

MINUTES OF THE PROCEEDINGS OF THE  
LICENSE COMMISSION OF THE CITY OF WORCESTER  
**OCTOBER 15, 2015**

LEVI LINCOLN CHAMBERS

**Commission Members Present:** Karon Shea, Chairperson  
Walter Shea, Commissioner

**Commission Members Absent:** Anthony Salvidio, Commissioner

**Staff Present:** Stephen S. Rolle, Planning & Regulatory Services  
Alexandra Kalkounis, Law Department  
Deborah Steele, Planning & Regulatory Services  
Lt. James Johnson, Worcester Police Department  
Officer Mark Jolin, Worcester Police Department  
Jim Foley, Health Department

**Approval of the Minutes** – October 1, 2015

Upon a motion the Commission voted 2-0 to approve the minutes of October 1, 2015.

**OLD BUSINESS**

**1.** Petition: Request for restaurant all alcohol license

Petitioner: Lock 50, Inc., 50 Water Street

Ed Russo appeared on behalf of the item.

Chair Shea stated that the Commission viewed the premises prior to the meeting and were very impressed.

Mr. Russo stated that this will be an American/contemporary restaurant with two dining rooms and will open from 6:30 a.m. to 3:00 p.m. for breakfast and lunch and then shut down for an hour and then will open up again for dinner.

Chair Shea asked when the planned opening date was.

Mr. Russo stated January.

Upon a motion the Commission voted 2-0 to approve the restaurant all alcohol license.

Exhibit A: Application for restaurant all alcohol license dated September 15, 2015 and received September 15, 2015.

## **NEW BUSINESS**

### **One Day Liquor & Entertainment Requests:**

2. Petition: Request for wine tasting
- **October 17, 2015**

Petitioner: St. Joseph's Church/Holy Family Parish, 35 Hamilton Street

Ralph Berthiaume appeared upon of the application. He stated that this is for a fundraiser.

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

Exhibit A: Application for wine tasting permit received October 1, 2015 and dated October 1, 2015.

3. Petition: Request for Farmer Winery License to sell at Farmer's Market  
October 17, 2015-May 31, 2016 from 9:00 am-12:00 pm

Petitioner: Aaronap Cellars, LLC, 138 Green Street

Noel Powell appeared on behalf of the item. Mr. Powell stated that they have been doing this for about a year and half at 138 Green Street and would like to continue and renew their permit.

Upon a motion the Commission voted 2-0 to approve the Farmer Winery License.

Exhibit A: Application for Farmer Winery License received September 14, 2015 and dated September 14, 2015.

4. Petition: Request for one day liquor license
- **November 21, 2015 – 5:00 p.m.-11:00 p.m.**

Petitioner: Mass Martial Arts Academy, 596 Cambridge Street

Donald Oleski appeared on behalf of the item. He stated that this is for a fundraiser for their karate team and they expect about 300 people but it is all families.

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

Exhibit A: Application for one day liquor license received October 5, 2015 and dated October 5, 2015.

5. Petition: Request to allow samplings on premises

Petitioner: Flying Dreams Brewing Co, 445B Park Avenue

David Richardson appeared on behalf of the item. He stated this is the old Wormtown Brewery location and they are taking over the location and would like to allow samplings on site and stated that he doesn't plan to sell and serve beer on site and only plans to sell for off-site and this is only to try the beer before customers buy it.

Chair Shea asked what would be the hours of operation.

Mr. Richardson stated Wednesday thru Saturday – 3:00 p.m.-10:00 p.m. and Sunday Noon to 10:00 p.m.

Upon a motion the Commission voted 2-0 to approve the application.

Exhibit A: Application for samplings received October 2, 2015 and dated October 2, 2015.

**Common Victualer License Requests:**

6. Petition: Request for common victualer license

Petitioner: Atlas Pizza, 1282 Pleasant Street

Ehab Mikhael appeared on behalf of the item. Mr. Mikhael stated that he is looking to run a restaurant at location.

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

Exhibit A: Application for common victualer license received October 1, 2015 and dated October 1, 2015.

7. Petition: Request for common victualer license

Petitioner: Domino's Pizza, 304 Park Avenue

Henry Askew appeared on behalf of the item. Mr. Askew stated that he is looking to relocate the current Domino's Pizza as it will be larger and have seating for 28.

Chair Shea asked what would be the hours of operation.

