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MINUTES OF THE PROCEEDINGS OF THE
LICENSE COMMISSION OF THE CITY OF WORCESTER
AUGUST 16, 2018

LEVI LINCOLN CHAMBERS

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

Commission Members Absent:

Staff Present: Stephen Rolle, Planning & Regulatory Services
Alexandra Kalkounis, Law Department
Lt. James Johnson, Worcester Police Department
Sgt. Thomas Needham, Worcester Police Department
Officer Patrick Harrington, Worcester Police Department
Deborah Steele, Planning & Regulatory Services

Minutes

July 19, 2018

Upon a motion the Commission voted 3-0 to approve the minutes of July 19, 2018.

NEW BUSINESS

Common Victualer Requests

I-1: The Vegan Nest Café, LLC, 6 Waldo Street

Request for alteration of premises for sidewalk café

Nicole Broushet appeared upon behalf of the application.

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

Exhibit A: Application for alteration of premises dated July 18, 2018 and received July 18, 2018.

I-2: 7-Eleven, 350 Greenwood Street

Request for common victualer license

Keith Callahan and Domes Selzino 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 July 18, 2018 and received July 18, 2018.

Special One Day Liquor & Entertainment Requests

II-1: Worcester Hibernian Cultural Foundation, Inc., 19 Temple Street
Request for one day liquor license

- September 8, 2018 – 10:00 a.m. – 10:00 p.m.

Tammy Bailey appeared upon behalf of the application. She stated that the event is contained in the parking lot and they have hired a police detail and will use wrist bands and TIPS certified bartenders at 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 dated June 27, 2018 and received June 27, 2018.

II-2: Richard Boateng, 87 Salisbury Street
Request for one day liquor license

- September 1, 2018 – 6:00 p.m. -11:00 p.m.

Richard Boateng appeared upon behalf of the application. He stated that the event will be at the church hall and they will have a police detail.

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

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

II-3: Korpo M. Washington, 34 Boynton Street
Request for one day liquor license

- October 6, 2018 – 7:00 p.m. -12:30 a.m.

Korpo Washington appeared upon behalf of the application. She stated that this event is fundraiser for a 24th annual nursing convention and they expect about 350 people and a police officer will be on site.

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

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

II-4: Squares Squared, Inc.
Request for one day liquor license

- September 6, 2018 – 6:00 p.m. -10:00 p.m. 38 Harlow Street
- September 8, 2018 - 9:00 p.m. -1:30 a.m. Johnson Tunnel

Attorney Mark Borenstein appeared upon behalf of the applications. He stated that these events relate to the Pow Wow Festival and the first event is a fundraiser at the Sprinkler Factory. The second event is at the Johnson Tunnel and a police detail will be hired and DPW has been contacted for the road closure. Mr. Borenstein stated that the September 8, 2018 event will go into September 9, 2018.

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

Exhibit A: Application for a one day liquor license dated July 31, 2018 and received July 31, 2018.

II-5: Exhilarate Worcester, 455 Main Street

a. Request for one day liquor license

- September 22, 2018 – 1:00 p.m. -10:00 p.m.

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

- September 22, 2018 – 1:00 p.m. -10:00 p.m.

Jillian Karns and Jana Berthiaume appeared upon behalf of the applications.

Ms. Karns stated that this is a music festival fundraiser and they expect 1,000 to 2,000 people throughout the day and they are working with the police department on police details. They will have server trained bartenders and the entire Worcester Common will be fenced in.

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 a one day liquor license dated July 31, 2018 and received July 31, 2018.

Exhibit B: Application for one day entertainment license dated July 31, 2018 and received July 31, 2018.

II-6: The Armenian Churches of Worcester County, 34 Boynton Street

Request for one day liquor license

- September 29, 2018 – 7:30 p.m.-1:00 a.m.

Robert Bohigian appeared upon behalf of the application. He stated that this is a benefit this is their seventh year doing the event and they will have police details.

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

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

II-7: Carolyn Stempler, 158 Southbridge Street

a. Request for one day liquor license – Outside

- September 30, 2018 – 11:00 a.m. -4:00 p.m.

b. Request for one day entertainment outside for recorded music, DJ, amplification system, any other audio or visual show, whether live or recorded specifically,

- September 30, 2018 – 11:00 a.m. -4:00 p.m.

