

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

MAY 10, 2018

ESTHER HOWLAND CHAMBERS

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

Commission Members Absent:

Staff Present: Stephen Rolle, Planning & Regulatory Services
Jennifer Beaton, Law Department
Lt. James Johnson, Worcester Police Department
Officer Patrick Harrington, Worcester Police Department
Officer Edward Saucier, Worcester Police Department
Officer Mariah Kaplan, Worcester Police Department
Deborah Steele, Planning & Regulatory Services

Minutes

April 26, 2018

Upon a motion the Commission voted 3-0 to approve the minutes of April 26, 2018.

NEW BUSINESS

Common Victualer Requests

I-1: Golden Pizza on Lincoln, 453 Lincoln Street

Request for a common victualer license

Sandeep Singh appeared upon behalf of the application.

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

Exhibit A: Application for common victualer license dated April 9, 2018 and received April 9, 2018.

I-2: Adom Market, 1073A Main Street

No one appeared for item.

Request for a common victualer license

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

Exhibit A: Application for common victualer license dated April 9, 2018 and received April 9, 2018.

Special One Day Liquor & Entertainment Requests

II-1: Assumption College Wise Program, 500 Salisbury Street

Request for one day liquor license

- May 23, 2018 – 5:00 p.m.-8:00 p.m.
- June 1, 2018 – 6:00 p.m.-Midnight
- June 2, 2018 – 4:00 p.m.-Midnight

Michael Rubino appeared upon behalf of the applications. He stated that these are for college reunion events.

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

Exhibit A: Application for one day liquor license dated April 12, 2018 and received April 12, 2018.

II-2: Marc Guinette, 40 Grafton Street

a. Request for one day liquor license

- June 23, 2018 – 3:00 p.m.-1:00 a.m.
- August 4, 2018 – 3:00 p.m.-1:00 a.m.
- August 9, 2018 – 3:00 p.m.-1:00 a.m.

b. Request for one day entertainment license for dancing by patrons, recorded music, amplification system, light show

- June 23, 2018 – 3:00 p.m.-1:00 a.m.
- August 4, 2018 – 3:00 p.m.-1:00 a.m.
- August 9, 2018 – 3:00 p.m.-1:00 a.m.

Items a and b were taken contemporaneously.

Marc Guinette appeared upon behalf of the applications. He stated that these are annual events and stated that the plans are the same as last year.

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

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

Exhibit A: Application for one day liquor license dated April 3, 2018 and received April 3, 2018.

Exhibit B: Application for one day entertainment license dated April 3, 2018 and received April 3, 2018.

II-3: Our Lady of Mt. Carmel Parish at Our Lady of Loreto Church Italian Festival, 37 Massasoit Road

a. Request for one day liquor license

- August 10, 2018 – 5:00 p.m.-10:00 p.m.
- August 11, 2018 – Noon-10:00 p.m.
- August 12, 2018 – Noon-5:00 p.m.

b. Request for one day entertainment license for recorded music, live music, amplification system

- August 10, 2018 – 5:00 p.m.-10:00 p.m.
- August 11, 2018 – Noon-10:00 p.m.
- August 12, 2018 – Noon-5:00 p.m.

Items a and b were taken contemporaneously.

Elaine Beaudry appeared upon behalf of the applications.

She stated that this is for an Italian Festival which will have vendors, entertainment and alcohol.

Ms. Beaudry stated that several people helping at the festival have gone through the liquor sever training course.

Lt. Johnson suggested that Ms. Beadury meet with the police department so they can work out a security plan for the event.

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

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

Exhibit A: Application for one day liquor license dated April 14, 2018 and received April 14, 2018.

Exhibit B: Application for one day entertainment license dated April 14, 2018 and received April 14, 2018.

II-4: Cars of Summer Car Show, Green Hill Park

Request for one day entertainment license for live music, amplification system

- June 29, 2018, June 30, 2018, July 1, 2018- 8:00 a.m. – 8:00 p.m.

Gary Cooper appeared upon behalf of the application.

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

Exhibit A: Application for one day entertainment license dated April 14, 2018 and received April 14, 2018.

II-5: Worcester Business Development Corp., 16 Myrtle Street, 30 Federal Street, 30 Myrtle Street

Request for one day entertainment license for live music, amplification

- July 13, 2018 – 5:30 p.m.-8:30 p.m.
- August 3, 2018 – 5:30 p.m.-8:30 p.m.

Julie Holstrom appeared upon behalf of the application. She stated that this is for the Jazz at Sunset series which will be held behind Hanover Theatre and they expect over 700 people.

