



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

Thursday June 2, 2022

Commissioners Present: Walter Shea, Chair
Barbara Haller, Commissioner (participated remotely)
Anthony Vigliotti, Commissioner

Commissioners Absent:

Staff Present:
Sergeant Thomas Needham, Worcester Police Department
Alexandra Kalkounis, Law Department
Amanda Cornwell, Law Department
Deborah Steele, Division of Planning & Regulatory Services
David Horne, Inspectional Services
Kevin Vescera, Worcester Fire Department

Call to Order – 10:00 a.m.

Minutes – May 19, 2022

Upon a roll call vote the Commission voted 3-0 to approve the minutes of May 19, 2022.

Common Victualer Requests

1. Quisqueya Picadereas y Mas, 100 Hamilton Street

- Sunday – Saturday – 6:00 a.m. – 11:00 p.m.

Milicia Yolisca and Uribe De Gonzalez appeared in person upon behalf of the application.

Upon a roll call vote the Commission voted 3-0 to approve the common victualer license

List of Exhibits: Common victualer license received and dated May 19, 2022.

2. Pizza Hut, 349 Grafton Street

- Sunday-Thursday- 10:30 a.m. -11:00 p.m. – Friday & Saturday – 10:30 a.m. – Midnight

Courtney Mowry participated remotely for the item. She stated that this will be new franchisee at this location.

Upon a roll call vote the Commission voted 3-0 to approve the common victualer license.

List of Exhibits: Application for common victualer license received and dated May 20, 2022.

3. Fratelli's, 186 Stafford Street

- Sunday – Saturday – 10:00 a.m.-10:00 p.m.

Empertriz Nuila Flures appeared in person for the application.

Upon a roll call vote the Commission voted 3-0 to approve the common victualer license.

List of Exhibits: Application for common victualer license received and dated May 20, 2022.

4. Oishi Japanese Restaurant, 389 Main Street

- Monday-Thursday-11:00 a.m. – 9:00 p.m., Friday-Saturday-11:00 a.m.-10:00 p.m., Sunday-11:30 a.m. -9:00 p.m.

Guang Rong Yang appeared in person for the application.

Upon a roll call vote the Commission voted 3-0 to approve the common victualer license.

List of Exhibits: Application for common victualer license received and dated May 24, 2022.

One Day Liquor & Entertainment Requests

5. Breen's Café, 16 Cambridge Street

Request for one day entertainment license for small band, live music outside

- Friday – June 17, 2022 – 7:30 p.m. – 1:00 a.m.

Mathew Hanlon appeared in person on behalf of the application. He stated that this is for a 40th birthday party for an employee.

Upon a roll call vote the Commission voted 3-0 to approve the one day entertainment license.

List of Exhibits: Application for one day entertainment license received and dated May 18, 2022.

6. Music Worcester, East Park Ampitheater, 180 Shrewsbury Street

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

- Saturday- August 14, 2022 rain date 8/21/2022 – 9:00 a.m. – 8:00 p.m.

Lisa Hackman participated remotely for the item. She stated that this will be for a music event at East Park.

Upon a roll call vote the Commission voted 3-0 to approve the one day entertainment license.

List of Exhibits: Application for one day entertainment license received and dated May 24, 2022.

7. Summit Agency, 59 William Street

Request for one day liquor license

- Wednesday – June 15, 2022 – 4:00 p.m. -7:00 p.m.

Christine McNally appeared in person for the application. She stated that this is for a small fundraiser.

Upon a roll call vote the Commission voted 3-0 to approve the one day liquor license.

List of Exhibits: Application for one day liquor license received and dated May 10, 2022.

8. Flying Rhino Café, 278 Shrewsbury Street

Request for one day entertainment license for live music, radio, recorded music outside

- Tuesday – June 14, 2022 – 5:00 p.m. – 10:00 p.m.
- Monday – June 20, 2022 - 5:00 p.m. – 9:00 p.m.
- Thursday- June 30, 2022 – 5:00 p.m. – 11:00 p.m.
- Thursday-July 28, 2022-5:00 p.m. – 9:30 p.m.
- Friday – July 29, 2022-5:00 p.m. – 10:30 p.m.
- Sunday – October 9, 2022-Noon-6:00 p.m.

