

MINUTES OF THE PROCEEDINGS OF THE
LICENSE COMMISSION OF THE CITY OF WORCESTER
OCTOBER 13, 2016

ESTHER HOWLAND CHAMBER

Commission Members Present: Karon Shea, Chairperson
Anthony Salvidio, Commissioner
Walter Shea, Commissioner-Left meeting early

Commission Members Absent:

Staff Present:

Stephen Rolle, Planning & Regulatory Services
Deborah Steele, Planning & Regulatory Services
Alexandra Kalkounis, Law Department
James Foley, Inspectional Services
Lt. James Johnson, Worcester Police Department
Officer Shane Marcotte, Worcester Police Department
Officer Patrick Harrington, Worcester Police Department
Officer Glenn Stout, Worcester Police Department
Lt. Jeffrey Dubeau, Fire Prevention
Lt. Brian McGurl, Fire Prevention

Approval of the Minutes – September 29, 2016

Upon a motion the Commission voted 3-0 to approve the minutes of September 29, 2016.

OLD BUSINESS

Commissioner Shea recused himself from the item and left the meeting room.

I-1: Petition: Big Red, Inc., dba Art's, 541 West Boylston Street
Request for entertainment license for tv, radio

Brooks Carter appeared on behalf of the application. Commissioner Salvidio asked if he would like to add any other entertainment. Mr. Carter stated jukebox and single guitar

acoustic music. Commissioner Salvidio told Mr. Carter that he would need to speak with staff to add the amendments requested to the entertainment application.

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

Exhibit A: Application for entertainment license received and dated August 15, 2016 and dated August 15, 2016.

Commissioner Shea returned to the meeting room.

I-2: Petitioner: Meze Greek Tapas, 156 Shrewsbury Street

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

No one appeared for the item.

Exhibit A: Application for entertainment license received and dated

I-3: Petitioner: International Restaurant & Lounge, 27 Pleasant Street

Request to change condition on license to stay open to 2:00 a.m.

Luiz Roman appeared on behalf of the petition.

Chair Shea stated that the Commissioners along with Lt. Johnson had viewed the premises prior to the meeting and were very impressed with the changes and what has been done to mitigate noise issues.

Staff informed Mr. Roman that since he has changed the dba of the business he needs to apply for a new dba certificate and provide that to staff.

Upon a motion the Commission voted 3-0 to change condition on license that the liquor license is allowed to operate to 2:00 but no entertainment after 1:00 a.m.

The Commission reminded Mr. Roman that he is next to residences so he needs to control the noise and if there are any issues than he will be back before the Commission.

Exhibit A: Application to change condition of license received September 16, 2016 and dated September 15, 2016.

I-4: Petitioner: Lotus & Son, Inc. dba London Billiards, 70 James Street

Request to lift conditions imposed by License Commission specifically

- a. Establishment is to close at 1:00 a.m.
- b. One police detail every Friday and Saturday
- c. When there is a special (or a promoted event), two police details are required

Lt. Johnson stated that he had met with the license holder and have come up with the following set of conditions.

1. Notify the Worcester Police Department of all events via email.
2. License Holder will have a dedicated staff for security function.
3. Have identifiable security personnel.
4. Have a police detail Friday and Saturday.
5. Any events over 100 people one detail officer will be hired.
6. Any events over 200 people two detail officers will be hired.
7. Establishment is 21+ on Friday and Saturday nights and promotable event nights

Upon a motion the Commission voted 3-0 to approve the conditions with amendment that the email communications to the Police Department for upcoming events begin November 1, 2016.

Exhibit A: Electronic communication to lift conditions on liquor license received

I-5: Petitioner: Wormtown Brewery, 72 Shrewsbury Street, Unit 4

Jamie Chapman and David Fields appeared on behalf of the application. Ms. Chapman stated that the live music will be right outside the patio doors and will consist of light acoustic music.

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

Indoors:

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

Outdoor entertainment patio request:

- Radio - Monday thru Saturday Noon to 11:00 p.m.
- Live music - Wednesday-6:00 p.m.-8:00 p.m.
- Live music - Sunday-1:00 p.m.-3:00 p.m.

Exhibit A: Application for entertainment license received September 15, 2016 and dated September 15, 2016.

I-6: Takara Restaurant, Inc., 10 Millbury Street

Violation of Rules #7, #14- Sales to person under 21, Manager responsible for all violations on the premises

Item was postponed until the October 27, 2016 License Commission meeting.

Exhibit A: Police report dated August 23, 2016.

