

MINUTES OF THE PROCEEDINGS OF THE
LICENSE COMMISSION OF THE CITY OF WORCESTER
JUNE 19, 2014

LEVI LINCOLN CHAMBERS

Commission Members Present: Karon Shea, Chairperson
Paul Mullan, Commissioner

Commission Members Absent: Anthony Salvidio, Commissioner

Staff Present: Stephen Rolle, Planning & Regulatory Services
Deborah Steele, Planning & Regulatory Services
Alexandra Haralambous, Law Department
Amanda Wilson, Inspectional Services
James Foley, Inspectional Services

Approval of the Minutes – May 21, 2014, June 5, 2014

Upon a motion the Commission voted 2-0 to approve the minutes of May 21, 2014 and June 5, 2014.

One Day Liquor & Entertainment Requests:

- Petition:** Request for Farmer Winery License to sell at Farmer's Market
Petitioner: Lexington Consulting Group, Inc., 55 Salisbury Street

Kipton Kumler appeared on behalf of the application. He stated he has already obtained the state license and now needs the local board approval.

Upon a motion by Commissioner Mullan, the Commission voted 2-0 to approve the request for the Farmer Winery License.

Exhibit A: Application for Farmer Winery License received on June 11, 2014 and dated May 29, 2014.

2. Petition: Request for one day entertainment license on

- June 28, 2014 – 10:30 a.m. -5:30 p.m.

Petitioner: Children’s Friend, Elm Park, Russell and Highland Streets

No one appeared for the item.

Upon a motion by Commissioner Mullan, the Commission voted 2-0 to approve the entertainment license.

Exhibit A: Application for entertainment license received on June 1, 2014 and dated June 1, 2014.

3. Petition: Request for one day liquor license

- July 12, 2014 – 2:00 p.m.-10:00 p.m.

Petitioner: St. Spyridon Cathedral, 102 Russell Street

Dimitrius Economou appeared on behalf of the petition. He stated this event will be for a wedding.

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

Exhibit A: Application for one day liquor license received on June 12, 2014 and dated June 12, 2014.

4. Petition: Request for eight (8) one day liquor & entertainment on

- July 17, 2014 – 5:00 p.m. – 11:00 p.m. – - Alcohol License
- Entertainment License – 5:00 – 10:00 p.m.
- July 24, 2014 – 5:00 -11:00 p.m. - Alcohol License
- Entertainment License -5:00 -10:00 p.m.
- August 7, 2014-5:00-11:00 p.m.-Alcohol License
- Entertainment License-5:00 p.m.-10:00 p.m.
- August 8, 2014 – 11:00 a.m.-Midnight-Alcohol License
- Entertainment License-11:00 a.m. –11:00 p.m.
- August 9, 2014 – 11:00 a.m.-Midnight.-Alcohol License
- Entertainment License-11:00 a.m. -11:00 p.m.
- August 10, 2014-Noon-11:00p.m...-Alcohol License
- Entertainment License-Noon-9:00 p.m.
- August 11, 2014-11:00 a.m.-10:00 p.m...-Alcohol License
- Entertainment License-Noon-9:00 p.m.
- October 12, 2014 – Noon-8:00 p.m-Alcohol. License
- Entertainment License-Noon-7:00 p.m.

Petitioner: Paul Barber, 280 Shrewsbury Street

Paul Barber appeared on behalf of the petition.

Chair Shea stated that the Commission would only hear the petitions for July 17, 2014 and July 24, 2014 and that the other petitions would be postponed until the July 24, 2014 License Commission meeting to allow further discussion to occur between the license holder, neighbors and staff.

Mr. Barber stated that on July 17, 2014 and July 24, 2014 the two events were for the annual Walk and Rock.

Paul Giorgio stated that when the Taste of Shrewsbury Street was held it was very successful and the Walk and Rock events attract an older demographic.

Mr. Rolle stated that staff would recommend that the liquor permits only be approved to 10:00 p.m. and entertainment to 9:00 and that all patrons must be cleared out of the lot by 10:00 p.m.

Mr. Barber stated that would not really work as most people don't even come to these events until after 8:00 p.m.

Commissioner Mullan noted that there have been problems in past with noise complaints from neighbors and suggested that Mr. Barber work with the neighbors. The Commission wants to see how the July events go and then they will look at the other requests.

Mr. Barber stated that he would agree to that.

Upon a motion by Commissioner Mullan, the Commission voted 2-0 to approve the one day liquor licenses for July 17, 2014 and July 24, 2014 with the condition that liquor service ends at 10:00 p.m. and entertainment ends at 9:00 p.m. and the parking lot is to be cleared by 10:00 p.m.

Exhibit A: Application for one day liquor permits received on June 6, 2014 and dated June 6, 2014.

Exhibit B: Letter from Planning & Regulatory Services Division dated June 18, 2014.

Common Victualer – Food Only:

5. Petition: Request for common victualer license

Petitioner: Garden Fresh, Worcester Recovery Center

Todd Stamoulis appeared on behalf of the application. He stated that this will be for employees only at the Worcester Recovery Center.

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

Exhibit A: Application for common victualer license received June 2, 2014 and dated June 2, 2014.

6. Petition: Request for common victualer license

Petitioner: Reyes Café/Latina American Health Alliance, 421 Shrewsbury Street

Matilde Castiel appeared on behalf of the petition. She stated this was the old Dante's Restaurant and they will train people on how to do catering and also run a restaurant.

