

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

JUNE 8, 2017

ESTHER HOWLAND CHAMBER

Commission Members Present:

Anthony Salvidio, Chair
Walter Shea, Commissioner
Barbara Haller, Commissioner

Commission Members Absent:

Staff Present:

Deborah Steele, Planning & Regulatory Services
James Foley, Inspectional Services
Alexandra Kalkounis, Law Department
Sergeant Thomas Needham, Worcester Police Department
Officer Edward Saucier, Worcester Police Department
Officer Glenn Stout, Worcester Police Department
Lt. Jeffrey Dubeau, Worcester Fire Department

MINUTES

May 25, 2017 – Upon a motion the Commission voted 3-0 to approve the minutes of May 25, 2017.

Call to Order – 10:00 a.m.

OLD BUSINESS

I-1: Petitioner: International Lounge, 27 Pleasant Street

Request to transfer restaurant malt & wine license, amend legal structure, change of license type to restaurant all alcohol license-

I-2: Petitioner: Dubai Restaurant and Lounge, 27 Pleasant Street

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

Items # I-1, I-2 were taken contemporaneously.

Attorney Dan Cotton along with Lisette Rodriguez and Magalys Rodriguez appeared upon behalf of the applications.

Sergeant Thomas Needham read a report from Officer Edward Saucier, and the Worcester Police Department still have concerns about the application and fact that it has not been filled out correctly.

A discussion was held between the Commission and Mr. Cotton relative to the corporate make up and who has a beneficial interest in the license.

The Commission requested that a complete new application be given to License Commission staff who will provide it to the Police Department for their review.

Upon a motion the Commission voted 3-0 to continue the items to the June 22, 2017 License Commission meeting.

NEW BUSINESS

II Special One Day Liquor & Entertainment Requests

II-1: Artists' Group of the Sprinkler Factory, 38 Harlow Street

Request for one day liquor license

- July 8, 2017-5:00 p.m.-9:00 p.m.
- July 15, 2017-5:00 p.m.-9:00 p.m.
- August 5, 2017-5:00 p.m.-9:00 p.m.
- August 19, 2017-5:00 p.m.-9:00 p.m.
- September 9, 2017-5:00 p.m.-9:00 p.m.
- September 16, 2017-5:00 p.m.-9:00 p.m.
- October 7, 2017-5:00 p.m.-9:00 p.m.
- November 4, 2017-5:00 p.m.-9:00 p.m.
- November 11, 2017-5:00 p.m.-9:00 p.m.
- December 2, 2017-5:00 p.m.-9:00 p.m.
- December 9, 2017-5:00 p.m.-9:00 p.m.
- December 30, 2017-6:00 p.m.-10:00 p.m.

II-2: Artists' Group of the Sprinkler Factory, 38 Harlow Street

Requests for dancing by patrons, recorded music, live music

- July 8, 2017-5:00 p.m.-10:00 p.m.
- July 15, 2017-5:00 p.m.-10:00 p.m.
- August 5, 2017-5:00 p.m.-10:00 p.m.
- August 19, 2017-5:00 p.m.-10:00 p.m.
- September 9, 2017-5:00 p.m.-10:00 p.m.
- September 16, 2017-5:00 p.m.-10:00 p.m.
- October 7, 2017-5:00 p.m.-10:00 p.m.
- November 4, 2017-5:00 p.m.-10:00 p.m.
- November 11, 2017-5:00 p.m.-10:00 p.m.
- December 2, 2017-5:00 p.m.-10:00 p.m.
- December 9, 2017-5:00 p.m.-10:00 p.m.
- December 30, 2017-6:00 p.m.-10:00 p.m.

Exhibit A: Application for one day liquor license received May 23, 2017 and dated May 23, 2017.

Exhibit B: Application for one day entertainment license received May 23, 2017 and dated May 23, 2017.

Items #1, #2 were taken contemporaneously.

Luis Fraire appeared upon behalf of the items. Mr. Fraire stated that these are for events at the Sprinkler Factory.

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

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

II-3: Angela Padavano, 358 Shrewsbury Street

Request for one day liquor license-outside

- June 30, 2017-4:00 p.m.-11:00 p.m-Friday.

Exhibit A: Application for one day liquor license received May 15, 2017 and dated May 15, 2017.

