

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

**JULY 13, 2017**

ESTHER HOWLAND CHAMBER

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

**Commission Members Absent:**

**Staff Present:**

Stephen Rolle, Planning & Regulatory Services  
Deborah Steele, Planning & Regulatory Services  
Jennifer Beaton, Law Department  
Lt. James Johnson, Worcester Police Department  
Edward Saucier, Worcester Police Department  
Pat Harrington, Worcester Police Department  
Lt. Bill Ekberg, Fire Prevention  
Lt. Kevin Vescera, Fire Prevention

**Minutes**

June 22, 2017

Upon a motion the Commission voted 3-0 to approve the minutes of June 22, 2017.

Call to Order – 10:00 a.m.

**OLD BUSINESS**

**I-2:** Petitioner: M&S Entertainment, 41 Pleasant Street-**Postponed to August 10, 2017**

Request to transfer general on premises all alcohol license from 336 Main Street

**I-2a:** Petitioner: M&S Entertainment, 41 Pleasant Street-**Postponed to August 10, 2017**

Request for entertainment license for jukebox, tv, radio, dancing by patrons, recorded music, live music, amplification system, light show, karaoke, any other audio or visual show whether live or recorded specifically

Exhibit A: Application for change of location received May 15, 2017 and dated May 15, 2017.

Exhibit A: Application for entertainment license received May 15, 2017 and dated May 15, 2017.

## **NEW BUSINESS**

### **II Special One Day Liquor & Entertainment Requests**

#### **II-1: Robert Moynagh, 25 Exchange Place**

Request for one day liquor license

- July 29, 2017-10:00 a.m.-10:00 p.m. -50 people expected

Robert Moynah appeared upon behalf of the application. He stated that this will be for a fundraiser for Special Olympics.

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

Exhibit A: Application for one day liquor license received June 26, 2017 and date June 26, 2017.

#### **II-2: Regatta Point Community Sailing, 10 Lake Avenue North**

Request for one day liquor license

- July 21, 2017-5:00 p.m.-9:00 p.m.-99 people expected
- August 5, 2017-5:00 p.m.-9:00 p.m.-99 people expected
- September 9, 2017-Noon-6:00 p.m.-99 people expected

Lucas Marken appeared upon behalf of the applications. He stated that these will be for different events at Regatta Point Community sailing.

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

Exhibit A: Application for one day liquor license received June 28, 2017 and dated June 28, 2017.

#### **II-3: Grille 57, 57 Highland Street-outside**

Request for one day liquor license

- July 15, 2017-Noon-10:00 p.m.-60 people expected
- August 12, 2017-Noon-10:00 p.m.-60 people expected

Peter Stathouloupoulos appeared upon behalf of the application. He stated that he would like to amend August 12, 2017 to August 5, 2017 and that these events are for a BBQ party and will be held in a closed off area in the parking lot.

Commissioner Haller stated that since that this is large crowd and there is not a lot of parking in the area she asked where the parking would be located. Mr. Stathoulopoulos stated that he has a parking lot in back of the restaurant.

Chair Salvidio asked Mr. Stathoulopoulos to put a sign in front window during the events indicating where people should park.

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

Exhibit A: Application for one day liquor license received July 5, 2017 and dated July 5, 2017.

**II-4:** Flying Dreams Brewing Co., 455 Main Street

Request for one day liquor license

- July 27, 2017-5:00 p.m.-8:00 p.m.-75-100 people expected
- August 3, 2017-5:30 p.m.-8:00 p.m.- 30-60 people expected
- August 10, 2017-7:30 p.m.-10:00 p.m.-150-200 people expected
- August 24, 2017-5:30 p.m.-8:00 p.m.-50-75 people expected
- September 7, 2017-5:30 p.m.-8:00 p.m.-30-50 people expected

Che Anderson from the City Manager's office appeared upon behalf of the application. He stated that these are for more events for the Worcester Common and July 27, 2017 is the Let's Dance Event, August 24, 2017 is an 80's music event, August 3, 2017, and September 7, 2017 will be paint nights, and August 10, 2017 is for the movie night.

