

MINUTES OF THE PROCEEDINGS OF THE
LICENSE COMMISSION OF THE CITY OF WORCESTER
JANUARY 9, 2014

ESTHER HOWLAND CHAMBERS

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

Approval of the Minutes – 3/28/2013, 12/19/2013

Upon a motion by Commissioner Salvidio the Commission voted 3-0 to approve the minutes of March 28, 2013 and December 19, 2013.

New Business

One Day Liquor & Entertainment Requests:

1. Petition: Request for one day liquor license – January 25, 2014-6:00 p.m.-Midnight
Petitioner: St. Spyridon Cathedral – 102 Russell Street

Upon a motion by Commissioner Salvidio the Commission voted 3-0 to approve the one day liquor license for St. Spyridon Cathedral.

Exhibit A: Application for one day liquor license received on December 19, 2013 and dated December 19, 2013.

Common Victualer – Food Only:

2. Petition: Request for common victualer license –

Petitioner: Caribbean Café, 534 Pleasant Street

Mark Stephans appeared on behalf of the application. He stated he was looking to open a French fusion restaurant.

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

Exhibit A: Application for common victualer license received December 5, 2013 and dated December 5, 2013.

3. Petition: Request for common victualer license –

Petitioner: Wayne's Pizza, 93 West Boylston Street

Ehab Hamafy appeared on behalf of the item. He stated he was taking over ownership of an existing pizza restaurant.

Upon a motion by Commissioner Salvidio the Commission voted 3-0 to approve the common victualer license for Wayne's Pizza.

Exhibit A: Application for common victualer license received December 10, 2013 and dated December 10, 2013.

4. Petition: Request for common victualer license

Petitioner: La Sonrisa Market Inc., 4 May Street

Jose Then appeared on behalf of application. He stated he is planning to open a deli.

Upon a motion by Commissioner Salvidio the Commission voted 3-0 to approve the common victualer license for La Sonrisa Market.

Exhibit A: Application for common victualer license received December 20, 2013 and dated December 20, 2013.

5. Petition: Request for common victualer license

Petitioner: Green China, 65 James Street

The applicant did not appear for the meeting.

Upon a motion by Commissioner Salvidio the Commission voted 3-0 to approve the common victualer license for Green China.

Exhibit A: Application for common victualer license received December 12, 2013 and dated December 12, 2013.

6. Petition: Request for common victualer license

Petitioner: Elm Park Café, 255 Park Avenue

Brunhilda Flamuraj appeared on behalf of the application. She stated she was opening a restaurant that would serve breakfast and lunch.

Upon a motion by Commissioner Salvidio the Commission voted 3-0 to approve the common victualer license for Elm Park Café.

Exhibit A: Application for common victualer license received December 11, 2013 and dated December 11, 2013.

Alcohol & Entertainment Permit Applications:

7. Petition: Request for change of manager & change officers & directors

Petitioner: Tavco Main Street, Inc., dba Golden Pizza, 1168 Main Street

Ms. Steele informed the Commission that the applicant requested to postpone until the January 23, 2014 meeting.

Exhibit A: Application for change of manager & change officers & directors received on November 27, 2013 and dated November 27, 2013.

8. Petition: Request for change of manager

Petitioner: 7 Nana Steakhouse, 60 Shrewsbury Street

Lt. Johnson stated that this item will need to be postponed until the next meeting.

Exhibit A: Application for change of manager received on December 18, 2013 and dated December 18, 2013.

Petition: Request for new general on premises all alcohol license

9. Petitioner: Green Diamond, LLC dba Worcester Bravehearts, Fitton Field-1 College Street

John Creedon appeared on behalf of the application.

Chair Shea stated that herself and the other Commissioners had viewed the site prior to the meeting.

Mr. Creedon stated that this will be for the alcohol concession for the new Worcester Braveheart baseball team that will start in Spring 2014.

Commissioner Mullan asked how much hard alcohol was going to be sold. Mr. Creedon stated it will mostly beer and wine and only hard alcohol will be sold on special promotional nights they may have.