II-3a: Angela Padavano, 358 Shrewsbury Street

Request for one day license for live music outside consisting of solo or acoustic artists

- June 30, 2017-8:00 p.m.-11:00 p.m.-Friday
- June 20, 2017-6:00 p.m.-9:00 p.m.-Tuesday
- July 13, 2017-6:00 p.m.-9:00 p.m.-Thursday
- July 20, 2017-6:00 p.m.-9:00 p.m.-Thursday
- July 27, 2017-6:00 p.m.-9:00 p.m.-Thursday

Items #3, #3a were taken contemporaneously.

Angela Padavano appeared upon behalf of the applications.

Ms. Padavano stated that June 30, 2017 the alcohol request is for the fireworks and the other days are for entertainment and the entertainment will be held in the lawn area and stated that it will be acoustic music and she will face the speakers towards their building.

Chair Salvidio asked if the patrons go into the grassed area. Ms. Padavano stated that there are no patrons in the grassed area.

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 licenses.

Exhibit A: Application for one day entertainment license received May 15, 2017 and dated May 15, 2017.

II-4: Tal Lachmann, 299 Shrewsbury Street

Request for one day liquor license outside

- June 20, 2017-4:00 p.m.-10:00 p.m.-Tuesday

II-4a: Tal Lachmann, 299 Shrewsbury Street

Request for one day entertainment license for live music

- June 20, 2017-10:00 a.m.-9:00 p.m.-Tuesday

Items #4, 4a were taken contemporaneously.

Tal Lachmann appeared upon behalf of the application. He stated that the request is for the Taste of Shrewsbury Street.

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 May 22, 2017 and dated May 22, 2017.

Exhibit B: Application for one day entertainment license received May 22, 2017 and dated May 22, 2017.

II-5: Centro Las Americas, Worcester Common

Request for one day liquor license

- August 19, 2017-TBD

Juan Gomez appeared upon behalf of the application. He stated that this will be for the 27th celebration of the Latin American Festival. He stated that the alcohol will be sold from Noon to 9:00 p.m. and police 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 May 10, 2017 and dated May 10, 2017.

II-6: The Worc Shop, 243 Stafford Street

Request for one day liquor license

- June 17, 2017-Noon-6:00 p.m.

No one appeared for the item.

Exhibit A: Application for one day liquor license received May 25, 2017 and dated May 25, 2017.

II-7: Meze Greek Tapas Bar & Grille, 156 Shrewsbury Street

Request for one day entertainment license for live music outside

- June 20, 2017-6:00 p.m.-9:00 p.m.-Tuesday
- July 13, 2017-6:00 p.m.-9:00 p.m.-Thursday
- October 15, 2017- 1:00 p.m.-6:00 p.m.-Sunday

Soitrios Georgaidis appeared upon behalf of the application.

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

II-8: Canal District Music Series, 220 Harding Street-Outside

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

- July 12, 2017-6:00 p.m.-9:00 p.m.-Wednesday.
- July 19, 2017-6:00 p.m.-9:00 p.m.-Wednesday
- July 26, 2017-6:00 p.m.-9:00 p.m.-Wednesday
- August 2, 2017-6:00 p.m-9:00 p.m.-Wednesday
- August 16, 2017-6:00 p.m.9:00 p.m.-Wednesday
- August 23, 2017-6:00 p.m.-9:00 p.m. Wednesday
- August 30, 2017-6:00 p.m.-9:00 p.m.-Wednesday

Allen Fletcher appeared upon behalf of the application. He stated that he like to withdraw the request for August 30, 2017 and add in date of August 9, 2017. He stated that this event was done last year and it is in the open lot area in Kelley Square.

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

Exhibit A: Application for one day entertainment license received May 25, 2017 and dated May 25, 2017.

II-9: 90 Harding Street, LLC dba Compass Tavern, 90 Harding Street

Request for one day entertainment license outside – July 14, 2017-Friday-Hours TBD

David Domenick appeared upon behalf of the application. He stated that a customer would like to have a band outside on the patio for his birthday.

The Commission asked what would be the hours for the event. Mr. Domenick stated 6:00 p.m.-10:30 p.m.

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

Exhibit A: Application for one day entertainment license received May 4, 2017 and dated May 4, 2017.

