

MINUTES OF THE PROCEEDINGS OF THE
LICENSE COMMISSION OF THE CITY OF WORCESTER
MAY 26, 2016

ESTHER HOWLAND CHAMBER

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

Commission Members Absent: Anthony Salvidio, Commissioner

Staff Present: Stephen Rolle, Planning & Regulatory Services
Deborah Steele, Planning & Regulatory Services
Alexandra Kalkounis, Law Department
James Foley, Inspectional Services
Sgt. Thomas Needham, Fire Department
Officer Patrick Harrington, Worcester Police
Lt. Jeffrey Dubeau, Fire Prevention Division

Approval of the Minutes – April 14, 2016, April 28, 2016, May 12, 2016-Minutes were held

Old Business

1. Petition: Request for package store malt & wine license

Petitioner: Seven Hills Convenience, Inc., 1326 Main Street-

Item was postponed to the June 9, 2016 License Commission meeting.

Exhibit A: Application for package store malt & wine license received March 18, 2016 and dated March 18, 2016.

2. Petition: Request for change of manager

Petitioner: Quinsigamond Post #318, American Legion, 180
Greenwood Street

Robin Powers appeared on behalf of the application and stated that she would be taking over as manager of the club.

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

Exhibit A: Application for change of manager received April 8, 2016 and dated April 8, 2016.

3. Petition: Request for entertainment license for karaoke

Petitioner: Tenglong Corp. dba Yummy Steakhouse, 1121 Grafton Street

Tengfei Chen appeared on behalf of the application and stated that he would like to have karaoke at his restaurant.

Upon a motion the Commission voted 2-0 to approve the request for karaoke.

Exhibit A: Application for entertainment license received May 2, 2016 and dated May 2, 2016.

4. Petition: Request for entertainment license for dancing by entertainers, recorded music, live music, amplification system, bouncy house, child train

- June 19, 2016-11:00 a.m.-8:00 p.m.

Petitioner: SR Global Enterprises, Institute Park

Sauley DiBara appeared on behalf of the application. She stated that this will be the second year that this event is being held.

Sgt. Needham asked if police details would be hired for the event. Ms. DiBara stated that she had arranged for that.

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

Exhibit A: Application for entertainment license received April 26, 2016 and dated April 26, 2016.

NEW BUSINESS

One Day Liquor & Entertainment Requests:

5. Petition: Request for one day liquor license

- June 25, 2016 – 1:00 p.m.-9:30 p.m.
- July 30, 2016-3:00 p.m.-8:00 p.m.
- October 9, 2016-1:00 p.m.-6:00 p.m.

Petitioner: Robyn Caruso, 346 Shrewsbury Street

Item postponed to the June 9, 2016 License Commission meeting.

Exhibit A: Application for one day liquor license received May 2, 2016 and dated May 2, 2016.

5a. Petition: Request for one day entertainment license for live music

- June 25, 2016 – 6:00 p.m.-10:00 p.m.
- July 30, 2016-3:00 p.m.-10:00 p.m.
- October 9, 2016-1:00 p.m.-5:00 p.m.

Petitioner: Robyn Caruso, 346 Shrewsbury Street

Item postponed to the June 9, 2016 License Commission meeting.

Exhibit A: Application for one day liquor license received May 2, 2016 and dated May 2, 2016.

6. Petition: Request for one day liquor license

- June 3, 2016 – 5:00 p.m.-1:00 a.m.-Kimball Main
- June 3, 2016-5:00 p.m.-1:00 a.m.-Fenwick Lawn
- June 4, 2016-6:30 p.m.-1:00 a.m.-Lower Kimball
- June 4, 2016-6:30 p.m.-1:00 a.m.-Kimball Main
- June 10, 2016-5:30 p.m.-1:00 a.m.-Kimball Main
- June 11, 2016-5:30 p.m.-9:30 p.m.-Kimball Quad/Main
- June 11, 2016-6:30 p.m.-Midnight-Kimball Quad Lower

Petitioner: Kristen Dyer, 1 College Street

Kristen Dyer appeared on behalf of the application. She stated that this is for the college's reunion weekend and these are for class dinners.

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

Exhibit A: Application for one day liquor license received May 10, 2016 and dated May 10, 2016.

7. Petition: Request for one day liquor license

- June 25, 2016 – 7:00 p.m.-1:00 a.m.

Petitioner: Carlos H. Bermejo-Calle, 11 Sycamore Street

Carlos Calle appeared on behalf of the application. He stated this is for his sister's birthday party.

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 10, 2016 and dated May 10, 2016.

