

MINUTES OF THE PROCEEDINGS OF THE
LICENSE COMMISSION OF THE CITY OF WORCESTER
October 10, 2013

ESTHER HOWLAND CHAMBERS

Commission Members Present: Karon Shea, Chairperson
Paul Mullan, Commissioner
Anthony Salvidio, Commissioner

Commission Members Absent:

Staff Present: Deborah Steele, Planning & Regulatory Services
Lt. James Johnson, Worcester Police Department
Officer Mark Jolin, Worcester Police Department
Officer Edward Saucier, Worcester Police Department
Alexandra Haralambous, Law Department
James Foley, Inspectional Services

Call to Order –

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

Upon a motion the Commission voted 3-0 to approve the minutes of September 19, 2013

New Business

Common Victualer – Food Only:

1. Petition: Request for common victualer license – Babu Lukose

Petitioner: City Mart, 1130 Pleasant Street

Babu Lukose appeared on behalf of the item. He stated this would be for a deli.

Upon a motion by Commissioner Mullan the Commission voted 3-0 to approve the common victualer license for City Mart.

Exhibit A: Application for common victualer license received September 16, 2013 and dated September 16, 2013.

2. Petition: Request for common victualer license –Joetta Ripley

Petitioner: Wicked Java Lounge, 108 Water Street

Joetta Ripley appeared on behalf of the item. Ms. Ripley stated this would be for a restaurant.

Upon a motion by Commissioner Mullan the Commission voted 3-0 to approve the common victualer license for Wicked Java Lounge.

Exhibit A: Application for common victualer license received September 18, 2013 and dated September 18, 2013.

3. Petition: Request for common victualer license – Mirah Dumas

Petitioner: Dos Tacos Café, 296 Pleasant Street

Mirah Dumas & Robert Santiago appeared on behalf of the item. Ms. Dumas stated this will be a restaurant serving Spanish, traditional Mexican food.

Upon a motion by Commissioner Mullan the Commission voted 3-0 to approve the common victualer license for Dos Tacos Café.

Exhibit A: Application for common victualer license received September 25, 2013 and dated September 25, 2013.

4. Petition: Request for common victualer license – Othon Zacharias

Petitioner: Riley's Breakfast & Lunch, 268 Lincoln Street

Othon Zacharias and Georgios Christofilopoulos appeared on behalf of the item. They stated they are taking over Riley's Restaurant.

Upon a motion by Commissioner Salvidio the Commission voted 3-0 to approve the common victualer license for Riley's Breakfast & Lunch.

Exhibit A: Application for common victualer received September 25, 2013 and dated September 25, 2013.

5. Petition: Request for common victualer license- Jose Rohena

Petitioner: Roasted Peppers Pizza, 229 Canterbury Street

Jose Rohena appeared on behalf of the item. Mr. Rohena stated this will be for a new restaurant.

Upon a motion by Commissioner Mullan the Commission voted 3-0 to approve the common victualer license for Roasted Peppers Pizza

Exhibit A: Application for common victualer license received October 1, 2013 and dated October 1, 2013.

Alcohol & Entertainment Permit Applications:

6. Petition: Request for change of manager to Dana Felicettie

Petitioner: Creegan's Inc, 63 Green Street

Attorney Dan Cotton and Dana Felicettie appeared on behalf of item.

Lt. Johnson stated the manager had passed the background check.

Upon a motion by Commissioner Salvidio the Commission voted 3-0 to approve the change of manager.

Exhibit A: Application for change of manager received September 17, 2013 and dated September 17, 2013.

7. Petition: Request for change of manager to Ryan Sens

Petitioner: Fiddler's Green Pub of Worcester, 42 Green Street

Ryan Sens appeared on behalf of the application.

Lt. Johnson stated the manager has passed the background check.

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

Exhibit A: Application for change of manager received September 19, 2013 and dated September 19, 2013.

8. Petitions: Request for change of license type to general on premises, transfer of location and change of dba.

Entertainment License for: Jukebox, tv, radio, dancing by patrons, dancing by entertainers, recorded music, live music, amplification system

Petitioner: Cantina Bar & Grill, present location 385 Main Street. New location, 1 Kelley Square. New dba-Tryst

Grace Carvajal appeared on behalf of the item.

Chair Shea asked what the dancing by entertainers would be.

Ms. Carvajal stated she was taking that off her petition.

Chair Shea opened the floor for the audience to speak.

