

MINUTES OF THE PROCEEDINGS OF THE
LICENSE COMMISSION OF THE CITY OF WORCESTER
MAY 12, 2016

ESTHER HOWLAND CHAMBER

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

Commission Members Absent: None

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

Approval of the Minutes – April 28, 2016-Held.

Old Business

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

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

Exhibit A: Application for package store malt & wine license received March 29, 2016 and dated March 29, 2016.

Exhibit B: Signature petition received April 28, 2016.

NEW BUSINESS

One Day Liquor & Entertainment Requests:

2. Petition: Request for Farmer Winery License

- June 1, 2016-October 31, 2016-9:00 a.m.-12:00 p.m.

Petitioner: Aaronap Cellars, LLC, 138 Green Street

Neil Powers appeared on behalf of the item. He stated that he has been doing this event for the past three years and would like to renew again.

Upon a motion the Commission voted 3-0 to approve the Farmer Winery License.

Exhibit A: Application for Farmer Winery received May 12, 2016 and dated May 12, 2016.

3. Petition: Request for one day liquor license

- June 4, 2016-7:30 p.m.-11:00 p.m.

Petitioner: Preservation Worcester, 100 Grove Street

Deb Packard from Preservation Worcester appeared on behalf of the item. She stated that this will be event behind the Northworks Building and will be held in back alley which will be blocked off and about 150 are expected to attend.

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

Exhibit A: Application for one day liquor license received April 26, 2016 and dated April 25, 2016.

3a. Petition for one day entertainment license for live music, amplification system

- June 4, 2016-7:30 p.m. – 11:00 p.m.

Petitioner: Preservation Worcester, 100 Grove Street

Deb Packard from Preservation Worcester appeared on behalf of the item.

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

Exhibit A: Application for one day entertainment license received April 26, 2016 and dated April 25, 2016.

4. Petition: Request for one day liquor license

- June 26, 2016 – 3:00 p.m.-10:00 p.m.
- August 6, 2016-3:00 p.m.-10:00 p.m.
- September 11, 2016-3:00 p.m.-10:00 p.m.

Petitioner: Marc Guinette, 236 Franklin Street

Marc Guinette appeared on behalf of the applications.

Mr. Guinette stated that these are for the three annual events he does each year including the Worcester Pride Festival.

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

Exhibit A: Application for one day liquor license received May 12, 2016 and dated April 7, 2016.

5. Petition: Request for one day liquor license

- May 21, 2016-8:30 p.m.-10:30 p.m.

Petitioner: Jewish Federation of Central Massachusetts

Dana Levenson appeared on behalf of the petition. He stated that this event will be held at the Preservation Community Room.

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

Exhibit A: Application for one day liquor license received April 26, 2016 and dated April 26, 2016.

6. Petition: Request for one day liquor license

- June 3, 4, 5, 2016 - Noon-Midnight

Petitioner: St. Sypridon Cathedral, 102 Russell Street

Paul Barber appeared on behalf of the petition. Mr. Barber stated that this is the semi annual Grecian festival and they have detail officers and will have same set up as in previous years.

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

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

6a. Petition: Request for one day entertainment license for dancing by patrons, live music

- June 3, 4, 5, 2016 - Noon-Midnight

Petitioner: St. Sypridon Cathedral, 102 Russell Street

Paul Barber appeared on behalf of the petition. He stated that there will also be amplified music.

Upon a motion the Commission voted 3-0 to approve the entertainment license with the amended to include amplified music.

Exhibit A: Application for one day entertainment license received April 25, 2016 and dated April 25, 2016.

7. Petition: Request for one day liquor license

- June 3, 2016 – 6:00 p.m.-1:00 a.m.
- June 4, 2016-12:00 p.m.-3:00 p.m.
- June 4, 2016-4:00 p.m.-Midnight

Petitioner: Michael Rubino, 500 Salisbury Street

Diana Laska Nixon and Amy Logue appeared on behalf of the petitions. She stated that these events are for their alumni weekend.

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

Exhibit A; Application for one day liquor license received April 26, 2016 and dated April 26, 2016.

8. Petition: Request for one day liquor license

- May 21, 2016 – 6:00 p.m.-11:00 p.m.-Alden Hall
- June 3, 2016-6:00 p.m.-11:00 p.m.-Institute Quad
- June 4, 2016-4:00 p.m.-6:00 p.m.-Recreation Center
- June 4, 2016-5:00 p.m.-9:00 p.m.-Morgan Hall
- June 4, 2016-5:30 p.m.-10:00 p.m.-Alden Hall
- June 4, 2016-6:30 p.m.-10:00 p.m.-Barlett Center
- June 4, 2016-7:30 p.m.-11:00 p.m.-Morgan Wedge
- June 4, 2016-7:30 p.m.-11:00 p.m.-Quad
- June 4, 2016-7:30 p.m.-11:00 p.m.-Dance Studio

Petitioner: Chartwells, 100 Institute Road

Joe Kraskouas appeared on behalf of the petition. Mr. Kraskoukas stated that all events except the May 21, 2016 are for alumni reunions. He stated the 21st is for a wedding.