Paul Barber appeared in person on behalf of the applications. Mr. Barber reviewed each of the events and the Commission and Mr. Barber discussed the proposed time as well as rain date for June 30 event which is for the city fireworks. The Commission stated that they will put rain date on next meeting agenda but Mr. Barber will not need to attend. Mr. Barber stated that he'd also like to do an event July 31, 2022 – Noon to 7:00 pm and the Commission stated that they can add that to agenda also.

Mr. Barber stated that he will have police detail and security present.

Commissioner Vigliotti reminded Mr. Barber that this is a residential area and please make sure he controls the volume of noise.

Sergeant Needham reminded Mr. Barber to please make sure he keeps on eye on patrons so that they are not leaving the premises with alcohol.

Upon a roll call vote the Commission voted 3-0 to approve the one day liquor licenses and entertainment licenses.

List of Exhibits: Application for one day liquor and entertainment licenses received and dated May 23, 2022.

9. Christian Stone, 346 Shrewsbury Street

- a. Request for one day liquor license (outside)
 - Tuesday- June 14, 2022 – 5:00 p.m. -9:00 p.m.
- b. Request for one day entertainment license for jukebox, tv, radio, live music (outside)
 - Tuesday – June 14, 2022 – 5:00 p.m. – 9:00 p.m.

Christian Stone appeared in person upon behalf of the applications. He stated that this will be for the Taste of Shrewsbury Street and he will have a beer trailer outside and will be blocking off the parking lot with metal barriers and will have his own security present for event.

Upon a roll call vote the Commission voted 3-0 to approve the one day liquor and entertainment requests.

List of Exhibits: Application for one day liquor and entertainment licenses received and dated May 18, 2022.

10. Joseph Stake, 154 Shrewsbury Street

- a. Request for one day liquor license (outside)
 - Tuesday – June 14, 2022 – Noon-10:00 p.m.
- b. Request for one day entertainment license for live music, amplification system (outside)
 - Tuesday – June 14, 2022 – Noon -10:00 p.m.

Joseph Stake appeared in person on behalf of the applications. He stated that this event is for Taste of Shrewsbury Street and he will be hiring a police detail.

Upon a roll call vote the Commission voted 3-0 to approve the one day liquor and entertainment requests.

List of Exhibits: Application for one day liquor and entertainment licenses received and dated May 12, 2022.

11. Luis Fraire, 138 Green Street

Request for one day liquor license (outside)

- Friday – June 10, 2022 – 5:00 p.m. – 10:00 p.m.

Request for one day entertainment license for live music (outside)

- Friday – June 10, 2022 – 5:00 p.m.-10:00 p.m.

Luis Fraire and Birgit Straehle stated that they are new operators of the White Room at Crompton Collective and they would like to do an open house for the venue and they expect about 200 people going in and out throughout the night.

Upon a roll call vote the Commission voted 3-0 to approve the one day liquor and entertainment licenses.

List of Exhibits: Application for one day liquor and entertainment license received and dated May 25, 2022.

12. Moses Zenon-Laguerre/Charles Luster, Worcester Common

- a. Request for one day liquor license
 - Saturday – June 25, 2022 – 10:00 a.m. – 5:00 p.m.
- b. Request for one day entertainment license live music, amplification system
 - Saturday – June 25, 2022 – 10:00 a.m. – 5:00 p.m.

Upon a roll call vote the Commission voted 3-0 to postpone the application to the June 16, 2022 License Commission meeting.

13. Pepe's Worcester 6 Road Race, Humboldt Street

- a. Request for one day liquor license
 - Sunday - June 5, 2022 – 11:30 a.m. – 4:00 p.m.
- b. Request for one day entertainment license for road race
 - Sunday - June 5, 2022 – 11:30 a.m. – 4:00 p.m.
- c. Request for one day entertainment license for live music-Pepe's parking lot
 - Tuesday-June 14, 2022 – 3:30 p.m. -9:00 p.m.
 - Thursday-June 30, 2022- 3:30 p.m. – 9:00 p.m.
 - Sunday-October 9, 2022-Noon -7:00 p.m.

Theresa Travaglio participated remotely for the applications. Ms. Travaglio stated that the June 5, 2022 event was for the firefighters 5k race and June 14 was for the Taste of Shrewsbury Street. June 30 for the fireworks and October 9 for the Italian American Heritage Festival.

Upon a roll call vote the Commission voted 3-0 to approve the one day liquor and entertainment licenses

List of Exhibit: Application for one day liquor and entertainment licenses received and dated May 22, 2022.