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

Exhibit A: Application for one day entertainment license dated April 14, 2018 and received April 14, 2018.

II-6: WCACA/Jennifer Gaskin, 2 Washington Square – Union Station Garage

a. Request for one day liquor license

- June 23, 2018 – 7:00 p.m.-Midnight

b. Request for one day entertainment license for dancing by patrons, dancing by entertainers, recorded music, live music, amplification system

- June 23, 2018 – 7:00 p.m. – Midnight

Items a and b were taken contemporaneously.

Jennifer Gaskin appeared upon behalf of the applications. Ms. Gaskin stated that this is for a Caribbean celebration that will be in the Union Station garage. She stated that there will be live performances, talks and poets and doesn't expect more than 200 people throughout the night.

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

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

Exhibit A: Application for one day liquor license dated April 23, 2018 and received April 23, 2018.

Exhibit B: Application for one day entertainment license dated April 23, 2018 and received April 23, 2018.

II-7: Brycol, Inc. dba Ralph's Tavern, 117 Shrewsbury Street

Request for one day entertainment for jukebox, tv, radio, dancing by patrons, recorded music, live music, amplification system

- May 26, 2018 – Noon-10:00 p.m.
- June 3, 10, 17, 24, 2018 – Noon – 7:00 p.m.
- June 23, 30, 2018 – Noon-10:00 p.m.
- July 2, 2018 – 6:00 p.m.-10:00 p.m.
- July 12, 19, 26, 2018 – 6:00 p.m.-10:00 p.m.
- July 8, 15, 22, 29, 2018 – Noon-7:00 p.m.
- August 5, 12, 19, 26, 2018 – Noon-7:00 p.m.
- September 1, 2018 – Noon-10:00 p.m.
- September 2, 9, 16, 23, 30 – Noon-7:00 p.m.
- October 1, 2018 – Noon-10:00 p.m.
- October 7, 14, 21, 2018 – 2:00 p.m.-7:00 p.m.

Joan Cely appeared upon behalf of the applications. She stated that that no events go past 10:00 p.m.

Commissioner Shea asked what the crowds were in the past for these events. Ms. Cely stated that it depends on the weather.

Commissioner Shea and Lt. Johnson stated that there are no residential units near this establishment.

Mr. Rolle stated that establishment only did seven events last year and there is quite a bit more dates requested this year but they have had no complaints for them.

Chair Salvidio stated that the reason he will consider this is that this location is more in an industrial area than a residential area.

Commissioner Haller stated that she willing to approve but would request Police forward any complaints to License Commission if they are received.

No one spoke in favor/opposition to the petition.

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

Exhibit A: Application for one day entertainment license dated April 24, 2018 and received April 24, 2018.

II-8: Ragged Hill Cider Company, 138 Green Street

Request for wine-tastings May 5, 2018-May 5, 2019 – 9:00 a.m.-Noon

Anne Garwin appeared upon behalf of the application.

Upon a motion the Commission voted 3-0 to approve the wine-tastings.

Exhibit A: Application for wine-tasting received electronically April 18, 2018.

II-9: Clark University, 950 Main Street

Request for one day liquor license

- May 11, 2018 – 4:00 p.m.-6:00 p.m.
- May 14, 2018 – 1:00 p.m.-4:00 p.m.
- May 16, 2018 – 6:00 p.m.-8:00 p.m.
- May 19, 2018 – 8:00 p.m.-Midnight
- June 11, 2018 – 6:00 p.m.-8:00 p.m.

Kim McElroy appeared upon 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 dated April 28, 2018 and received April 28, 2018.

II-10: Holy Family Parish/St. Joseph Church, 10 Dupont Street

Request for one day liquor license

- June 16, 2018 – 6:00 p.m.-11:00 p.m.

Ed Bourgault appeared upon behalf of the application. He stated that this the is second year for the event and they expect about 600 people.

Lt. Johnson asked if a police detail had been hired for the event. Mr. Bourgault stated they had made arrangements for a detail.

Exhibit A: Application for one day liquor license dated May 1, 2018 and received May 1, 2018.

II-11: College of the Holy Cross, 1 College Street

Request for one day liquor license

- June 1, 2018 – 7:00 p.m.-1:00 a.m.
- June 2, 2018 – 6:30 p.m.-1:30 a.m.

- June 8, 2018 – 5:00 p.m.-1:00 a.m.
- June 9, 2018 – 5:30 p.m.-Midnight

Kristyn Dyer appeared upon behalf of the application. She stated that these are reunion events.

