

MINUTES OF THE PROCEEDINGS OF THE  
LICENSE COMMISSION OF THE CITY OF WORCESTER  
NOVEMBER 14, 2019

ESTHER HOWLAND CHAMBERS

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

**Commission Members Absent:**

Staff Present:

Lt. James Johnson, Worcester Police Department  
Officer Patrick Harrington, Worcester Police Department  
Alexandra Kalkounis, Law Department  
James Racicot, Inspectional Services  
Deborah Steele, Planning & Regulatory Services

**Minutes**

October 31, 2019 – Upon a motion the Commission voted 3-0 to approve the minutes.

**NEW BUSINESS**

**Common Victualer Requests**

**I-1: Golden Pizza, 1137 Grafton Street**

Request for common victualer license

Kirols Mohareb 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 received October 29, 2019 and dated October 29, 2019.

**I-2: Morrison Management Specialists, Inc., 123 Summer Street**

Request for common victualer license

No one appeared for item.

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

Exhibit A: Application for common victualer license received October 29, 2019 and dated October 29, 2019.

**I-3: Edible Creations by Gerry, 222 Harrington Way**

Request for common victualer license

No one appeared for application.

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

Exhibit A: Application for common victualer license received November 6, 2019 and dated November 6, 2019.

**Special One Day Liquor & Entertainment Requests**

**II-1: Emily Rose, Ecotarium 222 Harrington Way**

Request for one day liquor license

- November 23, 2019 – Noon – 4:00 p.m.
- December 6, 2019 – 6:30 p.m. – 10:00 p.m.
- January 4, 2020 – 4:00 p.m. – 9:00 p.m.

Emily Rose appeared upon behalf of the application. She stated that this is for private events at the Ecotarium.

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

Exhibit A: Application for one day liquor license received October 29, 2019 and dated October 29, 2019.

**II-2: Andre Mikhael, 30 Anna Street**

Request for one day liquor license

- November 23, 2019 – 9:00 p.m. – 12:30 a.m.

Andre Mikhael appeared upon behalf of the application. He stated that this is event at the church and police details have been 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 25, 2019 and dated October 25, 2019.

### **II-3: Preservation Worcester, 425 Salisbury Street**

- a. Request for one day liquor license
  - December 7, 2019 – 6:00 p.m. – 9:00 p.m.
- b. Request for one day entertainment license for live music
  - December 7, 2019 – 6:00 p.m. – 9:00 p.m.

Deborah Packard appeared upon behalf of the applications. She stated that this is for their annual holiday 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 one day entertainment license.

Exhibit A: Application for one day liquor license received October 25, 2019 and dated October 25, 2019.

Exhibit B: Application for one day entertainment license received October 25, 2019 and dated October 25, 2019

### **II-4: Christopher Besaw, 261 Main Street**

Request for one day liquor licenses for 2020 concert series – May 15, 2019 – October 1, 2020 -Noon -11:00 p.m.

Christopher Besaw appeared upon behalf of the application. He stated that this is similar to events he had last year and needs to get preliminary approval in order to sign contracts with vendors coming in.

Upon a motion the Commission voted 3-0 to approve the one day licenses with the following conditions;

1. List of dates be provided to staff when events booked and will be put on License Commission agenda.
2. Police details be hired
3. Fencing around outside area where events to be held

Exhibit A: Application for one day liquor license received November 6, 2019 and dated November 6, 2019.

### **Alcohol & Entertainment Requests**

#### **III-1: Colwen Management, Inc., dba Courtyard by Marriott, 72 Grove Street**

Request for change of manager

Anais King 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 received October 24, 2019 and dated October 24, 2019.

#### **III-2: Texas Roadhouse Holdings, LLC, 535 Lincoln Street, Unit F**

Request for LLC Manager

Attorney Andrew Upton appeared upon behalf of the application.

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

Exhibit A: Application for change of manager received September 24, 2019 and dated September 24, 2019.

#### **III-3: Ed Hyder's Mediterranean Marketplace, 408 Pleasant Street**

Request for transfer of package store malt & wine license

Miriam Hyder appeared upon behalf of the application.

Upon a motion the Commission voted 3-0 to approve the transfer of the package store malt & wine license.

Exhibit A: Application for transfer of package store malt & wine license received October 16, 2019 and dated October 16, 2019.

**III-4: 10-30 Front Street, LLC, 250 Commercial Street – Unit #105- Withdrawn**

Request for package store malt & wine license

Commissioner Shea recused himself from item #III-5 and left the meeting room

**III-5: Drew Food Mart, Inc., 82 Thomas Street**

Request for package store malt & wine license

Attorney Arthur Pearlman appeared upon behalf of the application.

Mr. Pearlman stated that his client had taken over this location from Honey Farms last year and they have cleaned up the store and there is never only one person at store. There is always two to three employees on site and the employees make sure that no one hangs out in the parking lot.

