



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

Thursday, September 19, 2024

Commissioners Present: Anthony Vigliotti, Chair
Charran Fisher, Commissioner (participated remotely)
Maritza Cruz, Commissioner

Commissioners Absent:

Staff Present: Sergeant Thomas Needham, Worcester Police Department
Officer Patrick Harrington, Worcester Police Department
Alexandra Kalkounis, Law Department
Deborah Steele, Licensing

Minutes: September 5, 2024

Upon a roll call vote the Commission voted 3-0 to approve the minutes of September 5, 2024.

Requests for Continuances, Extensions, Postponements, & Withdrawals

One Day Liquor & Entertainment Requests

**1. Kim Looman-McElroy, 950 Main Street
Request for one day liquor license**

- **Tuesday-September 25, 2024 – 4:00 p.m.-9:00 p.m.**
- **Monday, October 21, 2024-4:30 p.m.-6:00 p.m.**
- **Wednesday, October 25, 2024 – 6:00 p.m. -7:30 p.m.**

Kim Looman McElroy, participating remotely, stated that these are three one day liquor requests.

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

List of Exhibits: Application for one day liquor license received and dated September 10, 2024.

**2. Tiny Footprints 5K, 485 Chandler Street
Request for one day liquor license
Request for one day entertainment license for recorded music, DJ**

- **Sunday, October 13, 2024- 8:00 a.m. – 1:00 p.m.**

Bryan McDavit, participating remotely, stated that this fourth year doing the 5K and takes place on front lawn of Sullivan Academic Center. Staff will be TIPS certified and ID's will be checked.

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 receive and dated September 13, 2024.

3. Craft Beer Holdings Four, LLC, Mercantile Plaza

Request for one day liquor license

Request for one day entertainment license for radio, dancing by patrons, dancing by entertainers, recorded music, live music, amplification system

- **Sunday, October 6, 2024 – 2:00 p.m. – 6:00 p.m.**
- **Wednesday, October 9, 2024-4:00 p.m.-10:00 p.m.**
- **Thursday, October 10, 2024-4:00 p.m.-Midnight**
- **Friday, October 11, 2024-2:00 p.m.-Midnight**
- **Saturday, October 12, 2024-2:00 p.m.-Midnight**
- **Sunday, October 13, 2024-2:00 p.m.-6:00 p.m.**
- **Wednesday, October 16, 2024-4:00 p.m.-10:00 p.m.**
- **Thursday, October 17, 2024-4:00 p.m.-Midnight**
- **Friday, October 18, 2024-2:00 p.m. – Midnight**
- **Saturday, October 19, 2024-2:00 p.m.-Midnight**
- **Sunday, October 20, 2024-2:00 p.m.-6:00 p.m.**
- **Wednesday, October 23, 2024-4:00 p.m.-10:00 p.m.**
- **Thursday, October 24, 2024-4:00 p.m.-Midnight**
- **Friday, October 25, 2024-2:00 p.m.-Midnight**
- **Saturday, October 26, 2024 – 2:00 p.m.-Midnight**
- **Sunday, October 27, 2024-2:00 p.m.-6:00 p.m.**
- **Wednesday, October 30, 2024-4:00 p.m.-10:00 p.m.**
- **Thursday, October 31, 2024-Noon-Midnight**

Attorney Maddock appeared upon behalf of the applications. He stated that this is a continuation of the Notch Beer Garden and same security procedures will continue at the operation.

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

List of Exhibits: Application for one day liquor license received and dated September 10, 2024.

4. Worcester Brazilian Association, 30 Elm Street

Request for one day liquor license

- **Saturday, September 21, 2024-6:00 p.m.-10:00 p.m.**

No one appeared for item in person or remotely.

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

**6. Dan Carlson, Salem Street (outside Worcester Public Library)
Request for one day liquor license**

- **Saturday, October 5, 2024-3:00 p.m. – 9:00 p.m.**

Dan Carlson, participating remotely, stated that event is celebration of a new mural at the library and they will be pouring beer at event. He stated a tent and table will be set up. There will be two certified bartenders, and they will work with event security to make sure ID's check and no one over consumes.