Noah Ligeti appeared upon behalf of the applications. He stated that this event is for the 100th anniversary of Coney Island Hot Dog and will be an outdoor block party.

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 a one day liquor license dated August 6, 2018 and received August 6, 2018

Chair Salvidio recused himself from item II-8.

II-8: Luke DeWolfe, 154 Shrewsbury Street

a. Request for one day liquor license – Outside

- September 15, 2018 – Noon-9:00 p.m.
- October 20, 2018 – Noon-9:00 p.m.
- December 9, 2018 – Noon-9:00 p.m.

b. Request for one day entertainment license for live music – Outside

- September 15, 2018 – Noon-9:00 p.m.
- October 20, 2018 – Noon-9:00 p.m.
- December 9, 2018 – Noon-9:00 p.m.

Joseph Stake appeared upon behalf of the applications. He stated that these will be for small events in their parking lot and about 100 people will be at each event.

Lt. Johnson reminded the applicant to be careful with the noise level.

Upon a motion the Commission voted 2-0 to approve the one day liquor licenses.

Upon a motion the Commission voted 2-0 to approve the one day entertainment licenses.

Exhibit A: Application for a one day liquor license dated August 8, 2018 and received August 8, 2018.

Exhibit B: Application for one day entertainment license dated August 8, 2018 and received August 8, 2018.

Chair Salvidio recused himself from item II-9.

II-9: David Fields, 72 Shrewsbury Street

Request for one day liquor license – Outside

- August 25, 2018 – Noon-6:00 p.m.
- September 16, 2018 – 10:00 a.m. -10:00 p.m.
- October 13, 2018 – Noon-10:00 p.m.

David Fields and Josh Supernat appeared upon behalf of the applications. Mr. Fields stated that the first two events are charity events and the last event is a special beer release event.

Upon a motion the Commission voted 2-0 to approve the one day liquor license.

Exhibit A: Application for a one day liquor license dated August 8, 2018 and received August 8, 2018.

Alcohol & Entertainment Requests

III-1: 508 Ventures, LLC dba The Press Box, 536 Lincoln Street-

- a. Request for transfer of restaurant all alcohol license
- b. Request for entertainment license for jukebox, tv, radio, live music, karaoke

Attorney Adam Kobel and Isbelo Cruz appeared upon behalf of the application. Mr. Kobel stated that this is a request for a transfer of the liquor license and a request for an entertainment license.

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

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

Exhibit A: Application for transfer of liquor license dated July 2, 2018 and received July 2, 2018.

Exhibit B: Application for entertainment license dated July 2, 2018 and received July 2, 2018.

III-2: The Axe & Ale House, 177 Grafton Street

Request for restaurant all alcohol license

Item postponed to September 6, 2018.

Exhibit A: Application for liquor license dated July 5, 2018 and received July 5, 2018

III-3: Paku Paku, Inc. 215 Chandler Street

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

Yarisbeth Guzman appeared upon behalf of the application. She stated that the location is closed and the license is going to be transferred to a new owner.

The Commission recommended that since the license is going to be transferred that this item be postponed as the new applicant will need to apply for their own entertainment license.

Item was postponed to the September 6, 2018 License Commission meeting.

Exhibit A: Application for entertainment license dated June 21, 2018 and received June 21, 2018.

III-4: JP Alliance, Inc. dba Shangri La, 50 Front Street

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

No one appeared for item.

Item was postponed to September 6, 2018.

Exhibit A: Application for entertainment license dated July 6, 2018 and received July 6, 2018.

III-5: Riverfront Foodservice Corp., 25 Major Taylor Blvd

Change of manager

Item postponed to September 6, 2018.

Exhibit A: Application for change of manager dated July 26, 2018 and received July 26, 2018.

Commissioner Shea recused himself from item III-6.

III-6: Jeet Investment, Inc., 504 Cambridge Street

Request for package store malt and wine license

Attorney Mark Borenstein along with Rakesh Patel appeared upon behalf of the application.

Mr. Borenstein stated that this an existing convenience store and Mr. Patel has invested \$60,000 on new equipment to upgrade the store.