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

Exhibit A: Application for one day liquor license received April 26, 2016 and dated April 20, 2016.

9. 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

No one appeared for item. Item postponed to the May 26, 2016 meeting.

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

Common Victualer Requests:

- 10.** Petition: Request for common victualer license

Petitioner: DaCosta Pizza Bakery, 40 Millbrook Street

Karyn Feliciano. Ms. Feliciano stated that this is for a pizza/bakery.

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

Exhibit A: Application for common victualer license received April 21, 2016 and dated April 21, 2016.

- 11.** Petition: Request for common victualer license

Petitioner: McDonald's, 595 Mill Street

Exhibit A: Application for common victualer license received April 21, 2016 and dated April 21, 2016.

- 12.** Petition: Request for common victualer license

Petitioner: McDonald's, 982 Grafton Street

Exhibit A: Application for common victualer license received April 21, 2016 and dated April 21, 2016.

- 13.** Petition: Request for common victualer license

Petitioner: McDonald's, 995 Main Street

Exhibit A: Application for common victualer license received April 21, 2016 and dated April 21, 2016.

- 14.** Petition: Request for common victualer license

Petitioner: McDonald's, 529 Southwest Cutoff

Exhibit A: Application for common victualer license received April 21, 2016 and dated April 21, 2016.

- 15.** Petition: Request for common victualer license

Petitioner: McDonald's, 548 Lincoln Street

Exhibit A: Application for common victualer license received April 21, 2016 and dated April 21, 2016.

- 16.** Petition: Request for common victualer license

Petitioner: McDonald's, 766 West Boylston Street

Exhibit A: Application for common victualer license received April 21, 2016 and dated April 21, 2016.

Items #12-18 were taken contemporaneously.

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

- 17.** Petition: Request for common victualer license

Petitioner: King Kone, 9 Hammond Street

Kenneth Gagnon appeared upon behalf of the petition.

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

Exhibit A: Application for common victualer license received April 21, 2016 and dated April 21, 2016.

Alcohol & Entertainment Requests:

- 18.** Petition: Request for change of manager

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

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

Item postponed to the May 26, 2016 License Commission meeting.

- 19.** Petition: Request for transfer of restaurant all alcohol license

Petitioner: Badoux Lounge, LLC, 802 Main Street

Ramon Janos appeared on behalf of the application. He stated that he will be taking over Gilrein's and that this will be a restaurant with music.

Upon a motion the Commission voted 3-0 to approve the transfer of the common victualer all alcohol license.

Exhibit A: Application for transfer of restaurant all alcohol license received May 12, 2016 and dated May 12, 2016.

- 20.** Petition: Request for entertainment license for tv, radio, dancing by patrons, recorded music, live music, light show, Karaoke

Petitioner: Badoux Lounge, 802 Main Street

Ramon Janos appeared on behalf of the application.

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

Exhibit A: Application for entertainment license received April 28, 2016 and dated April 28, 2016.

- 20a.** Petition: Request for entertainment license for karaoke

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

No one appeared for item. Item was postponed to the May 26, 2016 License Commission meeting.

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

Violation Hearings

- 21.** Lotus & Son Inc. dba London Billiards 70 James Street

Violation of Rule #14-Manager responsible for premises

Thamel Chelvan appeared to answer to the violation and waived her right to counsel.

Lt. Johnson presented the following,

On March 19, 2016 at 11:50 p.m. Sgt. Thomas Needhman and Officer Pat Harrington were assigned to the Alcohol Enforcement Unit and went to the Licensed Premises to conduct a compliance check on stipulations that were in effect immediately after the License Commission

meeting on March 10, 2016. One of the conditions was that the Licensed Premises hire a police detail on Friday & Saturday nights if open for business.

Upon arrival the officers observed that the Licensed Premises was open for business. The officers approached the bar and spoke with Uma Chelvan and asked if there was a police detail on duty. She stated no and they asked if she contacted the police detail office to arrange for one and she stated no and told the police that there must be a misunderstanding. The officers explained the stipulations from the meeting.

Ms. Chelvan stated that they were waiting for the official decision letter from License Commission violation hearing stating when they were require to start having the details.

Commissioner Salvidio asked if she was aware they needed to have a police detail. Ms. Chelvan stated she was now but was waiting for an official letter and whether they have to contact the detail officer or police come on their own.

Ms. Chelvan stated that she understood the procedure.

Commissioner Shea stated that establishment has been open for 10 years and asked if the establishment had ever hired an off-duty police officer prior to the violation hearing in March.

Ms. Chelvan stated that if they have a big show they have always hired an off detail officer.

Commissioner Salvidio stated that they were very clear at hearing that it was immediate.

Upon a motion the Commission voted 3-0 that the violation had occurred and voted 3-0 to issue a warning.

Exhibit A: Police report dated April 5, 2016.