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

Exhibit A: Application for one day liquor license dated May 2, 2018 and received May 2, 2018.

II-12: Preservation Worcester, 6 Brussels Street

a. Request for one day liquor license

- June 9, 2018 – 6:00 p.m-11:00 p.m.

b. Request for one day entertainment license for dancing by patrons, live music, amplification system, moving picture show, projected lights

- June 9, 2018 – 6:00 p.m-11:00 p.m.

Items a and b were taken contemporaneously.

Deborah Packard and Noah Bombard appeared upon behalf of the applications.

Ms. Packard stated this is an indoor/outdoor event. They have done similar events in past and they are expecting about 400 people.

Commissioner Haller asked about neighbors in the area. Mr. Bombard stated that there are only about six residences behind the mill complex. Ms. Packard stated that they intend to send letters to the residences making them aware of the event and inviting them to it but all entertainment will be inside.

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

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

Exhibit A: Application for one day liquor license dated May 2, 2018 and received May 2, 2018.

Exhibit B: Application for one day entertainment license dated May 2, 2018 and received May 2, 2018.

Alcohol & Entertainment Requests

III-1: Great Walk, Inc. dba Great Wall, 521 Main Street

Request for restaurant malt and wine license

Item was postponed to May 24, 2018.

Exhibit A: Application for restaurant malt and wine dated October 11, 2017 and received October 11, 2017.

III-2: Petrogas Group New England, Inc., 350 Greenwood Street

Request for package store malt and wine license

Chair Salvidio stated that Lt. Johnson had viewed the premises.

Attorney Mitali Biswas along with the proposed manager, Amanda Cadorette appeared upon behalf of the application.

Ms. Biswas stated that this was a request for a package store malt and wine license to be located inside a convenience store. Ms. Biswas stated that the convenience store is being renovated and part of the renovation is to add a malt and wine license.

Lt. Johnson stated that there would be six coolers in the back of the store and had no problem with location but reminded applicant that if a license is issued staff would need to be server trained and closing time means no alcohol can be sold after closing time.

Commissioner Haller asked Ms. Cadorette if had any experience in industry. Ms. Cadorette stated that she worked in three stores in New Hampshire with no violations.

Commissioner Haller asked how many package stores are in the area. Lt. Johnson stated there one across street and one the plaza.

Anal Patel stated that he owned Kwik Pik Convenience and spoke in opposition stating there too many stores in area right now.

Jignesh Patel stated he owns a package store in the area and would be in opposition to the application and stated that Day Nite Store, which is also in the area, opposes the application.

Commissioner Haller stated that she could not support the application as the area is adequately served and the applicant did not demonstrate any additional need for another license.

Ms. Biswas stated that they are aware there are a couple licenses in the area but there are other areas that are much more saturated with licenses and the malt and wine license is just a component of the convenience store.

Ms. Biswas stated that there are four other package stores located within a 4.5 mile radius.

Mr. Patel stated his Kwik Pik location is 1,000 feet from this proposed location.

Chair Salvidio asked the applicant, in light of the proximity of the other stores to address whether there was a need for another license.

Ms. Biswas stated that the license is part of the business operation.

Chair Salvidio stated that the applicant must prove a community need. Ms. Biswas stated that this area not as saturated as other areas in the city and serves the consumer needs.

Commissioner Shea stated that he cannot support the application.

Upon a roll call the Commission voted 3-0 to deny the package store malt license based on the fact that

- The area is adequately served by three existing establishment
- There is no need for another package store right across the street from an existing package store.

Exhibit A: Application for package store malt and wine license dated April 24, 2018 and received April 24, 2018.

III-3: Apollonia Restaurant, LLC, 6 Mercantile Street

Request for restaurant malt and wine license

Jeff Bosnia appeared upon behalf of the application. He stated that they are a coffee café and they plan to use local products in the establishment and roast their own coffee.

Upon a motion the Commission voted 3-0 to approve the restaurant malt and wine license.

Exhibit A: Application for restaurant malt and wine license dated April 17, 2018 and received April 17, 2018.

III-4: Kobe Enterprises, Inc. dba 7 Nana Japanese Steakhouse, 60 Shrewsbury Street

Request for change of manager & change of beneficial interest

Attorney Chung Le along with Kah Peng Soon appeared upon behalf of the application.

Chair Salvidio asked if there was any change of owners. Mr. Le stated no.

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

Exhibit A: Application for change of manager dated April 11, 2018 and received April 11, 2018.

