

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

October 3, 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  
Lt. Jeffrey Dubeau, Worcester Fire Department  
Alexandra Kalkounis, Law Department  
James Racicot, Inspectional Services  
Deborah Steele, Planning & Regulatory Services

**Minutes**

September 19, 2019

Upon a motion the Commission voted 3-0 to approve the September 19, 2019.

**NEW BUSINESS**

**Common Victualer Requests**

**I-1: Parrot Pizza, 50 Southwest Cutoff**

Request for common victualer license

Ralph Maklouta 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 September 26, 2019 and received September 26, 2019.

## **Special One Day Liquor & Entertainment Requests**

### **II-1: Kristen Dyer, 1 College Street**

Request for one day liquor license

- October 19, 2019 – 5:00 p.m. - Midnight

No one appeared for the item.

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

Exhibit A: Application for one day liquor license dated September 17, 2019 and received September 17, 2019.

### **II-2 Manuel Lancara, 20 Franklin Street**

Request for one day liquor license

- October 12, 2019 – 6:00 p.m. – 10:00 p.m.

Manuel Lancara appeared upon behalf of the application. He stated that this is for a vogue event.

Staff stated that fire department requires an inspection prior to the event taking place.

Upon a motion the Commission voted 3-0 to approve the one day liquor license with condition that fire department signs off on the application.

Exhibit A: Application for one day liquor license dated September 17, 2019 and received September 17, 2019.

### **II-3: Chartwells Catering-WPI**

Request for one day liquor license

- a. October 5, 2019 – Noon – 5:00 p.m.  
Recreation Center & Quad Center, 100 Institute Road
- b. October 5, 2019 – Noon -5:00 p.m.  
MCPHS, 10 Lincoln Square

Kathleen Palumbo appeared upon behalf of the applications.

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

Exhibit A: Application for one day liquor license dated September 24, 2019 and received September 24, 2019.

**II-4: Holy Family Parish/St. Joseph Church, 4 Anna Street**

Request for one day liquor license

- a. November 2, 2019 – 6:00 p.m. – 11:00 p.m.

Ed Bourgalt appeared upon behalf of the application. He stated that this is an annual event and about 500 people are expected and a police detail will be present.

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

Exhibit A: Application for one day liquor license dated October 3, 2019 and received October 3, 2019.

**Alcohol & Entertainment Requests**

**III-1: Dirt McGirt's LLC, 1051 Main Street**

- a. Request for general on premises all alcohol license
- b. Request for common victualer license
- c. Request for entertainment license for jukebox, tv, recorded music

Stacey Blanchette appeared upon behalf of the application.

Commissioner Haller stated that herself and Commissioner Shea had viewed the site prior to the meeting.

Upon a motion the Commission voted 3-0 to approve the general on premises all alcohol license.

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 general on premises all alcohol license dated September 9, 2019 and received September 9, 2019.

Exhibit B: Application for common victualer license dated October 3, 2019 and received October 3, 2019.

Exhibit C: Application for entertainment license dated October 3, 2019 and received October 3, 2019.

**III-1: RSCJ Operations, Inc. dba Ruth's Chris Steak Hours -**

- a. Request for common victualer all alcohol license
- b. Request for common victualer license
- c. Request for entertainment license for jukebox, tv, recorded music

**Postponed to 10/17/2019**

*Commissioner Shea recused himself from item III-1 and left the meeting room.*

**III-1: Rocco LLC dba The Woo Bar & Grill, 358 Shrewsbury Street**

- a. Request for transfer of common victualer all alcohol license
- b. Request for common victualer license
- c. Request for entertainment license for tv, radio, recorded music, live music, amplification system

Attorney Hennigan along with Jon Pittsley and Edinei Rocco appeared upon behalf of the application.

Mr. Hennigan stated that this is a transfer of the existing licenses but there is no outdoor entertainment proposed.

Niki Rutnan and Laurie Henly expressed concern about noise and stated that they have had a problem with current license holder and the loud noise from establishment.

The Commission and the applicant discussed conditions for the licenses.

Upon a motion the Commission voted 2-0 to approve the common victualer all alcohol license with the following conditions;

- Indoor entertainment allowed everyday Noon-1:00 a.m.-Doors and windows to be kept closed.
- Patio hours for dining will be 10:30 p.m. and last seating is 10:00 p.m.
- Maximum seating on the patio is 20.
- Patrons limited to patio area. No patrons on the grassed landscaped area.
- North facing windows to remain closed when there is entertainment.

Upon a motion the Commission voted 2-0 to approve the common victualer license.

Upon a motion the Commission voted 2-0 approve the entertainment license.

Exhibit A: Application for transfer of restaurant all alcohol license dated September 7, 2019 and received September 7, 2019.

Exhibit B: Application for common victualer license dated September 7, 2019 and received September 7, 2019.

Exhibit C: Application for entertainment license dated October 3, 2019 and received October 3, 2019.

*Commissioner Shea returned to the meeting room.*

**III-1: 10-30 Front Street, LLC, 250 Commercial Street – Unit #105-**

a. Request for package store malt & wine license

**Postponed to 10/17/2019**

**Retail Marijuana License**

**IV-1: Suns Mass II, LLC, 56 (aka 62) Millbrook Street**

Request for retail marijuana license

Attorney Joshua Lee Smith appeared upon behalf of the application.

The Commission members view the site prior to the meeting.

