

MINUTES OF THE PROCEEDINGS OF THE
LICENSE COMMISSION OF THE CITY OF WORCESTER
FEBRUARY 20, 2020
ESTHER HOWLAND CHAMBERS

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

Commission Members Absent:

Staff Present:

Stephen Rolle, Planning & Regulatory Services
Lt. James Johnson Worcester Police Department
Jennifer Beaton, Law Department
James Racicot, Inspectional Services
Lt. Jeffrey Dubeau, Fire Inspection
Deborah Steele, Planning & Regulatory Services

Minutes

February 6, 2020

Upon a motion the Commission voted 3-0 to approve the minutes of February 6, 2020.

NEW BUSINESS

Common Victualer Requests

I-1: Great Wall, Inc., 521 Main Street

Request for common victualer license

Minday Siang along with her son appeared upon behalf of the application.

Chair Shea stated that the Commission had viewed the site prior to the meeting and the site was vastly improved since their last visit.

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

Exhibit A: Application for common victualer license received January 13, 2020 and dated January 13 2020.

**I-2: Smoke & Water, LLC dba B.T.'s Fried Chicken BBQ,
318 Park Avenue**

- a. Request for common victualer license
- b. Request for entertainment license for TV, radio, live music, recorded music, amplification system

Attorney Mark Bornstein along with Brian Treitman appeared upon behalf of the applications.

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

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

Exhibit A: Application for common victualer license received January 24, 2020 and dated January 24 2020.

Exhibit B: Application for entertainment license received January 24, 2020 and dated January 24, 2020.

I-3: Creative Cakes by Colleen, LLC, 152 Green Street

Request for common victualer license

Coleen Nadeau appeared upon behalf of the application. She stated that this will be for the new market on Green Street.

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

Exhibit A: Application for common victualer license received January 24, 2020 and dated January 24 2020.

I-4: Pupuseria and Restaurant Al Salon De Mi Tierra, 591 Park Avenue

Request for common victualer license

Item was postponed to March 19, 2020 as no one appeared for item.

Exhibit A: Application for common victualer license received February 3, 2020 and dated February 3, 2020.

I-5: Subway, 151 Highland Street

Lynnzie Zgo appeared upon behalf of the application. She stated that she is taking over the Subway franchisee.

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

Exhibit A: Application for common victualer license received January 31, 2020 and dated January 31, 2020.

Special One Day Liquor & Entertainment Requests

II-1: Stephen Hopkins, 266 Park Avenue - outside –

a. Request for one day liquor license

- March 15, 2020 – 11:00 a.m. – 6:00 p.m.

b. Request for one day entertainment license for live music,

- March 15, 2020 – 11:00 a.m. – 6:00 p.m.

Steve Hopkins appeared upon behalf of the applications. He apologized for missing last meeting.

The Commission and Mr. Hopkins discussed the security and layout for the event.

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 received January 20, 2020 and dated January 20, 2020.

Exhibit B: Application for one day entertainment license received January 20, 2020 and dated January 20, 2020.

II-2: Ecotarium, 222 Harrington Way

Request for one day liquor license

- February 28, 2020 – 6:30 p.m. – 9:00 p.m.

Emily Rose appeared upon behalf of the application and stated that it is an after hours event.

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

Exhibit A: Application for one day entertainment license received January 20, 2020 and dated January 20, 2020.

II-3: Preservation Worcester, Worcester Common

Request for one day liquor license

- May 2, 2020 – Noon -4:00 p.m.

Matthew Gray appeared upon behalf of the application. He stated that this is for the annual Craft Brew Races.

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

Exhibit A: Application for one day liquor license received February 5, 2020 and dated February 5, 2020.

II-4: St. Joan of Arc, 570 Lincoln Street

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

- February 29, 2020 – 1:00 p.m. – 9:00 p.m.

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

Exhibit A: Application for one day liquor license received February 5, 2020 and dated February 5, 2020.

Alcohol & Entertainment Requests

III-1: Bazoukas & Litis dba Breens Café, 18 Cambridge Street

Request for change of manager

Matthew Halon 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 received February 5, 2020 and dated February 5, 2020.