Liquor & Entertainment Application Requests

14. RSCH Operations, Inc. 4 Mercantile Street

Request for entertainment license for tv, recorded music (indoors)

Sara Ferrell participated remotely for the application. She stated that this is for the new Ruth's Chris Steak house in the City of Worcester.

Upon a roll call vote the Commission voted 3-0 to approve the one day entertainment license.

List of Exhibits: Application for one day entertainment license received and dated May 19, 2022.

15. Price Chopper Operating Co of Massachusetts, Inc. 72 Pullman Street

Request for change of manager, change of officers/directors, change of ownership, transfer of stock

Attorney Gene Richard participated remotely for the application.

Upon a roll call vote the Commission voted 3-0 to approve the application.

List of Exhibits: Application for change of manager, change of officers/directors, change of ownership, transfer of stock received and dated May 13, 2022.

16. CEC Entertainment, LLC dba Chuck E Cheese's, 50 Southwest Cutoff

Jayda Moss participated remotely for the application.

Upon a roll call vote the Commission voted 3-0 to approve the application.

List of Exhibits: Application for change of ownership interests received and dated May 13, 2022,

17. Milanyogi, LLC, 527 Grafton Street

Request for transfer of package store malt & wine license from Grafton Street Convenience Inc.

Utkarsh Patel and Ishwar Patel appeared in person on behalf of the application.

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

List of Exhibits: Application for transfer of package store malt & wine license received and dated March 28, 2022.

18. Adnan Paloja, Eddy's Complete Auto Repair & Towing, 390 Belmont Street

Upon a roll call vote the Commission voted 3-0 to allow for Leave to Withdraw of the application.

19. Dubai Restaurant & Lounge, Inc. , 27 Pleasant Street

- Request to transfer of restaurant all alcohol license to 105 Water Street
- Request for change of dba to Mexi-Town Bar & Grill
- Request for entertainment license for tv, recorded music

Upon a roll call vote the Commission voted 3-0 to postpone the application to the June 19, 2022 License Commission meeting.

20. Paku Corporation, 215 Chandler Street

Request for change of manager/ change of officers/directors

Upon a roll call vote the Commission voted 3-0 to allow for Leave to Withdraw for the application.

Hearings

21. Nirvan, LLC dba Burncoat Market, 369 Burncoat Street-Cessation of Business

Wendy Stankimas participated remotely for the item. She stated that she no longer has lease for the premises but the owner of the property has a proposed buyer but it is contingent on getting a license so would like time to put in application for transfer.

Upon a roll call vote the Commission voted 3-0 to continue the application to the June 30, 2022 License Commission meeting.

22. Paku Paku Corporation dba Paku Lounge, 215 Chandler Street

Violation of Rules #7, #14, #17, #28, #37, 204 CMR 2.04

Sgt Needham read report.

Attorney Hector Pineiro along with Ligia Mustafa appeared in person on behalf of the violation.

Sergeant Needham presented the following report;

On May 17, 2022, Officer Patrick Harrington, who is assigned to the Alcohol Enforcement unit, conducted a follow up investigation into an incident that occurred at Paku Lounge on May 15, 2022.

On May 15, 2022 at 1:00 a.m. the Worcester Police were notified via shot spotter activation of possible gun fire in the area of 215 Chandler Street.

Officers immediately went to the area and observed a large crowd outside the Paku Lounge and it appeared some people were running in different directions away from the premises.

Worcester Police Operations officers began the initial investigation and preliminary reports indicated that an individual fired several rounds of ammunition in the direction of the outside patio area.

Investigators gathered numerous shell casings from within the patio area.

Also recovered was video surveillance from inside and outside areas of the premises.

On May 17, 2022, Officer Patrick Harrington viewed the video surveillance and observed the following liquor violations at the Paku Lounge.

- Wait staff from the Paku Lounge was observed delivering a total of what appeared to be (2) 750 ml Silver Patron Tequila bottles of alcohol to patrons in the V.I.P. area of the restaurant.
- Numerous patrons within patio area in possession of hookah.
- Two patrons coming and going out the side exits (patio area) where the sidewalk and parking area of adjacent business are located, in possession of alcoholic beverages (Corona). Security staff was observed on video monitoring the area but did not intervene.
- Person under the age of 21 in possession of a mixed drink that was turned over to him by a male pouring his own alcohol from the illegal bottle service.

