

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

May 27, 2021

Commission Members Participating: Walter Shea, Chairman
Barbara Haller, Commissioner
Anthony Vigliotti, Commissioner-joined after the
postponements had been heard

Commission Members Absent:

Staff Participating: Stephen Rolle, Planning & Regulatory Services
Lt. James Johnson, Worcester Police Department
Jim Racicot, Inspectional Services
Alexandra Kalkounis, Law Department
Deborah Steele, Planning & Regulatory Services

*Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 23, 2020 Order, as amended, imposing strict limitation on the number of people that may gather in one place, this meeting of the Worcester License Commission will be conducted via **remote participation**.

The meeting will be livestreamed from the City Website at www.worcesterma.gov/video-on-demand and may be broadcast on the local government cable channel (Spectrum Channel 192). While no in-person attendance will be permitted, every effort will be made to ensure that the public can adequately access the proceedings. In addition, a video recording and meeting minutes will be posted at www.worcesterma.gov after the meeting.

To participate during the public comment portion of the meeting, you may:

- Use the following link to join the meeting via computer <https://cow.webex.com/meet/licensecommissionwebex> or
- Call **415-655-0001 (Access Code: 160 660 9360)** for the License Commission.

If you have difficulty accessing the call, please e-mail planning@worcesterma.gov.

Application materials may be viewed on the City Website at <http://www.worcesterma.gov/planning-regulatory/boards/license-commission>. For more information concerning this meeting, to request a reasonable accommodation or interpretation, or to **submit written comments** in advance of the meeting, please contact the Planning Division by email (preferred) at planning@worcesterma.gov or phone at (508) 799-1400 x 31440. Submission of comments in advance of the hearing is strongly encouraged. Note: interpretation requests must be received no later than 48 hours in advance of the meeting.

Call to Order – 10:00 a.m.

Minutes – May 13, 2021

Upon a roll call the Commission voted 2-0 to approve the minutes of May 13, 2021.

Common Victualer Requests

None

Liquor Application Requests

1. Sampson Tona, dba Ash Liquors, 1067 Main Street

- Request for package store malt & wine license

Attorney David Officer and Sampson Tona called in for the application.

Chairman Shea stated that the Commission had received the Law Department memo that stated that the Commission could not limit the type of beer sold in the establishment and he stated that he visited other stores in the area and they sell Ghanaian beers.

Mr. Officer stated that the products that Mr. Tona plans to sell would increase number of people coming to the area and this area has become business area for Ghana community and will serve an underserve community.

Commissioner Haller stated that she cannot support the application as because once the license is issued the Commission can't restrict type of beers and the area is adequately served and the license is not needed and cannot support it.

Mr. Officer stated that Mr. Tona is only looking for package store license to meet the demand of the Ghana community in that area.

Commissioner Salvidio stated that he believes there is a uniqueness on the product and the community that it will serve so he would support the application.

Chairman Shea reiterated that that he had visited the area and there are 3 package stores right in the area and believes the area is well served

Public Comment

No comment

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

List of Exhibits:

- A. Application for package store malt & wine license received and dated March 15, 2021.

B. Letter from Law Department dated May 24, 2021

2. Dubai Restaurant & Lounge dba Mexi Town Bar & Grill, 27 Pleasant Street

- Request to transfer restaurant all alcohol license to 105 Water Street-

Upon a roll call the Commission voted 2-0 to postpone the application to the June 10, 2021 License Commission meeting.

3. TL Foods LLC dba Mint Restaurant & Bar, 77-79 Maywood Street

- Request for restaurant all alcohol license
- Request for common victualer license
- Request for entertainment license for jukebox, tv, radio, recorded music, live music, amplification system, light show, karaoke

Upon a roll call the Commission voted 2-0 to postpone the application to the June 10, 2021 License Commission meeting.

4. Iconlabel, LLC, 91 Stafford Street

- Request for entertainment license for dancing by patrons, amplification system
- Tuesday: 10:00 p.m.–2:00 a.m., Thursday – Saturday, 8:00 p.m.–2:00 a.m.

Upon a roll call the Commission voted 2-0 to postpone the application to the June 10, 2021 License Commission meeting.

5. AEC Store, Inc., dba New England Convenience, 65 James Street

- Request for change of manager

The applicant had trouble calling into the meeting.

Lt. Johnson stated that new manager Lori Berryman had passed the background check.

Upon a roll call the Commission voted 2-0 to approve the change of manager

List of Exhibits: Application for change of manager receive and dated March 24, 2021.