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

Exhibit A: Application for one day liquor license received July 6, 2017 and dated July 6, 2017.

**II-5:** Helen Peprah, 1023 Main Street

Request for one day liquor license

- July 22, 2017-8:00 p.m.-2:00 a.m.-50 people expected

No one appeared for the item.

The Commission voted 3-0 to approve the one day liquor license with the condition that police speak with applicant to review the event.

Exhibit A: Application for one day liquor license received July 7, 2017 and dated July 7, 2017.

**III Common Victualer Requests**

**III-1:** Chick-fil-A Worcester, 80 Gold Star Boulevard

Request for common victualer license

Chris Spring appeared upon behalf of the item.

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

Exhibit A: Application for common victualer license received June 26, 2017 and dated June 26, 2017.

**III-2:** The Creperie, 123A Highland Street

Request for common victualer license

David Maynard 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 received June 29, 2017 and dated June 29, 2017.

**III-3:** CFC dba Crown Fried Chicken, 550 Park Avenue

Request for common victualer license

Attorney Joseph Lussier appeared upon behalf of the application. He stated that this is just for a change in ownership.

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

Exhibit A: Application for common victualer license received June 19, 2017 and dated June 19, 2017.

**III-4:** CFC dba Crown Fried Chicken, 819 Main Street

Request for common victualer license

Attorney Joseph Lussier appeared upon behalf of the application. He stated that this is just for a change in ownership.

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

Exhibit A: Application for common victualer license received June 19, 2017 and dated June 19, 2017.

**III-5:** Taste of the Mediterranean, 20 Franklin Street

Request for common victualer license

Gulahmad Gulanadadeh 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 received June 30, 2017 and dated June 30, 2017.

**III-6:** Red Pepper & Chongqing Impression, 1083 Main Street

Request for common victualer license

Li Lu 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 received July 5, 2017 and dated July 5, 2017.

**IV Alcohol & Entertainment Requests**

**IV-1:** Petitioner: The Usual Corporation, 166 Shrewsbury Street

Petition: Request for transfer of stock, change of officers, directors, change of manager and change of dba

Attorney Donna Truex along with Devon Senior and Joseph Herman appeared upon behalf of the application.

Chair Salvidio asked if there was change in stock. Attorney Truex stated no and this is just for change of officers, manager and dba. She stated at later time they may do change of stock but Stacey Gala at current time is still 100% holder of stock.

Upon a motion the Commission voted 3-0 to approve the change of officer directors, change of manager and change of dba.

Exhibit A: Application for transfer of stock, change of officers, directors, change of manager and change of dba received June 28, 2017 and dated June 28, 2017.

**IV-2:** Petitioner: The Pint LLC, 58 Shrewsbury Street

Petition: Request for alteration of premises for sidewalk café

No one appeared for item and Commission voted to postpone the item until the August 10, 2017 License Commission meeting.

Exhibit A: Application for alteration of premises received June 28, 2017 and dated June 28, 2017.

**IV-3:** Petitioner: African Community Development Corporation, 336 Main Street-**Postponed to August 10, 2017**

Petition: Request for entertainment license for tv, radio, dancing by patrons, dancing by entertainers, recorded music, live music, play, floor show, light show, theatrical exhibition, karaoke

Exhibit A: Application for entertainment license received June 27, 2017 and dated June 27, 2017.

**IV-4:** Petitioner: Plaza Azteca Lincoln Plaza LLC dba Plaza Azteca, 535  
Lincoln Street

Petition: Request for entertainment license for tv, radio, dancing by patrons, dancing by entertainers, live music, amplification system, karaoke

Attorney John Kennelly along with Camille Garcia appeared upon behalf of the application.

Mr. Kennelly stated that this establishment is a restaurant and they would like to expand their entertainment to get patrons to stay in the restaurant longer and they currently have just tv and radio and they'd like to expand.

