

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

APRIL 27, 2017

ESTHER HOWLAND CHAMBER

Commission Members Present:

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

Commission Members Absent:

Staff Present:

Stephen Rolle, Planning & Regulatory Services
Deborah Steele, Planning & Regulatory Services
James Foley, Inspectional Services
Lt. James Johnson, Worcester Police Department
Office Glenn Stout, Worcester Police Department
Officer Patrick Harrington, Worcester Police Department
Alexandra Kalkounis, Law Department

Call to Order – 10:00 a.m

Minutes

April 13, 2017

Upon a motion the Commission voted 3-0 to approve the minutes of April 13, 2017.

Old Business

I-1: Petitioner: Habaibna Hookah Lounge, 250 Commercial Street

- Request for four pool tables

Zakyria Saad appeared on behalf of the item.

Upon a motion the Board voted 3-0 to approve the pool table license.

Exhibit A: Application for pool table license received and dated

I-2: Petitioner: International Lounge, 27 Pleasant Street

Request to amend legal structure and change of license type to restaurant all alcohol license-

Exhibit A: Application for change of legal structure, change license type received and dated

I-3: 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-2, I-3 were taken contemporaneously.

Attorney Dan Cotton along Magalys and Lisette Rodriguez appeared on behalf of the item. A brief discussion was held as to what was going to be the legal make-up of the corporation. Due to questions the Commission stated that they would prefer these items be resolved before they move forward with the application.

The Commission voted 3-0 to continue the item until the May 25, 2017 License Commission meeting.

I-4: International Lounge, 27 Pleasant Street

Violation of Rules #2, #5, #14, 204 CMR 2.05-Transfer of license without approval, No licenses posted, manager responsible for premises.

Attorney Dan Cotton and Magalys Rodriguez appeared to answer to the violation.

Lt. Johnson presented the following,

On November 12, 2016 Officer Mark Jolin was working as a member of the Worcester Police Alcohol Enforcement Unit. At 12:45 a.m. Officer Jolin along with Officer Patrick Harrington and members of the Worcester Fire Department Code Enforcement Unit entered the Licensed Premises.

Officer Jolin observed that no licenses were posted. Officer Jolin asked to speak to the manager of record and was informed that the business was sold to Lisette Rodriguez.

Ms. Rodriguez arrived and stated to Officer Jolin that she was purchasing the business. Officer Jolin explained that the sale of the business must be approved by the License Commission prior to the sale and that all the licenses must be displayed.

Attorney Cotton stated that they did not dispute the fact that licenses weren't posted and with regard to the ownership Ms. Rodriguez was in process of transferring the license to her niece and didn't understand the process

Upon a roll call the Commission voted 3-0 that the violation had occurred and imposed a one day suspended suspension.

Exhibit A: Police report dated November 12, 2016.

I-5: Petitioner: Boom Bap Heroes, Institute Park, 100 Salisbury Street

Request for one day entertainment license for live music, amplification system, any other audio or visual show, whether live or recorded specifically

- May 20, 2017 – Noon-6:00 p.m.

Kim Driscoll from Cultural Affairs and Che Anderson from the City Manager's Office appeared on behalf of the application. Mr. Anderson stated that the event is at Institute Park and the holder of the event has met with the Special Events Committee and the Worcester Police Department to discuss how the event will run and how many police details will be required.

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

Exhibit A: Application for entertainment license received March 28, 2017 and dated March 28, 2017.

I-6: Alanwar Market, LLC, 106-104 Water Street

- Request for common victualer license

Mushraq Aldulaimi appeared on 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 received March 30, 2017 and dated March 30, 2017.

I-7: Nafai Restaurant, Inc., 490 Lincoln Street

Request for common victualer license

Leave to Withdraw.

Exhibit A: Application for common victualer license received March 30, 2017 and dated March 30, 2017.

I-8: Worcester Pizza Factory, 75 Maywood Street

Request for common victualer license

Kyle Wheaton appeared on 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 received April 21, 2017 and dated April 21, 2017.

NEW BUSINESS

II Special One Day Liquor & Entertainment Requests

II-1: Chartwells, 10 Lincoln Square

Request for one day liquor license

- May 1, 2017-4:30 p.m.-6:30 p.m.
- May 2, 2017-2:00 p.m.-5:00 p.m.

No one appeared for the item.

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

Exhibit A: Application for one day liquor license received April 12, 2017 and dated April 12, 2017.