Mr. Smith stated that this application has already received approval from Planning Board and the Zoning Board of Appeals.

The Commission stated that that they would not put any condition relative to police for traffic details at this time as the establishment has not open but once it has opened would re-evaluate if there is a need.

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

Exhibit A: Application for retail marijuana license license dated September 7, 2019 and received September 7, 2019.

**Hearings**

**V-1: Patsie Dugan's LLC, dba Patsie Dugan's Pub, 49 Millbury Street**

Violation of Rules #1, #14 – Hours, manager responsible for premises

Patrick Patton appeared to answer to the violation and waived his right to counsel.

Lt. Johnson presented the following;

On August 10, 2019 Officer Paul Alward observed a large crowd on the patio and patrons walking into Patsie Dugan's at 2:10 a.m. Officer Alward notified another officer to meet and assist him.

When the officers arrived at the Patsie Dugan's they observed 15-20 patrons on the patio drinking from alcoholic beverages and one of the officers had to take an alcoholic beverage from a patron as she walked into the parking lot.

The bouncer at Patsie Dugan's noticed the officers and then started to move people off the patio into the municipal lot adjacent to the premises. The officers asked the bouncer why patrons were still inside the business after hours and the bouncer stated that they were closed and he was attempting to get people to leave.

Officer Alward went to follow the bouncer inside but the bouncer tried to block him from entering and at that time Officer Alward observed two patrons sitting at the bar with alcoholic drinks and another male exiting the bathroom with a Budweiser in his hand.

On August 23, 2019, members of the Worcester Police Department went to Patsie Dugan's to attempt to review video evidence. They met with the owner/manager Patrick Patton who informed the police that the video surveillance was not working the night of the incident and he was in the process of getting fixed.

Mr. Patton stated that since the incident he has fired the doorman and spoke with the doorman relative to the operation of the business. Additional changes that have been made is that closing time has been pushed back 15 minutes and they don't let anyone in past 1:00 a.m. and last call is 1:15 a.m. In addition Mr. Patton as well as some of his employees have taken the Worcester Police Department alcohol enforcement class.

Lt. Johnson expressed concern about the deck at the establishment and having proper barriers for it.

The Commission noted that the license holder had was previously before the Commission just a few months prior and the establishment had received warning at that time.

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

Upon a roll call the Commission voted 3-0 to impose a one day suspended suspension.

Exhibit A: Police report dated August 9, 2019

**V-2: Wintergreen Partners, LLC dba Union Tavern Pub, 65 Green Street**

Violation of Rules #14, and #27, occupancy, manager responsible for premises

Attorney Dan Cotton along with Wayne Russell appeared to answer to the violation.

Lt. Johnson presented the following;

On September 6, 2019, Officer Patrick Harrington of the Alcohol Enforcement Unit along with members of the Worcester Fire and Code Departments went to Union Tavern Pub to conduct a compliance inspection.

Upon arrival at the premises they observed that it was extremely busy and asked the employee monitoring the front area, Justin Perkins, what was the occupancy of the premises. The employee stated that it was 76 but he capped it at 100. The occupancy permit for this premises is 76.

Members of the Fire Department inquired how many people were currently inside and Mr. Perkins checked his electric counting device which read 100.

Members of the Fire Department conducted an occupancy count and found that there were 161 patrons inside the premises. After several patrons left the premises the Fire Department conducted another count and found that there was still 149 patrons still inside.

Attorney Cotton stated that they were not disputing the facts as presented by the police department and are aware that there are some previous violations for the establishment but Mr. Russell is looking to change the establishment into a restaurant and his lease is going to be expiring at the end of the year so Mr. Russell will need to speak with his landlord about doing some changes to convert it into a restaurant and upon landlord's approval of lease they will begin process of renovating.

Mr. Russell stated that he apologizes for the incident and was not at the establishment when incident occurred as he has small children at home but prior to leaving he told staff to not go over capacity and called them to check in and staff told them it was busy and he told them again to not go over capacity as he knew all the college kids had just returned to school and would be out.

Mr. Russell stated that he is looking to change the concept to a restaurant and he has brought plans to the code department but he needs to finalize the renewal of his lease prior to going forward with renovation and that should be completed by the end of the year.

Commissioner Shea and Haller both expressed concern that the doorman the night of the incident was aware they were over capacity but did nothing.

Chairman Salvidio stated that the Commission is troubled by the history of this establishment and understands that Mr. Russell has a family but the Commission has a duty to the public to protect them from these type of incidents.

The Commission members all expressed concern that this establishment has been before the Commission several times for the same type of violation and currently has a suspended suspension that was imposed last December by the Commission.

Lt. Johnson requested that the establishment be 21 and older until establishment is turned into a restaurant type of facility.

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

Upon a motion the Commission voted 3-0 to impose the previous three day suspension along with an additional two days to be served for a total of five days to be served. The days to be served will be October 24, 31, November 7, 14, 21, 2019

Exhibit A: Police report dated September 10, 2019

### **Communications**

- a. Communication of Good Chemistry re: hours, received September 11, 2019 and dated September 11, 2019. No comment.
- b. ABCC Decision: The Basement LLC, dba Whiskey Bar, 316 Main Street. No comment.
- c. ABCC Decision: Seven Hills Venture, Inc. dba The Banner Bar & Grille, 112 Green Street. No comment.

### **Adjournment**

Upon a motion the Commission voted 3-0 to adjourn the meeting at 11:00 p.m.