

MINUTES OF THE PROCEEDINGS OF THE
LICENSE COMMISSION OF THE CITY OF WORCESTER
JUNE 18, 2015

LEVI LINCOLN CHAMBERS

Commission Members Present: Karon Shea, Chairperson
Anthony Salvidio, Commisisoner

Commission Members Absent: Walter Shea, Commissioner

Staff Present: Stephen S. Rolle, Planning & Regulatory Services
Deborah Steele, Planning & Regulatory Services
Alexandra Haralambous, Law Department
Lt. James Johnson, Worcester Police Department
Officer Edward Saucier, Worcester Police Department
Jim Foley, Health Department

Approval of the Minutes – June 4, 2015

Upon a motion the Commission voted 3-0 to approve the minutes of June 4, 2015.

NEW BUSINESS

One Day Liquor & Entertainment Requests

1, Petition: Request for one day liquor license & entertainment

- June 26, 2015 – 6:00 p.m. – Midnight
- June 27, 2015 – 11:00 a.m.-Midnight
- June 28, 2015 – Noon to 7:30 p.m...

Petitioner: Paulie’s New Orleans Jazz N Blues Festival, 138 & 152
Green Street

Paul Collyer appeared on behalf of the application. He stated that this will be for the 8th annual jazz festival and he has hired security and fencing will be installed around the area where the alcohol will be sold.

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

Exhibit A: Application for one day liquor license received May 4, 2015 and dated May 4, 2015.

2. Petition: Request for one day liquor license & entertainment

- June 21, 2015 – 1:00 p.m.-6:00 p.m.
- June 27, 2015 -5:00 p.m.-11:00 p.m.
- August 22, 2015-6:00 p.m.-Midnight.

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

Demitrious Economou appeared on behalf of the applications. He stated that one event is for a retirement party and the other two events are for weddings.

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

Exhibit A: Application for one day liquor license received May 19, 2015 and dated May 19, 2015.

3. Petition: Request for one entertainment license

- July 18, 2015 – 10:30 a.m.-5:30 p.m.

Petitioner: Children’s Friend, Inc., Elm Park

No one appeared for this item. Ms. Steele stated that this is for the annual ice cream festival.

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

Exhibit A: Application for entertainment license dated June 9, 2015 and received June 9, 2015.

4. Petition: Request for one day entertainment license

- June 27, 2015 – 9:30 p.m.-11:00 p.m.

Petitioner: AGSF Artist Group of the Sprinkler Factor, 38 Harlow Street

Louis Farara appeared on behalf of the application. He stated that this is for an event at the art gallery.

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

Exhibit A: Application for entertainment license received June 11, 2015 and dated June 11, 2015.

5. Petition: Request for one day liquor & entertainment license

- July 2, 2015 Liquor-4:00 p.m.-11:30 p.m.
Entertainment-4:00 p.m.-Midnight (rain date 7/6/15)
- July 30, 2015 Liquor -4:00 p.m.-11:30 p.m.
Entertainment (none)
- July 31, 2015 Liquor-11:00 a.m.-Midnight
Entertainment-11:00 a.m.-11:30 p.m.
- August 1, 2015 Liquor-11:00 a.m.– Midnight
Entertainment-11:00 a.m.-11:30 p.m.
- August 2, 2015 Liquor – 11:00 a.m.-11:00 p.m.
Entertainment – 11:00 a.m.-9:00 p.m.
- August 3, 2015 Liquor-10:00 a.m.-7:00 p.m.
Entertainment-11:00 a.m.-7:00 p.m.
- October 11, 2015 Liquor – 10:00 a.m. – 8:00 p.m.
Entertainment-11:00 a.m.-7:00 p.m.
- July 16, 2015 Liquor-5:00 p.m.-11:00 p.m.
Entertainment-6:00 p.m-10:00 p.m.
- July 23, 2015 Liquor-5:00 p.m.-11:00 p.m.
Entertainment-6:00 p.m.-10:00 p.m.
- July 30, 2015 Liquor – 5:00 p.m.-11:00 p.m.
Entertainment-6:00 p.m.-10:00 p.m.