II-2: Dell's Edible Creations, 215 East Mountain Street

Request for one day liquor license

- April 29, 2017-TBD

Savior Adiakpor appeared on behalf of the application. He stated that he like to do a party for the opening of his business at the Salem Covenant Church on East Mountain Street. He stated that he was unable to find people who were server trained to pour the liquor for the event.

The Commission explained that the liquor sever training staff is required for one day licenses and that alcohol must be purchased through a licensed wholesaler.

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

Exhibit A: Application for one day liquor license received April 29, 2017 and dated April 29, 2017.

II-3: Sodexho, 950 Main Street

Request for one day liquor license

- May 18, 2017-5:30 p.m.-9:00 p.m.
- May 15, 2017-1:00 p.m.-4:00 p.m.
- May 20, 2017-8:00 p.m.-Midnight
- June 2, 2017-5:30 p.m.-9:00 p.m.
- May 12, 2017-4:00 p.m.-6:00 p.m.

Kim McElroy Looman appeared on behalf of the application. She stated that all events have police officers present.

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

Exhibit A: Application for one day liquor license received April 17, 2017 and dated April 17, 2017.

II-4: Ecotarium, 222 Harrington Way

Request for one day liquor license

- May 18, 2017-5:00 p.m.-7:30 p.m.

Tracy Dill appeared on behalf of the application.

Ms. Dill stated that the event is for the Chamber of Commerce

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 6, 2017 and dated April 6, 2017.

II-5: Paul Irish, 1 College Street

Request for one day liquor license

- May 25, 2017-9:00 p.m.-1:00 a.m.

Paul Irish appeared on behalf of the item. He stated that this is for a graduation 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 April 10, 2017 and dated April 10, 2017.

II-6: Paul Barber, 278 Shrewsbury Street

Request for one day liquor licenses – outside

- May 5, 2017-2:00 p.m.-9:00 p.m.-Friday
- June 17, 2017-2:00 p.m.-7:00 p.m.-Saturday
- June 20, 2017-4:00 p.m.-10:30 p.m.-Tuesday
- July 2, 2017-5:00 p.m.-Midnight (rain date – July 3, 2017)-Saturday
- July 27, 2017-5:00 p.m.-10:00 p.m.-Thursday
- July 28, 2017-Noon-11:30 p.m.-Friday
- July 29, 2017-Noon-Midnight-Saturday
- July 30, 2017-Noon-8:00 p.m.-Sunday
- July 31, 2017-Noon-7:00 p.m.-Monday
- October 8, 2017-Noon-7:00 p.m.-Sunday

Exhibit A: Application for one day liquor license received April 3, 2017 and dated April 3, 2017.

II-6a: Paul Barber, 278 Shrewsbury Street

Request for one day entertainment licenses-outside

- May 5, 2017-3:00 p.m.-8:00 p.m.-Friday
- June 17, 2017-3:00 p.m.-6:00 p.m.-Saturday
- June 20, 2017-5:00 p.m.-10:00 p.m.-Tuesday
- July 2, 2017-6:00 p.m.-11:00 p.m. (rain date – July 3, 2017)-Saturday
- July 27, 2017-No music.
- July 28, 2017-6:00 p.m.-10:30 p.m.-Friday
- July 29, 2017-6:00 p.m.-11:00 p.m.-Saturday
- July 30, 2017-1:00-7:00 p.m.-Sunday
- July 31, 2017-Noon-6:00 p.m.-Monday
- October 8, 2017-Noon-6:00 p.m.-Sunday

II-6: II-6a were taken contemporaneously.

Paul Barber appeared on behalf of the applications. Mr. Barber reviewed the events and stated that these were for the same dates as previous years. He stated that he has spoken with his neighbors regarding the dates of the events.

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.

Commissioner Salvidio requested that Mr. Barber keep the dates/times consistent when he applies for the events in the future.

Exhibit A: Application for one day entertainment licenses & liquor licenses received April 3, 2017 and dated April 3, 2017.

III Common Victualer Requests

III-1: Papa Johns's, 406 Chandler Street

- Request for common victualer license

Seema Tyahi appeared on behalf of the application. She stated that she is opening a new Papa John's on Chandler Street.

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

Exhibit A: Application for common victualer license received on April 17, 2017 and dated April 17, 2017.

IV Alcohol & Entertainment Requests

IV-1: Applebee's, 632 Park Avenue

- Request for change of manager

Heather Douglas appeared on 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 on April 7, 2017 and dated March 30, 2017.

Commissioner Shea recused himself from the item.

