

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

January 11, 2018

LEVI LINCOLN CHAMBERS

Commission Members Present: Anthony Salvidio, Chairman
Walter Shea, Commissioner

Commission Members Absent: Barbara Haller, Commissioner

Staff Present:

Alexandra Kalkounis Law Department
Stephen Rolle, Planning & Regulatory Services
Lt. James Johnson, Worcester Police Department
Sergeant Thomas Needham, Worcester Police Department
Officer Edward Saucier, Worcester Police Department
Officer Patrick Harrington, Worcester Police Department
John Biancheria, Inspectional Services
Deborah Steele, Planning & Regulatory Services

Minutes

December 14, 2017 & December 21, 2017

Upon a motion the Commission voted 2-0 to approve the minutes of December 14, 2017 and December 21, 2017.

NEW BUSINESS

Common Victualer Requests

I-1: None

Special One Day Liquor & Entertainment Requests

II-1: Saint Spyridon Greek Orthodox Cathedral, 102 Russell Street

Request for one day liquor license

- January 27, 2018 –TBD
- February 11, 2018-TBD
- March 3, 2018-TBD

Michael Dionis appeared upon behalf of the application. He stated that the January 27, 2018 event will run from 6:00 p.m. to midnight. February 11, 2018 5:00 p.m. to 11:00 p.m. and March 3, 2018 from 10:00 a.m. to 10:00 p.m. and that TIPS certified bartenders will be at the events.

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

Exhibit A: Application for one day liquors licenses dated December 21, 2017 and received December 21, 2017.

II-2: Emerald Club of Worcester, 215 Park Avenue

Request for one day liquor license

- o March 11, 2018-11:00 a.m.-3:00 p.m.

Item postponed to the February 15, 2018 License Commission meeting.

Exhibit A: Application for one day liquor license dated December 17, 2017 and received December 17, 2017.

II-3: Agronomy Farm Vineyard, Canal District Farmers Market, 138 Green Street

Request to renew license to sell and taste wine on Saturdays from 9:00 –Noon

Marissa O'Connor appeared upon behalf of the application and stated that she is looking to renew the license for year 2018.

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

Exhibit A: Electronic communication received December 13, 2017.

II-4: Artists' Group of the Sprinkler Factory, 38 Harlow Street

a. Request for one day liquor license

- January 20, 2018 – 5:00 p.m.-10:00 p.m.
- February 3, 2018-5:00 p.m.-10:00 p.m.
- March 3, 2018-5:00 p.m.-10:00 p.m.
- March 9, 2018-5:00 p.m.-10:00 p.m.
- April 7, 2018-5:00 p.m.-10:00 p.m.
- May 5, 2018-5:00 p.m.-10:00 p.m.
- May 19, 2018-5:00 p.m.-10:00 p.m.
- June 2, 2018-5:00 p.m.-10:00 p.m.

b. Request for one day entertainment license for dancing by patrons, recorded music, live music

- January 20, 2018 – 5:00 p.m.-10:00 p.m.
- February 3, 2018-5:00 p.m.-10:00 p.m.
- March 3, 2018-5:00 p.m.-10:00 p.m.
- March 9, 2018-5:00 p.m.-10:00 p.m.
- April 7, 2018-5:00 p.m.-10:00 p.m.
- May 5, 2018-5:00 p.m.-10:00 p.m.
- May 19, 2018-5:00 p.m.-10:00 p.m.
- June 2, 2018-5:00 p.m.-10:00 p.m.

Items a, b were taken contemporaneously.

Luis Fraire appeared upon behalf of the applications.

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

Upon a motion the Commission voted 2-0 to approve the one day entertainment licenses.

Exhibit A: Application for one day liquor licenses dated December 17, 2017 and received December 17, 2017.

Exhibit B: Application for one day entertainment licenses dated December 17, 2017 and received December 17, 2017.

II-5: Jackson Harris, LLC, 7 Jackson Street

Request for one day liquor license

- January 20, 2018 – 4:00 p.m.-10:00 p.m.

Jason Roche and Joseph Weiss appeared upon behalf of the application.

Mr. Weiss stated that this is for a motorcycle and art show and they have recently updated their fire system and they have hired a detail officer for the event.

Mr. Rolle stated that the Fire Department will approve the license subject to the location receiving the appropriate occupancy certificate prior to the event.

