

MINUTES OF THE PROCEEDINGS OF THE  
LICENSE COMMISSION OF THE CITY OF WORCESTER  
**March 14, 2013**

ESTHER HOWLAND CHAMBERS

**Commission Members Present:**

Karon Shea, Chairperson  
Paul Mullan, Commissioner  
Anthony Salvidio, Commissioner

**Staff Present:**

Marlyn Feliciano, Planning & Regulator Services  
Lt. James Johnson, Worcester Police Department  
Alexandra Haralambous, Law Department  
Jim Foley, Inspectional Services

**Call to Order** –

Chair Shea called the meeting to order at 10:00 am.

**Approval of the Minutes** –

The Commission approved the minutes for February 7, 2013 and February 14, 2013.

**Old Business**

1. **867 Grafton Street** - Fiesta Shows  
Petition: Request for carnival – April 3-7, 2013
- 7 Neponset Street** - Fiesta Shows  
Petition: Request for carnival – April 10-21, 2013

The applicant, John Flynn, stated that the event and location on Grafton Street was no longer before the Commission. He was only before the Commission for the Greendale Mall location at 7 Neponset Street. The event is going to be from April 10-21 from 6:30 p.m. to 10:00 p.m. during the weekdays and 12:00 p.m. to 10:00 p.m. during the weekends.

Mr. Flynn explained that he agreed with the police to have paid attendants and an admission gate with one way in and one way out. There will four police details, one at the entrance, one at the rear, and 2 roving the premises at peak hours.

Ms. Shea asked how many people he expected to attend the fair. Mr. Flynn stated approximately 300 people could be there when it's busy.

Upon a motion by Commissioner Mullan the Commission voted 3-0 to approve the entertainment license for 7 Neponset Street with the conditions that have been previously agreed upon in writing.

**Exhibit A:** Application for entertainment license received on January 7, 2013 and dated January 7, 2013.

**Exhibit B:** Letter from Fiesta Shows with proposed conditions dated February 4, 2013 and received February 21, 2013

2. **47 Blackstone River Road - Singabells Pizza**

Petition: Request for common victualer license

Mouheddin Kattan stated that he wanted to open a pizza place and will be open from 11 am to 12 am on weekends and until 1:00 am on the weekends. This is his first business but he used to work for Blue Jeans Pizza before.

Upon a motion by Commissioner Mullan the Commission voted 3-0 to approve the common victualer license as submitted for 47 Blackstone River Road.

**Exhibit A:** Application for common victualer license received on February 4, 2013 and dated February 4, 2013

3. **596 Main Street - Restaurant Becca's Gourmet**

Petition: Request for common victualer license

Wilson Cantos stated he used to work at Ziti's. His new restaurant will be open for breakfast and have a lunch buffet because there is no parking and he wants to attract the people in the area. He will also do catering and possibly sell some groceries. He is still painting but he just upgraded the electricity and plumbing.

Upon a motion by Commissioner Mullan the Commission voted 3-0 to approve the common victualer license as submitted for 596 Main Street.

**Exhibit A:** Application for common victualer license received on January 24, 2013 and dated January 24, 2013

**New Business**

**One Day Liquor Requests**

4. **34 Boynton Street – The Armenian Churches of Worcester County**

Petition: Request one day liquor license - April 13, 2013.

Bob Babigian stated that this was for an Annual Charity Dance, where they will have a cash bar from 7 pm to 12 pm. Worcester City police details will be on duty. Commissioner Mullan stated that the paperwork stated that the event would go to 1 am. Mr. Babigian stated that he does not expect the event to go past 12:00 am but he would prefer if the license says 1 am so that everyone can be out by then.

Upon a motion by Commissioner Mullan the Commission voted 3-0 to approve the one day special permit as submitted.

**Exhibit A:** Application for special one day license received on February 8, 2013 and dated February 8, 2013

5. 10 Lincoln Sq - Bill Battelle

Petition: Request for one day liquor license – March 28, 2013

Bill Battelle stated that the application stated that the event was going to be on March 19 but the date changed to March 28, 2013. MCPHS will have an honor society ceremony, reception and dinner for 100 guests from 5 pm to 12 am.

Upon a motion by Commissioner Mullan the Commission voted 3-0 to approve the one day special permit.

**Exhibit A:** Application for special one day license received on February 26, 2013 and dated February 26, 2013

6. **102 Russell Street** – St. Spyridon Cathedral

Petition: Request one day liquor license - March 23, 2013.

7. **102 Russell Street** – St. Spyridon Cultural Center

Petition: Request one day liquor license – April 6, 2013.

8. **102 Russell Street** – St. Spyridon Cultural Center

Petition: Request one day liquor license – April 26, 2013.