Mr. Borenstein stated that the liquor area will be 650 square feet and there will be a locked gate so alcohol cannot be accessed during hours that alcohol sales are not permitted.

Mr. Borenstein reviewed the Ballarin factors.

Mr. Salvidio stated that according to the map provided there are stores south of this location. Mr. Borenstein stated that is correct and this store would service people from the neighboring area and the Town of Auburn.

Lt. Johnson reminded the applicant to be careful regarding underage sales as the College of the Holy Cross is right up the street from this location.

Upon a motion the Commission voted 2-0 to approve the package store malt and wine license with condition that no sale of alcohol after 10:00 p.m. and alcohol sales area limited to 650 square feet.

Exhibit A: Application for package store malt & wine license dated June 5, 2018 and received June 5, 2018.

Exhibit B: Map dated August 16, 2018.

III-7: Jolo, Inc. dba Hurricane Betty's, 350 Southbridge Street

Request for change of manager

Attorney Mark Borenstein along with Kevin Morgan 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 July 30, 2018 and received July 30, 2018.

III-8: KKAP, LLC, 244 Main Street

a. Request for restaurant all alcohol license

- b. Request for entertainment license for jukebox, tv, radio, dancing by patrons, dancing by entertainers, recorded music, live music, amplification system, play, moving picture show, floor show, light show, theatrical exhibition, karaoke, any other audio or visual show, whether live or recorded specifically

Attorney Jonathan Finkelstein and Katie Parvin appeared upon behalf of the applications.

Chair Salvidio stated that the Commission had viewed the site prior to the meeting.

Mr. Finkelstein stated that the first and second floors will be a restaurant, third and fourth will be for entertainment and fifth floor and basement will be for alcohol storage.

Ms. Parvin stated that they hope to open before Christmas of this year.

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

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

Exhibit A: Application for restaurant all alcohol license dated July 1, 2018 and received July 1, 2018.

Exhibit B: Application for entertainment license dated July 1, 2018 and received July 1, 2018.

LODGING HOUSE

Chair Salvidio recused himself from item IV-1.

IV-1: SCIREH Four LLC, 7 Oak Street

Request for lodging house license

Taylor Bearden appeared upon behalf of the application. Mr. Bearden stated that the operator of the building will be Seven Hills Foundation and this will be for staff housing.

Commissioner Haller reviewed the conditions that had been approved by the Zoning Board of Appeals for the Special Permit.

Upon a motion the Commission voted 2-0 to approve the lodging house license with the following conditions,

1. That the lodging house shall be limited to a total of 12 beds/occupants.
2. The use is only valid for Seven Hills Foundation and the Special Permit use will lapse if there is a change in operator.
3. The operator's contact information shall be located in a visible and accessible location on the premises for the public.
4. All parking spaces shall be paved and striped.
5. That all proposed plantings shall be of non-Asian Longhorn Beetle susceptible species and shall not be known to be invasive species.
6. Snow storage shall not occupy any required parking spaces or landscape buffer.
7. That snow shall be trucked off-site once storage on-site impedes visibility and/or the use of the required on-site parking spaces.

8. Provided that the project is operated and utilized in substantial accordance with the proposal as described in the application, the final revised plans, and the findings of fact on file with the City of Worcester and in accordance with all applicable governmental codes.

Exhibit A: Application for lodging house license dated July 31, 2018 and received July 31, 2018.

Violations

V-1: Peregrine Endeavors, Inc., dba District, 107 Water Street

Violation of Rules #7 and #14 – Sales to person under 21, manager responsible for premises

Item postponed to September 20, 2018.

Exhibit A: Police report dated May 23, 2018.

V-2: Mambo Drinks, Inc. 105 Water Street

May 13, 2018 – Violation of Rules #14, #37 – Manager responsible for premises, bottle service violation

June 30, 2018 – Violation of Rule #1 – Hours

July 18, 2018 – Violation of Rule #14, 204 C.M.R. – Selling drinks at price less than regularly charged during calendar week

Item was postponed to September 6, 2018.

Exhibit A: Police report dated July 3, 2018.

Exhibit B: Police report dated August 1, 2018.