I-7: John Fresolo dba Rocky's, 139 Water Street

Violation of Rules #14 (2 counts) and #17 (2 counts), Manager responsible for all violations on the premises, Alcohol prohibited from being taken away from the premises

John Fresolo appeared on behalf of the violations and waived his right to counsel.

Lt. Johnson presented the following:

On June 1, 2016 Officer Shane Marcotte and Officer Glenn Stout were assigned to the Alcohol Enforcement Unit and while traveling north on Water Street observed a male and female drinking from clear plastic cups in the street outside of Rocky's.

The officers stopped and advised them to take the drinks back into the Licensed Premises and they complied.

The officers also observed a three person amplified band on the sidewalk outside area and observed that there was no defined outdoor area outside the Licensed Premises.

They observed four Adirondack chairs but no tables and the sidewalk outside the Licensed Premises was not roped off to designate a dining area.

The officers spoke with the owner, John Fresolo, and advised him that they had observed two patrons outside the Licensed Premises drinking in the street.

The officers requested to see the license for the outdoor entertainment and Mr. Fresolo produced his liquor license and stated that he was unaware the he needed a separate license for entertainment for outside.

On July 1, 2016 Officer Mark Jolin was working on his current assignment as a member of the Worcester Police Enforcement Unit.

At 1:40 a.m. a call was received by dispatch that minors were drinking at Rocky's Food & Spirits and uniformed officers responded prior to Officer Jolin's arrival.

Upon his arrival at the Licensed Premises Officer Jolin met with Officers Sean Sullivan and William Auger who stated that upon their arrival they observed 5-6 people in front of the business on the sidewalk drinking from open containers and plastic cups.

Most of the people scattered when they saw the officers but two people standing beside the Licensed Premises still had their white plastic cups and the officers told them to dump their drinks but before they were able to a staff member of the Licensed Premises identified as Jayson Daultry grabbed the cups and dumped them out.

The owner of the Licensed Premises, John Fresolo, came out to speak with Officer Jolin and stated that no one was drinking in front of his bar.

Officer Jolin asked Mr. Daultry if he emptied any cups out in front of the bar. Mr. Daultry hesitated but then admitted that he did.

Mr. Fresolo waived his right to counsel and stated that with regard to first incident it was the first anniversary of the business and he had a band and they asked to move outside and he said that be fine but that if any police came and asked that the move back inside they would have to. He stated that they didn't do any business that night so he paid the band and they left an hour early and then the police arrived and he was told he didn't have license for outside entertainment and he has since filed for one and he apologized for what happened and stated that the officer had told him that it wasn't going to be written up but there no excuse for what happened

On the second incident there he stated there was no excuse. He stated that Officer Jolin came in and told him about the incident and he went and spoke with the doorman who stated that he must have missed it and he has since has let the doorman go.

Chair Shea stated that this cannot keep happening and these are repeat offenses.

Commissioner Shea stated that when he first came on the Commission a year ago Rocky's was one of the first violation he heard and at that time Mr. Fresolo stated that he did not want to be back and this is now a fourth violation for the establishment so it appears that he doesn't care what the Commission says and doesn't think that Mr. Fresolo respects the Commission and he doesn't want to see him back before the Commission again.

Commissioner Salvidio stated that he tired of hearing the same thing over and over and he believes in gradual punishment and this is same thing from last year so message is not getting through so he supports Chair Shea and Commissioners Shea comments.

Upon a motion the Commission voted 3-0 that the license be suspended for seven days with two days to be served along with the two days from the previous two day suspended suspension.

Commissioner Salvidio clarified that it was seven days with five days to be served along with the previous two from the suspended suspension and the Commission stated the suspension should be served the first week of November.

Exhibit A: Police report dated June 3, 2016.

Exhibit B: Police report dated July 10, 2016.

NEW BUSINESS

II Special One Day Liquor & Entertainment Requests

II-1: Petitioner: Victoria Mariano, 243 Stafford Street

Request for one day liquor license

- October 22, 2016 – 2:00 p.m.-1:45 a.m.

Item was postponed to October 27, 2016 License Commission meeting at request of applicant who planned to change date of event.

Exhibit A: Application for one day liquor license received September 28, 2016 and dated September 25, 2016.

II-2: Petitioner: Mass Martial Arts Academy, 596 Cambridge Street

Request for one day liquor license

- November 12, 2016-5:00 p.m.-11:00 p.m.

Donald Oleski appeared on behalf of the item. He stated that this will be a spaghetti fundraiser.

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

Exhibit A: Application for one day liquor license received September 29, 2016 and dated September 30, 2016.

