

MINUTES OF THE PROCEEDINGS OF THE  
LICENSE COMMISSION OF THE CITY OF WORCESTER  
**JANUARY 19, 2017**

ESTHER HOWLAND CHAMBER

**Commission Members Present:** Anthony Salvidio, Commissioner  
Walter Shea, Commissioner  
Barbara Haller, Commissioner

**Commission Members Absent:**

**Staff Present:**

Stephen Rolle, Planning & Regulatory Services  
Deborah Steele, Planning & Regulatory Services  
James Foley, Inspectional Services  
Sergeant Thomas Needham, Worcester Police Department  
Officer Mark Jolin, Worcester Police Department  
Officer Glenn Stout, Worcester Police Department  
Officer Patrick Harrington, Worcester Police Department  
Alexandra Kalkounis, Law Department  
Lt. Jeffrey Dubeau, Fire Prevention

**Approval of the Minutes** – January 5, 2017 – Upon a motion the Commission voted 2-0 to approve the minutes of January 5, 2017.

**NEW BUSINESS**

**I Special One Day Liquor & Entertainment Requests**

**I-1:** Petitioner: Oneail FX Studios LLC, 100 Barber Avenue

Request for one day liquor license

- February 11, 2017-7:00 p.m.-11:00 p.m.

- February 18, 2017-7:00 p.m.-11:00 p.m.

Jeremy O'Neil appeared on behalf of the application. He stated that he is applying for two one day liquor licenses which will be held at 100 Barber Avenue.

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

Exhibit A: Application for one day liquor license received January 5, 2017 and dated January 5, 2017.

**I-2:** Petitioner: Saint George Orthodox Cathedral, 30 Anna Street

Request for one day liquor license

- May 13, 2017-TBD

Held no one appeared for item.

Exhibit A: Application for one day liquor license received January 9, 2017 and dated January 9, 2017.

## **II Common Victualer Requests**

**II-1:** Petitioner: Chestnuts Café, 10 Chestnut Street

Request for common victualer license

Luis Pizarro appeared on behalf of the application. He stated that he is taking over an existing business.

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

Exhibit A: Application for common victualer license received December 30, 2016 and dated December 30, 2016.

**II-2:** Petitioner: Pizza Hut, 349 Grafton Street

Request for common victualer license

Item held.

Exhibit A: Application for common victualer license received December 29, 2016 and dated December 29, 2016.

**II-3:** Petitioner: A&T, Inc dba Top Dollar Plus, 25 Tacoma Street

Request for common victualer license

Maher Taufeeque appeared on behalf of the application. He stated that he taking over an existing business.

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

Exhibit A: Application for common victualer license received January 11, 2017 and dated January 11, 2017.

**II-4:** Petitioner: A&T, Inc. Top Dollar Plus, 112 Tacoma Street

Maher Taufeeque appeared on behalf of the application. He stated that he taking over an existing business.

Exhibit A: Application for common victualer license received January 11, 2017 and dated January 11, 2017.

### **III Alcohol & Entertainment Requests**

**III-1:** Petitioner: Park Grille, 257 Park Avenue

- Request for inside entertainment for tv, radio, dancing by patrons, dancing by entertainers, recorded music, live music, amplification system, live music, floor show, theatrical exhibit, karaoke, any other audio or visual show whether live or recorded

Nancy Pearson appeared on behalf of the application. She stated that she recently took over the existing business and wants to add entertainment.

The Commission questioned what would be the hours for entertainment. Ms. Pearson stated 11:30 a.m. to 2:00 a.m.

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

Exhibit A: Application for entertainment license received January 13, 2017 and dated January 13, 2017.

**III-2:** Petitioner: Leitrim's, Inc. 265 Park Avenue

- Request for change of manager

Rebecca Laramee and Jennifer Rivera appeared on behalf of the application. Ms. Rivera stated that she will be taking over as manager of the premises.

Sgt. Needham stated that background check was completed and no problems.

Upon a motion the Commission voted 3-0 to approve the change of manager.

Exhibit A: Application for change of manager received December 30, 2016 and dated December 30, 2016.

Commissioner Salvidio recused himself from item.