Mr. Pearlman stated that all liquor sales and tobacco sales will have to go through an ID scanner.

Attorney Mark Bornstein representing Philip & Matthew Schawaman appeared in opposition to the application as the neighborhood has a history of vagrancy in the parking lot where store located and in the neighborhood.

Mr. Bornstein stated that his client has a concern that there will be increase crime in the area as alcohol will be available at the location and will drink in the adjacent lots.

Attorney Borstein stated that there are 8 existing licenses within one mile of the area and believes the area sufficiently served.

Carl Burwick owner of the property at 82 Thomas Street spoke in favor of the petition.

Chairman Salvidio stated that the Commission had viewed the site prior to the meeting and did receive the letter of opposition from VNA Care.

Chairman Salvidio and Commissioner Haller stated that they would be in support of the application as do not think it will adversely effect the area as the area is basically a commercial area and the package stores located in area are not easy accessible and it seems like some of the problems brought up were a result of the previous operator.

Upon a motion the Commission voted 2-0 to approve the package store malt & wine license.

Exhibit A: Application for package store malt & wine license received October 1, 2019 and dated October 1, 2019.

Exhibit B: Letter of opposition from VNA Care received electronically November 5, 2019.

**Commissioner Shea returned to the meeting room.**

**Chairman Salvidio recused himself from item III-6 and left the meeting room.**

**III-6: Sail to Trail LLC dba Sail to Trail WineWorks, 100 Barber Avenue**

- Request for Farmer Series Pouring Permit
- Request for common victualer license
- Request for entertainment license for tv, radio, recorded music, live music

Attorney Michael Branywyne appeared upon behalf of the application. He stated that his client had appeared before the Commission a few months ago and received approval for a general on premises license but after reviewing the operation they decided to withdraw that application and re-apply requesting a Farmer Series Pouring Permit as well as requesting a common victualer license and entertainment license.

Upon a motion the Commission voted 2-0 to approve the Farmer Series Pouring Permit

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

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

Exhibit A: Application for Farmer Series Pouring Permit license received October 18, 2019 and dated October 18, 2019.

**Chairman Salvidio returned to the meeting room**

**III-7: Worcester County Mechanics Association, 321 Main Street**

Request for change of manager

No one appeared for the item.

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

Exhibit A: Application for change of manager received October 29, 2019 and dated October 29, 2019.

## **Retail Marijuana Applications**

### **IV-1: Nature's Remedy of Massachusetts, Inc., 142 Southbridge Street**

Request for Retail Marijuana License

Attorney Joshua Lee Smith appeared upon behalf of the application and gave a brief presentation of the history of the business and how the business would be run. Mr. Smith reviewed where the employees and customer would park.

Chairman Salvidio stated that the Commissioners had viewed the site prior to the meeting.

Upon a motion the Commission voted 3-0 to approve the Retail Marijuana License with following conditions;

Submit a traffic/security plan 15 days prior to opening and that the License Commission would like to view the completed space prior to the pre-opening.

Exhibit A: Application for retail marijuana license received October 29, 2019 and dated October 29, 2019.

### **IV-2: TDMA, LLC, 74 Grafton Street**

Request for Retail Marijuana License

Attorney Michael Branywyne and the manager of the premises appeared upon behalf of the application.

Mr. Branywyne gave a brief presentation of the history of the business and how the business would be run.

Upon a motion the Commission voted 3-0 to approve the Retail Marijuana License with following conditions;

Submit a traffic/security plan 15 days prior to opening and that the License Commission would like to view the completed space prior to the pre-opening.

Exhibit A: Application for retail marijuana license received October 16, 2019 and dated October 16, 2019.

## **Other Business**

**V-1: Enrique Crockett, Request to address the Commission relative to bottle service in City of Worcester** – Commission voted to advertise item for the February 6, 2020 License Commission meeting.

**V-2: LTS Entertainment Inc. dba Freeplay Bar Arcade, 25 Union Street-Status of license-Filed**

**V-3: Arcade Bar LLC dba Pixels & Pints, 179A Grafton Street, Status of license**

Continued to January 9, 2020.

**V-4: Maa Chintapurnia, Inc., 118-124 Water Street, Status of license**

Continued to January 9, 2020.

**V-5: Nuve Lounge, LLC, 751 Main Street, Status of license**

Continued to January 9, 2020.

**V-6: Hitchin Post LLC, 5 Saugus Place, Status of license**

Continued to January 9, 2020.

**V-7: JC Mason, LLC, 36-38 Franklin Street, Status of license**

Continued to January 9, 2020.

**V-8: KKAP, LLC, 244 Main Street, Status of license**

Continued to January 9, 2020.

**V-9: Three G's Entertainment LLC dba Vibrations Nightclub, 109 Water Street – Request to amend condition of license**

Attorney Mark Bornstein along with Michael O'Bara appeared upon behalf of the request.