Upon a motion the Commission voted 2-0 to approve the one day liquor license subject to the applicant receiving the appropriate occupancy certificate prior to the event.

Exhibit A: Application for one day liquor license dated December 21, 2017 and received December 21, 2017.

Alcohol & Entertainment Requests

III-1: Sanchez and Sons, Incorporated dba Paradise Bar, 387 Cambridge Street

Request for general on premises all alcohol license

III-1a: Sanchez and Sons, Incorporated dba Paradise Bar, 387 Cambridge Street

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

Items #III-1, III-1a were taken contemporaneously.

Attorney Robert Hennigan along with Javier Sanchez appeared upon behalf of the applications.

Mr. Hennigan stated that this a new license request and Mr. Sanchez had been manager at the location for over eight with the previous owner.

Lt. Johnson recommended the following conditions:

- Police officer on duty, Friday, Saturday-10:00 p.m.-2:00 a.m.,-Sunday-police officer on duty during operating hours
- Entertainment to end at 1:30 a.m. on Thursday, Friday, Saturday, Sunday, -1:00 a.m.
- Doors and windows to be closed at all times
- Parking lot to be cleaned every night
- Pictures of sound equipment to be given to License Commission
- Decibel rating in accordance with Department of Health & Inspectional Services
- Number of patrons inside must conform to occupancy permit
- Number of patrons parked in parking lot must conform with parking lot permit

Upon a motion the Commission voted 2-0 to approve the general on premises all alcohol license and the entertainment license with the following conditions:

- Police officer on duty, Friday, Saturday-10:00 p.m.-2:00 a.m.,-Sunday-police officer on duty during operating hours
- Entertainment to end at 1:30 a.m. on Thursday, Friday, Saturday, Sunday, -1:00 a.m.
- Doors and windows to be closed at all times
- Parking lot to be cleaned every night
- Pictures of sound equipment to be given to License Commission
- Decibel rating in accordance with Department of Health & Inspectional Services
- Number of patrons inside must conform to occupancy permit
- Number of patrons parked in parking lot must conform with parking lot permit

Exhibit A: Application for change of manager dated November 10, 2017 and received November 10, 2017

III-2: Great Walk, Inc. dba Great Wall, 521 Main Street-Postponed to 2/1/2018

Request for restaurant malt and wine license

Exhibit A: Application for restaurant malt & wine license dated October 30, 2017 and received November 10, 2017.

III-3: V&E LLC, 265 Park Avenue

Request to transfer restaurant all alcohol license

III-3a: V&E LLC, 265 Park Avenue

Request for entertainment license for jukebox, tv, radio, dancing by patrons, recorded music, live music, amplification system, floor show, light show, karaoke

Items III-3, III-3a were taken contemporaneously.

Attorney Jeremy Powers and Emily Courtney appeared upon behalf of the applications.

Chair Salvidio warned Ms. Courtney that this is a known college bar and that underage people will try to get in so be vigilant.

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

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

Exhibit A: Application for transfer of restaurant all alcohol license dated December 17, 2017 and received December 17, 2017.

Exhibit B: Application for entertainment license dated December 17, 2017 and received December 17, 2017.

III-4: Wintergreen Partners, LLC, 65 Green Street

Request for change of manager/change of beneficial interest

Attorney Dan Cotton appeared upon behalf of the application and stated that it for a change of manager/change of beneficial interest.

Upon a motion the Commission voted 2-0 to approve the change of manager/change of beneficial interest.

Exhibit A: Application for change of manager/change of beneficial interest dated December 19, 2017 and received December 19, 2017.

III-5: NAP, LLC, 62 Green Street

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

Nicholas Panarelli appeared upon behalf of the application.

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

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

Other Business

IV-2: Mambo Drinks, Inc.,

Request from licensee to amend hours of operation

Maximo Nunez and Henry Luna appeared upon behalf of the request.

Lt. Johnson stated that the 1:00 a.m. condition has been imposed for the past three months and Sergeant Shawn Barbale who works the Bar Impact Unit will provide an update.

Sergeant Barbale stated that since the 1:00 a.m. closing that the area is much quieter and it much easier process to move people along in the area since the 1:00 a.m. condition was imposed.