III-5: 99 Restaurants of Boston, LLC, 11 East Central Street

Request for change of manager

Laurie Kmon appeared upon behalf of the application.

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

Exhibit A: Application for change of manager dated April 4, 2018 and received April 4, 2018.

Violations

IV-1: P Derrico and Sons Co., Inc. 141 E. Central Street

Violation of Rule #6 – Sale to minor

Item postponed to May 24, 2018.

Exhibit A: Police report dated March 18, 2017

IV-2: Peregrine Endeavors, Inc. dba District, 107 Water Street

Violation of Rule #7 – Sale to minor

Christopher Belisle appeared to answer to the violation and waived his right to counsel.

Lt. Johnson presented the following:

On February 2, 2018 the Worcester Police Department received information from the Leicester Police regarding underage drinking that occurred at the Licensed Premises.

On February 2, 2018 Leicester Police investigated a car accident where a 19 year old operator of the vehicle was given several field sobriety tests, which she failed and was placed under arrest for suspected OUI.

The operator of the vehicle and passengers in the vehicle informed the Leicester Police that they had alcohol inside the Licensed Premises.

Members of the Alcohol Enforcement Unit spoke with management of the Licensed Premises and obtained a copy of their video surveillance and credit card receipts from the night in question.

After reviewing the video Officer Harrington located the 19 year old consuming both a 12 oz. bottle of beer and suspected mixed drinks. During the viewing of the video footage at no point

did Officer Harrington observe the bar staff conducting checks throughout the Licensed Premises.

Lt. Johnson presented photos taken at the establishment that evening and stated that they also had video from that evening.

Mr. Belisle stated that this is first time before the License Commission in 2 ½ years and they always try to do their best job. However, he was not there that evening and felt the manager on duty that night did a good job. They operate in a tough environment on Water Street and have done a lot since the incident to strengthen their security.

Chair Salvidio asked Mr. Belisle to review what he has done.

Mr. Belisle stated that they have a very in depth security plan. They have signs outside stating no out of state ID and they have two people outside checking the IDs and on Thursday night when they allow patrons aged 18+ they have a 260 occupancy but they limit to 120 so staff can easily observe anyone under 21. He stated that they have about eight security guards now and if they observe someone coming inside intoxicated the person is refused entry and they are trying to be as corrective as possible.

Lt. Johnson stated that he would disagree and stated that the video monitoring shows that staff was not walking around checking for minors and going forward he hopes they are doing a better job.

Chair Salvidio stated that 18+ is a disaster in the making.

Mr. Belisle stated that they are a big spot and that's why they limit the occupancy on Thursday.

Commissioner Shea stated that it shouldn't be 18+ as someone could have been killed and shame on the owner.

Commissioner Haller asked how long establishment has been in business. Mr. Belisle stated, 2 ½ years. Commissioner Haller asked how long he been doing 18+ events. Mr. Belisle stated, the entire time.

Commissioner Shea stated that he's glad they're changing things but disappointed that this happened.

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

Upon a roll call the Commission voted 3-0 to issue a four day suspension to be served June 7, 14, 21, 28.

Exhibit A: Police report dated March 2, 2018.

Exhibit B: Police photos. Not dated.

IV-3: Habaibna Hookah Bar, 250 Commercial Street

Violation of Rule #1 – Hours

Anhar Kaaed and Zakriya Saad appeared to answer to the violation and waived their right to counsel.

Lt. Johnson presented the following:

On March 3, 2018, Officer Pat Harrington went to the Licensed Premises to follow up on complaints of after hours parties at the location.

At 2:00 a.m. Officer Harrington observed that several lights were on inside the Licensed Premises and approximately 10-12 people were inside and observed a male enter the premises and receive what appeared to be an appetizer and a hard alcoholic drink.

At 2:15 a.m. Officer Harrington entered the Licensed Premises and spoke with one of the owners and checked the Licensed Premises and observed several more patrons smoking hookah and drinking mixed drinks.

Mr. Kaaed stated that the male that entered the premises didn't receive any alcohol. His brother was already in there and his brother was drinking. Since the incident happened they changed the hours of operations. They now stop serving at 1:30 a.m. and close at 1:45 a.m. as they don't want this to happen again.

Chair Salvadio reminded the owners that 2:00 o'clock is closing time.

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

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

Exhibit A: Police report dated March 7, 2018

IV-4: Dubai Restaurant & Lounge, 27 Pleasant Street

Attorney Dan Cotton along with Julio Alcantra appeared to answer to the violation.