**III-3:** Petitioner: Valentino's Market, 154 Shrewsbury Street

- Request for general on premises all alcohol license and sidewalk café

Gary DeWolfe appeared on behalf of the item.

Commissioner Shea stated that members of the License Commission and Police Department had viewed the premises prior to the meeting.

Mr. DeWolfe stated that he plans to run a convenience store with a café and some outdoor seating.

Commissioner Shea read into the record letter from Gary Veechio from Shrewsbury Street Neighborhood Association expressing concerns about the application.

Commissioner Shea stated that on the view the Commission noted that the area for the bar is small and asked how many seats would there be. Mr. DeWolfe stated five seats at bar and few other seats out in main area and the storage would be in the bar area.

Commissioner Haller stated that the application states that hours would be from 6:00 a.m. to 10:00 p.m. and questioned the occupancy of 60.

Mr. Rolle stated that the occupancy is determined by Inspectional Services not the License Commission and reminded applicant that for the outdoor seating area food service has to be made available and the area needs to be properly roped off and that he is limited to the seats asked for on diagram provide to the Commission.

Mr. DeWolfe stated that he may like to stay open a littler later on certain nights to 11:00 p.m.

Upon a motion the Commission voted 2-0 to approve the general on premises and the sidewalk café with the amended hours of 6:00 a.m. to 11:00 p.m.

Exhibit A: Application for general on premises all alcohol license received January 11, 2017 and dated January 11, 2017.

Exhibit B: Email from Gary Vecchio dated January 19, 2017.

**III-4A:** Petitioner: Valentino's Market, 154 Shrewsbury Street

- Request for entertainment license for tv, radio, recorded music-inside
- Request for outdoor entertainment for one speaker

Luke DeWolfe appeared on behalf of the application.

Mr. DeWolfe stated that he would like entertainment but would also like the music to go to 11:00 p.m. and is requesting outdoor entertainment for one speaker.

The Commission asked what type of entertainment would be provided. Mr. DeWolfe stated it would be background music and solo acoustic guitar inside and he like one speaker over the overhang in the outside area for background music.

Commissioner Shea asked if the music was going to be loud. Mr. Dewolfe stated no as he owns the apartments above the premises so wouldn't want anything too loud.

Mr. Rolle stated that there was some concerns about having louder music at the sidewalk café area and that is something the Commission should review.

The Commissioners discussed their concerns regarding the music outdoors and suggested Mr. DeWolfe may want to ask to Leave to Withdraw for that portion of the application and then come back at a later date with that request. Mr. DeWolfe stated that he was fine with that and requested to withdraw his request for the outdoor entertainment for one speaker.

Upon a motion the Commission voted 2-0 to approve the inside entertainment 6:00 a.m. to 11:00 p.m.

Exhibit A: Application for entertainment license received January 12, 2017 and dated January 12, 2017.

Commissioner Salvidio returned to the meeting room.

#### **IV- Violations**

**IV-1:** Wintergreen Partners, LLC dba Union Tavern, 65 Green Street

Violation of Rules #14, #27, 204 CMR 2.05 – Manager responsible for premises, occupancy violation

Attorney Dan Cotton and Dana Felicetti appeared to answer to the violation.

Sergeant Needham presented the following:

On December 30, 2016 at 1:24 a.m. Worcester Police along with members of the Worcester Fire Department were conducting compliance checks throughout the City and conducted a check of the Licensed Premises at 65 Green Street. The current occupancy rate for the Licensed Premises is 99 which includes all employees and patrons and upon entering the Licensed Premises they could see that it was well over capacity.

The manager of the Licensed Premises was made aware of the situation and elected to cease business and the patrons began to exit. Three members of the Worcester Fire Department counted everyone leaving and counted an average of 234 people.

Attorney Cotton stated that there was no question that they were over the limit and this is their second offense. He stated that they did not expect a large crowd that evening and stated that Mr. Felicetti is changing the direction of how business will be run and they are sorry that the incident happened.

Commissioner Salvidio asked what steps going forward will the business take to ensure this does not happen again.