Petitioner: Paul Barber, 280 Shrewsbury Street

Mr. Rolle stated that he had met with the neighbors and Mr. Barber relative to the events and they had worked out agreeable times as follows as

Date (2015)	Entertainment License	Liquor License
	Hours of operation	Hours of operation
July 2 (Thursday) July 4 (Rain Date)	4:00 PM – 11:00 PM	4:00 PM – midnight
July 23 (Thursday)	6:00 PM – 9:30 PM	5:00 PM – 10:00 PM
July 30 (Thursday)	Indoors only – No license	5:00 PM – 10:00 PM
<u>1 LICENSE</u>		
July 31 (Friday)	11:00 AM – 10:00 PM	11:00 AM – 11:00 PM
August 1 (Saturday)	11:00 AM – 11:00 PM	11:00 AM – 11:30PM
August 2	11:00 AM – 6:00 PM	

(Sunday)		
August 3 (Monday)	11:00 AM – 7:00 PM Employees & guests only	11:00 AM – 7:00 PM Employees & guests only
October 11 (Saturday)	11:00 AM – 7:00 PM	10:00 AM – 8:00 PM

as well as the following conditions

1. That music and/or amplified sound be limited in duration to no more than six (6) hours in total on any given day.
2. That music and/or amplified sound levels will be reduced or stopped at the request of the detail officer or member of the Worcester Police Department.
3. No alcohol will be permitted and the parking lot cleared of patrons prior to the expiration time stated for the liquor license.
4. Sound equipment to be positioned to direct noise away from nearby residences and amplification moderated to not exceed applicable standards (10 dBA over ambient at the property line).
5. Detail officer
6. ID checker
7. Security
8. Crowd control management on duty
9. Area contained by fence and stage facing toward Shrewsbury Street.
10. Failure to comply with imposed conditions may result in the imposition of additional conditions or the revocation of licenses for subsequent events.
11. Upon determination by the Worcester Police Department that conditions of this license have been violated, the License Commission authorizes the Police Department to immediately revoke the one-day licenses for all remaining events.

Note: Conditions apply to dates with outdoor entertainment only.
Conditions 5, 6, 7, 8 do not apply to August 3, 2015 employee party.

The Commission thanked Mr. Rolle for working out the agreement.

Upon a motion the Commission voted 2-0 to approve the one day liquor * entertainment licenses as listed as well as conditions as listed in Mr. Rolle's letter dated June 17, 2015.

Exhibit A: Application for one day liquor license received June 18, 2015 and received June 18, 2015.

Exhibit B: Letter from Division of Planning & Regulatory Services dated June 17, 2015 and received June 17, 2015.

6. Petition: Request for one day liquor license
- June 19, 2015 – 7:00 p.m.-11:00 p.m.
- Petitioner: Chartwells, 10 Lincoln Square

Kristi DeCesrio appeared on behalf of the application. She stated that this will be for a reception for 130 people.

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

Exhibit A: Application for one day liquor license received May 28, 2015 and dated May 28, 2015.

7. Petition: Request to sell wine a farmer’s market
- Petitioner: Aaronap Cellars, LLC, 138 Green Street

Noel Powell appeared on behalf of the application. He stated that this will be at the Crompton Collective and events will run from 4:00 p.m. -7:00 p.m.

Upon a motion the Commission voted 2-0 to approve the request to sell wine at a farmer’s market.

Exhibit A: Application for sell wine at a farmer’s market received June 4, 2015 and dated June 4, 2015.

Common Victualer License Requests:

8. Petition: Request for common victualer license
- Petitioner: Unique Chef Asian Bistro, 819 Main Street

Wenyan Zhuo appeared on behalf of the application. He stated this will be for an Asian restaurant.

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

Exhibit A: Application for common victualer license received June 3, 2015 and dated June 3, 2015.

9. Petition: Request for common victualer license
- Petitioner: Crown Fried Chicken, 118 Cambridge Street

Mohammad Irfan appeared on behalf of the application. He stated that he will be taking over ownership of the location.

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

Exhibit A: Application for common victualer license received June 8, 2015 and dated June 8, 2015.

Alcohol & Entertainment Permit Applications:

- 10.** Petition: Request for change of manager
 Petitioner: Worcester Country Club, 2 Rice Street

Peter Poulo appeared on behalf of the application. He stated that he will be taking over as manager of the Worcester County Club.

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

Exhibit A: Application for change of manager received May 28, 2015 and dated May 28, 2015.

- 11.** Petition: Request for change of manager/officers/directors
 Petitioner: Quinsigamond Post #318 American Legion, 180 Greenwood Street

Albert Caldwell appeared on behalf of the application.

Upon a motion the Commission voted 2-0 to approve the change of manager and change of officers/directors.

Exhibit A: Application for change of manager, officer/directors received June 4, 2015 and dated June 4, 2015.

Violation Hearings

- 12.** Perfect Game, 64 Water Street – Rules #14, #17, 204 CMR 2.05, manager responsible for premises, occupancy violation

Attorney Marc Elrich and Vincent Metzler appeared on behalf of the item.

Lt. Johnson presented the following

1. On February 7, 2015 Officer Edward Saucier and Officer Mark Jolin, of the Worcester Police Alcohol Enforcement Unit, along with Worcester Fire Lieutenant Armey, Firefighter Kevin Vescera and building inspector Joe Atchue (hereinafter collectively referred to as “the group”) were checking fire and code regulations at licensed premises throughout the city.