II-3: Petitioner: Struck Catering, 30 Elm Street

Request for one day liquor license

- November 3, 2016-5:00 p.m.-8:00 p.m.

Derek Cotter appeared on behalf of the application.

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

Exhibit A: Application for one day liquor license received October 5, 2016 and dated October 4, 2016.

II-4: Petitioner: Che Anderson, Worcester Auditorium, 1 Lincoln Square

Request for one day liquor license

- October 20, 2016-7:00 p.m.-9:00 p.m.

Kimberly Driscoll appeared on behalf of the application. She stated that this is for a silent movie night at the auditorium and there will be food trucks and a beer garden outside. The Commission asked how the alcohol would be served. Ms. Driscoll stated that the tables and chairs from inside the auditorium would be brought outside to the area.

Commissioner Salvidio stated that the area would need to be roped off and all the people serve alcohol would need to be server trained.

Chair Shea asked how many people were expected and Ms. Driscoll stated about 200. The Commission recommended that due to the number expected that one off duty police officer be hired for the event.

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

Exhibit A: Application for one day liquor license received October 6, 2016 and dated October 5, 2016.

III Common Victualer Requests

III-1 Petitioner: Casa de Carnes Quick Mart, 43 Chandler Street

Request for common victualer license

Marilocia Fonscca along with her husband appeared on behalf of the application. They stated that they are taking over an existing restaurant.

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

Exhibit A: Application for common victualer license received September 28, 2016 and dated September 28, 2016.

IV Alcohol & Entertainment Requests

IV-1: Petitioner: Shrewsbury Street Restaurant dba Terra Brasilis Restaurant, 480 Shrewsbury Street

Indoors: Request for entertainment license for tv, live music, amplification system, karaoke

Mr. Viana appeared on behalf of the application. The Commission asked what the hours of the entertainment would be. Mr. Viana stated that Monday through Friday it would be from 6:00 p.m. to 10:00 p.m. and Sunday would be from Noon to 10:00 p.m.

Exhibit A: Application for entertainment license received September 27, 2016 and dated September 27, 2016.

Commissioner Shea left meeting.

V Lodging House

V-1: The New Albion, LLC, 765 Main Street

Request for lodging house license

Attorney Jonathan Finkelstein appeared on behalf of the item. He stated that they are requesting to postpone the item until the October 27, 2016 License Commission meeting and stated that at the September 1, 2016 License Commission meeting on the item the Commission had placed a condition that no new tenants be allowed at establishment until the

item comes back before the Commission and since there are less tenants and asked if the owner could rent those rooms. The Commissioners stated no and the condition remains.

Upon a motion the Commission voted to continue the item until the October 27, 2016 License Commission meeting.

Exhibit A: Application for lodging house license received September 26, 2016 and dated September 26, 2016.

VI Violations

V1-1: Masstate LLC dba State Liquors, 370 Park Avenue

Violation of Rules #6, #7 #21 – Sale to under 21, No notice of change of manager, manager responsible for all violations on the premises

Patrick Zaleski, Andrew Novakski and Prescott Arndt appeared on behalf of the violation and waived their right to counsel.

Lt. Johnson presented the following:

On September 7, 2016 at 9:17 p.m. Officer Pat Harrington was assigned to the Alcohol Enforcement Unit and observed a Jeep with several young female passengers pull in the parking lot of the Licensed Premises. He observed two of the females enter the Licensed Premises and then exit the Licensed Premises with a large brown paper bag consistent with the ones that package stores place alcohol in. He observed the females reenter their vehicle and leave and at that time Officer Harrington requested that Officer Stout conduct a vehicle stop of their vehicle. Officer Stout stopped the vehicle and spoke with the female that Officer Harrington had observed leaving the Licensed Premises along with the four passengers and asked if they were all over 21 and they stated no. Officer Stout observed a large bottle of Vodka & Hennessy on the rear floor of the vehicle while he was speaking them. Officer Stout spoke with the female who Officer Harrington had observed leaving the Licensed Premises with the large brown paper bag and she stated that she used a relatives New York ID to purchase the alcohol and was never asked by the clerk at the Licensed Premises for a second identification.

After the incident Officer Harrington and Sergeant Needham returned to the Licensed Premises and spoke with staff and spoke with the clerk Beth Wilson who acknowledged that she did scan the New York ID. The Officers also spoke with the shift supervisor, Sean Hallaron and requested to see the liquor license and explained that he needed to inform the manager who is identified on the liquor license Joseph Manzello of the violation. Mr. Hallaron informed the officers that Mr. Manzello has not worked at the Licensed Premises for the past three months and that the new person in charge was Patrick Suleski. The Officers contacted Mr. Suleski and he was informed that he needed to contact the License Commission immediately to file for a change of manager.