Mr. Felicetti stated that they have gone over the evening with staff and all employees will be crowd certified by the end of the month and they have purchased electronic clickers so they have accurate count. He stated that will also be adding more tables.

A brief discussion was held regarding the occupancy of the premises and what is the definition of a night club.

Commissioner Haller asked who operates the clicker at the door. Mr. Felicetti stated the doorman.

Commissioner Salvidio noted that just a few months ago there was a similar violation at the premises.

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

Upon a roll call the Commission voted 3-0 that the one day suspended from previous violation would be served along with an additional one day suspension. Dates to be served February 16, 2017, 2017.

Exhibit A: Police report dated January 7, 2017.

Commissioner Shea recused himself from item.

**IV-2: Seven Hills Venture, Inc. dba The Banner Bar & Grille, 112 Green Street**

Violation of Rules #5, #9, #14, #27, 204 CMR 2.05 (2) – Manager responsible for premises, occupancy violation, licensed to be posted, premises subject to inspection by Police and authorized agent.

Sherri and Matthew Ormond appeared to answer to the violation and waived their right to counsel.

Sergeant Thomas Needham presented the following

On November 23, 2016 at 11:50 p.m. Worcester Police along with members of the Alcoholic Beverage Control Commission (ABCC) were conducting compliance checks throughout the City and conducted a check of the Licensed Premises at 112 Green Street. The current occupancy rate for the Licensed Premises is 92 which includes all employees and patrons and upon entering the Licensed Premises they could see that it was over crowded. Officer Jolin questioned the doorman as to how many people were inside the Licensed Premises and doorman stated there was 92. When questioned as to how he obtained that number he stated that he kept count. The investigators conducted a count showing 188 patrons inside which did not include the line of 20 people waiting to get inside the Licensed Premises.

The officers spoke with Matthew Ormond, the manager of the Licensed Premises, regarding being over capacity and observed that he was intoxicated and he stated to the officers and investigators that he pays his money for the police details.

Upon informing Mr. Ormond that he needed to get his number of patrons down Mr. Ormond informed one of the ABCC investigators that he have to leave as he needed to get his numbers down.

An ABCC Investigator went to speak with employees and Mr. Ormond became aggressive and had to be restrained by the detail officer and his wife Sherry Ormond. Ms. Ormond and two friends brought Mr. Ormond to the kitchen.

Ms. Ormond after speaking the police and investigators choose to shut down the Licensed Premises for the night.

Mr. Ormond stated that he wanted to public apologize to the police and that he had spoken with Lt. Johnson and Officer Harrington. He stated that he had acted in an unprofessional manner and overreacted that evening. He stated that his actions were inappropriate and he tried to call the Alcoholic Beverages Control Commission to apologize to the investigator from that evening. He stated that he was embarrassed to be before the Commission and accepts full responsibility for what happened that evening and will accept whatever punishment the Commission imposes.

Mrs. Ormond stated that an incident like that will not happen again.

Commissioner Haller asked if the business had a door person. Mrs. Ormond stated yet every day except Tuesday.

Mr. Ormond stated that he usually with the doorman watching the door but was not the evening in question.

Commissioner Salvidio stated that he was very disturbed by what was presented and that the police and agents of the License Commission must be treated with respect and that keeping an eye on the occupancy of a licensed premises is very important.

Mr. Ormond stated that he had just worked a sixteen hours shift and overreacted and said things he shouldn't have and he is not proud of the way he acted.

Commissioner Haller asked how he has owned the business. Mr. Ormond stated since 2016 but had owned other place in City of Worcester.

Commissioner Haller stated that she understood that Mr. Ormond taking responsibility but city and state officers need to be treated with respect.

The Commissioners discussed what would be an appropriate suspension. Commissioner Haller stated that the suspension needs to send a clear message that this is serious situation.

Mr. Ormond stated that he and his wife take the business seriously and working very hard to make it succeed and will never have this issue 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 imposes a two day suspension. Dates to be served February 8, 9, 2017.

Exhibit A: Police report dated – January 5, 2017

Commissioner Shea returned to the meeting room.

### **Adjournment**

The Commission adjourned the meeting at 11:00 a.m.