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

Exhibit A: Application for entertainment license received June 5, 2017 and dated June 5, 2017.

#### **V Other Business**

**V-1:** Petitioner: The Grid District

Petition: Request to charge for parking

Vincent Coroloni appeared upon behalf of the application and stated that they would like to charge for parking during certain events and days.

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

Exhibit A: Application for parking lot license dated July 7, 2017 and received July 7, 2017.

#### **V Violations**

**V-1:** CHTT Corp. dba Kai Sushi Bar and Grill, 68 Stafford Street

Violation of Rules #7, #14, 204 CMR 2.05 – Sale to minor, Manager responsible for premises

Thuc Tang appeared to answer to the violation and waived his right to counsel.

Lt. Johnson presented the following:

On April 15, 2017 members of the Alcohol Enforcement Team conducted 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.

Mr. Tang stated that they have been open for seven years and this has never happened before and they do accept the violation and it is their fault for not checking ID and going forward they have told staff they have zero tolerance policy for not checking ID.

Upon a motion the Commission voted 3-0 that the violation did occur.

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

Exhibit A: Police report dated April 20, 2017.

**V-2:** Zorbas Pizzeria Taverna Inc. dba Zorbas Restaurant, 97 Stafford Street

Violation of Rules #7, #14, 204 CMR 2.05 – Sale to minor, Manager responsible for premises

No one appeared to answer to the violation and Commission voted to postpone the item to the August 20, 2017 License Commission.

**V-3:** 90 Harding Street LLC dba The Compass Tavern, 90 Harding Street

Violation of Rules #14, #27 204 CMR 2.05 – Occupancy violation, Manager responsible for premises

David Domenick appeared to answer to the violation and waived his right to counsel.

Lt. Johnson presented the following:

On April 13, 2017 members of the Worcester Police Department and Worcester Fire Department conducted compliance checks throughout the City of Worcester.

At 11:45 p.m. members visited the Licensed Premises which has a current inside occupancy of 316. As they approached the Licensed Premises they observed about 125 people waiting to get in. As they entered the Licensed Premises they observed it was well over capacity.

The officers spoke with David Domenic, the owner, and asked him to put on the lights and have the DJ stop playing music. A fire official was stationed at each door to count the patrons as they exited and approximately 300 people left via the main door, 144 patrons left via the DJ area exit, with 150 patrons remaining inside. The total number of patrons inside when the police and fire officials arrived was 594.

Mr. Domenick stated that the violation did happen and this was Thursday before Easter and it got crazy and it was unacceptable what happened that day.

Mr. Domenick stated that he had arrived that evening and saw the crowd and didn't realize that one of the employees had opened another door to allow patrons in, which he shouldn't have done, but since that time he has been vigilant and has added another off duty officer to prevent the overcrowding situation from happening again.

Lt. Ekberg stated that the licensed premises has been cited four times for overcrowding.

Staff stated that those violations are not before the Commission.

Upon a motion the Commission voted 3-0 that the violation did occur.

Commissioner Haller expressed concern that there was overcrowding and asked Mr. Domenick if he has counters at the door. Mr. Domenick stated that he does have counters at the door which click people coming in and coming out and hires police details on busy nights.

Lt. Johnson stated that he had concerns about number of people in the establishment.

Upon a motion the Commission voted 3-0 to impose a one day suspended suspension.

Exhibit A: Police report dated April 18, 2017.

**V-4:** Kwik Pik, Inc. dba Kwik Pik Convenience, 557 Southwest Cutoff

Violation of Rules #6, #21, 204 CMR 2.05-Sale to minor, Manager responsible for premises

Attorney Jonathan Finkelstein along with Anal Patel 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 12:24 p.m., the underage male entered the Licensed Premises and purchased a six pack of Bud Light bottles for \$7.29 and was not asked for identification.

Attorney Finkelstein stated that they are not disputing the facts as presented.

Upon a motion the Commission voted 3-0 that the violation did occur.