22. Lotus & Son, Inc. dba London Billards, 70 James Street

Request to amend condition on license

Ms. Chelvan appeared on behalf of the petition. She stated that she like to amend the conditions and not to have the detail officer on Friday as very few people coming into the establishment.

Lt. Johnson stated that he thinks the detail should be left as is as the hearing where the condition was imposed was only a month ago.

Commissioner Salvidio stated that he would suggest that the applicant should wait and come back at the end of summer and would be more comfortable leaving conditions as is now.

Ms. Chelvan stated it would be cheaper for her to close establishment on Friday instead of paying for the off-duty police.

Lt. Johnson stated he would prefer that the conditions remain as is.

Ms. Chelvan stated that her husband sends police schedule of shows and they don't have any shows right now so does not need the detail officers.

Commissioner Salvidio suggested that the applicant withdraw and then come back in six months and asked Mr. Chelvan if she would prefer to do that.

Chair Shea stated that it up to applicant when she wants to come back.

The Commission left it up to the applicant as to when she would like to come back.

Exhibit A: Electronic communication from Lotus & Son received May 18, 2016 requesting to amend condition on license.

23. Martwi Inc. dba Rincon Latino Bar, 187 Washington Street

Violation of Rules #1, #14 and 204 CMR 2.05 (2)-Hours violation, manager responsible for premises

Lt. Johnson presented the following,

Marta Bonilla along with her daughter, who translated, Marlene Martinez appeared to answer to the violation and waived the right to have counsel.

At approximately 2:28 a.m., On February 28, 2016 Officer Patrick Harrington observed a light coming from within the Licensed Premises and went to investigate. Officer Harrington observed that the door was locked and there were approximately 10 people inside and a person taking photos behind the bar. Officer Harrington knocked and announced he was from the police and a male unlocked the door and allowed him inside. Once inside the Licensed Premises Officer Harrington observed a small group of males sitting off to the side and three people sitting at the bar with drinks.

The manager, Marta Bonilla along with two bartenders, was present when the violation occurred.

Ms. Martinez stated that there were people in the bar including her mother, brother and the person taking the photographs for their Facebook page and a dj and stated that they were drinking and they shouldn't have been doing that.

Commissioner Salvidio reminded the license holder to make sure everyone out at 2:00 a.m. and people in there after 2:00 a.m. should only be the employees cleaning.

Upon a motion the Commission voted 3-0 that violation had occurred and voted 3-0 to issue a warning.

Exhibit A: Police report dated April 5, 2016.

Exhibit B: Electronic communication dated April 28, 2016.

24. Request to amend minutes of April 14, 2016

Mr. Rolle stated that Mr. Fresolo had request to amend the minutes and an amended portion of the minutes had been provided to the Commission.

Ms. Kalkounis reminded the Commission that the minutes were only a summary and not a transcript and not all items have to be included and a video of the entire meeting is available.

The Commission stated that they would vote and approve the amended minutes at the next License Commission meeting.

25. John Fresolo dba Rocky's Food and Spirits, 139 Water Street
Violation of Rule #14 – manager responsible for the premises

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

Commissioner Salvidio stated that at the last meeting on this item he requested to hear the audio of the police call. The Commission listened to the police call provided by the Worcester Police Department.

Commissioner Salvidio asked if the two girls that were questioned were outside the establishment when police spoke with them.

Officer Saucier stated that Officer Harrington did observe them inside and he met them outside.

Mr. Fresolo stated that he was at the door all night and believes that the two girls went in when he was talking to the officers.

Commissioner Salvidio stated that this was a violation of a condition that they put on the license and asked if the police observed any underage drinking at the establishment and asked if it was plausible that the girls came in while they were talking to Mr. Fresolo. Officer Saucier stated that they did not observed any underage drinking but stated that the police had advise Mr. Fresolo that they were not going to violate him because they didn't seen anyone underage drinking but were violating him based on condition on his license.

Commissioner Salvidio stated that based on the evidence he is not sure what happen that night so he would not find a violation and made a motion that violation did not occur. Upon a motion the Commission voted 3-0 that violation did not occur but stated that if police come to establishment and find people underage drinking it will be a problem.

Mr. Fresolo stated that the 9:30 p.m. condition has been harming his business as if you tell people early on at 8:00 p.m. that they have to leave at 9:30 p.m. they don't come in and his businesses is not busy.

Commissioner Salvidio asked what time did establishment serve food to. Mr. Fresolo stated 11:00 p.m.

Commissioner Salvidio asked if it would be better to move condition to 11:00 p.m.

Lt. Johnson stated that he think that would be fair.

Commissioner Shea asked if Mr. Fresolo was planning to get a machine to check identifications. Mr. Fresolo stated that he could.

Upon a motion the Commission voted 3-0 to change condition that after 11:00 p.m. the establishment is 21 and older.

Exhibit A: Police report dated January 18, 2016.

Other Business

Communications

ABCC communication – Mahoney’s-Notice of Accepted Offer to Compromise-No comment.

ADJOURNMENT

Upon a motion the Commission adjourned the meeting at 11:15 a.m.