

MINUTES OF THE PROCEEDINGS OF THE
LICENSE COMMISSION OF THE CITY OF WORCESTER
JANUARY 22, 2015

LEVI LINCOLN CHAMBERS

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

Commission Members Absent:

Staff Present: Deborah Steele, Planning & Regulatory Services
Alexandra Haralambous, Law Department
Lt. James Johnson, Worcester Police Department
James Foley, Inspectional Services

Approval of the Minutes – January 8, 2015

Upon a motion the Commission voted 2-0 to approve the minutes of January 8, 2015.

NEW BUSINESS

One Day Liquor & Entertainment Requests:

1. Petition: Request for one day liquor license – March 15, 2015 – 11:00 a.m.-8:00 p.m.

Petitioner: Brian Carigan, 433 Park Avenue

Brian Carignan and David Carignan appeared on behalf of the item.

Brian stated that this will be for the St. Patrick's Day Parade and the area will be fenced in.

Lt. Johnson recommended that the closing hour be 6:00 p.m.

Upon a motion the Commission voted to approve the one day liquor license with the hours of 11:00 a.m. to 6:00 p.m.

Exhibit A: Application for one day license received by December 30, 2014 and dated December 30, 2014.

2. Petition: Request for one day liquor license – January 31, 2015 – 6:00 p.m. - Midnight

Petitioner: St. Spyridon Greek Orthodox Cathedral, 102 Russell Street

No one appeared for item but the Commission felt they had sufficient information to vote on the matter.

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

Exhibit A: Application for one day license received December 29, 2014 and dated December 29, 2014.

3. Petition: Request for one day liquor license –February 5, 2015 – 5:30 p.m. - 7:30 p.m.

Petitioner: Struck Catering, 123 Summer Street

Derek Brillo appeared on behalf of the item. He stated that this will be for an event at St. Vincent's Hospital and will be held in the atrium.

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

Exhibit A: Application for one day liquor license received January 6, 2015 and dated January 6, 2015.

4. Petition: Request for one day entertainment license – June 7, 2015 – 9:00 a.m. - 9:00 p.m.

Petitioner: Oasis Theater, dba The Palladium, 261 Main Street

Christopher Besaw appeared on behalf of the application.

He stated that this will be for an outside concert which will feature the hottest acts on the internet and they expect about 5,000 people.

Lt. Johnson asked about security.

Mr. Besaw stated that he will hire as many details as the police recommend and will also have a medical detail present for the event.

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

Exhibit A: Application for one day entertainment license received January 5, 2015 and dated January 5, 2015.

5. Petition: Request for entertainment for carnival – March 26, 2015 - April 5, 2015
Petitioner: Fiesta Shows, Greendale Mall, Neponset Street

John Flynn appeared on behalf of the item.

Chair Shea asked what would be the hours of the event. Mr. Flynn stated mid-week it would be 6:00 p.m. – 10:00 p.m. and weekends it would be 6:00 p.m. – 11:00 p.m.

Lt. Johnson stated that he appreciates the fact that Mr. Flynn has worked with the police in the past but the police would not recommend this event be held this year due to the gang violence.

Commissioner Salvidio asked the Lieutenant to clarify. Lt. Johnson stated that there have been several shootings after dark and unfortunately at this time there is a lot of gang retaliation going on and an event like this attracts gang members. Lt. Johnson recommended that this application is not approved because it is the opinion of the WPD that the event cannot go on without endangering the public.

Mr. Flynn stated that he has worked with the police and it's not fair that good people would not be able to come to their carnival with their kids and they control what goes on at the carnival but can't control what happens when people leave and asked Commission if they was an alternative location they could recommend for the event.

The Commission stated that they did not and stated that it was unfortunate and Commissioner Salvidio asked if it could work as a day event only. Mr. Flynn stated that would only work on weekend as during week people work and cannot attend until after working hours.

Chair Shea stated that she did not see even how that would help even if they changed hours.

Commissioner Shea stated that he is concerned that this type of event is draining police resources and it is unfortunate that attendees are kids that don't care.

Commissioner Salvidio stated that he was torn that a few should ruin it for the many but this is not a good time and even if they approved different hours it would be so restrictive the event would not make sense for the applicant.

Upon a roll call the Commission voted 3-0 to deny the entertainment license for the carnival.

Exhibit A: Application for entertainment license received December 12, 2014 and dated December 12, 2014.

Exhibit B: Security plan received January 20, 2015 and dated January 20, 2015.

Common Victualer License Requests:

6. Petition: Request for common victualer license
Petitioner: Pizza Hut #317153, 349 Grafton Street

No one appeared for the item but the Commission felt they had sufficient information to vote on the matter.

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

Exhibit A: Application for common victualer license received January 12, 2015 and dated January 12, 2015.