8. Petition: Request for one day liquor license

- July 1, 2016-5:00 p.m.-Midnight
- July 28, 2016-5:00 p.m.-10:00 p.m.
- July 29, 2016-5:00 p.m.-11:00 p.m.
- July 30, 2016-Noon-11:30 p.m.
- July 31, 2016-Noon-8:00 p.m.
- August 1, 2016-11:00 a.m.-7:00 p.m.
- October 9, 2016-11:00 a.m.-8:00 p.m.

Petitioner: Paul Barber, 278 Shrewsbury Street

Item postponed to the June 9, 2016 License Commission meeting.

Exhibit A: Application for one day liquor license received May 2, 2016 and dated May 2, 2016.

9. Petition: Request for one day entertainment license for live music

- July 1, 2016 – 6:00 p.m.-11:00 p.m.
- July 28, 2016-5:30 p.m.-9:30 p.m.
- July 29, 2016-11:00 p.m.-10:30 p.m.
- July 30, 2016-11:00 a.m.-11:00 p.m.
- July 31, 2016-11:00 a.m.-7:00 p.m.
- August 1, 2016-11:00 a.m.-6:00 p.m.
- October 9, 2016-11:00 a.m.-7:00 p.m.

Petitioner: Paul Barber, 278 Shrewsbury Street

Item postponed to the June 9, 2016 License Commission meeting.

Exhibit A: Application for one day liquor license received May 2, 2016 and dated May 2, 2016.

10. Petition: Request for one day liquor license

- June 4, 2016 – 6:30 p.m.-10:00 p.m.

Petitioner: St. Joan of Arc Church, 570 Lincoln Street

Catherine O'Rourke appeared on behalf of the petition. She stated that this is a fundraiser and they are expecting about 150 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 10, 2016 and dated May 10, 2016.

11. Petition: Request for one day liquor license

- June 18, 2016-6:00 p.m.-10:00 p.m.

Petitioner: Ecotarium, 222 Harrington Way

Carolyn Stempler appeared on behalf of the application. She stated that this is for a fundraiser and about 250 people are expected to attend.

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 20, 2016 and dated May 20, 2016.

Common Victualer Requests:

12. Petition: Request for common victualer license

Petitioner: Fresh Farms Halal, Inc., 560 Lincoln Street #10

Qualid Zemmounri appeared on behalf of the application.

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

Exhibit A: Application for common victualer license received May 10, 2016 and dated May 10, 2016.

Alcohol & Entertainment Requests:

13. Petition: Request for change of manager

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

No one appeared for item.

Item postponed to the June 9, 2016 License Commission meeting.

Exhibit A: Application for change of manager received May 12, 2016 and dated May 12, 2016.

14. Petition: Request for transfer of general on premises all alcohol license and request to open at 10:00 a.m. on Sunday's

Petitioner: Big Red, Inc. dba Art's, 541 West Boylston Street

Item postponed to the June 9, 2016 License Commission meeting.

Exhibit A: Application for transfer of general on premises all alcohol license and request to open at 10:00 a.m. on Sundays received May 9, 2016 and dated May 9, 2016.

15. Petition: Request for alteration of premises

Petitioner: Worcester Center for Performing Arts. Inc.,
2 Southbridge Street

Attorney Paul DeMoga appeared on behalf of the application. He stated that the Hanover Theatre is expanding into the building next door which will increase the square footage by 4,000 square feet.

Chair Shea stated that herself and Commissioner Shea had viewed the premises prior to the meeting and were very impressed with the planned new addition.

Upon a motion the Commission voted 2-0 to approve the alteration of premises.

Exhibit A: Application for alteration of premise received April 19, 2016 and dated April 19, 2016.

Lodging House Requests:

16. Petition: Request for change of ownership

- 709 Main Street

Petitioner: Thakkar Daxesh & Sabar Sarwar

No one appeared for the item. Item was postponed to the June 9, 2016 License Commission meeting.

Exhibit A: Application for change of ownership received May 4, 2016 and dated May 4, 2016.

Other Business

17. Proposed Amendments to Entertainment Rules & Regulations

Mr. Rolle passed out the proposed amendments to entertainment rules and regulations and stated the Commission will take public comments at the June 9, 2016 License Commission meeting.

The Commission voted 2-0 to hold public hearing on proposed amendments at the June 9, 2016 License Commission meeting.

18. International Lounge, 27 Pleasant Street-Request to extend hours to 2:00 a.m. and add dancing by patrons and light show to entertainment license

Attorney Richard Kalowski along with Luz Roman and Jasmine Bandino appeared on behalf of the petition. Attorney Kalowski stated that the International Lounge is a family business and started a year ago and they have been doing well and they would like a greater opportunity to increase their business but they have to turn away business as they have to close at 1:00 a.m. He stated that as far as the business they have a lot of food and business increases at 1:00 a.m. and the International Lounge focuses on private parties and is in the process of having professional dancers come in to teach dancing to patrons and this request is reasonable and the International has tried to be a good neighbor and there were noise complaints in the past but they have worked on that.

