

MINUTES OF THE PROCEEDINGS OF THE
LICENSE COMMISSION OF THE CITY OF WORCESTER
FEBRUARY 25, 2016

ESTHER HOWLAND CHAMBER

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

Commission Members Absent: None

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
Sgt. Thomas Needham, Worcester Police Department
Officer Glenn Stout, Worcester Police Department
Lt. Brian McGurl, Fire Prevention Division
Lt. Jeffrey Dubeau, Fire Prevention Division

Approval of the Minutes – February 4, 2016

Upon a motion the Commission voted 3-0 to approve the minutes of February 4, 2016.

OLD BUSINESS

1. Petition: Request for one day liquor license
 - March 13, 2016-11:00 a.m.- 3:00 p.m.

Petitioner: Emerald Club of Worcester, 215 Park Avenue

Walter Shea rescued himself from item.

Stephen Mills from the Emerald Club appeared on behalf of the item.

Mr. Mills stated that they are doing this event in conjunction with the parade committee and a beer tent will be need the reviewing stand and they have liquor liability and certified trainers and a set up and clean up committee.

Lt. Johnson asked about police for event.

Mr. Mills stated that they will have two uniform officers.

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

Exhibit A: Application for one day license received January 18, 2016 and dated January 18, 2016.

Walter Shea returned to the meeting room.

2. Petition: Request for restaurant all alcohol license and request to open at 10:00 a.m. on Sundays

Petitioner: The Hangover Pub, LLC, 102-110 Green Street

Christopher Slavinkas appeared on behalf of the item.

Lt. Johnson asked for security plan details.

Mr. Slavinkas stated that they will have police details Fridays and Saturdays and if they have event on Thursday they will have a detail that evening.

Chair Shea asked if this was a nightclub.

Mr. Slavinkas stated that it is a bar and grill.

Commissioner Salvidio asked if they could consider at first voluntary details.

Lt. Johnson suggested that the license be conditioned that police details be for ninety days and then they can see how it goes after that.

Commissioner Salvidio asked what time the details are required.

Lt. Johnson stated that it should be from 11:00 p.m. to 3:00 a.m.

Ms. Steele stated that application did include a request for outdoor patio but that request cannot go forward as requires Off Street Parking board approval and applicant would need that prior to coming back before the Commission.

Upon a motion the Commission voted 3-0 to approve the restaurant all alcohol license and request to open at 10:00 a.m. on Sunday with condition that police details be required Friday and Saturday from 11:00 p.m. - 3:00 a.m.

Exhibit A: Application for restaurant all alcohol license and application at 10:00 a.m. on Sundays received December 22, 2015 and dated December 22, 2015.

2a. Petition: Request for entertainment for tv, radio, recorded music, live music

Petitioner: The Hangover Pub, LLC, 102-110 Green Street

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

Exhibit A: Application for entertainment license received December 22, 2015 and dated December 22, 2015.

NEW BUSINESS

One Day Liquor & Entertainment Requests:

3. Petition: Request for one day liquor license
o March 13, 2016 – 1:00 p.m.-4:00 p.m.

Petitioner: Chartwells@MCPHS, 10 Lincoln Square

Kristi DiCersio appeared on behalf of the item. She stated that this is a St. Patrick Day Parade luncheon.

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

Exhibit A: Application for one day license received February 10, 2016 and dated February 10, 2016.

4. Petition: Request for one day liquor license
o March 5, 2016 – 7:30 p.m. – 12:30 a.m.

Petitioner: St. George Cathedral, 30 Anna Street

Paul Swiden appeared on behalf of the item. He stated that this is a dance and stated 300 to 400 people are expected and they have hired a detail officer.

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

Exhibit A: Application for one day license received February 4, 2016 and dated February 3, 2016.

5. Petition: Request for one day liquor license
o March 13, 2016, Hours TBD

Petitioner: John Bartosiewicz, 413 Park Avenue

John Bartosiewicz and Attorney Richard Kalkonis appeared on behalf of the item.

Mr. Bartosiewicz stated that for the 2016 St. Patrick's Day Parade, Mahoney's Pub plans to do business the same way it has done for many years. They will have 20 employees working that day along with, 12 security employees, three Worcester Police details, Officer Pat Moran being one and two other that the department assigns. He stated that there will be crowd control and a food station will be run outside consisting of sausages and hot dogs. That station will be monitored as needed.

