

MINUTES OF THE PROCEEDINGS OF THE  
LICENSE COMMISSION OF THE CITY OF WORCESTER  
FEBRUARY 28, 2019

ESTHER HOWLAND CHAMBERS

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

**Commission Members Absent:**

**Staff Present:** Lt. James Johnson, Worcester Police Department  
Officer Patrick Harrington, Worcester Police Department  
Officer Glen Stout, Worcester Police Department  
Alexandra Kalkounis, Law Department  
Jim Raciot, Inspectional Services  
Lt. Jeffrey Dubeau, Fire Department  
Deborah Steele, Planning & Regulatory Services

**Minutes**

January 31, 2019, February 14, 2019

Upon a motion the Commission voted 2-0 to approve the minutes of January 31, 2019.

Upon a motion by the Commission voted 2-0 to approve the minutes of February 14, 2019.

**NEW BUSINESS**

**Common Victualer Requests**

**I-1:** Stop Café, 377 Park Avenue

Request for common victualer license

Hasan Dalipi 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 February 7, 2019 and received February 7, 2019.

**Special One Day Liquor & Entertainment Requests**

**II-1:** Juliet Feibel, 44 Portland Street

a. Request for one day liquor license

- March 22, 2019 – 6:00 p.m.-9:00 p.m

- May 2, 2019 – 6:00 p.m.-9:00 p.m.
- June 21, 2019 – 6:00 p.m.-9:00 p.m.
- September 6, 2019 – 6:00 p.m.-9:00 p.m.
- September 18, 2019 – 5:00 p.m.-8:00 p.m.
- October 18, 2019 – 6:00 p.m.-9:00 p.m.
- November 8, 2019 – 6:00 p.m.-9:00 p.m.
- December 6, 2019 – 6:00 p.m.-9:00 p.m.
- January 31, 2020 – 6:00 p.m.-9:00 p.m.

b. Request for entertainment license for recorded music, live music, amplification system

- March 22, 2019 – 6:00 p.m.-9:00 p.m.
- May 2, 2019 – 6:00 p.m.-9:00 p.m.
- June 21, 2019 – 6:00 p.m.-9:00 p.m.
- September 6, 2019 – 6:00 p.m.-9:00 p.m.
- September 18, 2019 – 5:00 p.m.-8:00 p.m.
- October 18, 2019 – 6:00 p.m.-8:00 p.m.
- November 8, 2019 – 6:00 p.m.-9:00 p.m.
- December 6, 2019 – 6:00 p.m.-9:00 p.m.
- January 31, 2020 – 6:00 p.m.-9:00 p.m.

Juliet Feibel appeared upon behalf of the applications. She requested that the March 22, 2019 date be changed to March 30, 2019.

Upon a motion the Commission voted 3-0 to approve the one day liquor licenses with the March 22, 2019 dated being amended to March 30, 2019.

Upon a motion the Commission voted 3-0 to approve the one day entertainment licenses with the March 22, 2019 dated being amended to March 30, 2019.

Exhibit A: Application for one day liquor licenses dated February 25, 2019 and received February 25, 2019

Exhibit B: Application for one day entertainment license dated February 25, 2019 and received February 25, 2019.

**II-2:** Timothy Moynagh, 25 Exchange Place

Request for one day liquor license

- March 16, 2019 – 8:00 a.m.-1:45 a.m.

Timothy Moynagh appeared upon behalf of the application.

Mr. Moynagh stated that this is for a fundraiser for the food pantry.

Lt. Johnson expressed concern that the event was going to 1:45 a.m.

Staff noted that last year the event went to 11:00 p.m. Mr. Moynagh stated that he would have no problem ending event at 11:00 p.m.

Upon a motion the Commission voted 3-0 to approve the one day liquor license amending the ending time to 11:00 p.m.

Exhibit A: Application for one day liquor licenses dated February 12, 2019 and received February 12, 2019.

**II-3:** Cathy Hamacher, Mercantile Center Plaza, 100 Front Street

- a. Request for one day liquor license
  - March 9, 2019 – Noon-6:00 p.m.
- b. Request for one day entertainment license for dancing by entertainers, live music, amplification system
  - March 9, 2019 – Noon-6:00 p.m.

Austin Doering appeared upon behalf of the applications.

Mr. Doering stated that this is for a winter fest event and they will have food trucks and entertainment.

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 dated February 12, 2019 and received February 12, 2019

Exhibit B: Application for one day entertainment license dated February 12, 2019 and received February 12, 2019.