II-10: Dellovo's Kitchen, 257 Shrewsbury Street-Public sidewalk

Request for one day liquor permit

- June 20, 2017-5:00 p.m.-Midnight-Tuesday

II-11: Dellovo's Kitchen, 257 Shrewsbury Street, Public sidewalk

Request for one day entertainment permit for live music

- June 20, 2017-5:00 p.m.-Midnight.-Tuesday

Items #10, #11 were taken contemporaneously.

Anthony Dellovo appeared upon behalf of the applications and stated that this is for the Taste of Shrewsbury Street.

The Commission stated that they would not be willing to go to Midnight on the events.

Upon a motion the Commission voted 3-0 to approve the one day liquor license with ending time of 10:00 p.m.

Upon a motion the Commission voted 3-0 to approve the one day entertainment license with ending time of 9:00 p.m.

Exhibit A: Application for one day liquor license received May 26, 2017 and dated May 26, 2017.

Exhibit B: Application for one day liquor license received May 26, 2017 and dated May 26, 2017.

III Common Victualer Requests

None

IV Alcohol & Entertainment Requests

IV-1: My Sister's Pho & Crawfish, Inc, 442 Park Avenue

Request for restaurant all alcohol license

Attorney Jonathan Finkelstein along with Hung Nguyen appeared upon behalf of the application.

The Commission stated that they had viewed the site prior to the meeting and stated that the location looks like it will be quite nice.

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

Exhibit A: Application for restaurant all alcohol license received April 18, 2017 and dated April 18, 2017.

IV-2: M&S Entertainment, 41 Pleasant Street

Request to transfer general on premises all alcohol license from 336 Main Street

IV-3: M&S Entertainment, 41 Pleasant Street

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

IV-2, IV-3 – Items were postponed to the June 22, 2017 License Commission meeting.

Exhibit A: Application to transfer of general on premises all alcohol license received May 15, 2017 and dated May 15, 2017.

Exhibit B: Application for entertainment license received May 15, 2017 and dated May 15, 2017.

IV-3: Worcester Polytechnic Institute, 100 Institute Road

Request for change of officers/directors

Attorney Donna Truex along with representatives from Worcester Polytechnic Institute appeared upon behalf the application.

Upon a motion the Commission voted 3-0 to approve the officers/directors.

Exhibit A: Application for change of officers/directors received May 23, 2017 and dated May 23, 2017.

IV-4: Kirsch & Davis Inc. dba Kirsch Liquors, 646 Main Street

Request for change of manager

Ryan Sens 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 May 30, 2017 and dated May 30, 2017.

V Other Business

Commissioner Salvidio recused himself and left the meeting room.

V-1: Valentino's, 154 Shrewsbury Street-Request to amend condition on license to extend hours from 11:00 p.m. to 1:00 a.m.

Gary DeWolfe appeared upon behalf of the item. Mr. DeWolfe stated that he'd like to extend the hours as patrons are coming in after dinner and it has become a hardship as they have to tell patrons to leave by 10:45 p.m.

Upon a motion the Commission voted 3-0 to extend the hours to 1:00 a.m.

Letter from Luke DeWolfe received electronically May 22, 2017.

Commissioner Salvidio returned to the meeting room.

Electronic communication received May 29, 2017 from Maximo Nunez.

V-3: The Hangover, LLC, 102-110 Green Street-Request to amend condition on license relative to police details

Christopher Salvinskis appeared upon behalf of the request. He stated that they'd like to have the police detail condition removed as they have not had any problems since they opened.

Upon a motion the Commission voted 3-0 to remove the condition from the license.

Electronic communication received June 2, 2017.

VI Violations

V1-1: Mambo Drinks, Inc., 105 Water Street- Violation of condition on license-Not notifying police of upcoming events

Maximo Nunez, Melvin Santana, and Henry Luna appeared to answer to the violation and waived their right to counsel.

Sergeant Needham presented the following,

On May 15, 2017 Officer Edward Saucier was advised of an incident that occurred outside the Licensed Premises.

The Worcester Police Detail officer assigned to the Licensed Premises was notified of a fight outside the Licensed Premises involving exiting patrons. The officer gave verbal commands to the people to disperse but was ignored so he radioed for assistance from other officers.

Officers arrived and restored the peace. Police reports described the incident as chaotic with upwards of a 100 people on the street and sidewalks.