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 September 13, 2024.

**7. Health Begins at Home, Housing & Health Block Party, 72 Jacques Avenue
Request for one day entertainment license for DJ**

- **Saturday-September 28, 2024 – 9:00 a.m.-4:00 p.m.**

James Brooks, participating remotely, stated that they are hosting event and request one day entertainment for DJ. He stated that this will be a family friendly event.

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

List of Exhibits: Application for one day entertainment license received and dated September 13, 2024.

Common Victualer Requests

8. JF Frozen Dessert LLC, 316 Shrewsbury Street

- **Sunday-11:00 a.m. – 9:00 p.m., Monday, Tuesday, Closed, Wednesday, Thursday, Friday, Saturday – 11:00 a.m. – 10:00 p.m.**

Priscilla Bento, the accountant for the establishment appeared upon behalf of 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 August 30, 2024.

Alcohol/Entertainment Requests

9. Cocktail Garden & Kitchen, LLC, 64-66 Franklin Street

- **Request for entertainment license for tv, radio, recorded music, live music, amplification system, floor show, karaoke, comedy show**
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Upon a roll call vote the Commission voted 3-0 to postpone the application to the October 10, 2024, License Commission meeting.

10. TKP, LLC, 345 Grafton Street

- **Request for alteration of premises**

William Kiritsy appeared upon behalf of the application. He stated that they are acquiring space next door to relocate their redemption portion of the store for this space.

Chair Vigliotti stated that the Commissioners had view the site prior to the meeting.

Upon a roll call vote the Commission voted 3-0 to approve the alteration of premises.

List of Exhibits: Application for alteration of premises received and dated August 27, 2024.

11. 1099 Grafton LLC dba Shell, 1099 Grafton Street

- **Request for package store malt & wine license**

Vrushank Patel appeared upon behalf of the application.

Chair Vigliotti stated that the Commissioners had view the site prior to the meeting.

Mr. Patel stated that they are requesting a beer and wine license and he and his partner Niraj Patel is TIPS certified as well as all staff. He stated that they have other stores in Massachusetts, and they have scanners for the store.

Commissioner Fisher asked if Mr. Patel stated if he be the manager of record. Mr. Patel stated he would not be day to day manager, but the day manager would be TIPS certified.

Public Comment

Atai Udofia, 1110 Grafton Street, stated he lives across the street, and he would oppose the application as there are so many other package stores in the area including one right next door.

Chair Vigliotti stated that during the view they observed that there were numerous package stores within a mile of this proposed store and in his opinion the area is already well served.

Upon a roll call vote the Commission voted 2-1 (Commissioner Fisher voting in support) to deny the package store malt & wine license.

List of Exhibits: Application for package store malt & wine license received and dated August 22, 2024.

12. Worcester Wine & Spirits, LLC dba Worcester Wine & Spirits, 315B Grove Street

- **Request to transfer package store all alcohol license from Faucher & Masson, Inc.**
- **Request for pledge of inventory**
- **Request for pledge of collateral**

Attorney Matthew Porter along with two of the proposed principals of the new LLC appeared upon behalf of the application. Attorney Porter stated that the business operation will remain the same and all employees will be server trained.

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

- **Request to transfer package store all alcohol license from Faucher & Masson, Inc.**

- **Request for pledge of inventory**
- **Request for pledge of collateral**

List of Exhibits: Application for transfer of package store all alcohol license, pledge of inventory and pledge of collateral received and dated August 22, 2024.

Violation Hearing

- 13. Mansi Vijay Corp dba McGovern's Package Store, 82 Millbury Street
August 1, 2024 – Violation of Rule #12, #21
August 30, 2024-Violation of Rule #6, #20, #21**

Attorney Matthew Porter along with Pankaj Patel appeared to a

Sergeant Needham presented the following;

AUGUST 1, 2024, INCIDENT

On August 1, 2024, Officer Patrick Harrington was assigned the Worcester Alcohol Enforcement Unit and was conducting surveillance at McGovern's Package store for ongoing complaints at the premises selling to intoxicated individuals and patrons consuming alcohol on the premises.