Mr. Bartosiewicz stated that the security team will consist of three detail police officers from the Worcester Police along with twelve security employees who will be moving at all times. There will be two entrances to get into Mahoney's Pub. One through the inside front door and out through the back alley. There will be at the entrance a person checking valid ID's accompanied by a police officer. The remaining security will be located throughout the bar constantly moving in rotation. There will be security designated both outside and inside pending approval. Their jobs will be to monitor the scene around them and keep it safe and clean of any alteration or trouble. Spare alcohol will be stored in the back room that only offers access with a passcode or with a key and is also behind the bar. Beer will be stored in the basement cooler which is only accessible by the manager and Quality Beverage Team.

Mr. Bartosiewicz stated that they will obtain a license for the port-a-potties.

Chair Shea stated that he was a little surprised to see application before Commission considering the license holder was before Commission just few weeks ago for a violation and to have a one day liquor license in a place that had 350 people inside in his good conscience cannot vote for a one day liquor license.

Attorney Kalkonis stated that the application was filed prior to the notice of the infractions and since that time Mr. Bartoseiwicz has taken steps to address problems.

Mr. Bartosiewicz stated that he has taken steps including hiring police details and taking the crowd control class.

Commissioner Salvidio stated he wasn't the violation meeting but from what he understands from reading the record it seems like there was quite a circus down there that night and he would be disinclined to vote for it this year but may consider it in the future.

Lt. McGurl expressed concerned about the occupancy during the event as building's occupancy is only 49. Mr. Bartoseiwicz stated that it would also be outside.

Lt. McGurl stated that if there is cooking outside applicant will need to apply for a propane permit.

Chair Shea stated that based on what happened in the past she would have a hard time approving this application.

Chair Shea stated she understands that changes have been made but there were a lot of violations and she worried about this event being outside when inside is not under control.

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

Exhibit A: Application for one day license received January 19, 2016 and dated January 19, 2016.

6. Petition: Request for one day entertainment license for live music
 - o March 13, 2016 – Noon-6:00 p.m.

Petitioner: Elm Park Grill, 257 Park Avenue

Dino Singas. Mr. Singas stated this is for live music at parade.

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

Exhibit A: Request for one day entertainment license received February 4, 2016 and dated February 4, 2016.

Common Victualer Requests:

7. Petition: Request for common victualer license

Petitioner: Benny's Ice Cream & Caribbean Cuisine, 610 Lincoln Street

Manahem Bicheotte appeared on behalf of the item. Mr. Bicheotte stated that he owns Benny's Ice Cream food trucks and to avoid the seasonal nature of ice cream they have found a location that they can do food and ice cream.

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

Exhibit A: Request for common victualer license received February 8, 2016 and dated February 8, 2016.

8. Petition: Request for common victualer license

Petitioner: Moscow Nights, 808 Pleasant Street

Gilbert Albanese appeared on behalf of the application. He stated that he will be opening a restaurant at 808 Pleasant Street.

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

Exhibit A: Request for common victualer license received February 23, 2016 and dated February 23, 2016.

Alcohol & Entertainment Requests:

9. Petition: Request for alteration of premises

Petitioner: Whiskey on Water LLC, 97 Water Street

Joe Morin appeared on behalf of the item. He stated that this is for the back parking area for the mobile kitchen area and stated that they are working on a fence system and service is only through the premises.

Upon a motion the Commission voted 3-0 to the alteration of premises.

Exhibit A: Request for alteration of premises received February 4, 2016 and dated February 4, 2016.

10. Petition: Request for change of manager

Petitioner: Basil n Spice, LLC, 299 Shrewsbury Street

Exhibit A: Request for change of manager received January 24, 2016 and dated January 24, 2016.

Bater Lachmann appeared on behalf of the application.

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

11. Petition: Request for restaurant all alcohol license

Petitioner: Oli's Italian Eatery LLC, 394 Belmont Street

Jon Oliveri appeared on behalf of the item. He stated that he is in the process of taking over the location and it is a small restaurant and they will do catering for UMASS. He stated that the storage of the alcohol would be in the basement.