6. Mac's Diner, 185 Shrewsbury Street

- Request for alteration of premises to add sidewalk café for 5 tables with 4 seats
- Wednesday – Saturday: 11:00 a.m.–9:00 p.m.

Chris McMahon stated that he is looking to add sidewalk seating for outdoor dining.

The Commission members asked Mr. McMahon to describe the outdoor area.

Mr. Rolle stated that there needs to be five foot of distance between light pole and applicant needs to be careful not to impede the pedestrian access.

Upon a roll call the Commission voted 3-0 to approve the sidewalk outdoor area.

List of Exhibits: Application for restaurant malt&wine with sidewalk café received and dated April 12, 2021.

7. Summit Agency Inc. dba Summit Academy, Inc., 37 Fruit Street

- Request for one day liquor license June 17, 2021: 5:00 p.m.–7:00 p.m.

Daniel DiMezza called in for the application. He stated that this is ribbon cutting ceremony for about 50 people.

Upon a roll call 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 17, 2021.

8. Fiddler’s Green Pub of Worcester, Inc., 19 Temple Street

- Request for change of manager

Michael Coonan called in for the application. He stated that he is going to be the acting manager until he can hire a full time manager.

Upon a roll call the Commission voted 3-0 to approve the change of manager.

List of Exhibits: Application for change of manager received and dated April 27, 2021.

9. All Systems Go Enterprises, LLC, 225 Shrewsbury Street

- Request to amend condition on liquor license to change occupancy from 64 to 160

Attorney Daniel Cotton called in for the item. He stated that when item came before the License Commission Inspectional Services had only allowed an occupancy of 64. The applicant has worked with Inspectional Services and it the license holder has now been approved for 160 occupancy by Inspectional Services.

Upon a roll call the Commission voted 3-0 to amend the condition on the license to allow for occupancy of 160.

Alteration of Premises – Temporary Outdoor Dining (New)

10. OD-2021-003 El Basha, Inc., 424 Belmont Street (alcohol & food)

- Request for temporary outdoor dining license for 4 tables with 16 seats
- Monday – Thursday: 4:00 p.m. – 8:00 p.m., Friday & Saturday: 4:00 p.m. – 9:00 p.m.

Upon a roll call the Commission voted 2-0 to allow for Leave to Withdraw for the application.

11. OD-2021-010, SW-2021-003 Golden Pockets Restaurant, 11-17 Kelley Square (alcohol & food)

- Request for temporary outdoor dining license for 5 tables with 20 seats
- Monday – Saturday: 10:00 a.m. – 1:00 a.m., Sunday: 10:00 a.m. – 10:00 p.m.

Sarmad Handal called in for the application.

Mr. Rolle stated that staff had looked at the application and would like to make following changes;

- No tables or chairs further than 6 ft. from face of building at 9 Kelley Square
- No tables or chairs further 10 ft. from face of building at 11 Kelley Square
- All doors and entrances to remain accessible (5 ft. clear path minimum)
- Submit revised drawing.

Mr. Handal stated that he had no problem with the changes.

Upon a roll call the Commission voted 3-0 to approve the temporary outdoor application with following conditions;

- No tables or chairs further than 6 ft. from face of building at 9 Kelley Square
- No tables or chairs further 10 ft. from face of building at 11 Kelley Square
- All doors and entrances to remain accessible (5 ft. clear path minimum)
- Submit revised drawing

List of Exhibits: Request for temporary outdoor dining application received and dated May 3, 2021.

12. OD-2021-012, SW-2021-005 Fortissimo Corporation, Inc., 250 Commercial Street (food only)

- Request for temporary outdoor dining license for 2 tables with 4 seats
- Monday – Thursday: 8:00 a.m. – 3:00 p.m., Saturday & Sunday: closed

The applicant did not call for the meeting.

Mr. Rolle stated that this is just request for 2 table with 4 seats.

Upon a roll call the Commission voted 3-0 to approve the temporary outdoor seating.

List of Exhibits: Application for temporary outdoor dining received and dated May 10, 2021.

13. OD-2021-011 JC Mason LLC, 389 Franklin Street (alcohol & food)

- Request for temporary outdoor dining license for 6 tables with 12 seats
- Monday: 11:30 a.m. – 9:00 p.m., Wednesday–Sunday: 11:30 a.m. – 9:00 p.m.