Guy Glodis stated he was in opposition to the transfer as he was concerned it was a nightclub environment and even though there is parking behind the building most people will park in the front. He also stated he would oppose the transfer as the licensee has had numerous violations at her current location and he had researched the list of Worcester police calls to her current location and the calls range from narcotic to after-hours drinking and does not think this establishment would be a good neighbor in Kelley Square. Mr. Glodis also cited that Ms. Carvajal stated that she planned to have six bouncers so he would be concerned about the type of business that would operate in the new location if transfer is approved. He stated that he would welcome a sports pub but would be opposed to this operation.

Kevin Ksen stated he was speaking in support of the application and in his experience all his dealings with Cantina have been positive and Cantina has done fundraisers for non-profit groups, special events in honor of community leaders and events for city council and he stated that he has gone to some of the events at the establishment such as karaoke nights, and supports the application for transfer and is looking forward to it reopening.

Dante McAvery, Youth Council stated he held a concert fundraiser in 2012 and Cantina played a key role as they were willing to accommodate him by allowing him to use their space to hold the fundraiser. He stated that losing Cantina would be a great loss to community and supports the petition to relocate the business.

Mark Caponette of City Vapor stated his establishment is in the Kelley Square area and he would be opposed to this establishment even though a nightclub would benefit his business. He stated he believed the historical background of Cantina located at 385 Main Street showed numerous violations over a year period and police logs show there have been numerous calls to the establishment. He stated that Ms. Carvajal had to appear before a federal judge under the consumer protection act for unfair business practices. He noted that on June 10, 2010 a article in the Worcester Telegram reported that the establishment had appeared before the License Commission due to numerous violations and reported shooting he stated that when police responded they were blocked from entering and Ms. Carvajal and her staff were uncooperative and accused Officer Jolin of being corrupt when he cited them for violations. Mr. Caponette noted that since April 30 when establishment closed at current location there have been fewer problems and that is why he would be opposed to this transfer.

Commissioner Salvidio asked Lt. Johnson for clarification; one if all calls considered violations or just dispatch calls?

Lt. Johnson stated they haven't been brought in for a violation in three years and some calls are dispatch calls to the area.

John Giangregorio presented a letter on behalf of the Canal District opposing the transfer as the area is already well served with liquor establishments. A map was attached to the letter

he presented showing pouring licenses within 100 feet of location. There is a package store across the street from proposed location. The proposed transfer would add significant additional demand for parking and traffic congestion to the area creating additional public safety response issues and nuisance. The application does not include any parking provisions of leases for dedicated parking. The lot behind One Kelley Square is a parking for free lot and over the weekend the lot is full by 8:00 p.m. At the September 19, 2013 License Commission meeting it was reported that the petitioner had many serious licensing violations and The Canal District obtained the Worcester Police Department incident log from January 2010 to October 1, 2013. The calls in summary: From May/2010 thru Dec/2010 there were eleven calls for police assistance including disorderliness and fights, several resulting in arrest. From January 2011 thru December 2011 there were 19 calls for police assistance including disorderly fights, and gang activity resulting in some arrests. From January 2012 thru December 2012 there were 6 calls for fights, gang activity, and disorderliness. From January 2013 to April 2013 there were 4 calls of the same serious nature. Also, the log reports 31 alarm calls that the police responded to. He noted that the licensee has been sued for piracy of broadcast signals by J&J for showing fights without authorization. Also, that the licensee has appeared on the Massachusetts Alcohol Beverage Control Commission list for late payment and that the applicant stated at the last meeting that food would be brought by nearby vendors, Uncle Sam's Pizza and Wings over Worcester and neither have been contacted by Ms. Carvajal

Chair Shea asked how many businesses Mr. Giangregorio represented for Canal District.

Mr. Giangregorio stated 150.

Commissioner Mullan asked Mr. Giangregorio if it was the position of the Canal District that the area is well served and no more liquor establishments should be issued.

Mr. Giangregorio stated that would be up to the License Commission.

Ryan Sens stated he owns Z Café which is right next door to Cantina's current location and he can give a different perspective as being direct neighbor. He stated that he could attest that in a three month period he had the windows of his establishment broken several times and other close liquor establishment is Ritual. There have been many calls to Cantina and he has found nips outside the premises and the shared alleyway between the two businesses is full of trash.

Commissioner Salvidio asked if Mr. Sens had security cameras showing these problems were coming from Cantina.

Mr. Sens stated he did.

Joseph Lariviere stated he manages the property and should have had open house for the neighbors so it didn't get to this level. He stated he respects Ms. Carvajal as a business owner and she shouldn't be crucified for something done in the past. She should have a chance to meet with the neighbors.