Lt. Johnson presented the following:

Violation of Rule #1 – Hours

On February 24, 2018 Officer Mariah Kaplan of the Worcester Police Department was advised at 2:10 a.m. that there was a crowd inside the Licensed Premises.

Officer Kaplan and other officers entered the Licensed Premises and estimated that there were fifty to sixty people inside many with drinks.

Officers informed the crowd that the Licensed Premises was closed and asked them to leave.

After clearing the crowd there was twenty six people inside the Licensed Premises and some were observed to be drinking. The manager, Julio Alcantra stated that the twenty-six people were all employees. Upon being requested to provide proof of employment for them Mr. Alcantara was unable to do so.

Mr. Cotton stated that the establishment does have details but they had left for the evening and it was a sloppy closing by the owners. Since the incident they have changed last call to 1:20 a.m. and everyone is out of establishment by 1:50 a.m. and the owner meets with his staff every week to review the rules and does have his own security at the establishment.

Mr. Cotton stated that no beverages were served after 2:00 a.m. on the night in question.

Commissioner Haller stated that this was more mismanagement by the owners.

Chair Salvidio stated that he had concern about the amount of people inside but noted it was the establishment's first violation.

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

Upon roll call the Commission voted 3-0 to issue 1 one day suspended suspension.

Exhibit A: Police report dated February 4, 2018

Commissioner Shea recused himself from item IV-5 and left the meeting room.

IV-5: Carter Realty Group dba Brooks Pub, 251 Lincoln Street

Violation of Rule #7 – Sale to minor

Brooks Carter appeared upon behalf of the violation and waived his right to counsel.

Lt. Johnson presented the following:

On April 15, 2017 members of the Alcohol Enforcement Team were conducting compliance checks throughout the City of Worcester.

A nineteen year old male was instructed to enter the Licensed Premises and sit with an accompanying officer at the bar area and attempt to order an alcoholic beverage without providing identification.

At 12:37 p.m. Officer Patrick Harrington and the underage male entered the Licensed Premises and both ordered a Bud Light. Both were served the Bud Light Bottles by a male bartender. Neither one was asked to provide identification.

Mr. Carter stated that he did not dispute the event. Mr. Carter stated that since the incident he changed the manager and they card everyone.

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

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

Exhibit A: Police report dated April 28, 2017

Commissioner Shea returned to the meeting room.

IV-6: Ifendu Enterprises, LLC dba Moynihan's Pub, 895 Main Street

Violation of Rule #7 – Sale to minor

Item was postponed to the May 24, 2018 License Commission meeting.

Exhibit A: Police report dated March 21, 2018

IV-7: Bahn Thai Corporation, 2 Coes Square

Violation of Rule #7 – Sale to minor

Suphap Lellaudomworakul and Kacey Chantavong appeared to answer to the violation and waived their right to counsel.

Lt. Johnson presented the following:

On March 17, 2018 members of the Alcohol Enforcement Team were conducting compliance checks throughout the City of Worcester.

An eighteen year old female was instructed to enter the Licensed Premises and sit with an accompanying officer at the bar area and attempt to order an alcoholic beverage without providing identification.

At 12:15 p.m. Officer Patrick Harrington and the underage female entered the Licensed Premises and both ordered a Bud Light 12 oz. bottle. Both were served by the female bartender. Neither one was asked to provide identification.

Mr. Chantavong stated that they want to apologize as they should not be before Commission again and admitted violation had occurred.

Commissioner Haller noted that there were two previous violations in past year at this location.

The Commission informed the owners that they are in danger of losing the license if this keeps happening and asked what is being done to correct the problem.

Mr. Chantavong stated that this is a wake up call and they have everyone TIPS certified and tell staff to card everyone.

Chair Salvidio stated that if they appear before the Commission again for the same violation they will no longer have a liquor license.

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 suspension needs to be served along with additional two day suspension with one day to be served. The two days to be served will be June 23, 30, 2018.

Exhibit A: Police report dated March 17, 2018

IV-8: Plaza Azteca Lincoln Plaza, LLC, 539 Lincoln Street

Staff informed the Commission that the business had ceased operation.

Upon a motion the Commission voted 3-0 to rescind the restaurant all alcohol license.

Cessation of Business hearing

Other Business

License Commission Summer schedule meeting dates:

June 14, 2018

June 28, 2018

July 12, 2018

August 16, 2018

No comment.

Communications

Adjournment

Upon a motion the Commission adjourned the meeting at 11:43 a.m.