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

Exhibit A: Request for restaurant all alcohol license received February 3, 2016 and dated February 3, 2016.

12. Petition: Request to transfer package store malt & wine license, alteration of premises & pledge of license

Petitioner: Nirvan, LLC, 369 Burncoat Street

Commissioner Shea recused himself from the item.

Attorney Robert Arakelian along with the applicant appeared on behalf of the petition.

Attorney Arakelian stated that this is a very small store and they would just like an additional 8x4 area which would be one extra cooler.

Commissioner Salvidio stated that he had no problem with transfer of owner but would have problem with expansion of premises as when they first issued the license the applicant at that time stated that he would be doing specialty wines and that was why they allowed the license but on their view this morning the observed that it was traditional products being sold and the area around store is well served.

Attorney Arakelian stated that this is a very limited operation and would ask the other Commissioner to allow the alteration.

Chair Shea stated that they did grant the license as applicant was going to sell something different than other stores and they thought at that time they thought it would be nice to have those specialty wines and that is not what is being sold there today.

Commissioner Salvidio stated that there is more than enough space as the store exists now.

Upon a motion the Commission voted 2-0 to approve the transfer of ownership.

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

Exhibit A: Request for transfer of package store malt & wine license and alteration of premises received February 5, 2016 and dated February 5, 2016.

Commissioner Shea returned to the meeting room.

- 13.** Petition: Request to amend liquor license hours to expand hours to 2:00 a.m. and request to expand entertainment to include dancing by entertainers

Petitioner: International Lounge, 27 Pleasant Street

Attorney Richard Kalkonis appeared on behalf of the item and stated that the applicant would like to postpone this item until a further meeting.

Upon a motion the Commission voted 3-0 to postpone the item until the May 26, 2016 License Commission meeting.

Exhibit A: Request for to amend entertainment license and expand hours received February 3, 2016 and dated February 3, 2016.

Violation Hearings

14. Leitrim's Inc., 265 Park Avenue, Violation of Rules #7, #14, #27, 204 CMR 2.05, 527 C.M.R. 1.05 – Sale to under 21, Manager responsible for premises, overcrowding

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

Lt. Johnson presented the following:

1. On January 22, 2016 Officer Patrick Harrington was working as a member of the Worcester Police Alcohol Enforcement Unit along with Officers Edward Saucier and Mark Jolin, along with Worcester Fire Inspectors Kevin Vescera, William Ekberg, Jeff Dubeau and Lt. Brian McGurl. Along with them was Casey Burlingame of Inspectional Services and John Araujo of the State Fire Marshal's Office (collectively referred to as "the group").
2. At 12:30 a.m. the group went to the Licensed Premises and observed a line of people waiting to get inside.
3. The Licensed Premises's occupancy is 50 for the back bar and 150 for the front bar.
4. As the group entered the Licensed Premises they could not move due to the number of people inside the building.
5. Officer Harrington observed a small group of females who did not appear to be 21 and as he approached the group one of the females, who had a Bud Light in her hand, threw the beer bottle down and tried to walk away but was unable to due to the number of people inside the Licensed Premises.
6. Officer Harrington asked her age and she stated she was 22. Officer Harrington told her he planned to run her driver's license through the CJIS Terminal and the female admitted to only being 20 years old and only had her school ID on her. Officer Harrington asked her how she was able to get into the bar and she stated that she entered just before 11:00 p.m. with friends and was not asked for an ID.
7. The group counted 360 people inside the Licensed Premises.
8. Once the Licensed Premises was cleared of patrons the group observed a nip bottle (Smirnoff) littering the floor.
9. Officer Harrington informed employee Grace Carvajal to notify the manager of the Licensed Premises that the license holder would be receiving a notice to appear before the License Commission.

Ms. Laramee testified that she understands the severity of what happened and it was not acceptable. She testified that evening they were pushed to capacity due to some other incidents that happened on Park Avenue.

Ms. Laramee further testified that she believed that the 20 year old female did have some type of other ID on her person that she did not show police showing that she was 21 years old and that is how she was able to gain admittance.