Mr. Luna stated that there have been fights from other bars in the area and they are losing money and they are not profitable since the 1:00 a.m. closing was imposed.

Chair Salvidio stated that it seems that when this premises lets out at 2:00 a.m. that a large crowd leaves this premises all at the same time causing problems.

Commissioner Shea stated that the license holder provided financial detail that Commission requested at last meeting and what was provided was not acceptable as the figures were not certified.

Chair Salvidio stated that he would be inclined to move the time to 1:45 a.m. but this would be the last break the Commission is going to give to the establishment.

Upon a motion the Commission voted 2-0 to amend the hours of operation to the following,

- The Licensed Premises shall be 21 and older at all times.
- A police detail shall be required on Friday, Saturday and Sunday nights.
- Hours of operation are as follows:
 - Wednesday closing time is 2:00 a.m.
 - Thursday, Friday, Saturday closing time is 1:45 a.m.

- Sunday closing time is 1:00 a.m.
- Monday and Tuesday hours are 9:00 p.m. – 2:00 a.m.
- The licensee shall email the Police Department a list of upcoming events with expected occupancy one month in advance. The detail office will determine how many officers will be required.

Exhibit A: Electronic communication received December 26, 2017.

Exhibit B: Electronic communication dated January 1, 2018-Financials.

Violations

V-1: P D’Errico’s 141 East Central Street

Violation of Rule #6, #21- Sale to minor

Item was postponed to the January 18, 2018 License Commission meeting.

Exhibit A: Police report March 18, 2017.

V-2: Pho Dakao, Inc., 593B Park Avenue

Violation of Rule #14-Manager responsible for premises

Hiep Pham and Le Pham appeared to answer to the violation and waived their right to counsel.

Lt. Johnson reported that on August 7, 2017 Officer Edward Saucier and Officer Glenn Stout observed three suspicious looking bottles on a shelf behind the bar at the premises that were filled with a clear liquid and the bottom thirds of each bottle appeared to be full of a thicker “milky” substance and were all extremely sticky to the touch.

Officer Stout asked Hiep Pham, who identified himself as the manager, what was in the bottles who responded that the bottles contained alcohol and medicine and that he puts certain ingredients with the liquor and use it like medicine and that it primarily for his wife and does not serve to customers.

Le Pham stated that the sticky item on the bottle was garlic and is a cultural thing for the family and his parents did not know that they couldn’t do that and it was only for the family use for medicinal/personal purposes and now they understand that they cannot do that it will not happen again.

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

Upon a roll call the Commission voted 2-0 to issue a warning.

Exhibit A: Police report August 7, 2017.

V-3: Rhino Bites, Inc., dba Flying Rhino, 278 Shrewsbury Street

Violation of Rules #7, #14 – Sale to minor

Paul Barber appeared to answer to the violation and waived his right to counsel.

Lt. Johnson reported that on April 15, 2017 members of the Alcohol Enforcement Team were conducting compliance throughout the City of Worcester.

A nineteen year old male was instructed to enter the Licensed Premises and sit with an accompanying officer and sit at the bar area and attempt to order an alcoholic beverage without providing identification.

At 1:35 a.m. Officer Patrick Harrington and the underage male entered the Licensed Premises and both ordered a Bud Light. Both were served the Bud Light Bottles by a female bartender. Neither one was asked to provide identification.

Mr. Barber stated that the incident did happen and the bartender was reprimanded and since that time he has worked with his staff reviewing proper way to check identifications including having the Responsible Beverage Program which any new hire is taken through steps for responsible service. Also, all employees are TIPS certified and after this incident he went through all rules with his employees and at his last staff meeting he did role playing with his staff on different scenarios on ways people try to attempt to obtain alcohol who are underage.

Chair Salvidio stated that what Mr. Barber is doing is a good template of proper prevention procedures.

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

Upon a roll call the Commission voted 2-0 to issue a one day suspended suspension.

Exhibit A: Police report dated April 28, 2017.

Communications

- a. Drake Petroleum, surrender of liquor license-Filed.
- b. ABCC communication – Notice of Hearing-Seven Hills Bay State dba Canal Restaurant-Filed.
- c. 90 Harding Street LLC dba the Compass Tavern, 90 Harding Street-Filed.

Adjournment

Meeting adjourned at 10:45 a.m.