2. At 12:50 a.m. the group went to Perfect Game and upon entering the Fire Department officials stated that the Licensed Premises was over their licensed occupancy limit. The group estimated that they were over at least 50 (fifty) patrons.
3. The manager could not produce the required Crowd Manager form and/or checklists which the establishment is required to complete on a nightly basis per Massachusetts law, 527 CMR 10.13.
4. Perfect Game was advised that they need to reduce the amount of patrons to comply with their occupancy limit and to not allow anyone else inside of the Licensed Premises.
5. After staff voluntarily turned the lights on in the main dance area more people began to leave and after about 30-40 minutes the Fire Department was satisfied with the occupancy and left the Licensed Premises.

Mr. Elrich, owner of the Licensed Premises, along with Vincent Metzler, the manager, appeared at the June 18, 2015, License Commission meeting. Mr. Elrich admitted to the violation, accepted full responsibility and testified that they were understaffed that evening. He further explained that the person in charge of the manual for operating of the business had left but they have replaced that person since then and they are keeping track of the occupancy so it is not exceeded.

Based on the evidence, the Commission finds the Licensee violated Rules #14 and #27 of the Worcester License Commission Rules and Regulations for liquor licenses, 204 CMR 2.05(2) and M.G.L. c. 138, §12 and on a roll call imposed a warning.

Exhibit A: Police report dated February 7, 2015.

13. Seven Hills Bay State, Inc. dba The Canal Restaurant & Bar, 65 Water Street-Rules #14, #17, 20 CMR 2.05, manager responsible for premises
Occupancy violation

Attorney Jonathan Finkelstein along with Elaine Courtney appeared on behalf of the item.

Lt. Johnson presented the following:

1. On February 7, 2015, the WPD alcohol enforcement Unit, along with Worcester Fire Lieutenant Arney, Firefighter Kevin Vescera and building inspector Joe Atchue (hereinafter collectively referred to as "the group"), were checking fire and code regulations at licensed premises throughout the city.
2. At 12:30 a.m. the group went to Seven Hills Bay State Inc., d/b/a Canal, and as they approached the Licensed Premises they could hear extremely loud music outside the Licensed Premises.
3. The group observed a standalone speaker set up on the sidewalk with a cord going inside.
4. The music was very loud and the group had to yell at each other to be heard.

5. A male named Mark came from the parking lot area and asked if he could help. He was advised that he needed to remove the speaker and the loud music from the sidewalk. Mark became confrontational and stated that his liquor license allowed him to play the music. Mark was advised that the music had nothing to do with the liquor.
6. Upon entering the Licensed Premises most of the tables and chairs had been moved into a separate room that was blocked off.
7. There was a DJ playing loud music, with strobe lights, and patrons were dancing in the main room.
8. The Fire Department advised the police that the Licensed Premises was licensed as a restaurant but were operating as a night club.

The manager (Elaine Courtney) was asked if she had a crowd manager certificate because the Licensed Premises' occupancy was over 100 and they were operating as night club. Ms. Courtney stated that she did not and that they only operate as a nightclub after dinner at night.

Attorney Jonathan Finkelstein along with Elaine Courtney, owner and manager of the Licensed Premises, appeared at the June 18, 2015, License Commission meeting.

Attorney Finkelstein admitted to the violations and agreed that the police report was correct. He stated that there should not have been a speaker outside. He wanted to clarify that at the time when Police and Fire went to the Licensed Premises Ms. Courtney actually did have an employee with a crowd manager certificate, even though she was not aware of this.

Commissioner Salvidio stated that he found it troubling that Ms. Courtney was unaware that one of her employees had a crowd manager certificate and that as manager she should have known that. If she did not know one of the employees had the certificate it is hard to believe that the employee was acting as a crowd manager. The Commission members stated that these violations are the same ones that were in front of them a few months ago and reminded Ms. Courtney that this location is a restaurant not a nightclub. Furthermore, a major discussion at the last violation hearing was the loud music and the speaker outside and the Commission made it very clear that this was not to happen again.

A review of the record show that The Canal Restaurant and Bar had received a three day suspended suspension on December 18, 2014 for similar violation.

Based on the evidence, the Commission finds the Licensee violated Rules #14 and #27 of the Worcester License Commission Rules and Regulations for liquor licenses, 204 CMR 2.05(2) and M.G.L. c. 138, §12 on February 7, 2015 and on a roll call voted to impose a two (2) day suspended suspension. If there is a violation within one year of the date of the hearing (June 18, 2015) the two day suspension must be served along with any other suspension the Commission imposes.

Exhibit A: Police report February 7, 2015.

Other Business

Communications

ADJOURNMENT

10:40 a.m.