Mr. Askew stated weekdays; 10:30 a.m.-1:00 a.m. and 10:30 a.m. to 4:00 a.m. on weekends.

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

Exhibit A: Application for common victualer license received October 1, 2015 and dated October 1, 2015.

8. Petition: Request for common victualer license

Petitioner: Honey Dew Donuts, 851 Grafton Street

Romeo Kota appeared on behalf of the item.

Chair Shea asked what would be the hours of operation.

Mr. Kota stated 4:00 a.m. to 8:00 p.m.

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

Exhibit A: Application for common victualer license received October 1, 2015 and dated October 1, 2015.

**Alcohol & Entertainment Permit Applications:**

9. Petition: Request to open at 10:00 a.m. on Sunday

Petitioner: Stafford Discount Liquors, 191 Stafford Street

Upon a motion the Commission voted 2-0 to approve the request to open at 10:00 a.m. on Sunday.

Exhibit A: Application to open on Sunday received October 6, 2015 and dated October 6, 2015.

10. Petition: Request for transfer of General On Premises All Alcohol License

Petitioner: Cove Music Hall, LLC dba The Cove Music Hall, 89 Green Street

- 10a. Petition: Request for entertainment license for Jukebox, tv, dancing by patrons, dancing by entertainers, recorded music, live music, amplification system, floor show, light show, theatrical exhibition, any other audio or visual show, whether live or recorded specifically

Petitioner: Cove Music Hall, LLC dba The Cove Music Hall, 89 Green Street

10&10A were taken contemporaneously.

Attorney Bill Ritter, Theodore Kistner and Erick Godin appeared on behalf of the item.

Attorney Ritter stated that this is a transfer of the liquor license and entertainment license and Mr. Kistner will be keeping the establishment as a music venue.

Upon a motion the Commission voted 2-0 to approve the transfer of the liquor license and the entertainment license.

Exhibit A: Application for transfer of General On Premises All Alcohol License received October 5, 2015 and dated October 5, 2015.

Exhibit B: Application for entertainment license received October 5, 2015 and dated October 5, 2015.

**11. Petition: Request for package store malt & wine license**

Petitioner: Viriditas, LLC, 25 Exchange Street (aka) 6 Waldo Street

Robert Moynagh appeared on behalf of the application. He stated that this will be located on Exchange and Waldo Street and will be a coffee shop as well as a farmer's market selling organic vegetables.

Both Chair Shea and Commissioner Shea stated that they were very excited to see this establishment coming into the area and that this is a welcome addition.

Upon a motion the Commission voted 2-0 to approve the package store malt & wine license.

Exhibit A: Application for package store malt & wine license received September 29, 2015 and dated September 29, 2015.

**12. Petition: Request for entertainment license for jukebox, tv, radio, dancing by patrons, dancing by entertainers, live music, amplification system, play, theatrical exhibition, karaoke**

Petitioner: Warsaw, Inc., 116-120 Green Street

Louis Jachmizyk appeared on behalf of the item.

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

Exhibit A: Application for entertainment license received September 29, 2015 and dated September 29, 2015.

**Violation Hearings**

**13. OM Shree Krishnay, Inc. dba H&B Wines & Liquors, 725 Grafton Street**

Violation of Rules #6, #21, 204 CMR 2.05-Sale to minor

Item was postponed until the October 29, 2015 License Commission meeting.

Exhibit A: Police report dated June 27, 2015.

**14.** The Uma Group, Inc., dba Kelly Square Liquors, 7 ½ Kelly Square

Violation of Rules #6, #21, 204 CMR 2.05-Sale to minor

Item was postponed until the October 29, 2015 License Commission meeting.

Exhibit A: Police report dated June 27, 2015.

**15.** Oasis Theater, Inc. dba the Palladium, 261 Main Street

Violation of Rule #14, 204 CMR 2.05- Manager responsible for premises

Christopher Besaw appeared on behalf of the item and waived his right to counsel.

Lt. Johnson read the following report:

On October 2, 2015 Officer Jolin was working on his current assignment as a member of the Worcester Police Alcohol Enforcement Unit.

At 10:38 p.m. paid detail police officers working the Palladium called out for additional police officers.

Upon Officer Jolin's arrival at the Palladium dozens of police vehicles were parked in front of the Palladium and a crowd numbering over 1500 people were gathered in front and around the side of the Palladium. People were pushed up against the glass doors lining the entry to the building. The people in front were being crushed by the crowd and fights were breaking out. Police Officers were attempting to move the crowd back but most of them refused to listen for fear of losing their place near the entrance.

