

MINUTES OF THE PROCEEDINGS OF THE
LICENSE COMMISSION OF THE CITY OF WORCESTER
JULY 21, 2016

ESTHER HOWLAND CHAMBER

Commission Members Present: Karon Shea, Chairperson
Anthony Salvidio, Commissioner
Walter Shea, Commissioner

Commission Members Absent:

Staff Present: Stephen Rolle, Planning & Regulatory Services
Deborah Steele, Planning & Regulatory Services
Alexandra Kalkounis, Law Department
James Foley, Inspectional Services
Lt. James Johnson, Worcester Police Department
Officer Patrick Harrington, Worcester Police Department
Lt. Brian McGurl, Fire Prevention Division
Lt. Jeffrey Dubeau, Fire Prevention Division

Approval of the Minutes – June 9, 2016, June 23, 2016

Upon a motion the Commission voted 3-0 to approve the minutes of June 9, 2016 and June 23, 2016.

Old Business

1. Proposed Amendments to Entertainment Rules & Regulations

Mr. Rolle stated that he would like to postpone this item until September.

Upon a motion the Commission voted to postpone the item until the September 1, 2016 License Commission meeting.

NEW BUSINESS

One Day Liquor & Entertainment Requests:

2. Petition: Request for one day liquor license

- Friday-August 19, 2016 – 10:00 a.m.-5:00 p.m.
- Saturday-August 20, 2016-Noon-8:00 p.m.

Petitioner: Centro Las Americas, Worcester Common

No one appeared for the item and the Commission postponed the item until the August 11, 2016 License Commission meeting.

Exhibit A: Application for one day liquor license received June 22, 2016 and dated June 22, 2016.

2a. Petition: Request for one day entertainment license for live music, dancing by performers and dancing by patrons

- Friday-August 19, 2016 – 10:00 a.m.-5:00 p.m.
- Saturday-August 20, 2016-Noon-8:00 p.m.

Petitioner: Cento Las Americas, Worcester Common

No one appeared for the item and the Commission postponed the item until the August 11, 2016 License Commission meeting.

Exhibit A: Application for one day entertainment license received June 22, 2016 and dated June 22, 2016.

3. Petition: Request for one day liquor license

- Saturday-August 6, 2016 – 5:30 p.m.-9:30 p.m.
- Saturday-September 10, 2016-2:00 p.m.-6:00 p.m.

Petitioner: Regatta Point Community Sailing, 10 Lake Avenue North

Lucas Marken and Natalie Diverie appeared on behalf of the application.

Mr. Marken stated that August 6, 2016 is their annual clambake and about 100 people will be expected.

Mr. Marken Stated that the September 10, 2016 is for their wooden boat show.

Chair Shea asked if there would be police details. Mr. Marken stated that the Environmental Police would be present for the event and all the servers are server trained.

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

Exhibit A: Application for one day liquor license received June 28, 2016 and dated June 28, 2016.

4. Petition: Request for one day liquor license

- Wednesday-Sunday August 17-21, 2016-11:00 a.m.-Midnight

Petitioner: Our Lady of Mt. Carmel, 28 Mulberry Street

Nick Murrock appeared on behalf of the application. He stated that the 11:00 a.m. would be too early so they would just do 2:00 p.m.-Midnight and they expecting about 20,000 people and they have hired off duty details and stated that they had a server training class for the people who would serve the liquor and the event will be outside and everything is closed in with bike security racks. He stated that there is limited parking on the property so they do valet parking and have permission to use several lots in the area.

Upon a motion the Commission voted to approve the one day liquor licenses with amendment that it begins at 2:00 p.m.-Midnight.

Exhibit A: Application for one day liquor license received June 30, 2016 and dated June 30, 2016.

5. Petition: Request for one day entertainment license

- Thursday-August 18, 2016 – 3:00 p.m.-Midnight
- Friday-August 19, 2016-4:00 p.m.-Midnight
- Saturday-August 20, 2016-11:00 a.m.-Midnight
- Sunday-August 21, 2016-10:00 a.m.-5:00 p.m.

Petitioner: Our Lady of Mt. Carmel, 28 Mulberry Street

Nick Murrock appeared on behalf of the application.

Chair Shea asked what would be the entertainment. Mr. Murrock stated that some singers and dancers.

Chair Shea asked how would the noise be controlled. Mr. Murrock stated that they have Worcester Sound and they will control the volume.

Commissioner Salvidio asked if the applicant had gone and spoken with the residents of Mt. Carmel Apartments as they have expressed concern in the past about noise. Mr. Murrock stated that some of the residents are on the Committee and they have spoken with the residents.