Mr. Novaski stated that they spoke with the staff person and they ID that she had accepted was New York state learner's permit so she should never have taken that as an ID and she has since been terminated.

Mr. Novaski stated with regard to the change of manager he had moved from another store and corporate office was working on the paperwork and he contacted the corporate office after the violation and they were just about to submit and it has now been submitted to the local office.

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

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

Exhibit A: Police report dated September 14, 2016.

V1-2: R.S.L. Enterprises, Inc. dba Harrahy's Package Store, 107 Ward Street

Violation of Rules #6, #21-Sale to under 21, manager responsible for all violations on the premises

Robert Largess appeared on behalf of the violation and waived his right to counsel.

Lt. Johnson presented the following:

On September 17, 2016, Officers of the Worcester Police Department Alcohol Unit conducted compliance checks at various package stores throughout the city of Worcester. An underage female accompanied the officers and was instructed to enter a package store and attempt to purchase alcohol without providing identification.

At around 1:57 p.m., the underage female entered the Licensed Premises and purchased a six pack of Not Your Daddy's root beer, an alcoholic beverage. The female was able to purchase the alcohol without being asked for identification.

Mr. Largess stated that the violation did occur and the clerk was terminated.

The Commission noted that a similar violation had occurred two years ago.

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

Upon a motion the Commission voted 2-0 to issue a one day suspension to be served November 13, 2016.

Exhibit A: Police report dated September 20, 2016.

V1-3: Greendale Liquor & Package Store, Inc., dba McGovern's, 440 West Boylston Street

Violation of Rules #6, #21-Sale to under 21, manager responsible for all violations on the premises

William Talcott appeared on behalf of the violation and waived his right to counsel.

Mr. Talcott stated that he did not dispute the facts as presented and stated that he was embarrassed to be before the Commission and has advanced identification scanner and he watched the video and looked like the clerk was chatting with someone when the sale occurred. He stated that he believed his employee had become complacent as the store doesn't get a lot of young people.

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

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

Exhibit A: Police report dated September 22, 2016.

V1-4: Allstar Liquor, Inc., 253 Lincoln Street

Violation of Rules #6, #21 -Sale to under 21, manager responsible for all violations on the premises

Gurmeet K. Singh appeared on behalf of the violation and waived his right to counsel.

Lt. Johnson presented the following:

On September 17, 2016, Officers of the Worcester Police Department Alcohol Unit conducted compliance checks at various package stores throughout the city of Worcester. An underage female accompanied the officers and was instructed to enter a package store and attempt to purchase alcohol without providing identification.

At around 3:07 p.m. the underage female entered the Licensed Premises and purchased a four pack of Seagram's wine coolers. The female was able to purchase the alcohol without being asked for identification.

Mr. Singh stated that the violation did occur but currently his store is closed due to a fire that occurred on the premises and store is a total loss. He stated that he plans to buy a new ID scanner when he opens again.

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

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

Exhibit A: Police report dated September 20, 2016.

V1-5: Hademo Incorporated dba Mass Liquors, 392 Chandler Street

Violation of Rules #6, #21 – Sale to under 21, manager responsible for all violations on the premises

Todd Greamo appeared on behalf of the violation and waived his right to counsel.

Lt. Johnson presented the following

On September 17, 2016, Officers of the Worcester Police Department Alcohol Unit conducted compliance checks at various package stores throughout the city of Worcester. An

underage male accompanied the officers and was instructed to enter a package store and attempt to purchase alcohol without providing identification.

At around 12:09 p.m. the underage male entered the Licensed Premises and purchased a six pack of bud light. The male was able to purchase the alcohol without being asked for identification.

Mr. Greamo stated that he did not dispute the violation. He stated that three employees were present and his rule is if person looks under 30 they need to be carded and his store has machine to check identifications but doesn't do any good if employees do not use it.

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

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

Exhibit A: Police report dated September 17, 2016.

V1-6: Jasmat Corporation dba Mahoney's, 433 Park Avenue-**Postponed to 10/27/2016**

Violations of Rules #7, #14- Sale to under 21, manager responsible for all violations on the premises

Exhibit A: Police report dated September 23, 2016.

Communications

ABCC Communication-Alcohol infused ice cream advisory

ADJOURNMENT

Upon a motion the Commission adjourned the meeting at 11:35 p.m.