During the follow up investigation, several males were seen on video in possession of what appeared to be firearms. Worcester Police identified one of the males as being under the age of 21. Another male is observed firing a handgun back at the initial assailant from the patio area.

Officers involved in the investigation attempted to contact the owner manager/owner of the Paku Lounge, Logia Mustafa, with no initial results. Contact was made with a male who is known to the alcohol unit as Jose Pimental. Mr. Pimental claimed that he runs the Paku Lounge when the manager is not around. Following a conversation with Mr. Pimental the manager did contact WPD.

On May 17, 2022, while Alcohol Unit Officers were on scene of the Paku Lounge and Mr. Pimental was asked to produce their current on file TIPS certificate on all employees in the video selling alcohol. Mr. Pimental did not have such certificates to turn over. A female that was observed tending bar while WPD

was on scene was asked for her TIPS card and she explained did not have a current one and was in the process of taking the class.

A video of the night of the incident was shown.

Observed on the video were patrons smoking hookah in the outside patio area, patrons serving their own drinks, patio area not cordoned off and patrons coming and going from patio area, male under the age of 21 and a male patron fires gun into patio area where numerous patrons are sitting.

Mr. Pineiro stated that the Paku does wand people and checks for weapons prior to entering the premises.

Mr. Pinerio stated that staff had approached the police in the past, as they were afraid of some of the customers coming into the establishment. Sgt. Needham stated that staff could call police if they need assistance with dealing with patrons.

Mr. Pinerio stated that he is aware that the Paku Lounge has had a number of incidents in the past. One where the staff person did not call police after an incident. He stated that they are not contesting the fact that patrons had open bottles and were serving themselves and patrons were entering/exiting patio exit which should have been cordoned off.

Mr. Pinerio stated that when the Paku Lounge approached him he advised his client to voluntarily close the business until this hearing. He stated that they also are not disputing the fact that people had firearms on the premises but disputing whether a reasonable person running the business could know that a person had a firearm.

Mr. Pinerio stated that he advised his client that in order to keep license he would recommend to them that the patio area be fenced in and nobody can come in and out. Police detail be hired for the 4 four minimum until closing time. The staff person who wasn't server trained is now in compliance.

David Horne, Assistant Building Commissioner, stated that when he viewed the premises there was a structure attached to the building that does not have a building permit and he will be notifying the owner and requesting it to be removed. He also stated that the occupancy of the Paku Lounge is only 50 and based on the video and view of premises it looks like the establishment is being used as nightclub and that will need to be investigated.

Lt. Vescera stated that on a view he noticed 3- 20lb propane tanks on site along with a patio heater which is not allowed.

Chairman Shea stated that these were serious violations and this location has had two other very serious incidents in the past two years and he would recommend at least a 90 closing along with other conditions.

Commissioner Vigliotti stated that it was a miracle that nobody was killed and this location has a troubled history. He stated that there is sign at entrance door of Paku that patrons would be checked for weapons but that did not happen. Commissioner Vigliotti stated that he would consider taking the license permanently but would concur with Chairman Shea for the suspension with conditions.

Commissioner Haller stated that Paku Lounge has shown an inability to run a business and is an unacceptable risk to the public and she was also considering revocation but would go along with the suspension of license along with conditions being imposed.

The Commission noted that there was a five day suspended suspension from previous violation still pending for the Paku Lounge on file.

On a roll call vote the Commission voted 3-0 to impose that the five day suspended suspension from previous violation be imposed along with an additional 90 day suspension along with the following conditions:

- Main entrance have a metal detector. Sgt. Needham requested that the metal detector be a pass thru one and not hand held. The Commission was in agreement with that.
- Patio to be closed.
- Police detail Thursday, Friday, Saturday
- Establishment must close by 11:00 p.m.
- Establishment must serve food

The Commission stated that prior to reopening the Paku Lounge appear before the Commission and show that all the conditions had been adhered to.

Chairman Shea also asked if the tint on the window to Paku Lounge could be checked into as it doesn't allow for visibility from the street.

List of Exhibits:

A. Police report dated May 20, 2022

B. Surveillance video from Paku Lounge

Communications

ABCC Violation: Nap LLC dba Buck's Whiskey Burger Bar, 62 Green Street-filed

ABCC Violation: El Patron Mexican Restaurant, Inc., 192 Harding Street-filed

Adjournment

Upon a roll call vote the Commission voted 3-0 to adjourn the meeting at 11:45 a.m.