Items #6 - #8 were taken up contemporaneously. Mr. Economou stated that the first event was a 55<sup>th</sup> birthday party for 125 people from 6 pm to 12 am. The second is a homecoming party for a veteran for 100 people and that event will be from 12 pm to 5 pm. The third event on April 26<sup>th</sup> will be a fundraiser, auction, and dinner for Worcester Academy. It will be for 300 people and the hours are going to be from 5 pm to 11 pm.

Upon a motion by Commissioner Mullan the Commission voted 3-0 to approve all three as submitted.

**Exhibit A:** Application for special one day license for March 23, 2013 received on February 13, 2013 and dated February 19, 2013

**Exhibit B:** Application for special one day license for April 6 & 26, 2013 received on March 5, 2013 and dated March 5, 2013

## **Common Victualer – Food Only**

### **9. 1 Mercantile Street – Fresh City (Unum)**

Petition: Request for common victualer license

Ken Cox stated that they are located in the new Unum office building and that they just missed the last meeting so they are operating under a temporary permit. Fresh City is a breakfast and lunch place and there are six other locations that serve soups, salads, wraps, etc. They also plan to do business catering. Chair Shea asked what the hours of operations are and Mr. Cox responded that it is 6 am to 6 pm but they are presently only open to employees and plan to open the full retail restaurant in the fall.

Upon a motion by Commissioner Mullan the Commission voted 3-0 to approve the common victualer license for 1 Mercantile Street.

**Exhibit A:** Application for common victualer license received on February 15, 2013 and dated February 21, 2013

### **10 296 Pleasant Street – Dos Tacos Café**

Petition: Request for common victualer license

German Estevez stated he plans to open a taco café that will be located next to Santiago's Liquors. They will have 2-3 employees and will be open from 8 am to 11 pm. His menu will be mostly tacos.

Upon a motion by Commissioner Mullan the Commission voted 3-0 to approve the common victualer license for 296 Pleasant Street.

**Exhibit A:** Application for common victualer license received on February 19, 2013 and dated February 19, 2013

## **Entertainment License**

### **11 Greenhill Park – Gary Cooper**

Petition: Request entertainment license for Car Show at Greenhill Park July 4-7, 2013

Gary Cooper stated that he plans to hold an antique car show event on July 4-7, 2013. There will be vendors and an antique car auction on July 6, 2013. Chair Shea asked how many people he expects and he responded that they are hoping for 1,000-2,000/day. Mr. Mullan asked Mr. Cooper if he has met with neighbors. Mr. Cooper stated that he has met with the neighbors a couple of times and decided not to have a helicopter or burnouts during this event.

Mr. Cooper stated that one night they will bring in a portable drive-in screen and let people watch a movie from their cars. Also, Catherine Taylor's Dance Studio will come do a skit one of those days. Also, they have approached the Shrewsbury Street Merchant's Association and

the Chamber of Commerce to get their support. They plan to do a cruise at night of all the antique cars to drive business to the restaurants and to promote the show.

Upon a motion by Mr. Mullan the Commission voted 3-0 to approve the entertainment license for the Car Show at Greenhill Park.

**Exhibit A:** Application for entertainment license received on February 21, 2013.

12. **181 Millbury Street** – La Brasa Dinner Restaurant

Petition: Request for television and radio for the restaurant

The applicant requested a postponement to the next meeting on March 28, 2013 prior to the meeting.

**Exhibit A:** Application for entertainment license received on February 28, 2013 and dated February 28, 2013

13. **Worcester Common** – Anthem Thermal Solutions, Inc.

Petition: Request entertainment license for the Liberty Tour Worcester Criterium on July 28, 2013

The applicant requested a postponement to a future meeting in April prior to the meeting.

**Exhibit A:** Application for entertainment license received on February 7, 2013 and dated February 7, 2013

14. **Institute Park** – Worcester Caribbean Carnival Association (WCACA)

Petition: Request for carnival from Park Ave/Mill St to Park Ave/Sagamore Rd on August 25, 2013

Jennifer Gaskin stated she was representing the Worcester Caribbean Carnival Association. She stated that she has made arrangements with Sergeant Cipro to establish the necessary details needed for the event. The event is a parade procession from Park Avenue and Chandler and end at Institute Park with bands and people dressed in costumes. They will have food, vendors, and dancing in the park. Commissioner Mullan asked Ms. Gaskin why the route changed since the application had the parade starting from Park Avenue and Mill Street. Ms. Gaskin stated that was a long walk and it had to be adjusted. The police details will close off the street and two details will be at Institute Park. The time for the event is 12 pm to 6 pm.