7. Petition: Request for common victualer license

Petitioner: J&J Pizza Express, Inc., 3 Rice Square

Eduardo Stofel appeared on behalf of the item. He stated that he is taking over an existing business.

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

Exhibit A: Application for common victualer license received January 6, 2015 and dated January 6, 2015.

Alcohol & Entertainment Permit Applications:

8. Petition: Request for restaurant malt & wine license

Petitioner: Magalys Rodriguez dba International Lounge, 27 Pleasant Street

Magalys Rodriguez appeared on behalf of application.

Chair Shea stated that the Commission members and police had attempted to view the premises but applicant was not there to show Commission members the layout and stated they are postponing the item for two weeks and told Ms. Rodriguez to make sure she is present so they can view the premises prior to the meeting.

Exhibit A: Application for restaurant malt & wine license received January 2, 2015 and dated January 2, 2015.

9. Petition: Request for restaurant all alcohol license

Petitioner: Mi Reyna Co., 394 Belmont Street

Lisa & Roman Gallo appeared on behalf of the application.

Chair Shea stated that the Commission members and police had viewed the premises prior to the meeting and asked what the proposed hours would be.

Ms. Gallo stated Thursday thru Saturday – 11:00 a.m. to 1:00 a.m. and Monday thru Wednesday – 11:00 a.m. to 11:00 p.m.

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

Exhibit A: Application for restaurant all alcohol license received January 6, 2015 and dated January 6, 2015.

10. Petition: Request for restaurant malt & wine license

Petitioner: Daisy Rosario dba La Casa del Monfongo, 848 Main Street

Attorney Hong Trang along with Daisy Rosario appeared on behalf of the application.

Chair Shea stated that the Commission members and police had viewed the premises prior to the meeting and asked what the proposed hours would be.

Attorney Hong stated 11:00 a.m. to 11:00 p.m.

Upon a motion the Commission voted 3-0 to approve the restaurant malt & wine license.

Exhibit A: Application for restaurant malt & wine license received January 6, 2015 and dated January 6, 2015.

11. Petition: Request for transfer of restaurant all alcohol license from Malpaso, Inc.

Petitioner: KR Hospitality Group, LLC, 536 Main Street

Matthew Kingman and John Rinaldo appeared on behalf of the application.

Mr. Kingman stated that they are taking over existing business and they plan to create a high end pub.

A brief discussion was held on hours and it was determined that hours will be 11:00 a.m. to 2:00 a.m.

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

Exhibit A: Application for transfer of restaurant all alcohol license received January 5, 2015 and dated January 5, 2015.

Violation Hearings

12. The Saloon, 715 West Boylston Street - Cessation of Business hearing

Commissioner Shea recused himself from this item.

Upon a motion the Commission voted 2-0 to rescind the restaurant all alcohol license due to cessation of business.

13. Ishwar Krupa Inc. dba YD Liquors - 1140 Grafton Street

Violation of Rule #21 – Managers responsible for violations occurring on the premises

Ishwarbai Patel, Pravina Patel and Lori Devo appeared on behalf of the item.

Mr. Patel waived his right to counsel.

Lt. Johnson presented the following:

Worcester Police were notified by the Department of Transitional Assistance on June 12, 2014 that there were violations regarding the use of electronic benefit transfer (EBT) cards being used at various licensed liquor establishments in the City of Worcester. On September 25, 2013, YD Liquors allowed an actual point of sale with an EBT card in the amount of \$17.98.

Massachusetts General Laws c. 18, § 5I prohibits the *use* of cash Electronic Benefit Transfer (“EBT”) transactions for the *purchase* of certain products, such as alcohol and tobacco. Furthermore, Massachusetts General Laws c. 18, § 5J, prohibits EBT transactions at *certain establishments*, such as liquor stores.

Mr. Patel stated that he had gone to a new terminal system and it accepted Visa, MasterCard and Discover and any other card was supposed to be locked out and his staff didn’t even know what the EBT card looked like. Mr. Patel stated that about a month after he got the new terminal United Bank did the programming and contacted him stating that the system was not processing the cards so they reviewed the system and when card was being swiped it would just show up as credit or debit and did not identify what type of card it is.

Commissioner Salvidio stated that the clerk was relying on the system. Mr. Patel stated that was correct.

Ms. Devo stated that she was the clerk who took the EBT card and it did not show up on her side of the register when someone swiped what type of card it was but since that time they have had terminal adjusted and they physically take the card to swipe it and EBT cards will be locked out.

The Commission members agreed that this was more of a computer operational problem which has been addressed by the store.

Upon a motion the Commission voted 3-0 to not find a violation.

Exhibit A: Police report dated November 6, 2014.

Communications

A.B.C.C. decision – A&B Liquors, 110 McKeon Road - filed

Four Seasons Restaurant, 249 Lake Avenue – Temporary Closure - filed

ADJOURNMENT

Meeting adjourned at 10:41 a.m.