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

Exhibit A: Application for one day liquor license received June 30, 2016 and dated June 30, 2016.

6. Petition: Request for one day liquor license

- Friday-July 29, 2016 – 5:00 p.m.-8:00 p.m.

Petitioner: City of Worcester-City Manager's Office, 455 Main Street

Che Anderson from the City Manager's Office appeared on behalf of the application.

Mr. Anderson stated that that this is for summer kickoff and there will be food, food trucks and a beer tent and they have received permission from the Parks Department to allow people to purchase beer from the beer tent but then be able to walk around the Common as it will be roped off. He stated they expect between 300-350 people and they will have a police detail and they have certified bartenders and also have two certified bartenders for back up.

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

Exhibit A: Application for one day liquor license received June 22, 2016 and dated June 22, 2016.

7. Petition: Request for one day liquor license
- Saturday-July 30, 2016-1:00 p.m.-6:00 p.m.

Petitioner: Robert Moynagh, 25 Exchange Street

Robert Moynagh appeared on behalf of the application. He stated that this is for a fundraiser for Special Olympics and they plan to have a big roast outside in the little alleyway next to the establishment.

Commissioner Salvidio stated that the applicant may want to extend the hours and suggested Noon to 8:00 p.m.

Chair Shea asked if area would be roped off. Mr. Moynagh stated that they would put cones up and staff will be on site to control area and for parking there are two parking lots right across the street so he didn't anticipate any parking problems.

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

Exhibit A: Application for one day liquor license received July 7, 2016 and dated July 7, 2016.

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

8. Petition: Request for one day liquor license
- Saturday-August 6, 2016-6:00 p.m.-Midnight
 - Saturday-August 27, 2016-7:00 p.m.-Midnight
 - Saturday-October 1, 2016-8:00 p.m.-1:00 a.m.

Petitioner: St. Spyridon Cathedral, 102 Russell Street

Michael Dionis appeared on behalf of the applications. He stated that all three events are for wedding receptions. He stated that the first two events will have 250 people and last will have 150 people.

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

Exhibit A: Application for one day liquor license received July 7, 2016 and dated July 7, 2016.

9. Petition: Request for one day liquor license

- Wednesday-July 27, 2016-4:00 p.m.-Midnight
- Sunday-September 18, 2016 – 4:00 p.m.-Midnight
- Sunday-October 9, 2016-Noon-1:00 a.m.

Petitioner: Angela Padavano, 358 Shrewsbury Street

Angela Padavano appeared on behalf of the applications.

She stated that she withdrawing the July 27, 2016 request as she will just be using the patio.

Mr. Rolle reminded the applicant that the patrons must remain on the patio and not go onto the grass.

Mr. Rolle asked what are the normal hours for patio. Ms. Padavano stated 10:30 p.m. Mr. Rolle stated that if she wanted to extend Midnight she would need approval for that. Ms. Padavano stated that she would stick to closing at 10:30 p.m.

Ms. Padavano stated on September 18, she would like to rope of the parking lot and have a band in the parking lot and allow people to drink the parking lot.

Chair Shea asked how many people would be expected. Ms. Padavano stated between 50-100.

Ms. Padavano stated that there would not be a beer truck at this event and people would get the liquor from inside and parking is not an issue as she only going to use six spaces.

Commissioner Salvidio asked if parking lot would only be reduced by six spaces. Ms. Padavano stated that would be correct.

Mr. Rolle asked what would be the hours.

Ms. Padavano stated 4:00 p.m.-Midnight. The Commission stated that they couldn't allow to midnight and would only allow to 10:30 p.m.

Chair Shea asked for details on the October 9 event. Ms. Padavano stated that it would be for the Columbus Day Parade and she have a beer truck in the lot. The Commission stated as it similar to the prior event it would need to end at 10:30 p.m.

Mr. Rolle asked if intent that only the six spaces used for the beer truck. Ms. Padavano stated yes.

Upon a motion the Commission voted 3-0 to approve the three one day licenses with the amendments and accepted a Leave to withdraw for the July 27, 2016 one day liquor request.

Exhibit A: Application for one day liquor license received July 5, 2016 and dated July 5, 2016.

Exhibit B: Electronic Nikki Clemente received July 18, 2016.

10. Petition: Request for one day entertainment license for live music, amplification system

- Wednesday-July 27, 2016-6:00 p.m.-9:00 p.m.
- Sunday – September 18, 2016-4:00 p.m.-9:00 p.m.
- Sunday – October 9, 2016-2:00 p.m.-6:00 p.m.