An unidentified male approached Officer Jolin saying he was the promoter and told Officer Jolin that he was responsible for the crowd and stated to Officer Jolin that one of his team got greedy and brought four more colleges than expected. Officer Jolin attempted to ascertain the identity of the male but he refused to answer Officer Jolin's questions.

Officer Jolin noted that in addition to private vehicles there were also 14 busses that brought patrons from Boston and Providence.

Approximately 60 Worcester Police Officers and well as 25 State Police Officers were trying to control the crowd unsuccessfully. As Officers attempted to get some order at the entrance to the Palladium some of the people in the crowd became violent. Four arrests were made because the suspects became violent towards police.

Worcester Police deployed pepper spray to move the crowd and the crowd began to move away from the entrance and police formed a line to funnel the crowd towards the parking lot where the 14 busses were parked as well as many private vehicles.

Officer Jolin entered the Palladium as the entrance was now under control and spoke with the manager, Christopher Besaw, and asked how many patrons were inside the Licensed Premises. Mr. Besaw stated 300-400. Mr. Besaw told Officer Jolin that he was misled by the promoter. The promoter had told him that it was a college dance party. Officers began clearing the patrons out of the building and the patrons moved without any trouble but Officer Jolin could hear via the police radio that multiple fights were breaking out in the parking lot near the building.

By the time the incident was cleared it was over two hours since the first officers arrived at the Palladium.

After the initial disturbance staff members of the Palladium assisted the police by turning on the lights when asked and helped usher the patrons out. Mr. Besaw assisted Officer Jolin without hesitation during the incident and provided Officer Jolin with the print outs of the ticket sales as well as the contract with the promoter Nujo Bryan.

Officer Jolin informed Mr. Besaw that he would have to appear before the Worcester License Commission.

Mr. Besaw stated that he accepts full responsibility for the event and apologizes to the Commission. He stated that he made a mistake renting to Nu Joe Party and Nu Jo Party had failed to tell Mr. Besaw that he planned to have multiple party buses. When the party buses arrived they had a rush of 300-400 people and some were intoxicated and one of Nu Joe's staff also printed out his own tickets and sold them. Mr. Besaw stated that the Palladium doesn't allow that as they need to control the capacity of the establishment and they only allow tickets sold by them and when the rush of people started trying to enter the Palladium they decided to completely stop admission. After a few minutes of trying to organize the crowds the Palladium staff asked their detail officers for assistance who called for additional officers to control the crowd and at that point Mr. Besaw stated that he decided to cancel the event as he thought the crowd was too unruly to allow to enter the establishment. The officers dispersed the crowd and a few arrests were made. Mr. Besaw stated that he felt misled by the promoter. Mr. Besaw stated that he would like to thank the Worcester Police Department for their assistance that evening and stated that they have been in business for 18 years and have never had a violation and they have taken additional steps to make sure that this will not happen again. They will have stricter vetting process for promoters and they book majority of the shows themselves but when they have empty slots on calendar they will work with outside promoters but Nu Joe had told them that this was a college party and did not mention anything about the party buses.

Lt. Johnson stated that the establishment has been run really well and Mr. Besaw did try to help and Mr. Besaw is starting to give the police a calendar of who is coming and the Police can review it beforehand and the Palladium has been good partner with the City and has worked with them on obtaining police details.

Commissioner Shea stated that his concern was that night of the event the number of Worcester Police and State Police who had to respond to this incident left other parts of the city unmanned.

Mr. Besaw stated that he understood that and they will not work with that promoter again and he made an error in judgement.

Lt. Johnson stated that the promoter has come into the city before and has been a problem and police need to know who these promoters are.

Mr. Besaw stated that they only sell 2,100 tickets to their events but their capacity is 2,400 so they are always under capacity and when they have sell out an event they have three to four officers.

Lt. Johnson stated that is why it important that Mr. Besaw work with the detail officers on events.

Mr. Besaw stated that they always work with the police.

Upon a motion the Commission voted 2-0 to find the violation occurred and voted 2-0 to issue a one day suspended suspension with condition that any event over 500 people the Palladium work with the Worcester Police Detail office on appropriate amount of police coverage.

Exhibit A: Police report dated October 6, 2015.

### **Communications**

### **ADJOURNMENT**

Upon a motion the Commission voted 2-0 to adjourn the item at 10:35 a.m.