

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

November 29, 2012

ESTHER HOWLAND CHAMBERS

Commission Members Present:

Karon Shea, Commissioner
Paul Mullan, Commissioner
Anthony Salvidio, Commissioner

Staff Present:

Joel Fontane, Director, Planning & Regulatory Services
Deborah Steele, Planning & Regulatory Services
Lt. James Johnson, Worcester Police Department
Officer Edward Saucier, Worcester Police Department
Officer William Stout, Worcester Police Department
Alexandra Haralambous, Law Department
Jim Foley, Inspectional Services

CALL TO ORDER:

Commissioner Shea called the meeting to order at 10:00 a.m.

Approval of the Minutes:

Upon a motion by Commissioner Mullan the Commission voted 3-0 to approve the minutes of November 8, 2012.

New Business

One Day Liquor Requests

280 May Street

The Bartending Service of New England – LLC

Petition: Request for one day permit on December 6, 2012

William Fuller from the Bartending Service appeared on behalf of application. He stated this will be one day event for holiday party.

Upon a motion by Commissioner Salvidio the Commission voted 3-0 to approve the one day permit for The Bartending Service of New England.

Exhibit A: Application for one day liquor permit dated November 16, 2012 and received on November 12, 2012.

425 Salisbury Street Notre Dame Academy

Petition: Request for one day permit on December 7, 2012

Cynthia Henderson appeared on behalf of application and stated this is holiday reception for Notre Dame Academy.

Upon a motion by Commissioner Mullan the Commission voted 3-0 to approve the one day liquor permit for Notre Dame Academy.

Exhibit A: Application for one day liquor permit dated November 9, 2012 and received on November 9, 2012/

18 Grafton Street Sandra Simon

Petition: Request for one day permit on December 22, 2012

Exhibit A: Application for one day liquor permit dated November 16, 2012 and received on November 16, 2012.

Sandra Simon appeared on behalf of application and stated this would be for a Christmas party at 18 Grafton Street.

Lt. Johnson stated that police would not recommend as place is fire trap and recommended she find a different location.

Upon a motion by Commissioner Mullan the Commission voted 3-0 to deny the one day permit for Sandra Simon.

554 Main Street Z Café

Petition: Request for one day permit on December 3, 2012

Exhibit A: Application for one day liquor permit dated November 14, 2012 and received November 14, 2012.

Ryan Sens appeared on behalf of application. He stated this will be fundraiser for Senator Chandler and 55-75 people are expected to attend.

Upon a motion by Commissioner Mullan the Commission voted 3-0 to approve the one day permit for Z Café.

102 Russell Street St. Spyridon Cathedral

Petition: Request for one day permit on December 2, 2012

Exhibit A: Application for one day liquor dated November 2, 2012 and received on November 2, 2012.

Ms. Steele informed Commission that application had been withdrawn.

Common Victualer – Food Only:

649 West Boylston Street Quan Tran

Petition: Request for common victualer license at Berry Fusion LLC

Exhibit A: Application for common victualer license dated November 19, 2012 and received on November 19, 2012.

Quan Tran appeared on behalf of application and stated this will be establishment for soft frozen yogurt.

Upon a motion by Commissioner Mullan the Commission voted 3-0 to approve the common victualer license for Berry Fusion, LLC.

1217 Grafton Street Worcester Adult Day Care LLC

Petition: Request for common victualer license at Worcester Adult Care, LLC

Exhibit A: Application for common victualer license dated November 19, 2012 and received on November 19, 2012.

Boris Sapozinkodo stated this will be for the Worcester Adult Day Care and will serve about 120 people a day.

Upon a motion by Commissioner Mullan the Commission voted 3-0 to approve the common victualer license for Worcester Adult Care, LLC.

Entertainment

1394 Main Street Alidemi, Inc.

Request for entertainment license to include: jukebox, tv, radio, dancing by patrons, dancing by entertainers, recorded music, live music, amplification system, play, moving picture show, floor show, lig

Exhibit A: Application for entertainment license dated November 19, 2012 and received on November 19, 2012.

Oriola Kochia appeared on behalf of application and stated that establishment would like to add entertainment to add to their current restaurant.

Upon a motion by Commissioner Mullan the Commission voted 3-0 to approve the entertainment license for Alidemi, Inc.

Liquor Applications

241 Southbridge Street AA Brothers dba Emperor's Club

Petition: Request for change of manager to Daniel Rochette

Daniel Rochette appeared on behalf of application and gave a background of his work in the liquor industry.

Upon a motion by Commissioner Mullan the Commission vote 3-0 to approve the change of manager at AA Brothers dba Emperor's Club.