Petitioner: Angela Padavano, 358 Shrewsbury Street

Angela Padavano appeared on behalf of the applications.

Ms. Padavano stated July 27, 2016 it would be for the Walk N Rock.

Chair Shea asked Ms. Padavano to review type of entertainment proposed.

Ms. Padavano stated that July 27 it is an acoustic duo guitar player and a bongo player and the other two dates will be 4-5 piece bands.

Chair Shea asked how the entertainment would be set up. Ms. Padavano stated that it would be a roped off area near the patio and the entertainment will be pointed toward their premises and the hours are early.

Commissioner Salvidio stated that he would prefer 5:00 p.m. to 8:30 on the September 18 date.

Mr. Rolle asked if the Commission is aware that instruments are acoustic type instruments.

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

Exhibit A: Application for one day entertainment license received July 5, 2016 and dated July 5, 2016.

11. Petition: Request for outdoor live music

- July 27, 2016-6:00 p.m.-11:00 p.m.
- October 15, 2016-5:00 p.m.-10:00 p.m.

Petitioner: Piccolo's, 157 Shrewsbury Street

John Piccolo appeared on behalf of the application.

Mr. Piccolo stated that the October date would actually be October 9, 2016 and would be 2:00 p.m. to 10:00 p.m.

Chair Shea asked how many people would be expected at event. Mr. Piccolo stated about 100 people and July 27, 2016 would be outside and October 15, 2016 would be outside weather permitting.

Chair Shea asked how would the parking would be handle. Mr. Piccolo stated that he doesn't think about the parking as it is Shrewsbury Street and people find parking. He stated that the entertainment would be a small 2 piece acoustic band.

Chair Shea asked how the noise would be controlled. Mr. Piccolo stated that it is light rock and not a lot of amplifiers and speakers.

Chair Shea stated that they are asking about noise due to the fact that the establishment abuts a residential neighborhood.

Mr. Rolle reminded the applicant that since the entertainment is outside regular outside area so the applicant would need to apply for a street closure permit for that sidewalk.

Upon a motion the Commission voted 3-0 to approve the one day entertainment license with condition that the street closure permit be obtained.

Exhibit A: Application for one day entertainment license received July 5, 2016 and dated July 5, 2016.

12. Petition: Request for outdoor live music

- Wednesday July 27, 2016 – 6:00 p.m. – 11:00 p.m.

Petitioner: Meze Greek Tapas, 156 Shrewsbury Street

Sotirios Georgiadis appeared on behalf of the application. He stated that this is outside in his sidewalk area and he obtained the permit from DPW and if there is any complaints from neighbors he would be happy to lower the music.

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

Exhibit A: Application for one day entertainment license July 5, 2016 and dated July 5, 2016.

Common Victualer Requests:

13. Petition: Request for common victualer license

Petitioner: AW Holdings, LLC dba Edible Arrangements, 455 Pleasant Street

Aramis Jordan appeared on 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 received June 30, 2016 and dated June 30, 2016.

14. Petition: Request for common victualer license

Petitioner: Donana Food Services, Inc., 358 Shrewsbury Street

Ms. Steele informed the Commission that the application had been withdrawn.

Exhibit A: Application for common victualer license received July 5, 2016 and dated July 5, 2016.

15. Petition: Request for common victualer license

Petitioner: Techni Mediterranean Grill, 8-10 Portland Street

Upon a motion the Commission voted 3-0 to approve the common victualer license.

Exhibit A: Application for common victualer license received July 5, 2016 and dated July 5, 2016.

Alcohol & Entertainment Requests:

Commissioner Salvidio recused himself from the item.

16. Petition: Request for alteration of premises

Petitioner: Brooks Street Realty, LLC, 135 Brooks Street

Attorney Lawrence Brodeur, Tony Pingatori, John MacDonald and the manager of the facility appeared on behalf of the application. Attorney Brodeur stated that they would like to expand the liquor license to all 18 auditoriums.

Mr. Pingatori stated that each seat has a cup holder and all staff are TIPS trained. He stated that all tickets list the alcohol policy for the premises and they card anyone who looks under 35 and they use UVID Technology and they use unique plastic glassware and ushers search for violations by using Carson Auro Night Vision Monocular. He stated that all incidents are reported and they hire an independent secret checking service to report any policy violation that they work with a former ABCC investiture and last call would be at 11:30 p.m. and drinks will be cleared by 12:15 – 12:30 a.m.

Chair Shea asked if there would be a place for patrons to sit. Mr. Pingatori stated that there probably be a few seats in the lobby but there is no defined space.