IV-2: Baystate Café, 86 Water Street

- Request for restaurant all alcohol license

Irfan Narullah and Hama Jaber appeared on behalf of the application.

Commissioner Salvidio stated that the Commission had reviewed the premises prior to the meeting.

Mr. Narullah stated that currently premises is a hookah bar and they would like to add liquor.

Mr. Jaber stated that they are open 6:00 p.m.-Midnight and 1:00 a.m. on Saturday.

Upon a motion the Commission voted 2-0 to approve the liquor licenses with condition that premises closes at 1:00 a.m.

Exhibit A: Application for restaurant all alcohol license received on April 10, 2017 and dated December 28, 2016.

Commissioner Shea returned to the meeting room.

Commissioner Salvidio recused himself from item.

IV-3: Nonna's Pizza & Pasta, Inc., 104 Harding Street

- Request for restaurant all alcohol license

Michael Covino appeared upon behalf of the application and stated that this would be for the new skating rink and reviewed the business.

Upon a motion the Commission voted 3-0 to approve the restaurant all al

Exhibit A: Application for restaurant all alcohol license received on April 18, 2017 and dated April 7, 2017.

Commissioner Salvidio returned to the meeting room.

IV-4: The Cedar Box, Inc., 15 Hamilton Street

- Request for general on premises all alcohol license

Attorney Mike Jalbert and Chalita Youssef appeared on behalf of the application.

Mr. Youssef stated that he looking to put a cigar/hookah bar in the location.

Commissioner Salvidio stated that the applicant is limited to the hours listed on the Zoning Board of Appeals Special Permit.

Upon a motion the Commission voted 3-0 to approve the general on premises all alcohol license with the conditions listed on the Zoning Board of Appeals Special Permit.

Exhibit A: Application for general on premises all alcohol license received on April 7, 2017 and dated April 7, 2017.

V Violations

V-1: Jusstevin Inc., dba Loft 266, 266 Park Avenue

Violations of Rules #14, #17- Manager responsible for premises,
Alcohol not allowed to be taken from premises

Stephen Hopkins owner of the Licensed Premises appeared to answer to the violation and waived his right to counsel.

Mr. Hopkins stated that the violation did occur and testified that months of planning go into this event and he had four police officers, 16 security personnel and has a \$4,000 scanner and the day of the event the guy must have got out from the tent area that was set up outside for the St. Patrick's Day Parade.

Upon a roll call the Commission voted 3-0 that the violation had occurred and imposed a one day suspended suspension.

Exhibit A: Police report dated March 13, 2017.

V-2: Fat Tony's Pub, Inc, 1051 Main Street

Violations of Rules #7, #14-Sale to under twenty-one, Manager responsible for premises

Carlo and Gene Carlo, owners of the Licensed Premises appeared on behalf of the violation and waived their right to counsel.

Lt. Johnson presented the following

On April 5, 2017, members of the Alcohol Enforcement Unit were conducting compliance checks and responded to the Licensed Premises

The police had received numerous complaints in regards to underage drinking at the Licensed Premises.

Officer Glenn Stout observed upon entering the Licensed Premises two females who appeared to be under twenty-one (21) years of age. Officer Stout asked to see their ID's and both showed Massachusetts driver's licenses that showed their age to be 19 years old. Both girls were drinking a mixed drink. Officer Stout spoke with the owner, Kevin Carlo, about the underage girls and he stated that they had been checking ID's.

Mr. Carlo stated that when a patron tries to enter they show their ID and if they are 21 they mark the back of their hand with the letter M for Massachusetts.

Both females had the M marked on the back of their hands. Both females had credit card receipts for their drinks.

Officer Patrick Harrington observed four young looking females approach the front door of the Licensed Premises and observed the doorman checking ID's and was about to allow one of the females to enter.

Officer Harrington stopped her to check the ID and found out that she was 20 years of age.

Kevin Carlo testified that the incident did happen and he doesn't condone underage drinking and doorman was fired after the incident.

Lt. Johnson stated that after the incident the License Holder contacted the Police and staff from the Licensed Premises took the alcohol awareness course offered by the Worcester Police Department.

Upon a roll call the Commission voted 3-0 that the violation had occurred and imposed a one day suspended suspension.

Exhibit A: Police report dated April 6, 2017. April 13, 2017

Communications

ABCC communication-Ho Toy Luau Restaurant-Acceptance of fine- No comment.

ABCC 299-305 Shrewsbury Street dba Funky Murphy, Violation Hearing Notice-No comment.

ADJOURNMENT

Commission adjourned the meeting at 11:15 p.m.