**II-4:** St. George Orthodox Cathedral, 30 Anna Street

Request for one day liquor license

- March 2, 2019 – 5:00 p.m.-Midnight

Richard Dowd appeared upon behalf of the application.

Mr. Dowd stated that this is a fundraiser for the cathedral and they will have a police detail present 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 dated February 11, 2019 and received February 11, 2019

**II-5:** Chartwells Catering at WPI, 100 Institute Road

Request for one day liquor license

- March 10, 2019 – Noon.-5:00 p.m.
- March 22, 2019 – 6:00 p.m.-10:00 p.m.

Cathy Palumbo appeared upon behalf of the applications.

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

Exhibit A: Application for one day liquor licenses dated February 12, 2019 and received February 12, 2019.

**II-6:** Mass Brewers Guild, 112 Harding Street

Request for one day liquor license

- March 9, 2019 – 5:00 p.m.-7:00 p.m.

Ryan Daigle appeared upon behalf of the application. He stated that this will be a hockey event and they will have TIPS certified bartenders 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 dated February 8, 2019 and received February 8, 2019

**II-7:** Gary Cooper, Cars of Summer LLC, Green Hill Park

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

- July 4, 5, 6, 2019 – 8:00 a.m.-8:00 p.m.

Gary Cooper appeared upon behalf of the application. He stated that this will be the same as previous years.

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

Exhibit A: Application for one day liquor licenses dated February 8, 2019 and received February 8, 2019.

**II-8:** Stacey Blanchette, 413 Park Avenue

Request for one day liquor license

- March 10, 2019 – 11:00 a.m.-6:00 p.m.

Stacey Blanchette appeared upon behalf of the application. She stated that last year she did attempt to hire an off-duty detail officer for the event but received a call prior to the parade that there were not enough off-duty officers for the parade, so she hired private security and she's doing the same this year. Ms. Blanchette stated that she hired five additional security guards as well as bouncers and they will be location both inside and outside the premises.

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

Exhibit A: Application for one day liquor license dated February 21, 2019 and received February 21, 2019.

**II-9:** Emilie Courtney, 275 Park Avenue

Request for entertainment license for radio, dancing by patrons, recorded music, live music

Vincent Mineo appeared upon behalf of the application,

Upon a motion the Commission voted 3-0 to approve the one day entertainment license to 6:00 p.m.

Exhibit A: Application for one day entertainment license dated February 21, 2019 and received February 21, 2019.

## **Alcohol & Entertainment Requests**

### **III-1:** Axe Throwing Massachusetts LLC, dba Axe & Ale House, 179a Grafton Street

- a. Request for transfer of restaurant all alcohol license
- b. Request for common victualer license
- c. Request for entertainment license for radio, amplification system

Applicant did not appear for meeting.

Chairman Salvidio stated that the Commission had viewed the premises with the applicant prior to the meeting.

Upon a motion the Commission voted 3-0 to continue the items to the March 14, 2019 License Commission meeting.

Exhibit A: Application for transfer of restaurant all alcohol license dated January 13, 2019 and received January 13, 2019.

Exhibit C: Application for common victualer license dated January 13, 2019 and received January 13, 2019.

Exhibit B: Application for entertainment license dated January 13, 2019 and received January 13, 2019.

### **III-2:** Price Chopper Operating of Massachusetts, Inc., 72 Pullman Street

Request for change of officers/directors

Eugene Richards appeared upon behalf of the application.

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

Exhibit A: Application for change officers/directors dated January 29, 2019 and received January 29, 2019.

## **Other Business:**

### **IV: 1:** Dubai Restaurant & Lounge, 27 Pleasant Street

Request to remove detail officer on Sundays

Upon a motion the Commission voted 3-0 to deny the request.

Exhibit A: Electronic request December 28, 2018.

### **IV-2:** Parkway Diner, 146 Shrewsbury Street

Request to open at 10:00 a.m. on Sunday.

Michael Parkway appeared upon behalf of the request.

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

Exhibit A: Electronic communication dated February 14, 2019.

### **IV-3:** Good Chemistry of Massachusetts, Inc., 9 Harrison Street

30 day Crowd/Traffic Control Plan

Item held.

### **Hearings**

**V-1:** Tang's Horizon, Inc., dba Nancy Chang, 372 Chandler Street

Violation of Rules #7, #14 – Sale to under 21, manager responsible for premises

Attorney Felicia Taman along with Wenshu Tang appeared to answer to the violation.

Lt. Johnson presented the following:

On February 2, 2019 members of the Alcohol Enforcement Team were conducting compliance checks throughout the City of Worcester.

A twenty year old male was instructed to enter the Licensed Premises and sit with an accompanying officer at the bar area and attempt to order an alcoholic beverage without providing identification.