Chair Shea asked how she was promoting it. Ms. Gaskin stated that mostly through word of mouth, Facebook, and Twitter.

Upon a motion by Mr. Mullan the Commission voted 3-0 to approve the entertainment license for the Worcester Caribbean American Carnival.

**Exhibit A:** Application for entertainment license received on February 14, 2013 and dated February 14, 2013

15. **120 June Street** - Le Mirage Café

Petition: Request for entertainment license for live music

The Commission postponed this item to the March 28, 2013 meeting because no one showed up to testify on this item.

**Exhibit A:** Application for entertainment license received on January 4, 2013 and dated January 4, 2013

16. **118 Cambridge Street** – Conchagua

Petition: Request for entertainment license

Wilbur Hernandez stated that he was looking to be able to have a jukebox, have music, TVs for sports, mariachis on Fridays, etc.

Commissioner Mullan asked if he planned to have dancing by professionals since he checked that off in the application. Mr. Hernandez said he would not have professionals and agreed to taking that portion off his application.

Lt. Johnson stated that this business has a bad track record and is against them being given an entertainment license. Lt. Johnson stated that every time they have done stings they catch them selling liquor and they do not have a liquor license.

Chair Shea asked how long the applicant had owned the business and Mr. Hernandez stated that he has owned it for 6 months. Chair Shea stated that she understands that he is new but that he has to have a better track record before they can approve the license.

Mr. Hernandez asked what he would need to do to prove that he is operating correctly. Lt. Johnson stated that they need to be abiding by the law (i.e. not selling alcohol without a license) the next time they come in.

Upon a motion by Mr. Mullan the Commission voted 3-0 to reconsider the matter at the first meeting in June. Commissioner Mullan voted yes, Commissioner Salvidio voted yes, and Chair Shea voted yes.

**Exhibit A:** Application for entertainment license received on March 6, 2013 and dated March 6, 2013

**Liquor Requests**

17. **139 Water Street** – Grey Hound Pub

Petition: Request for Alteration of Premises to allow outdoor seating

Paul Curley stated that he is the general manager for the Grey Hound Pub. He stated that some of the abutter notices were not returned. One abutter moved and did not leave a forwarding address.

Chair Shea asked how many seats he plans on having outside and Mr. Curley stated that he is proposing four. Commissioner Mullan stated that he has to keep the area enclosed in order to prevent just anyone from the outside sitting there. Mr. Curley stated that he has six tension barriers that he will use to enclose the area.

Upon a motion by Mr. Mullan the Commission voted 3-0 to approve the alteration of premises for 139 Water Street.

**Exhibit A:** Application for entertainment license received on February 14, 2013 and dated February 14, 2013.

18. **72 Grove Street** – Courtyard by Marriott

Petition: Request for change of manager to Socrates Ramirez

The applicant requested a postponement to the next meeting prior to the meeting.

**Exhibit A:** Application for change of manager received on February 11, 2013 and dated January 21, 2013

19. **60 Shrewsbury Street** – 7 Nana Steakhouse

Petition: Request for change of manager to Katherine Kostas

Katherine Kostas stated that she has years of experience. She used to own the Flying Rhino on Shrewsbury Street and Ritual on Main Street. She has been a bartender at Haiku and at the Pleasant Country Club. The Nana Steakhouse is doing great presently.

Upon a motion by Mr. Mullan the Commission voted 3-0 to approve the change of manager application submitted.

### **Violation Hearings**

20. **68 Stafford Street** – Gibbons wine and Spirits

Violation of Rule #6 (sale to underage person)

Chair Shea swore Mr. Navin Wadhvani in and he signed a waiver to legal counsel. Lt. Johnson read the following violation report:

On August 12, 2012, Lt. Jim Johnson and Officers Edward Saucier and Bill Stout conducted compliance checks at various package stores throughout the city. A 19 year old male (identifying information held in the Alcohol Unit) accompanied the police and was instructed to enter a package store and attempt to purchase a six pack of Bud Light cans without providing identification. He was instructed to politely state he did not have identification

if asked. He was instructed not to be confrontational at any time and to walk out of the place of business calmly with or without making a purchase. He was given these instructions each time he entered a different store and he was observed both entering and exiting the stores. Prior to going out, the 19 year old male was given a breathalyzer test in the cell room and again when we returned. He was not allowed to carry identification on his person.

At around 1740 hrs, the 19 year old male entered Gibbons Wine and Spirits, located at 68 Stafford Street, and purchased a six pack of Bud Light 12 ounce cans for \$7.00 without being asked to provide identification. Officer Saucier entered the place of business a short time later to advise them of the violation. The clerk at Gibbons Wine and Spirits stated that he was busy at the time and was sorry. He was advised that the manager would be notified to appear before the License Commission for the violation.