Upon a motion by Commissioner Mullan, the Commission voted 2-0 to approve the common victualer license.

Exhibit A: Application for common victualer license received on June 3, 2014 and dated June 3, 2014

7. Petition: Request for common victualer license

Petitioner: Sofia's Pizza, 100B Canterbury Street

Jose Delgado appeared on behalf of the petition. She stated that this will be for a pizza restaurant.

Upon a motion by Commissioner Mullan, the Commission voted 2-0 to approve the common victualer license.

Exhibit A: Application for common victualer license received on June 2, 2014 and dated June 2, 2014.

Alcohol & Entertainment Permit Applications:

8. Petition: Request for Change of Beneficial Interest, Pledge of License & Pledge of Inventory

Petitioner: Apple New England, LLC, 632 Park Avenue

Alcoholic Beverages Control Commission had already approved this petition and just requested that the Local Board sign off.

Upon a motion by Commissioner Mullan, the Commission voted 2-0 to approve the request for change in beneficial interest, pledge of license and pledge of inventory.

Exhibit A: Letter from Alcoholic Beverages Control Commission dated May 19, 2014.

9. Petition: Request for Club All Alcoholic license

Petitioner: Acri Corporation dba Fourth and One Club, 12 Aitchison Street

William Feraco appeared on behalf of the petition. He stated that this will be a private club for members only.

Commissioner Mullan stated that he had viewed the premises prior to the License Commission meeting and location was very clean but noticed that a pool table had been placed in the club and told Mr. Feraco that he would need to apply for a license for the pool table. Mr. Mullan also stated that he needs to apply for any entertainment he plans to have and reminded Mr. Feraco that no alcohol is allowed on the premises until the Alcoholic Beverages Control Commission approves the application.

Upon a motion by Commissioner Mullan, the Commission voted 2-0 to approve the club all alcoholic license.

Exhibit A: Application for club all alcoholic license received on June 3, 2014 and dated May 21, 2014.

Hearings

10. 91 Stafford Street – Status of license

Attorney Glen Mattheson, Anh Lam and Mansour Gaval appeared on behalf of the item.

Mr. Mattheson stated that in January a transfer of license was approved from Ms. Lam to Mr. Gaval but the Alcoholic Beverages Control Commission has not signed off on it since Ms. Lam has not been able to obtain a certificate of good standing for taxes owed but should have in a few weeks.

Mr. Gaval stated that he had an agreement with Ms. Lam and he paid for the liquor license and paid \$3000 to form the corporation and Ms. Lam owes him \$25,000.

Commissioner Mullan stated that the License Commission's only purview is over the liquor license and the other issues are a private matter between the two parties.

Mr. Gaval asked if they could withdraw the transfer and give up license so new applicant could go forward. Commissioner Mullan stated that they could do that but after six months the Commission can hold a hearing on the business as it has not been operating for the past several months.

11. Martwi, Inc. dba Rincon Latino Bar, 187 Washington Street – Violation of Rule #14-Manager response for all violation or infractions

No one appeared for the hearing.

Commissioner Mullan asked Ms. Steele about delivery of the notice of hearing. Ms. Steele stated that the violation hearing notice had been posted by constable and sent via US mail to the license holder.

The Commissioners stated that the license holder had been properly notified and would proceed with the hearing.

Lt. Johnson presented the following,

On November 23, 2013, Officer Danny Diaz responded to the area of 187 Washington Street for an assault at El Rincon. A victim told Officer Diaz that he was physically assaulted by a male identified as the manager, Wilfredo Martinez. The victim reported that Mr. Martinez kicked him in the chest, knocking him to the ground where he was then kicked and punched by several males. The victim was not sure if Mr. Martinez was part of the group that continued the assault. The victim's account was backed up by another patron.

Officer Diaz spoke with Mr. Martinez, who stated that he was trying to clear people out at closing time when a couple people started giving his staff a hard time. He told Officer Diaz that his staff forced some people outside but denied assaulting anyone. Mr. Martinez was placed under arrest for assault & battery with a dangerous weapon.

Worcester Police are unable to ascertain who is running the business at this time. Officer Edward Saucier spoke with Sid Prashad, owner of the premises on March 26, 2014 and asked who owns the business and was running it. Mr. Prashad stated that he thought Ms. Bonilla and Mr. Martinez are running the business and that Mr. Martinez pays the rent in cash.

On March 28, 2014, Officer Saucier went to El Rincon and asked the bartender on duty who was running the place and she stated that as far as she knew it was Wilfredo Martinez. Officer Saucier observed that the liquor license on the wall stated that Jackson Mejia is the manager. The bartender said she wasn't sure but she thinks Mr. Mejia does come in from time to time.

Lt. Johnson stated that the Worcester Police cannot determine who is running the business.

Upon a motion by Commissioner Mullan the Commission voted 2-0 to suspend the liquor license immediately until the license holder meets with the Worcester Police so they can determine management and ownership of the licensed premises.

Other Business

12. Set Fee for Pouring Malt License

Upon a motion the Commission voted 2-0 to set the fee at \$500.

13. Alcohol & Sting Guidelines

The Commission had no comment.

Adjournment

Upon a motion the Commission voted 2-0 to adjourn the meeting at 11:04 a.m.