V-3: Dubai Restaurant & Lounge, Inc., 27 Pleasant Street

No one appeared to answer to the violation. Staff noted that the notice had been posted and mailed by constable service.

April 29, 2018 – Bottle Service violation

July 3, 4 2018 – Violation of Rules #7, #14 – Manager responsible for premises, sales to person under age of 21

Lt. Johnson presented the following:

APRIL 29, 2018

On April 29, 2018 Officer Pat Harrington was contacted by Sergeant Marcotte to assist with a fight that spilled out from the Licensed Premises.

Officer Pat Harrington and Sergeant Needham went to the Licensed Premises and spoke with Sergeant Shane Marcotte who pointed out two males standing on bench seating inside the Licensed Premises. One of the males was pouring the contents of a 750ML bottle of Hennessy liquor into a 12 ounce can of Coca Cola and then proceeded to pour more Hennessy into several cups held by other patrons.

The Officers asked to review the surveillance video from the premises and observed on video two other patrons inside the Licensed Premises in possession of 750ML bottle of Hennessy and one male was observed hiding the bottle in his pants and then exiting the Licensed Premises.

JULY 3, 4, 2018

On July 4, 2018 the Alcohol Enforcement Unit received video clips regarding underage drinking at the Licensed Premises.

Officer Glen Stout had a conversation with a female in one of the video clips who confirmed that she was in the Licensed Premises July 3, 2018 into July 4, 2018 and was celebrating her 19th birthday and confirmed that she was served and consumed alcohol on the Licensed Premises.

The Commission noted that there was a one day suspended suspension on file for from May of 2018. Commissioner Haller stated that this establishment is operating outside of city regulations and is out of control and this is three violations in a short period of time.

Chairman Salvidio stated that when he sees three violations in three months for premises that have not been open that long he wants the violations to stop.

Upon a roll call the Commission voted 3-0 that the violations had occurred and voted to impose the following:

The one (1) day suspended suspension on file to be served along with an additional twenty (20) days to be served for a total of a twenty-one (21) days to be served. The days to be served are as follows, Friday, August 24, August 31, September 7, September 14, September 21, September 28, October 5, 2018.

Saturday, August 25, September 1, September 8, September 15, September 22, September 29, October 6, 2018.

Sunday, August 19, August 26, September 2, September 9, September 16, September 16, September 23, September 30, 2018.

The Commission also imposed that no bottle service is allowed at the Licensed Premises for one year from the date of the License Commission meeting of August 16, 2018.

Exhibit A: Police report dated May 16, 2018

Exhibit B: Police report dated July 6, 2018.

IV-4: Worcester Lodge, No. 243 Benevolent and Protective Order of Elks of the United States of America, Incorporated, 233 Mill Street

July 20, 2018 – Violation of Rules #7, #14 – Manager responsible for premises, sales to person under age of 21

Gerard Kaye appeared to answer to the violation and waived his right to counsel.

Lt. Johnson presented the following:

On July 20, 2018 Officer Ilirjan Jano was working a paid detail at the Licensed Premises when he observed multiple underage people drinking in the Licensed Premises.

An event promoter, Joseph Waweru, informed Officer Jano that he was throwing a birthday party and many people had shown up who did not pay and that one of the guests had beat him up.

Multiple police units arrived at the Licensed Premises to assist Officer Jano as other fights had broken out in the Licensed Premises.

Due to the large fights and many patrons under the age of 21 who were drinking, the party was ordered to be shut down.

Mr. Kayser did not dispute the facts as presented. Mr. Kayser stated that they will not be renting out the hall for these types of event in the future.

Lt. Johnson stated that Mr. Kayser did call the police department after the event to review what could be done in the future to prevent similar incidents.

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

Upon a motion the Commission voted 3-0 to impose a one day suspended suspension.

Exhibit A: Police report dated July 21, 2018.

Other Business

V1-1: Updated License Commission rules

- I. Item was postponed to September 6, 2018.

Communications

1. ABCC Appeal Hearing – Peregrine Endeavors, 107A Water Street-Filed
2. ABCC Notice of Suspension – V & E LLC dba Leitrim's, 265 Park Avenue-Filed

Adjournment

Upon a motion the Commission adjourned the meeting at 11:12 a.m.