Ms. Laramee testified that they have six door staff, an off duty detail police officer and a bouncer at the door. Ms. Laramee testified that since the incident she has spoken with the Fire Department and Inspectional Services on how to make the Licensed Premises safer. Since the incident, all door staff have been required to take the crowd certification course and they are only using one exit to properly capture the number of patrons inside the building. Furthermore, they have gone back to using a push button counter at the door since that way is more efficient.

Commissioner Salvidio stated that a good plan is in place and he is happy at her cooperation with the different city departments.

Commissioner Shea stated that his concern was the fact that evening the number of people on the Licensed Premises far exceeded the occupancy and this is something she needs to be aware of and not let this happen again because it poses a great safety risk.

Based on the evidence, the Commission finds the Licensee violated Rules #7, #14 and #27 of the Worcester License Commission Rules and Regulations for liquor licenses, a violation of 204 CMR 2.05 (2) and a violation of the Fire Safety Code, 527 C.M.R. 1.05, § 20.1.5.6. and imposes a three (3) day suspension with two (2) days suspended and one (1) day served. The Licensee shall serve the suspension on April 21, 2016. If any violations occur within one year from the date of the hearing you will serve the two days along with any other penalty the Commission imposes.

Exhibit A: Police Report dated January 26, 2016.

- 15. G Bar LLC, 62 Green Street, Violation of Rules #14, #17, 204 CMR – Alcohol taken off premises, manager responsible for premises**

Hovsep H Yaghmourian appeared on behalf of the violation.

Lt. Johnson presented the following:

1. On January 1, 2016 Sergeant Thomas Needham was working as a member of the Worcester Police Alcohol Enforcement Unit, operating an unmarked police vehicle and was in the area of Winter and Green Street.
2. At around 12:50 a.m. Sergeant Needham observed a female holding a beer bottle outside the Licensed Premises.

3. Sergeant Needham could not stop due to the volume of traffic and circled the block and proceeded back to Green Street and again observed the same female standing on the sidewalk just outside the side door to the Licensed Premises holding two Bud Lite bottles of beer.
4. Sergeant Needham pulled his vehicle over, exited and observed the female attempt to re-enter the Licensed Premises.
5. Upon approaching the female stated to Sergeant Needham that she knew she should not have left the bar with the bottles. Sergeant Needham proceeded to dump the contents of the bottle on the ground.
6. Officer Patrick Harrington arrived to assist Sergeant Needham and spoke with Garo Bekirian, who identified himself as the bartender/doorman, and said he was the uncle of the owner and that there was no manager on duty at this time.
7. Sergeant Needham explained to Mr. Bekirian what he had observed and Mr. Bekirian stated that the woman must have slipped past him when he went to help with something at the bar.
8. Sergeant Needham informed Mr. Bekirian to notify the owner/manager Mr. Yaghmourian of the incident and that a report of the incident would be filed and a hearing requested for the owner/manager to appear before the License Commission in regards to the violations.

Mr. Yaghmourian admitted to the violation and testified it was a few minutes of negligence that allowed the violation to occur and he has reminded staff that if that side door is opened that it must be manned by staff all times so alcohol does not leave the premises.

Based on the evidence, the Commission finds the Licensee violated Rules #14 and #17 of the Worcester License Commission Rules and Regulations for liquor licenses and a violation of 204 CMR 2.05 (2) on January 1, 2016 and imposes a one (1) day suspension to be served on April 7, 2016.

Exhibit A: Police report dated January 1, 2016.

16. International Lounge, 27 Pleasant Street, Violation of Rules #1 (2 counts), Rule #14 (3 counts), 204 CMR 2.05 – Open after hours, manager responsible for premises

Item was postponed until the March 10, 2016 License Commission meeting.

Exhibit A: Police report dated January 21, 2016.

Communications

- a. ABCC Communication – Notice of Hearing – Elite Club Enterprises Inc. dba Riviera Show Club, Sale or Delivery of an alcoholic beverage to an intoxicated person – No comment.
- b. ABCC Communication - Notice of Hearing-PJD Entertainment of Worcester, Inc. dba Centerfolds II Sale or Delivery of an alcoholic beverage to an intoxicated person - No comment.

ADJOURNMENT

Meeting adjourned at 11:15 p.m.