The Licensed Premises has the following conditions:

- Licensed Premises is 21 and older at all times;
- That one police officer remains on site;
- That two police officers be hired if there is a special event;
- That the licensee will email a month in advance all upcoming events to the Police Department.

Officer Saucier spoke with Co-owner, Maximo Nunez on May 19, 2017 relative to the conditions on the license. Officer Saucier advised Mr. Nunez that they had not received any advanced notice of any upcoming events. Mr. Nunez agreed that he had not been notifying the police.

Mr. Nunez stated that he had been hiring a detail officer on every Friday, Saturday and Sunday but not on Thursdays and Wednesdays and he just started opening on Wednesday and believed that the Thursday requirement had been lifted.

Mr. Nunez stated that the incident had happened outside the premises.

Mr. Nunez stated that with regard to sending the upcoming events the gentleman who does it went away and must have forgotten to do it.

Henry Luna stated the evening in question there was an event at the Palladium and someone told them there was a fight at the Palladium so they decided to close earlier and they got everyone out by 1:40 a.m. and they noticed a fight outside with three guys who were arrested. Mr. Luna stated that they believed they did everything they could do that night and they have hired more security.

Sergeant Needham stated that the manager of the premises did what they could do inside the establishment prior to the incident outside.

Commissioner Haller asked how they will change the establishment in the future so these types of incidents won't happen. Mr. Luna stated that they plan to change the type of music and they will continue having the police details and they will not do any events on Sunday.

Chair Salvidio asked if a promoter was used on the night in question. Mr. Luna stated that it was promoted on Facebook.

Commissioner Haller stated that the list of events must be sent to the police.

Chair Salvidio stated that he would like to see the establishment notify the police 30 days in advance of events and police will determine whether one or two police officers be required.

Ms. Kalkounis stated for clarity it might be easier to determine the amount of police officers necessary based on the occupancy.

Chair Salvidio suggested that when the owners of the premises notify the police of upcoming events they provide a determination of number of people they expect at the event and police will issue that as criteria as to how many officers will be required.

Sergeant Needham stated that the owners should contact the Off Duty Office at Police Department to arrange for details that way if some evening they cannot obtain a detail it will be recorded that they made effort to obtain.

Upon a motion the Commission voted 3-0 to issue a one day suspension to be served August 2, 2017.

Exhibit A: Police report dated May 19, 2017.

V1-2: Mambo Drinks, Inc., 105 Water Street-Request to amend condition on license relative to police details.

Maximo Nunez, Melvin Santana, and Henry Luna appeared on behalf of the request.

Mr. Luna stated that they would like to have the police condition taken off the license for Wednesday and Thursday as they are not busy on those nights.

Sergeant Needham stated that there usually are not issues on a Wednesday.

Commissioner Haller stated that they were given a one day suspension and there have been issues before Commission and reminded the applicant that if they appear before Commission again for a violation she would not be as forgiving.

Chair Salvidio reminded the owners the more times they appear before Commission the discipline will get progressively worse.

Upon a motion the Commission voted 3-0 that police details will be required Friday, Saturday and Sunday and that hours of operations do not change Wednesday thru Sunday and all other conditions remain.

Mullen Sawyer stated that he found the Mambo staff extremely responsive and they have participated in a lot of things in the neighborhood.

V1-2: Albino's Market, 90-94 Belmont Street-Violation of Rules #6, #21

John Robles appeared to answer to the violation and waived his right to counsel.

Sergeant Needham presented the following,

On March 18, 2017, 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 11:35 p.m., the underage male entered Albino's Grocery and Deli and purchased a six pack of Bud Light bottles for \$6.99 and was not asked for identification.

Mr. Robles stated that he wasn't there that day but one of his employees did it and it was a mistake.

Commissioner Haller asked what will be done to prevent in the future.

Mr. Robles stated that he is doing training with staff and telling his to remember to check IDs.

Upon a motion the Commission voted 3-0 to issue a one day suspension to be served July 11, 2017.

Exhibit A: Police report dated March 18, 2017.

V1-3: Fusion Entertainment, LLC dba Lava Lounge, 2 Washington Street
Violation of Rules #14, and 204 CMR (2)-manager responsible for premises

Zolfikar Ezzeddine appeared to answer to the violation and waived his right to counsel.