At 3:00 p.m. Officer Patrick Harrington and the underage male entered the Licensed Premises and both ordered a Bud Light 12 oz. bottle. Both were served by the female bartender. Neither one was asked to provide identification.

Ms. Taman stated that Mr. Tang does understand the severity of the issue and took the police training class after the incident.

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

Upon a motion the Commission voted 3-0 to issue a warning.

Exhibit A: Police report dated February 5, 2019.

**V-2:** Kenichi 168, Inc., 268-270 Shrewsbury Street

Violation of Rules #7, #14 – Sale to under 21, manager responsible for premises

Item postponed to March 14, 2019.

Exhibit A: Police report dated February 5, 2019.

**V-3:** The Branch Investment Enterprise, LLC dba Scal's Sports Bar, 3 Mill Street-Permitting illegality on the premises, manager responsible for premises

Violation of Rules #14, 204 (2), M.G.L. c. 138, Sec. 23 – December 1, 2018

Violation of Rule #1 – Hours – February 15, 2019

Item was postponed to March 14, 2019.

Exhibit A: Police report dated December 1, 2018.

Exhibit B: Police report dated February 15, 2019.

**V-4:** Dubai Restaurant & Lounge, Inc., 27 Pleasant Street

Violation of Rules #14, #7, #17, 204, CMR 2.05 violation of condition of license – Manager responsible for premises, alcohol must be purchased through a wholesaler, Bottle service rule, failure to adhere to condition on license

Julio Alcantara appeared to answer to the violation.

Lt. Johnson presented the following:

On December 22, 2018 at 1:55 a.m. Worcester Police Officers were called to the Licensed Premises to assist with moving patrons outside of the Licensed Premises to the parking lot located at Pleasant Street and Chestnut Street.

Officer Glenn Stout along with Officer Michael Hall were informed upon their arrival at the Licensed Premises by the Off Duty Police Officer on site that he observed a patron inside the Licensed Premises under the age of 21. A snapchat video obtained shows the patron in possession of what appeared to be a mixed drink and at the center of the table you can see a bottle containing what appears to be alcohol in bucket.

Video surveillance obtained from the Licensed Premises shows patrons entering the Licensed Premises with mixed drinks and waitresses delivering carafes, which contained what appeared to be liquor, to tables along with champagne.

On December 27, 2018 Officer Stout and Officer Patrick Harrington went to the Licensed Premises to advise management of the violations that had occurred on December 22, 2018 and observed a box from a package store containing 4 bottles of Patron Tequila and the officers believed that the Licensee was not purchasing alcohol from a distributor and requested surveillance footage from the Licensed Premises.

The video surveillance footage showed an employee from the Licensed Premises removing several cases of Corona Beer from a vehicle and bringing them inside the Licensed Premises. The Officers spoke with Julio Alcantara, the manager of record, regarding what they observed and Mr. Alcantara stated that he wanted to be honest and that he has an outstanding balance of \$4,000 with his distributor preventing him from receiving deliveries.

Julio R. Alcantara waived his right to counsel and testified that the Patron Tequila was bought at a package store.

Mr. Alcantara stated that he thought he couldn't sell a physical bottle so he has been selling the bottles to patrons but then dumping the alcohol into plastic containers.

Officer Patrick Harrington stated that he viewed the video surveillance from the Dubai with Mr. Alcantara and explained to him that by placing the alcohol in the carafes they were manipulating the labels, which is a violation. He also stated that a big concern was that video from the Licensed Premises shows people chugging the alcohol from the bottle.

Mr. Alcantara stated that maybe the waitress was distracted and went to get another order when that chugging incident occurred.

Chairman Salvidio asked about the patrons leaving with alcohol and whether an underage person was in the Licensed Premises. Mr. Alcantara stated that his security must have missed the patrons leaving that night and allowed the patrons to leave with alcohol.

Officer Harrington stated that the video he obtained from the Licensed Premises showed that there was person inside the premises under the age of 21.

The Commission noted that in 2018 the Licensed Premises had received a one day suspended suspension for a violation in February 2018. The one day suspended suspension along with additional 20 day suspension was imposed for violations occurring April 29, 2018 and July 3 into July 4, 2018.

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

Upon a motion the Commission voted 3-0 to impose a 60 day suspension to begin March 1, 2019 and an additional 30 day suspended suspension.

Exhibit A: Police report dated December 26, 2018.

### **Communications**

- a. ABCC decision – Peregrine Endeavors, Inc., 107A Water Street-Filed.

### **Adjournment**

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