Ms. Carvajal stated that she hasn't done research but is sure the number of police calls for Kelley Square would be high even without her being there and she hasn't had a violation in

three years. She stated that the reason for more bouncers is that her current location is a smaller venue but this will be a bigger location and she is looking to cater to young professionals and the reason she hadn't contacted Sam's Pizza or Wings Over Worcester is she didn't have License Commission approval yet and was waiting for that before she contacted them.

Commissioner Salvidio asked if she was trying to reproduce the same concept at the new location.

Ms. Carvajal stated it would be a theme bar, a whiskey bar.

Commissioner Salvidio asked what she envisioned the average night and theme of establishment would be.

Ms. Carvajal stated that on weekend she would expect 200-250 people and capacity of establishment is 300 and is a large venue but has 40 parking spaces in the back.

Commissioner Salvidio asked if it be more of a bar or a nightclub.

Ms. Carvajal stated it would be a bar, not a nightclub, with limited food.

Commissioner Salvidio asked when it would be busiest.

Ms. Carvajal stated the weekend.

Commissioner Salvidio asked time it would be busiest.

Ms. Carvajal stated it is random but between 11:00 p.m. and midnight.

Chair Shea stated she had concerns that the location is in Kelley Square and in close proximity to Water Street and at 2:00 a.m. you could have 200 people crossing over Vernon Street.

Ms. Carvajal stated that parking lot can accommodate 40 cars.

Chair Shea stated her concern would be that there be 200 people crossing over Water Street, Millbury Street and was not sure how that would flow.

Ms. Carvajal stated that at that time Water Street is closed and there is a police presence already in that area and this location already had a liquor license with occupancy for over 300 and it wasn't an issue. Also, the previous establishment had many violations and the district had no problem with that. She stated that there is also plenty of street parking and most businesses in the area don't have parking.

Commissioner Salvidio asked if she would have a police detail.

Ms. Carvajal stated that she would hire a police detail Thursdays, Fridays and Saturdays.

Commissioner Salvidio stated his concern is the larger venue.

Ms. Carvajal stated that where she is currently you also have Instyle, Tammany Hall, Venue, and Bluri further down and they all close at 2:00 a.m. and not all police calls are for her establishment.

Chair Shea stated her concern is that the new location is going to be a nightclub and she is concerned about the traffic.

Ms. Carvajal stated that if you look at Millbury Street, Varsity, Perfect Game are run as nightclubs and her establishment is going to be a whiskey bar named Tryst which will have large selection of whiskey and bourbon.

Upon a roll call the Commission voted 2-1 (Commissioner Mullan voting yes) to deny the request to transfer the location of Cantina Bar and Grill from 385 Main Street to 1 Kelley Square.

Commissioner Salvidio stated that the reason for his denial is the prior history of the license holder. He did not feel that she could handle a larger venue and that she did not have a long enough history of no violations.

Chair Shea stated her concerns were relative to traffic and pedestrian issues.

Exhibit A: Application for transfer of location, change of license type, change of dba, received on September 23, 2013 and dated August 3, 2013.

Exhibit B: Application for entertainment license received on September 12, 2013 and dated September 12, 2013.

Exhibit C: Letter from Canal District dated October 10, 2013 received at October 10, 2013 License Commission meeting.

Exhibit D: Letter from Kevin Ksen dated October 9, 2013 received at October 10, 2013 License Commission meeting

Exhibit E: Electronic email from Judy Diamondstone dated October 3, 2013.

Exhibit F: Letter from Canal District dated September 19, 2013 received at September 19, 2013 License Commission meeting.

9. Petition: Request for restaurant all alcohol license

Petitioner: Mezcal Tequila Cantina, Inc., 30 Major Taylor Blvd., Brian Cullina

David Green and Brian Cullina appeared on behalf of the item.

The Commissioners stated they had visited the site prior to the meeting and were impressed with the location.

Lt. Johnson stated all parties have passed background checks.

Mr. Cullina stated it will be a restaurant with alcohol and the establishment has its own parking garage.

Upon a motion by Commissioner Salvidio the Commission voted 3-0 to approve the restaurant all alcohol license.

Exhibit A: Application for restaurant all alcohol license received on September 9, 2013 and dated September 9, 2013.

10. Petition: Request for pledge of license

Petitioner: Om Shree Krishnay, Inc. dba H&B Wines & Liquors, 725 Grafton Street

Jignesh Pachani and Diane Brazelton appeared on behalf of the item.

Mr. Pachani stated he was applying to take over the business of H&B Wines & Liquors.

Upon a motion by Commissioner Mullan the Commission voted 3-0 to approve the transfer of the package store all alcohol license and the pledge of license.