Lt. Johnson stated he would like to see a police detail for the first few games just so everything goes smoothly. Mr. Creedon stated he would be amenable to that.

Upon a motion by Commissioner Salvidio the Commission voted 3-0 to approve the general on premises all alcohol license for Green Diamond LLC dba Worcester Bravehearts.

Exhibit A: Application for general on premises all alcohol license received December 16, 2013 and dated December 16, 2013.

10. Petition: Request for new restaurant all alcohol license

Petitioner: Chongqing Corporation dba Red Pepper Restaurant, 1083 Main Street

Alan Wong appeared on behalf of the application. He stated he will be opening a new restaurant at this location and would like to sell alcohol. Mr. Wong stated he also has another restaurant that sells alcohol so has experience on the way things need to be run.

Upon a motion by Commissioner Salvdivio the Commission voted 3-0 to approve the restaurant all alcohol license for Chongqing Corporation dba Red Pepper Restaurant.

Exhibit A: Application for restaurant all alcohol license received on December 16, 2013 and dated December 16, 2013.

Violation Hearings

11. The Shisha Room, 86 Shrewsbury Street – Violation of Rules #1, #14,

Rosemarie Melkonian appeared to answer to the violation and waived her right to counsel.

Lt. Johnson presented the following:

On October 25, 2013, Officer Edward Saucier was on patrol in the Shrewsbury Street area and at 2:15 a.m. noticed a group of four people sitting at a table inside the Shisha Room. Officer Saucier proceeded to enter the establishment and observed the four people sitting at the table. Two of the patrons had half full Corona Beer bottles. The only other people in the establishment at the time of the incident were the bartender and the Hookah preparer. The bartender told Officer Saucier that she was unaware that patrons could not remain on the premises after 2:00 a.m. and was sorry. The manager also informed Officer Saucier that the manager was in California and that she and the Hookah preparer were in charge.

Ms. Melkonian stated she was in California at time of incident but the bartender had called and informed her and told her that a customer had lost a watch and went to go look for it and his friends were waiting for him to come back when the officer came in.

Ms. Melkonian stated that she had instructed staff that everyone needs to be off the premises by 2:00 a.m. and had subsequently fired the bartender due to this incident.

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

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

Exhibit A: Police report dated October 25, 2013.

12. Kirsch Liquors, 646 Main Street – Violation of Rules #6, #21

Robert Kirsch to answer to the violation and waived his right to counsel.

Lt. Johnson presented the following:

On May 25, 2013, Officers Mark Jolin and Bill Stout, along with Lieutenant James Johnson conducted compliance checks at various package stores throughout the city. An underage male (identifying information held at the Worcester Police Station Alcohol Unit) accompanied the officers and was instructed to enter a package store and attempt to purchase alcohol 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 underage male was given a breathalyzer test in the cell room and again upon his return. He was not allowed to carry identification on his person.

At around 4:05 p.m., the underage male entered Kirsch Liquors, located at 646 Main Street, and purchased a 40 ounce Miller High Life Beer for \$2.55 without being asked to provide identification. At the conclusion of the sting, Officer Jolin contacted the business to inform them of the violation and advised that the manager would have to appear before the License Commission.

Mr. Kirsch stated he had video surveillance in his store and his clerk had a lapse in judgment when he sold to the minor and his staff has always been instructed to check ID's and he has invested in an ID checker.

Commissioner Mullan note that the staff still needs to use the machine to check ID's in order for it to be effective and he noted that the establishment has not had an incident in fourteen years.

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

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

Exhibit A: Police report dated October 25, 2013.

Other Business:

13. Vote to Consider Advertising an Amendment to the Outdoor Dining Rules & Regulations
(with regards to proposed removal of section k of Standard Conditions)

The Commission voted 3-0 to advertise item for next meeting.

Adjournment

Upon a motion by Commissioner Salvidio the Commission voted 3-0 to adjourn the meeting at 10:30 a.m.