exhibit 1: Application for common victualer license received on October 14, 2011 and dated October 11, 2011.

7. 440 Grove Street – Worcester Athletic Club – Lincoln MacDonald

Petition: Request for transfer of stock

Lincoln MacDonald, Andrea Shalapa and Tim MacDonald appeared on behalf of the application. Lincoln MacDonald stated he is transferring some of the stock in the business to his children.

Upon a motion by Chairman Lukes and seconded by Commissioner Shea the Commission voted 3-0 to approve the transfer of stock.

Exhibit 1: Application for transfer of stock received on October 20, 2011 and dated October 18, 2011.

8. 139 Green Street – Square One Sports Bar & Grille Inc. – Danielle Spring

Danielle Spring appeared on behalf of application and requested continuance in order to obtain legal counsel.

Commission agreed to continue item to next License Commission meeting.

Exhibit 1: Application for transfer of stock & change of manager received on October 21, 2011 and dated October 19, 2011.

9. 124 Millbury Street – Nicole’s Lounge Inc. dba Nick’s

Petition: Request for alteration of premises for outside patio

Vincent Hemmeter and Nicole Watson appeared on behalf of the application. Mr. Hemmeter stated application is for outside patio which is already fenced in and alcohol and food will be served in area.

Commissioner Lukes and Commissioner Mullan reminded the applicants that patrons must come through the restaurant in order to access the outside patio area. Commission members also reminded applicants to be respectful to the neighbors in the area and keep the noise level down.

Upon a motion by Chairman Lukes and seconded by Commissioner Shea the Commission voted 3-0 to approve the alteration of premises.

Exhibit 1: Application for alterations of premises received on October 14, 2011 and dated October 14, 2011.

10. 102 Green Street – Lisa Tiscione Rodriguez

Petition: Request for alteration of premises to renovate candy store adjacent to current location to expand premises.

Lisa Tiscione Rodriguez appeared on behalf of application. Ms. Rodriguez stated they are taking over the old Prifti candies which is located next door to 102 Green Street in order to expand the business to include a function room.

Chairman Lukes thanked Ms. Rodriguez for investment.

Upon a motion by Chairman Lukes and seconded by Commissioner Shea the Commission voted 3-0 to approve the alteration of premises.

Exhibit 1: Application for alteration of premises received on October 11, 2011 and dated October 7, 2011.

11. 413 Park Avenue – Jasmat Corporation – Mahoney’s – John Bartosiewicz

Petition: Request to expand entertainment license to include tv, recorded music, live music

Mr. Bartosiewicz appeared on behalf of application. He stated he would like to expand his entertainment license to include live music.

Upon a motion by Chairman Lukes and seconded by Commissioner Shea the Commission voted 3-0 to approve amended entertainment license for Jasmat Corporation, 413 Park Avenue.

Exhibit 1: Application for entertainment license received on October 18, 2011 and dated October 18, 2011.

12. 41 Pleasant Street – Club Instyle – Farhad Khaledi

Petition: Request to amend condition on liquor license to extend 18+ to Friday and Saturday nights.

Farhad Khaledi & Hitesh Harjani appeared on behalf of request. Mr. Khaledi stated that currently Club Instyle is 21+ except on Thursday evenings where the License Commission had allowed 18+ in August of 2011 with requirement that establishment hire off duty police for that evening.

Mr. Khaledi stated it has been difficult to stay in business when other establishments in the area do not have same restrictions and Club Instyle and is asking to have 18+ on Friday & Saturday also.

Chairman Lukes asked if there is a cover charge for entrance and Mr. Khaledi stated there is.

Commissioner Mullan stated that the Commission is not trying to put anyone out of business but Commission had just allowed for change to 18+ on Thursdays in August 2011 and he would like to see more of a track record at establishment before amending the conditions again.

Commissioner Shea stated that she would like to see Commission agree to give establishment one extra day.

Upon a motion by Chairman Lukes and seconded by Commissioner Shea the Commission voted 2-1, Commissioner Mullan voted against to allow Club Instyle to have 18+ on Thursday and Friday nights provided establishment hires off duty police details.

Exhibit 1: Request from Farhad Khaledi received on October 25, 2011 and dated October 25, 2011 requesting change in condition on liquor license

13. 278 Millbury Street – Millizan Inc. dba Millbury Street Liquors

Violation of Rules #6, #21, MGL c. 138 § 34

Paul Pietro appeared in response to the violations.

Lt. Johnson presented the following report:

The undersigned Alcohol Enforcement Officer requests that the License Commission notify Millbury St. Liquors (278 Millbury St.) to appear before the License Commission to answer police complaints of

violating rule # 6 and rule # 21 of the Rules and Regulations of the License Commission for Alcoholic Beverages NOT CONSUMED on the Premises on August 8, 2011.

Rule # 6: "Sales TO persons under 21 are punishable by fine or imprisonment or both. (Chapter 138 Section 34)."

Rule # 21: "Managers of all licensed liquor establishments shall be responsible for all violations or infractions of the law occurring on the premises whether present or not. The licensee is responsible for any disorder, disturbance or illegality of any kind taking place on license premises whether present or not."

