

MINUTES OF THE PROCEEDINGS OF THE
LICENSE COMMISSION OF THE CITY OF WORCESTER
DECEMBER 15, 2016

ESTHER HOWLAND CHAMBER

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

Commission Members Absent:

Staff Present:

Stephen Rolle, Planning & Regulatory Services
Deborah Steele, Planning & Regulatory Services
James Foley, Inspectional Services
Lt. James Johnson, Worcester Police Department
Mark Jolin, Worcester Police Department
Officer Pat Harrington, Worcester Police Department

Lt. Jeffrey Dubeau, Fire Prevention

Approval of the Minutes – December 1, 2016

Upon a motion the Commission voted 3-0 to approve the minutes of December 1, 2016.

Mr. Rolle thanked Chair Shea for her years of service to the Commission and presented her with a certificate of appreciation from the City Manager.

Old Business

I-1: Petitioner: 4th and 1 Club, Inc. 1 Muskeego Street
• Request for one pool table

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

Exhibit A: Application for pool table license received December 8, 2016 and approved December 8, 2016.

NEW BUSINESS

II Special One Day Liquor & Entertainment Requests

II-1: Petitioner: Mythical Events LLC, 100 Barber Avenue

Request for one day liquor license

- December 17, 2016 – 7:00 p.m.-11:00 p.m.

Exhibit A: Application for one day liquor license received December 5, 2016 and dated December 5, 2016.

II-1a: Mythical Events LLC, 100 Barber Avenue

Request for one day entertainment license for dancing by patrons, live Music

- December 17, 2016-7:00 p.m.-11:00 p.m.

Exhibit A: Application for one day entertainment license received December 5, 2016 and dated December 5, 2016.

Items 1-1a were taken contemporaneously.

Brian Harvard appeared on behalf of the petitions. Mr. Harvard stated that the event will be held at the Higgins Armory and about 134 people are expected.

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

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

III Common Victualer Requests

III-1: Petitioner: Dos Tacos Café, 296 Pleasant Street

- Request for common victualer license

Billy Rodriguez appeared on 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 December 1, 2016 and dated December 1, 2016.

Commissioner Salvidio recused himself from the item.

III-2: Petitioner: Valentionos Market, LLC, 154 Shrewsbury Street

- Request for common victualer license

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

Exhibit A: Application for common victualer license received November 25, 2016 and dated November 25, 2016.

Commissioner Salvidio returned to the meeting room.

III-3: Petitioner: Paesano's Pizza, 1121 Grafton Street

- Request for common victualer license

Sara Paulio appeared on 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 December 5, 2016 and dated December 5, 2016.

IV Liquor & Entertainment Requests

IV-1: Petitioner: Colony Farms, 1127 Main Street

- Request to open at 10:00 a.m. on Sunday's

A representative from Colony Farms appeared on behalf of the item.

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

Exhibit A: Application to open at 10:00 a.m. on Sunday received electronically November 30, 2016.

IV-2: Petitioner: Paesano's Pizza, 1121 Grafton Street

Request for entertainment license for tv, radio

Susan Paulio appeared on behalf of the application.

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

Exhibit A: Application for entertainment license received December 5, 2016 and dated December 5, 2016.

IV-3: Petitioner: The Ballot Box, 11 Kelley Square

- Request for change of manager

Guy Glodis and Don Bonner appeared on behalf of the application.

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

Exhibit A: Application for change of manager received December 6, 2016 and dated December 6, 2016.

V Violations

V-1: International Lounge, 27 Pleasant Street

Violation of Rules #2, #5, #14, 204 CMR 2.05-Transfer of license without approval, No licenses posted, manager responsible for premises

Luiz Roman appeared to answer to the violation but stated on record that his wife Magalys was the manager of record.

Lt. Johnson stated that he would prefer to meet with the actual manager of the premise and have her present for the violation hearing..

Lt. Dubeau stated that there are some issues with fire inspection and installation of hookah at location.

Mr. Roman stated that they are not currently open due to that but have been down to the Health Department to apply for the permits.

The Commission stated that they expect Ms. Rodriguez to meet with the Police by this coming Monday and that if they are open she needs to be at the premises. If this does not take place the Commission will hold a special meeting prior to January 5, 2017.

Upon a motion the Commission voted 3-0 to postpone the item to the January 5, 2017 License Commission meeting.

Exhibit A: Police report dated November 12, 2016.

Chair Shea recused herself.

V-2: Seven Hills Bay State, Inc. dba Canal Restaurant, 65 Water Street

Violation of Rule #14-Manager responsible for premises

Elaine Courtney along with legal counsel, Jonathan Finkelstein appeared to answer to the violation.

Lt. Johnson presented the following

On October 19, 2016 Officer Pat Harrington was assigned to the Alcohol Enforcement Unit and observed a crowd in front of the Licensed Premises. As he drove past he observed several people consuming alcoholic beverages on the sidewalk and noticed that the Licensed Premises did not have a definitive section designated for the outside dining area.

Officer Harrington observed that at the front of the Licensed Premises there was a bag-o toss board set up and stretched across to the business next door and observed patrons that were consuming bottles of beer purchased from the Licensed Premises walking over to the game.

Officer Harrington observed that none of the employees from the Licensed Premises were monitoring the outside crowd.

Officer Harrington met with the manager of the Licensed Premises, Elaine Courtney and Ms. Courtney stated that she did not expect a large crowd being so late in the season so was under staffed.

Attorney Finkelstein stated that Ms. Courtney was not disputing the facts as presented.

Commissioner Shea asked Officer Harrington how many people were outside the establishment. Officer Harrington stated about 17 and that they were not unruly but that they were taking their drinks near the motorcycles parked in the area for Bike Night and were in front of other business in area with drinks.

Ms. Courtney stated that she was outside but went back inside to get aspirin from someone who did not feel well.

Commissioners Salvidio and Shea expressed concern that this establishment has had a violation each year for the past three years and for similar offenses.

Upon a motion the Commission voted 2-0 that the violation had occurred.

Upon a motion the Commission voted 2-0 to issue a five day suspension. Three days to be served, January 25, 26, 27, 2017 and two days to be suspended for one year from date of the hearing.

Exhibit A: Police report dated November 10, 2016.

Chair Shea returned to the meeting.

V-3: Makao, 181 Millbury Street

Violation of Rules #1, #5, #15, -Hours, no licensed posted, manager responsible for premises

Edgar Luna translated for the representative from Makao. The representative stated that he was not the manager or an owner but worked for the premises and the manager didn't read violation notice correctly and didn't realize today was day of violation hearing.

The Commission stated that they needed a manager or owner present to hear item.

Upon a motion the Commission voted 3-0 to postpone the item to the January 5, 2017 License Commission meeting.

Exhibit A: Police report dated November 11, 2016.

Communications

2017 Schedule-Commission approved the scheduled for 2017.

Liquor Renewals 2017-The Commission voted to approve the license holders who had renewed for year 2017.

ADJOURNMENT

Upon a motion the Commission adjourned the meeting at 10:35 a.m.