Mr. Wadhvani stated that he was not present and it seems that this only occurs when he is not on the premises. He stated that he really stresses to all his employees to card everyone, not matter the age. He stated that his business has dropped in the last six months since the older patrons get annoyed that they are getting carded.

Mr. Wadhvani stated that the person that committed the violation no longer works for him, both of the employees working that day were let go. He stated that his problem has been that the employees do not care. They do not even care about being caught on camera stealing from him. Mr. Wadhvani asked why the employee would not get fined directly. Commissioner Mullan stated that the responsibility of the business falls to the license holder.

Commissioner Mullan asked if he has an electronic reader and Mr. Wadhvani stated that he does but it is separate from the point of sale system. He is looking to purchase one that integrates both. Mr. Wadhvani stated that he is trying to do the right thing and eventually wants to expand his business. He also stated that he makes sure that all his employees are TIPS certified.

Commissioner Mullan advised that he make a sign to the patrons apologizing for having to card everyone.

Upon a motion by Mr. Mullan the Commission voted 3-0 to find a violation. Commissioner Mullan voted yes, Commissioner Salvidio voted yes, and Chair Shea voted yes.

Commissioner Salvidio recommended a three day suspended suspension with one day served.

Upon a motion by Mr. Mullan the Commission voted 3-0 to serve a three day suspended suspension with one day served. The date is to be determined at a later date with the License Commission office. Commissioner Mullan voted yes, Commissioner Salvidio voted yes, and Chair Shea voted yes.

21. **557 Southwest Cutoff** – Kwik Pik  
Violation of Rule #6 (sale to underage person)



Chair Shea swore Mr. Ashil Patel in and he signed a waiver to legal counsel. Lt. Johnson read the following violation report:

On August 12, 2012, Lt. James Johnson and Officers Edward Saucier and Bill Stout conducted compliance checks at various package stores throughout the city. A 19 year old male (identifying information held in the Alcohol Unit) accompanied the police and was instructed to enter a package store and attempt to purchase a six pack of Bud Light cans without providing identification. He was instructed to politely state he did not have identification if asked. He was instructed not to be confrontational at any time and to walk out of the place of business calmly with or without making a purchase. He was given these instructions each time he entered a different store and he was observed both entering and exiting the stores. Prior to going out, the 19 year old male was given a breathalyzer test in the cell room and again when we returned. He was not allowed to carry identification on his person.

At around 1830 hrs, the 19 year old male entered Kwik Pik located at 557 Southwest Cutoff and purchased a six pack of Bud Light 12 ounce cans for \$6.49 without being asked to provide identification. Officer Saucier entered the place of business a short time later to advise them of the violation. While the clerk at Kwik Pik did not seem to speak English very well he appeared to understand that he made a mistake by not asking for identification. He was advised that the manager would be notified to appear before the License Commission for the violation.

Mr. Patel stated that it was their fault. The employee does not work for him anymore. The employee was not comfortable speaking English so he did not ask for ID.

Chair Shea stated that she was concerned about this when he applied and she asked how he has changed things. Mr. Patel stated he has someone that speaks better English and he is also looking to the point of sale system that integrates the ID scanner.

Commissioner Salvidio stated that he heard the same things that Mr. Patel was stating when he was before them in October. Commissioner Salvidio stated that he is held to a higher standard because he does not have the same clientele that a package store does, kids frequent his convenience store. It is a privilege to have a liquor license.

Upon a motion by Mr. Mullan the Commission voted 3-0 to find a violation. Commissioner Mullan voted yes, Commissioner Salvidio voted yes, and Chair Shea voted yes.

Commissioner Salvidio recommended a five day suspended suspension with two days served.

Upon a motion by Mr. Mullan the Commission voted 3-0 to serve a five day suspended suspension with two days served, which do not have to be consecutive, within the next six months. The beer and wine has to be covered and blocked off on those days. The date is to be determined at a later date with the License Commission office. Commissioner Mullan voted yes, Commissioner Salvidio voted yes, and Chair Shea voted yes.

### **Other Business**

**Communications** – No comments on the following communications.

- A.B.C.C. Communication – Notice of Hearing 99 Restaurant-Pubs
- A.B.C.C. Communication – Notice of Hearing Mahoney’s
- A.B.C.C. Communication – Notice of Hearing McGuire’s Place
- A.B.C.C. Communication – Notice of Hearing Three G’s Sports Bar
- Request for Continuance prepared by Attorney Howard Wayne re: Price Chopper’s Liquor License transfer Denial dated February 7, 2013.

**Adjournment**

The Commission adjourned at 11:05 a.m.