Chair Shea stated with the dancers and private parties the focus seems to be going away from the restaurant business.

Mr. Ramon stated when they do the parties that the people order a lot of food.

Attorney Kalowski stated that the entertainment supplements the food.

Chair Shea pointed out again that when the licensee first applied it was just for a restaurant and not all these other items.

Mr. Ramon stated that is because the patrons have been requesting it.

John Paul Bellrose Stevens stated he lives and worked at the Ellis Building which is to the west of the International Restaurant and was happy when they first came in as they were going to be a restaurant but that is not what it is operating as. He stated that on Thursday, Friday, Saturday and Sunday that the music is loud and he has called the Police about 70 times and they have been very responsive and he is not against the International being at the location and he doesn't mind the music but is against the loud amplified music and would be against the 2:00 a.m. closing as they have been operating under the scope of a restaurant.

Sgt. Needham stated that the Worcester Police Department's position is that there be no change in hours due to the number of noise complaints.

Attorney Kalowski stated that the majority of complaints have come from just one individual.

Mr. Ramon stated that Mr. Stevens calls the police even when establishment is closed.

Ms. Bandino stated that Mr. Stevens calls all the time and acts like he is the police and they have never seen him in the restaurant.

Chair Shea stated that the discussion is the amplification of music and the Commission was very fair and extended the hours to 1:00 a.m. just two months ago.

Commissioner Shea stated that the licensee was just here two months ago asking to extend to 2:00 a.m. and the Commission requested at that time that they wait at least six months before they come back and if the Commission allows another hour he doesn't see it benefiting the area and would vote against staying open to 2:00 a.m.

Mr. Ramon stated that the other Spanish Restaurant who is their competitor is allowed to open to 2:00 a.m. and this is all because of one person.

Commissioner Shea stated that he would prefer to keep at 1:00 a.m. and they would welcome the licensee come back in another six to nine months.

Upon a motion the Commission voted 2-0 against allowing the license holder to open to 2:00 a.m.

Upon a motion the Commission voted 2-0 to approve to extend the entertainment license to include dancing by patrons and light show.

Exhibit A: Application to amend hours and amend entertainment license received May 18, 2016 and dated May 18, 2016.

- 19.** Vape Lounge, 358 Shrewsbury Street – Rescission of approval for pool table license

Upon a motion the Commission voted 2-0 to rescind approval of the pool table license.

Violation Hearings

- 20.** Maywood Associates, Inc. dba Blarney Stone, 75 Maywood Street-
Violation of Rule #14, #27-Manager responsible for premises,
occupancy violation.

Attorney Paul M. Sushchuk along with Thomas McCabe appeared on behalf of the violation.

Sergeant Needham presented the following.

On January 22, 2016 Officer Edward Saucier was working on his current assignment as a member of the Worcester Police Alcohol Enforcement Unit. Officer Saucier was working with Officers Patrick Harrington and Mark Jolin along with Worcester Fire Inspectors Kevin Vescera, William Ekberg, Jeff Dubeau and Lt. Brian Mcgurl. Along with them was Casey Burlingame of Inspectional Services and John Araujo of the State Fire Marshal's Office.

At around 11:45 p.m. the group entered the Blarney Stone and they estimated about 250 patrons inside the Licensed Premises. The listed occupancy for the Licensed Premises is 60. The manager, Anthony Piazza, was present and agreed they were over capacity and both he and the doorman stated that they were not keeping any kind of counts as people entered.

Mr. Sushchuk stated that from what he understood that the investigators came in at the tail end of their sting operation and patrons who left other establishments had wound up coming over to the Blarney Stone. He stated that the occupancy was the issue and back in the 1970's there were two facilities that were combined into a larger facility but they never updated the occupancy permit for the combined restaurant and after they realized that they went and spoke with an architect and under the city regulations the architect told them they have could have larger occupancy and they went and met with Inspectional Services to update the

occupancy and they now have an occupancy of 123. He stated that they understood that night they were over occupancy but they have taken care of that.

Mr. McCabe stated that that all the employees are crowd control certified and yes they were over occupancy that night and they maintained the 60 occupancy until they had met with Inspectional Services and disagreed that there were 250 people inside the premises and stated that he met with Inspectional Services and Fire Department and met every requirement that the City has requested.

Lt. Jeffrey Dubeau stated that the Fire Department did count 250 people but they have gone back to the establishment and the license holder is complying with the current occupancy permit.

Commissioner Shea stated that he is happy to see the license holder did their due diligence.

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

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

Exhibit A: Police report dated January 25, 2016.

Communications

The Commission adjourned the meeting at 11:06 a.m.

ADJOURNMENT