III-2: Café Neo, Inc. dba One Way Bar & Grill, 202 Millbury Street

Request for restaurant all alcohol license
Request for common victualer license
Request for entertainment license for jukebox, TV, karaoke

Peter Tsigas and Somdatt Prasahd, the property owner, appeared upon behalf of the application.

Chair Shea stated that the Commission had viewed the site prior to the meeting and had some concerns relative to the property including parking. Mr. Rolle reviewed the parking requirements and explained for what is proposed there is sufficient parking.

Chair Shea noted that the Commission had received two letters, one from Lorriane Laurie and one from Carol Fryc expressing concerns about the proposal asking the Commission to deny the license.

The Commission requested that Mr. Tsigas meet with the neighbors to see if some type of compromise can be made.

Upon a motion the Commission continue the applications to the April 2, 2020 License Commission meeting.

Exhibit A: Application for restaurant all alcohol license received January 30, 2020 and dated January 30, 2020.

Exhibit B: Application for common victualer license received January 30, 2020 and dated January 30, 2020.

Exhibit C: Application for entertainment license received January 30, 2020 and dated January 30, 2020.

Exhibit D: Email from Carol Fry dated February 14, 2020.

Exhibit E: Letter from Lorraine Laurie dated February 17, 2020.

III-3: Skaff Petroleum, Inc. dba Grafton Mobil Mart, 334 Grafton Street

Request for package store malt & wine

Item was postponed to March 5, 2020 at request of applicant's attorney.

Exhibit A: Application for package store malt & wine license February 3, 2020 and dated February 3, 2020.

Hearings

V-1: Worcester Randall Package Store, Inc. dba Randell Package Store, 108 Canterbury Street

Violation of Rule #6, #21 – Sale to person under 21. Manager responsible for premises

Rajnikanet Patel appeared to answer to the violation and waived his right to counsel.

Lt. Johnson presented the following;

On January 26, 2020, Officers of the Worcester Police Department Alcohol Unit conducted compliance checks at various package stores throughout the city of Worcester. An underage female accompanied the officers and was instructed to enter a package store and attempt to purchase alcohol without providing identification.

At around 1:20 p.m. the underage female entered Randell Package Store and purchased a six pack of Truly hard seltzers. The female was able to purchase the alcohol without being asked for identification.

Mr. Patel stated that it was a mistake and they understand they need to check IDs and they have been checking all IDs since that incident and they have also changed their POS system.

Chair Shea recommended that the establishment take the class offered by the Worcester Police Department which reviews rules.

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

Upon a roll call the Commission voted to issue a one day suspended suspension and that the License Holder take the WPD alcohol training class.

Exhibit A: Police report dated January 28, 2020.

V-2: Holden Brattle Market, Inc., 1 Brattle Street

Violation of Rule #6, #21 – Sale to person under 21. Manager responsible for premises

Item was postponed.

Exhibit A: Police report dated January 28, 2020.

V-3: Kerkini LLC dba O'Hara's Liquors, 402 West Boylston Street

Violation of Rule #6, #21 – Sale to person under 21. Manager responsible for premises

Jim Vasiladis appeared to answer to the violation and waived his right to counsel.

Lt. Johnson presented the following;

On January 26, 2020, Officers of the Worcester Police Department Alcohol Unit conducted compliance checks at various package stores throughout the city of Worcester. An underage female accompanied the officers and was instructed to enter a package store and attempt to purchase alcohol without providing identification.

At around 12:44 p.m. the underage female entered O'Hara's Liquors and purchased a six pack of Truly hard seltzers. The female was able to purchase the alcohol without being asked for identification.

Mr. Vasiliadis stated that the incident did occur and his staff had dropped the ball that day. Mr. Vasiliadis stated that all the staff is TIPS certified and they have policy that anyone who looks under the age of 40 needs to be carded.

The Commission suggested that the license holder take the WPD alcohol awareness course.

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

Upon a roll call the Commission voted 3-0 to issue a warning and that the license holder take the WPD alcohol awareness course.

Exhibit A: Police report dated January 28, 2020.

V-4: Tusli Corp dba Crowley Package Store, 638B Chandler Street

Violation of Rule #6, #21 – Sale to person under 21. Manager responsible for premises

Attorney Matt Porter and Hina Patel appeared upon behalf of the violation.