Officer Harrington was monitoring the premises when he observed one male standing at the front door of the Licensed Premises greeting patrons and holding the door open. Officer Harrington also observed another male have a short conversation with the male at the door and he entered McGovern's Package Store and came out with what appeared to be a large 25 oz beer can within a brown paper bag. The man handed the other male the beer and walked across the street and began to consume the beer on the public sidewalk.

Officer Harrington a short time later observed the male who was greeting people at the front door of the premises to pick up a 12oz can of beer and began to consume the contents on the premises.

McGovern's Package Store two days prior to the incident for complaints received and was given a copy of the MGL 138 regulations and ordinances for Section 15 licenses.

AUGUST 30, 2024

On August 30, 2024, at 7:05 p.m. members of the Alcohol Beverage Control Commission and Worcester Police Department Alcohol Enforcement units had the occasion to be conducting surveillance in the area of McGovern's Package Store.

Officer Patrick Harrington of the Worcester Police was notified by ABCC Investigator DiCiccio that he just observed a youthful appearing male exit the premises in possession of alcohol and enter a vehicle occupied by two additional youthful appearing males.

Officer Harrington conducted a traffic stop and inquired if the everyone in the vehicle was 21 years age and the males responded no. The rear passenger who was observed exiting the store was 19 years of age and was in possession of eight (8) pack of Surfside vodka and hard seltzers and a ten (10) pack of fireball nips. Officer Harrington asked if he was asked for identification inside the premises by the clerk and he stated yes. The 19-year years old turned over a false New York I.D.

Officer Harrington informed McGovern's Package store of the violation and observed Ashaben Patel behind the counter conducting sales to customers. Ms. Patel had been previously requested to produce her server training certificate on August 1, 2024, as a result of a previous violation at the premises. She could not produce one.

On September 4, 2024, Ms. Patel still could not produce a server training certificate.

Attorney Porter stated that they do not dispute the facts, and his client takes full responsibility. His client has installed signage in front of the store stating no open containers and no sale to underage individuals. Staff has gone through TIPS training again and they will have staff conduct perimeter checks outside of the Licensed Premises periodically to check area. Attorney Porter stated that the fake ID was checked but they now require any employee to be TIPS certified and they have ordered a scanner machine, but his client also understands that there needs to be a human element and staff need to check IDs also.

Mr. Patel testified they have scanner now and they have collected a lot of fake ID's, and they are writing down any incidents so they can meet with staff to review and ensure this does not happen again.

The Commission noted that there were two (2) previous similar violations at the premises since 2020.

Upon a motion made and duly seconded, the Commission voted 3-0, finding a violation of Rules #6, #12, #20 and #21 and imposing a 10-day suspension with 5 days to be served and 5 days to be held in abeyance for 1 year from the hearing date. If there are any violations during the 1-year period, the Licensee must serve the 5 days along with any other suspension the Commission imposes. The Licensee shall serve the 5-day suspension beginning on September 30, 2024, through October 4, 2024.

List of Exhibits:

Exhibit A: Police report dated August 22, 2024

Exhibit B: Police report dated September 12, 2024.

Other Business

14. Jolo, Inc. dba Hurricane Betty's, 350 Southbridge Street

- **Request to change suspension dates to September 23, 24, 30, October 1, 7, 8, 14, 15, 21, 22, 2024**

On September 19, 2024, Joseph O'Grady, Owner, appeared before the Commission requesting a change of the suspension date stating it would be a hardship on the employees to be closed ten days and request to break it up the suspension dates.

The Commission members reviewed possible suspension dates and stated they would be amenable to breaking up the dates.

Upon a roll call vote the Commission voted 3-0 to change the suspension dates to September 25-29, 2024, and October 2-6, 2024.

List of Exhibits: Email dated September 11, 2024.

Communications

None

Adjournment

Upon a roll call vote the Commission voted 3-0 to adjourn the meeting at 11:01 a.m.