Chair Salvidio stated that this is the fourth appearance of Kwik Pik before the Commission for the same violation and he has deep concerns as all of the violations have occurred since Mr. Patel has owned premises.

Attorney Finkelstein stated after the 2015 violation Mr. Patel did buy a scanner but obviously was not using all the time. After this incident Mr. Patel has purchased a scanner where they cannot sell alcohol without checking the ID through the machine.

Mr. Patel stated that he was working behind the counter the day of the violation and it was lack of judgement on his part that he didn't ask for ID as he was talking to another customer who was playing the lottery.

Commissioner Shea stated that focus is most important thing in this type of business.

Attorney Finkelstein stated that he will work with Mr. Patel going forward and Lt. Johnson has offered to assist Mr. Patel.

Chair Salvidio stated that if Mr. Patel continues this way he may have to repurpose the store for non-alcohol use.

Chair Salvidio stated that he going to propose a 30 day suspension and in the 30 days Mr. Patel should work on the store and how it is going to be run.

Upon a motion the Commission voted 3-0 that the violation did occur.

Upon a motion the Commission voted 3-0 to impose a 30 day suspension which will be served September 1, 2017 to September 30, 2017.

Exhibit A: Police report dated March 18, 2017.

**V-5:** Plaza Azteca Lincoln Plaza LLC dba Plaza Azteca, 535 Lincoln Street

Violation of Rules #7, #14, 204 CMR 2.05-Sale to minor, Manager responsible for premises – April 15, 2017

Attorney John Kennelly along with Camille Garcia and Manuel Reyes appeared to answer 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 12:10 p.m. Officer Patrick Harrington and the underage male entered the Licensed Premises and both ordered a Bud Light. Both were served Bud Light bottles by a male bartender. Neither one was asked to provide identification.

On June 1, 2017 members of the Worcester Police Department Enforcement Unit, Worcester Fire Department and Inspectional Services were conducting compliance checks and visited the Licensed Premises.

The investigators observed a large banner outside the Licensed Premises advertising karaoke and observed a sign displayed for live music, Friday & Saturday nights. The investigators located in the rear bar area large DJ and karaoke speakers with equipment. The Licensed Premises is only licensed for tv and radio.

Violation of Rule #14, 204 CMR 2.05 – Manager responsible for premises-June 1, 2017

Attorney Kennelly stated that with regard to the June 1, 2017 violation they do not contest that and as soon as they were informed that they needed to apply for the additional entertainment they did.

Upon a roll call the Commission voted 3-0 that the violation on June 1, 2017 did occur.

Attorney Kennelly asked on the April 15, 2017 violation did the minor have any identification on him and whether the underage person ordered the drink. Lt. Johnson stated that minor had no identification and the underage person ordered the drink.

Attorney Kennelly asked what media and what notice was made for this compliance checks. Lt. Johnson stated that he did not know the date but it's given to the police media liaison every year who posts it.

Attorney Kennelly stated that they are not disputing the incident and the server that day was not paying attention.

Attorney Kennelly presented to the Commission the employee handbook for Plaza Azteca which reviews their policies regarding sale of alcohol and checking ID.

Ms. Garcia stated that the server was terminated.

Attorney Kennelly stated that employees are TIPS certified and they are also going to require Serv Safe for the employees.

Upon a motion the Commission voted 3-0 that the violation did occur.

Upon a motion the Commission voted 3-0 to issue a one day suspended suspension for both violations.

Exhibit A: Police report dated June 6, 2017.

Exhibit B: Police report dated April 28, 2017.

Exhibit C: Plaza Azteca employee handbook.

**V-6:** Jasmat Corporation dba Mahoney's, 413 Park Avenue-**Postponed to August 10, 2017**

Violation of Rules #1, #14, 204 CMR 2.05-Hours violation, manager responsible for premises –May 16, 2017, June 3, 2017, June 8, 2017.

## **Communications**

## **ADJOURNMENT**