Exhibit A: Application for transfer of package store all alcohol license and pledge of license received on September 17, 2013 and dated September 17, 2013.

Violation Hearings:

**11. Jasmat Corporation, dba Mahoneys Pub
413 Park Avenue**

Violation of Rules #1, #14, sale or consumption of alcohol after hours

Ms. Steele stated licensee had requested postponement.

Upon a motion the Commission voted 3-0 to postpone item until the October 24, 2013 License Commission meeting.

**12. Lisa Rodriguez, dba Blackstone Pizza & Grill (aka Center Bar)
102 Green Street**

Violation of Rule #14, #27, #29, overcrowding

Lisa Tiscione Rodriguez and Attorney Keith Higgins appeared on behalf of the item.

Chair Shea recused herself from this item.

Lt. Johnson read the following police report:

On 09-07-13 Officer Mark E Jolin was working in his current assignment as a member of the Worcester Police Alcohol Enforcement Unit. He was wearing plain clothes and operating an unmarked Police vehicle.

At approximately 0130 hours Officer Nate Lafleche from Operations Division called out that he had a fight at the Center Bar located at 102 Green Street and that he needed more (Police) cars. He was on Foster Street heading to Green Street as the call came out and was there in less than a minute. There was much confusion and probably 200 people in front of the Center Bar which was still crowded inside. Officer Jolin ran down Pond Street along the side of the Center Bar and found Officer Lafleche with one male in custody.

Officer Lafleche said that he was all set with the male in handcuffs and informed me that he thought that the victim was around the corner.

Officer Jolin cut through a parking lot and found the victim lying in the middle of Harrison Street. The male had been eviscerated. His abdomen had been cut open horizontally from one side to the other. Officer Jolin estimated that the wound was at least 14 inches long and had cut through the fat and muscle exposing the male's intestine.

Officer Jolin estimated that the Center Bar had approximately 300 people at their club at this time from the crowd hanging directly in front of the bar and the people that were inside upon my arrival. Officer Jolin checked with the Banner Bar which is right next door to the Center and was informed that as soon as the fight broke out and the staff saw the bloody male, all of the Banner doors were locked and all patrons remained inside the Banner for their own safety. The Center Bar has a capacity of 209 people putting them well over their occupancy. Center Bar staff member Joe Nader estimated the crowd at 250 when Officer Jolin asked him about the number of patrons.

Attorney Higgins stated the licensee did not contest the violation but stated the he has taken steps to ensure that a situation like this does not happen again. On Friday and Saturday evenings a police detail has been hired along with the three or four bouncers present at the establishment. Additionally, the establishment has changed the type of music they play and stop the music at 1:40 a.m. to ensure everyone off the premises by 2:00 a.m. The bouncer at the door now has a counter so he can count how many people enter the establishment to make sure they do not go over the occupancy of the premises.

Commissioner Mullan stated he appreciated the fact they have added a police detail at the establishment and would like to see that made a condition of the liquor license.

Commissioner Mullan stated that the day after this incident he was doing a ride along with Worcester Police and they went to this establishment and the place was packed and he personally had to help a lady up who was leaving establishment and appeared to be intoxicated.

Commissioner Mullan stated that he appreciated they are taking responsibility for the violation but will be recommending the police detail as a condition.

Commissioner Salvidio stated that the license holder was being proactive and appreciates that because he doesn't want them to appear before Commission again with another violation that could result in serious consequences for this business.

Upon a motion by Commissioner Mullan and seconded by Commissioner Salvidio the Commission voted 2-0 that violations of #14 and #27 of the License Commission rules and regulations had occurred and imposed a two day suspended suspension.

Upon a motion by Commissioner Mullan and seconded by Commissioner Salvidio the Commission voted 2-0 that a police detail be hired for Fridays and Saturdays evenings as a condition of the license.

Upon a motion by Commissioner Mullan and seconded by Commissioner Salvidio the Commission voted 2-0 that a violation of Rule #29 of the License Commission rules and regulations had not occurred.

Exhibit A: Police Report dated September 7, 2013.

Other Business:

- 394 Belmont Street – Johnny Fugata-Resignation of manager
- John Piccolo appeared on behalf of item. He stated he would be filing a change of manager application.
- Communication to 7 Nana Steakhouse re: resignation of manager – 7/1/2013
- Ms. Steele stated that she had received a letter of resignation from the licensed manager for 7 Nana Steakhouse and sent a letter to the license holder stating they needed to apply for change of manager but no application has been submitted. Lt. Johnson stated he would send an officer to the premises.

Communications

A.B.C.C. Communication: Lincoln Discount Liquors-Filed