Mr. Bornstein stated that they are requesting to amend the condition relative to 21 and older to allow under 21 for baby shower, weddings, etc. It is not for 18 + events.

Mr. O'Bara stated that that they have back room and they can't do events such as weddings, baby showers as can't allow under 21.

Lt. Johnson stated that he is more concerned with night time events.

Upon a motion the Commission voted 3-0 to amend the condition to;

Establishment is 21 and older with exception for private events which will allow for under 21 as long as event ends by Midnight and Worcester Police are notified prior to any promoted event taking place.

Exhibit A: Request for modification of condition of license

## Hearings

### **VI-1: Narayndas Corporation dba Webster Square Package Store, 1014 Main Street-**

Violation of Rules #5, #20, #21 – Manager responsible for premises, records must be kept on premises, server training certificates must be kept on file

Attorney Louis Cassis along with Amish Shah appeared to answer to the violation.

Lt. Johnson presented the following;

On April 16, 2019 members of the Alcohol Enforcement Unit went to Webster Square Package Store to investigate a possible liquor law violation after receiving information from Officer Tim Galivan that he had observed a male unloading numerous cases of Heineken beer from the rear of a passenger vehicle across from Webster Square Package Store.

Officer Patrick Harrington went to the package store to discuss the incident and spoke to Anandpura Mehsana Patel who portrayed himself as the persons in charge of the package store. When questioned relative to the delivery of the Heinken beer Mr. Patel could not provide an answer and became increasingly nervous.

Officer Harrington requested invoices for the delivery and the video surveillance from the premises but Mr. Patel stated that he could not provide. When questioned as to who delivered the alcohol Mr. Patel stated that the person works for Atlas but could not provide Officer Harrington with any contact information.

Officer Harrington contacted Atlas Distributing and a representative from Atlas stated that they did not have a schedule delivery that date to the premises. Officer Harrington provided a photo of the male who had delivered the Heinken and a representative from Atlas Distributing stated that the person in the photo was an employee of the Heineken Corporation out of White Plains New York.

On April 17, 2019, Officer Harrington spoke with the manager, Amish Shah, who stated that he thought the Heineken delivery was okay as it was part of a promotion.

Officer Harrington requested to see the server training certificates for employees but Mr. Shah was unable to produce.

Attorney Cassis stated that they did not contest the facts as presented.

Mr. Cassis stated that all the employees have been server trained now but with regard to the alcohol delivery a lot of distributors have market managers who go around to licensees and provide things like placards and basket but cannot provide free alcohol or free goods but a market manager went to Webster Square Package Store and spoke to an employee and stated they had promotion if they brought a certain alcohol product they get a free incentive and employee agreed but didn't ask what the incentive was. A few weeks later the market manager showed up and dropped of cases of Heinken to Webster Square Package store with no paperwork.

Chairman Salvidio asked if the market manager received any money. Mr. Cassis stated no and it was clearly indicated to Webster Square Package Store that the alcohol was free and the premises should have refused.

Chairman Salvidio stated it is a strange set of circumstances.

Officer Harrington stated that he reviewed the records and the rest of the paperwork for the store was in order and the license holder just needs to pay attention more.

The Commission voted that there were two previous violations in the file including a suspended suspension from last year.

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

Upon a motion the Commission voted 3-0 to impose the one day suspended suspension that was on record to be served December 2, 2019.

## **VI-2: Texas Roadhouse, 535 Lincoln Street**

Violation of 204 CMR 2.05 (2) – Permitting an illegality of licensed premises to wit: MGL c. 94 §186 – Adulterated beverages – failure below standard of purity.

Attorney Andrew Upton along with Michael Bonnell appeared to answer to the violation.

Lt. Johnson presented the following;

On September 24, 2019 members of the Alcohol Enforcement Unit and the Worcester Fire Department conducted an annual inspection at the Texas Roadhouse.

Officer Edward Saucier of the Alcohol Enforcement Unit noticed during the inspection a row of open liquor bottles loosely covered by plastic wrap. Upon checking the bottles he found multiple dead insects in the bottles.

Mr. Upon stated that this was an isolated incident and that an employee had decided to place plastic over the bottles which the restaurant does not do. He stated that Texas Roadhouse uses screened pouring devices which are usually enough to keep fruit flies out and he spoke with a corporate headquarters employee to determine whether the plastic wrap created an environment for attracting fruit flies.

Mr. Bunnell stated he has been in the position two years and conducts weekly liquor inventories during which anything such as an insect is found, staff would discard the bottle. He also demonstrated new pouring caps that had been purchased by Texas Roadhouse to avoid future problems and the new caps pour the alcohol through a stainless steel spout attached to a rubber cork.

There were no previous violations on file for the location.

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

Upon a motion the Commission voted 3-0 to impose a warning.

Exhibit A: Police report dated September 24, 2019.

## **Communications**

## **Adjournment**

Upon a motion the Commission voted 3-0 to adjourn the meeting at 11:31 p.m.