Sergeant Needham presented the following,

On April 28, 2017 Officer Glen Stout and Officer Shane Marcotte were assigned to the Alcohol Enforcement Unit when they received a call to assist the detail officer and operations personnel with a large crowd of patrons exiting the Licensed Premises.

Upon arrival Officer Stout observed numerous police officers clearing a very large crowd from the front of Union Station. Officer Stout spoke with Sergeant Peters who stated that there had to be over 300 patrons inside the Licensed Premises at closing time. Thirty one uniformed police officers, four sergeants and one lieutenant responded to the scene to assist with the large crowd exiting the bar and the fight that was taking place inside the Licensed Premises.

Officer Stout spoke with the manager, Zolfikar Ezzeddine, and asked what the occupancy was for the Licensed Premises and how does he keep track of the number of patrons. Mr. Ezzeddine responded that the occupancy was 165 and he can tell by sight how many people are in the Licensed Premises. Mr. Ezzeddine stated that he has a counter but another employee had taken it home.

Officers Stout & Marcotte obtained video footage from the surveillance cameras at Union Station and the Real Crime Center. The video footage showed 140 patrons exiting the rear door and 80 exiting the front door. It was difficult to determine the exact number of patrons due to the fact that groups of people were shown to leave and immediately go back into the Licensed Premises but the officers counted over 200 patrons.

May 6, 2017

On May 6, 2017 Officer Glen Stout and Officer Patrick Harrington were assigned to the Alcohol Enforcement Unit and were conducting compliance checks. They observed a large amount of vehicles parking and people entering the Licensed Premises. As the Officers entered the Licensed Premises they noticed the entrance was not monitored for crowd control.

The Officers spoke with an employee and asked what their current occupancy was and the employee directed the Officers to speak to the manager who was tending bar.

The Officers spoke with the manager, Zolifikar Ezzeddine, and asked what the current occupancy was. Mr. Ezzeddine went into the office to check and returned with a cell phone with the number "164" and stated that was the number of people that came in before he went to tend bar.

The occupancy at the Licensed Premises is 166. The Officers on scene estimated approximately 250 patrons inside the Licensed Premises.

The Officers asked who was monitoring the occupancy and Mr. Ezzeddine apologized to the Officers and stated that things got out of hand and patrons started getting mad at the bartenders for taking too long to serve drinks so he went to help them.

Mr. Ezzeddine made the decision to shut down the Licensed Premises for the night and instructed his staff to assist with patrons exiting.

The Officers monitored the crowd exiting and observed tables inside the Licensed Premises were covered in empty bottles and cups and noticed several lit hookahs on tables with bottles and plastic cups piled next to them making it a potential fire hazard. It appeared the manager had lost control of the crowd and the patrons.

Mr. Ezzeddine stated that on May 20, 2017 they had a police detail and fights were over when police arrived but there was a small fight with two females inside when the other officers arrived and staff removed the females from the premises.

Mr. Ezzeddine stated that when he became a liquor manager six months ago no one told him to take a course on how to run the Licensed Premises and this week he took a five hour course on how to run the premises and the crowd management course.

Ms. Haller stated that this has got to stop as Mr. Ezzeddine is stating he doesn't know how to run the Licensed Premises which is very irresponsible and this type of behavior will put him out of business.

Ms. Haller stated that the May 26, 2017 incident shows the lack of management experience.

Mr. Ezzeddine stated that he has informed the corporation Fusion LLC that he no longer wants to be manager and they asked him to stay on a month while they find someone else to fill the position.

Mr. Ezzeddine stated that he has never been a liquor manager before and did not know the things needed to run the Licensed Premises.

Mr. Shea expressed concern that the owner of the Licensed Premises provided no training to Mr. Ezzeddine.

Upon a motion the Commission voted 3-0 that the violations had occurred and imposed the following,

May 20, 2017 – A twelve day suspension with three days to be suspended.

May 26, 2017 – The three day suspended suspension from May 20, 2017 to be imposed along with an additional seven days making a total suspension of twenty two days to be served.

Exhibit A: Police report dated May 24, 2017.

COMMUNICATIONS

None

ADJOURNMENT

Upon a motion the Commission adjourned the meeting at 12:15 p.m.