Upon a roll call the Commission voted 3-0 to postpone application to the June 10, 2021 License Commission meeting.

14. OD-2021-013, SW-2021-006 Café Reyes, 421 Shrewsbury Street (food only)

- Request for temporary outdoor dining license for
 - Sidewalk –3 tables with 6 seats
 - Deck-3 tables with 6 seats
 - Patio-8 tables with 4 seats
- 7:00 a.m. – 3:00 p.m. daily

Jose Rivera called in for the application.

Mr. Rivera reviewed the layout.

Mr. Rolle reminded the applicant that there needs to be five feet of distance for pedestrian access and no umbrellas for front. Mr. Rivera stated no umbrellas were planned for the front just the deck.

List of Exhibits: Application for temporary outdoor dining received and dated May 4, 2021.

Parking Lot Applications

15. Fidelity Bank, Worcester Ice Center, 112 Harding Street, Lot C,

- Request for Parking Lot License

Steve Quist called in for application. He stated that the email of permission for Lot C had been sent to Mr. Rolle.

Upon a roll call the Commission voted 3-0 to approve the parking lot.

List of Exhibits: Parking lot application received and dated April 26, 2021.

16. Canal District Parking, LLC, 9 Langdon Street

- Request for Parking Lot License for 150 cars

Edward Murphy called in for the application.

Mr. Rolle stated that this is an existing parking lot that Mr. Murphy has been working on to clean up and expressed concern about whether there would be light spillage and be a disturbance to the neighbors.

Mr. Murphy stated that this parking lot was used by Wyman Gordon as an employee lot and the street in front the City is currently improving so they do not want to improve the front part of the lot until the city finishes the street. Mr. Murphy stated that the plan for now is to park employees and the lighting has been adjusted to not impact the neighbors.

Mr. Murphy stated that he feels 150 spots is more than a reasonable number for the lot.

The Commission asked Mr. Murphy to submit a sketch that shows the parking spaces requested to show the 150 spaces.

Upon a roll call the Commission voted 3-0 to approve the parking lot with condition that a striping plan be submitted.

List of Exhibits: Parking lot application received and dated April 26, 2021

17. Worcester Hibernian Cultural Center, 19 Temple Street

- Request for Parking Lot License for 72 cars

No one called in for the application.

Mr. Rolle stated that this is an existing lot.

Upon a roll call the Commission voted 3-0 to approve the parking lot license.

List of Exhibits: Parking lot application received and dated April 26, 2021.

Violation Hearings

18. Grafton Hill Package Store, 8 Penn Avenue

- Violation of Rules #6, #21

Elias Zeena called in for the hearing and waived his right to counsel.

On April 3, 2021, Officers of the Worcester Police Department Alcohol Unit conducted compliance checks at various package stores throughout the city of Worcester. An underage male accompanied the officers and was instructed to enter a package store and attempt to purchase alcohol without providing identification.

At around 1:13 p.m. the underage male entered Grafton Hill Package Store and purchased a six pack of Bud Light cans. The male was able to purchase the alcohol without being asked for identification.

Mr. Zeena stated it has been difficult with the pandemic with the masks rules and stated he has reviewed all the rules with his employees and now with mask mandate being lifted it will be lot easier.

Commissioner Haller asked Mr. Zeena to review how his store is checking ID's. Mr. Zeena stated they check ID's and have cameras everywhere.

There were no previous violation on file.

Upon a roll call the Commission voted 3-0 that the violation did occur.

Upon a roll call the Commission voted 3-0 to issue a Warning.

List of Exhibits: Police report dated April 14, 2020.

19. Jian Hui Group, Inc., dba Foodworks, 50 Southwest Cutoff

- Violation of Rules #13 #14

Upon a roll call the Commission voted 3-0 to postpone the hearing to June 24, 2021

Other Business

20. 4th and 1 Club, 7 Muskeego Street

- Status hearing

*Item taking out of order and heard first.

Attorney Hector Pinero called in for the item. He stated that he put in a public record request and he did not receive all the information he requested.

Attorney Kalkounis stated that she spoke with the Public Records Officer and Attorney Pinero can amend his public records request to receive all information requested.

Upon a roll call the Commission voted 3-0 to continue the status hearing to June 10, 2021 License Commission meeting.

Communications

ABCC communication Lifting of COVID-related Restrictions

Commissioner Haller gave update on video meeting she had with ABCC.

Adjournment

Upon a roll call the Commission voted 3-0 to adjourn the meeting at 11:19 a.m.