Exhibit A: Application for change of manager dated November 5, 2012 and received on November 5, 2012.

Status Hearing

375 Airport Drive

Mirage Express

Joseph Louis appeared on behalf of item. He stated that they are waiting to hear if Jet Blue is going to sign on at Worcester Airport but won't know for a few months and would like to hold the liquor license until they find out if another carrier coming to the Airport.

Upon a motion by Commissioner Mullan the Commission voted 3-0 to continue the item for six months.

Violation Hearings

278 Millbury Street

Millbury Street Liquors

Violation of Rule #6 (sale to underage person)

Lt. James Johnson presented the following report:

On May 25, 2012 Officer Edward Saucier and Officer Bill Stout of the Alcohol Enforcement Unit of the Worcester Police Department and a 20 year old male conducted an underage sting at various package stores throughout the City.

The underage male was given a breathalyzer test at the Worcester Police Station prior to going out and did not carry any identification.

The underage male was instructed to enter the package store and attempt to purchase a six pack of beer and walk out calmly and courteously with or without a purchase.

At approximately 8:20 p.m. the underage male entered the licensed premises, Millbury Street Liquors, and purchased a six pack of 12 ounce Coors Light bottles for \$6.90 without being asked for identification.

At approximately 9:50 p.m., the same evening, Officer Saucier went into Millbury Street Liquors and spoke to a female employee, the only person working at that time. Officer Saucier informed her that a minor had purchased beer without being asked for identification earlier in the evening.

The female employee stated she didn't remember the minor but apologized and stated she must have been busy.

On September 30, 2010, the Worcester License Commission conducted a hearing regarding the sale of alcohol to a minor at Millbury Street Liquors and the Commission voted that a violation had occurred and imposed a one day suspended suspension.

Paul Pitro admitted that violation did occur.

Attorney Walter Jabs stated that establishment has started doing its own compliance checks to ensure that incident does not happen again.

Upon a roll call the Commission voted 3-0 that violation had occurred.

Upon a roll call the Commission voted 3-0 to issue a one day suspended suspension.

Exhibit A: Police report dated October 15, 2012.

241 Southbridge Street

AA Brothers dba Emperor's Club

Violation of Rule #14 (conditions on liquor & entertainment license)

Lt. James Johnson presented the following:

On September 25, 2012 at approximately 1800 hours, Lt. James Johnson, Officers Ed Saucier, Bill Stout and Mark Jolin visited the Licensed Premises, to conduct a routine search after having received complaints and because the License Commission had received a change of manager request. Once the police arrived at the Licensed Premises they met with acting manager, Timothy Lafratta. Mr. Lafratta and other staff members from the club gave the police officers a tour of the Licensed Premises.

The officers allegedly found violations of the following conditions of the approved license for the Licensed Premises:

Violation Related to License Conditions #6a, #6b and #6c regarding Video Monitoring.

6.

- a. The entire parking lot shall be monitored by video surveillance 24 hours a day, seven (7) days per week.
- c. The interior of the premises and all ingress / egresses shall be monitored by closed circuit video surveillance system 24 hours a day, seven (7) days per week.
- d. All video surveillance recordings shall be saved for ten (10) calendar days and made available to the Police / License Commission immediately upon request.

Lt. Johnson and the officers observed while touring the premises that there were no cameras in a large portion of the business and upon the police requesting the video surveillance recordings, management was unable to produce them after being given sufficient time to do so.

Violation Related to License Condition #4c related to Rooms – Skybox.

4.

- c. Licensed entertainment shall not be allowed in the “Sky Box” Room, which is located directly above main dance hall.

During the tour of the business the police were shown the Sky Box and Mr. Lafratta explained the use of the room and the price.

Violation Related to License Condition #8c.

8.

c. All security staff and bar staff must pass same background check by Worcester police as required for management and disclosed parties.

Upon visiting the Premises the Police are uncertain and need confirmation that the License Premises are in compliance with this requirement.

Sergey Yugay, the accountant for Emperor's Club, presented a sketch showing where the cameras were located on the premises. He stated that a small portion of the second floor the cameras were not working.

Commissioner Mullan stated that condition on the license is that all the cameras need to be working and asked why the tapes were not made available to the police.

Timothy LaFratta, the former manager, stated he was there the night the officers came and requested the video tape but the condition is that they have to record every second and it takes 25-30 minutes to download five minutes and that he made several phone calls to Lt. Johnson to explain that it would take about 360 hours to download a day of video and he wanted to let him know that Police were welcome to come down and just view the video at the club.

Attorney Louis Cassis stated that if Lt. Johnson hears of an incident that he can come down to view the tapes at establishment.