Lt. Johnson presented the following;

On January 26, 2020, Officers of the Worcester Police Department Alcohol Unit conducted compliance checks at various package stores throughout the city of Worcester. An underage female accompanied the officers and was instructed to enter a package store and attempt to purchase alcohol without providing identification.

At around 11:58 a.m. The underage female entered Crowley Package Store and purchased a six pack of Truly hard seltzers. The female was able to purchase the alcohol without being asked for identification.

Attorney Porter stated that they were not disputing the facts as presented. He stated that all the employees are TIPS certified and unfortunately a mistake was made and the store is open to taking the WPD alcohol awareness course.

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

Upon a roll call the Commission voted 3-0 to issue a Warning and that the license holder take the WPD alcohol enforcement awareness course.

Exhibit A: Police report dated January 28, 2020.

V-5: Paku Paku, Inc., 215 Chandler Street

Violation of Rules #14, #27, #28, #29 – Manager shall be responsible for premises, All permits to be easily observed, manager and all employees to be server trained, disturbance of the peace

Yaresbeth Guzman and Ligia Mustafa appeared to answer to the violation.

Lt. Johnson presented the following;

On December 29, 2019, Officer Patrick Harrington was assigned to the Alcohol Enforcement Unit and went to Paku Paku to follow up on a reported incident on December 28, 2019 where Worcester Police went to Paku Paku as a person had entered the premises with a firearm and assaulted a female. The person was observed on the Paku Paku video surveillance system leaving out the side door firing what appear to be gun shots in the air which resulted in the activation of the Worcester Police Department shot spotter detection system. The video surveillance shows the security guard at the Paku Paku observing the incident but nothing was reported to the Worcester Police Department by the establishment.

On December 29, 2019, Officer Harrington went to speak with management of the premises regarding the incident. Upon arrival at the premises he observed numerous people waiting to enter. Officer Harrington spoke with door staff & security staff about what the current occupancy was but they did not know, and when asked how they kept track of the number patrons inside, they could not explain.

Officer Harrington observed 68 people inside the premises when he was approached by the acting manager, Jose Pimentel. Officer Harrington asked to see the occupancy certificate which Mr. Pimentel provided which showed that premises had an allowed occupancy of 50. Officer Harrington had staff do a count of people inside the Licensed Premises and it totaled 80 people which did not include staff.

Officer Harrington asked to see the server training certificates of the employees and Mr. Pimentel stated that he did not have current certificates. Two of the bartenders were able to provide current certificates on their cell phones but the third told Officer Harrington that she did not have a current certificate.

The Commission watched a video of the incident which was provided by the license holder.

Ms. Guzman stated that security personnel that evening were not aware of the capacity of the restaurant.

Ms. Guzman stated that they could not control what happened outside but they did call the police seven minutes after the incident as the staff and patrons were very scared and didn't know what to do.

Lt. Johnson stated that the call to the police should have been done right away after the shots were fired.

Ms. Guzman stated that the problem occurred when Paku Paku decided to have two private events which they were aware were going to bring in over 49 people but held the events away.

Ms. Guzman stated that since the incident they have made changes to the premises. Security is now using a hand counter device to ensure that the occupancy is being complied with and a sign is posted at the door stating what the occupancy limit is. They have met with Lt. Johnson and all staff has had additional training with the police regarding the rules.

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

Upon a roll call the Commission voted 3-0 to issue a one day suspension to be served April 13, 2020 and an additional three day suspended suspension be imposed.

Exhibit A: Police report dated January 28, 2020.

Other Business

Communications – No comment on communications.

Palladium dates – June 6, 27, July 11, 18, 19, 26, August 1, 8, September 5, 6, 12, 19, 2020

ABCC Notice of Violation Hearings;

- Wintergreen Partners Inc. dba Union Tavern, 65 Green Street
- Rock Bar LLC dba Rock Bar, 81 Water Street
- Moonshiners Bar LLC dba Moonshiners, 105 Water Street

ABCC Notice of Suspension

- OM Harsh Corporation dba A&B Liquors, 110 McKeon Road

304 Inspection

Paesano Pizza, 1121 Grafton Street
Mazcal, 30 Major Taylor Blvd
Noamesco, 43 Pleasant Street
The Medusa Saloon, 274 Shrewsbury Street

Upon a motion the Commission voted 3-0 to adjourn the meeting at 11:13 a.m.