On August 8, 2011 the undersigned Alcohol Enforcement Unit Officer, along with P.O. Patrick Harrington, conducted an underage drinking sting in which a 19 year old male (identifying information kept in the Alcohol Unit) attempted to purchase alcohol at various package stores throughout the City of Worcester from around 1100 hrs to 1530 hrs. The underage male was given a breathalyzer test prior to the start and at the end of the mission. He was instructed, prior to entering each establishment that he was to attempt to purchase a six pack of Bud Light and to not offer any identification. He was instructed that if he were asked to provide identification to politely state that he didn't have any and to walk out of the POB. The underage male, in fact, had no identification on him. He was also instructed, in the event that he was able to purchase the beer, to walk calmly and casually out of the POB with the purchase where he would be met by the Officer(s), preferably out of view of the POB. The underage male was given these instructions prior to entering each establishment.

The underage male entered Millbury St. Liquors (278 Millbury St.) on the above date at around 1350 hrs. and did purchase a six pack of Bud Light for \$6.90 without being asked to provide identification. The underage male turned the beer over to P.O. Harrington and it was stored in Evidence at the Alcohol Unit.

The undersigned notified the only employee seen on the premises that they had sold to an underage male and that the POB would be brought before the License Commission to answer complaints.

Mr. Pietro admitted that the violation had happened and stated he had fired the clerk on duty that evening.

Mr. Pietro stated he has been reminding his staff everyday about fact that they must check identifications.

The Commission members review the case file for Millbury Street Liquors and location and a one day suspended suspension from 2010 on file for similar violation.

Upon a roll call the Commission voted 3-0 that violation had occurred. Upon a roll call the Commission voted 3-0 that the one day suspended suspension from 2010 will now be served and that an additional one day suspended suspension be imposed for current violation.

Mr. Pietro requested that he be able to serve the suspension on Monday November 7, 2011. The Commission agreed to his request.

Exhibit 1: Worcester Police Report dated August 16, 2011.

14. 501 Southbridge Street – Big Bob’s Package Store

Violation of Rules #6, #21, MGL C. 138, § 34

Robert Vardersian appeared to answer violations and waived right to counsel.

Lt. Johnson presented the following report:

The undersigned Alcohol Enforcement Officer requests the License Commission to notify the manager of Big Bob’s Package Store (501 Southbridge St.) to appear before the License Commission to answer police complaints of violations of rule #6 and rule #21 of the License Commission which occurred on August 26, 2011.

Rule #6 - Sales TO person under 21 are punishable by fine or imprisonment or both (Chapter 138, Section 34)

Rule #21 - Managers of all licensed liquor establishments shall be responsible for all violations or infractions of the law occurring on the premises whether present or not. The licensee is responsible for any disorder, disturbance or illegality of any kind taking place on license premises whether present or not.

On August 26, 2011 the undersigned Alcohol Enforcement Officer was assigned to an Underage Alcohol - Surveillance Patrol Grant. At about 1750 hrs I was in an unmarked police vehicle in plain clothes observing Big Bob's package store at 501 Southbridge St. I observed two males pull into the parking lot of Big Bob's and sit in their vehicle for a few minutes. Both males appeared to the undersigned to be under 21 years old. The passenger of the vehicle exited the vehicle and went into the store. The driver of the vehicle stayed in the vehicle while passenger went in side. The passenger exited the store a short time later carrying a 30 pack of Pabst Blue Ribbon (beer) cans and a

black plastic bag with what appeared to be several bottles of liquor. The passenger got back into the vehicle and "high-fived" the driver. They then exited the parking lot and travelled south on Southbridge St. The 30 pack of Pabst Blue Ribbon was on the back seat of the vehicle and the black plastic bag was on the back seat floor. The plastic bag contained a 1.75 Liter bottle of Burnett's Mango Vodka, a 750 ml bottle of Burnett's Cherry Vodka, and a 750 ml bottle of Jagermeister liqueur. Both passenger and driver produced New York driver's licenses stating that they were both 20 years old. The passenger stated that the clerk at Big Bob's did not ask for identification and he also stated that he purchased the beer and liquor with a credit card. They were placed under arrest for Minor Transporting/Possession of Alcohol and transported to the station via patrol van. The beer and liquor was confiscated and is being held at the station.

Mr. Vardersian admitted that violation had occurred and stated he had fired the clerk on duty that evening. Upon a roll call the Commission voted 3-0 that violation had occurred. Upon a roll call the Commission voted 3-0 that a one day suspended suspension be imposed.

Exhibit 1: Worcester Police Report dated August 16, 2011

15. 139 Green Street – Square One Sports Bar & Grille

Violation of Rules #13, #14, MGL C. 138, § 69

Danielle Spring appeared in response to violations and requested continuance in order to obtain legal counsel. Commission agreed to hold item until next License Commission meeting

16. 187 Washington Street - S& D Corporation

Violation of MGL C. 183 § 77

Somdatt Prashad appeared to answer the violation. Mr. Prashad apologized for missing the last meeting as he was in Florida. Mr. Prashad stated he has put a lot of money into cleaning and renovating the building but due to the business climate does not want to open until economy is better. Commissioner Shea requested a time frame. Commissioner Mullan stated he would prefer Commission not act on violation and allow Mr. Prashad time to open.

The Commission agreed that Mr. Prashad should come back before the Commission in February 2012 in order to provide an update on an opening day.

17. 65 Water Street – Bistro at 86 Winter Street

Violation of MGL C. 183 § 77

No one from Bistro at 86 Winter Street appeared to answer to the complaint.

Upon a roll call the Commission voted 3-0 to revoke the common victualer all alcoholic license for Bistro at 86 Winter Street due to cessation of business.

MEETING ADJOURNMENT:

Upon a motion by Chairman Lukes and seconded by Commissioner Shea the Commission adjourned the meeting at 11:05 a.m.