Commissioner Salvidio asked if cameras are taping at all times and police could come in and see the video if there was a problem.

Mr. LaFratta stated that would be correct.

Mr. LaFratta stated that with regard to the incident to the Sky Box that he was told by former manager that if glass was taken off the box that the room could be used but as soon as police told them it could not be used they did not use the room.

Commissioner Mullan asked if there were video cameras in parking lot.

Mr. LaFratta stated that would be correct.

Attorney Cassis stated with regard to the background checks that he had faxed the reports over to Lt. Johnson.

Commissioner Mullan stated that new information with regard to the cameras was presented today at meeting and reminded those presented that the background checks needs to be done before the staff is hired.

Upon a roll call the Commission voted 2-1 violation had occurred with regard to 8c of the condition of the license relative to background checks. Commissioner Shea and Commissioner Mullan voting yes. Commissioner Salvidio voting no.

Upon a roll call the Commission voted 3-0 that a violation of 4c relative to the Sky Box condition had occurred.

Upon a roll call the Commission voted 3-0 to issue a warning.

Commissioner Salvidio stated going forward that background checks be done prior to employees being hired.

Commissioner Mullan stated at the December 13, 2012 License Commission meeting the camera issue will be discussed to ensure they in compliance.

Exhibit A: Police reported dated September 25, 2012.

Exhibit B: Sketch of layout of inside establishment, 241 Southbridge Street received at meeting on November 29, 2012.

70 Winter Street

Universal Productions dba Boiler Room

Violation of Rule #14

Commission Salvidio recused himself from item.

Lt. James Johnson presented the following:

On November 22, 2012, Officer Andrew Cravedi and Officer Joe Tolson were working the paid detail at the Boiler Room (“Licensed Premises”), located at 70 Winter Street.

Officer Cravedi was alerted to an altercation inside the Licensed Premises; he escorted a male patron outside where he realized that the patron had been stabbed in his left rib cage area.

There was an assault with a dangerous weapon, a knife, inside the Licensed Premises.

While outside the Licensed Premises, Officer Cravedi called over his handheld radio for assistance.

Several police officers responded to the Licensed Premises and the surrounding area to assist the detail officers.

The police reports of the responding officers report several hundred members inside the Licensed Premises that poured outside into the surrounding area, numerous shouting matches and confrontations in the parking lot and outside of the establishment and several arrests.

The Certificate of Occupancy, per Inspectional Services, for the Licensed Premises is 120.

There were a couple hundred people inside the Licensed Premises on November 21, 2012 (going into November 22, 2012).

Mr. Aboody admitted that the establishment was over the occupancy allowed per the Certificate of Occupancy on the night of the incident; however, he states they are never that busy and they took precautionary measures to ensure the safety of their patrons. Mr. Aboody testified that on the night in question they had two paid detail officers and seven bouncers inside the Licensed Premises. Additionally,

they had someone at the door patting down the patrons before they entered. He also offered to allow Lieutenant James Johnson to go to the Licensed Premises and watch the security surveillance if he wished to.

Attorney Joseph Lussier stated that the police responded to the incident in question immediately and the person who was injured was taken outside instantly. Furthermore, Attorney Lussier states that the management has taken steps to ensure that the Certificate of Occupancy for the Licensed Premises is complied with by having someone at the front door to keep count of how many people are entering.

Commissioner Paul Mullan noted that there have been no problems at the Licensed Premises in the past year and that management has been communicating with the police in an effort to maintain a safe establishment. He suggested having Mr. Aboody keep record of the number of patrons inside the Licensed Premises for the next 30 days, with this information being accessible to the police. Mr. Aboody agreed to keep this record for the next 30 days

Upon a roll call the Commission voted 3-0 that a violation had occurred.

Upon a roll call the Commission voted 3-0 that establishment keep a record of occupancy numbers for next 30 days.

Exhibit A: Police report dated November 26, 2012.

Other Business

Special License for Dining Halls (Educational Institution) Application

Upon a motion by Commissioner Mullan the Commission voted 3-0 to approve the new Special License for Dining Halls Application.

Amendment to the fee schedule-Special License for Dining Halls (Educational Institution)

Upon a motion by Commissioner Mullan the Commission voted 3-0 to approve the amendment to the fee schedule.

A.B.C.C Communications:

Healy's Restaurant, Moynihan's – seven day suspension – December 26, 2012 through January 1, 2013-
Filed

City Instyle – Rescheduling of hearing until 11/27/2012-Filed

Adjournment

Upon a motion by Commissioner Salvidio the Commission voted 3-0 to adjourn the meeting at 11:35 a.m.