Mr. Pingatori stated that there is two drink limit but person purchasing has to have person with them that they are buying for.

Commissioner Shea asked there was ever a problem with people sneaking in alcohol. Mr. MacDonald stated that it does happen but it is rare.

Lt. Johnson stated that the Worcester Police Department has a grant to do alcohol training for employees and be happy to set something up with the theatre.

Lt. Johnson stated that the Worcester Police Department recommendation would be that there be a police detail on Friday and Saturday from 7:00 p.m.-Midnight at least for the first six months.

Mr. Pingatori stated that they would be happy to comply with that.

Upon a motion the Commission voted 3-0 to approve the alteration of premises with condition that a police detail be hired for Friday and Saturday nights from 7:00 p.m.-Midnight.

Exhibit A: Application for alteration of premises received June 15, 2016 and dated June 15, 2016.

- 17.** Petition: Request to open at 10:00 on Sunday's
Petitioner: 90 Harding Street LLC dba Compass Tavern, 90
Harding Street

David Domenick appeared on behalf of the application and stated that he like to open his restaurant at 10:00 a.m. on Sunday.

Upon a motion the Commission voted 3-0 to approve the application to open at 10:00 a.m. on Sunday.

Exhibit A: Application to open at 10:00 a.m. on Sunday received June 9, 2016 and dated June 9, 2016.

- 18.** Petition: Request to transfer restaurant all alcohol license
Petitioner: The Usual Corporation, 166 Shrewsbury Street

Ms. Steele stated that the applicant had requested to postpone the item until the August 11, 2016 License Commission meeting.

Exhibit A: Application for transfer of restaurant all alcohol license received July 5, 2016 and dated July 5, 2016.

- 18a.** Petition: Request for entertainment license for jukebox, tv, radio,
dancing by patrons, recorded music, live music,
amplification system
Petitioner: The Usual Corporation, 166 Shrewsbury Street

Ms. Steele stated that the applicant had requested to postpone the item until the August 11, 2016 License Commission meeting.

Exhibit A: Application for entertainment license received July 5, 2016 and dated July 5, 2016.

- 19.** Petition: Request for entertainment license for jukebox, tv, radio,
dancing by patrons, recorded music,
live music, amplification system, karaoke
Petitioner: John Fresolo dba Rockys' Food & Spirits, 139 Water
Street

Ms. Steele stated that the item had been postponed until the August 11, 2016 License Commission meeting.

Exhibit A: Application for entertainment license received July 1, 2016 and dated July 1, 2016.

20. Petition: Request for transfer of restaurant all alcohol license

Petitioner: The Blackstone Tap Corporation, 81 Water Street

Ms. Steele stated that the applicant had requested to postpone the item until the August 11, 2016 License Commission meeting.

Exhibit A: Application for transfer of restaurant all alcohol license received July 1, 2016 and dated July 1, 2016.

20a Petition: Request for entertainment license for jukebox, tv, radio, dancing by patrons, recorded music, live music, amplification system, light show, karaoke

Petitioner: The Blackstone Tap Corporation, 81 Water Street

Ms. Steele stated that the applicant had requested to postpone the item until the August 11, 2016 License Commission meeting.

Exhibit A: Application for transfer of restaurant all alcohol license received July 5, 2016 and dated July 5, 2016.

21. Petition: Request for entertainment license for jukebox, tv, radio, dancing by patrons, dancing by entertainers, recorded music, live music, amplification system, light show, karaoke

Petitioner: Meze Greek Tapas, 156 Shrewsbury Street

Applicant had left the meeting and the Commission postponed the item until August 11, 2016.

Exhibit A: Application for entertainment license received July 5, 2016 and dated July 5, 2016.

Other Business

Violations

22. John Fresolo dba Rocky's Food & Spirits, 139 Water Street- Violation of Rules #14, #17-Manager responsible for premises, alcohol not allowed to be taken from premises

Ms. Steele stated that the item had been postponed until the August 11, 2016 License Commission meeting.

Exhibit A: Police report dated June 3, 2016.

23. Jasmart Corp. dba Mahoney's Pub, 413 Park Avenue-Violation of Rules #14, #17-Manager responsible for premises, alcohol not allowed to be taken from premises

Attorney Wayne Tupper and John Bartosiewicz appeared on behalf of the violation.

Lt. Johnson read the following report.

Officer Patrick Harrington was as in the area of the Licensed Premises and noticed at 12:09 a.m. several beer bottles and plastic cups on the small wall outside the Licensed Premises and the cups were consistent with the cups used by the Licensed Premises.

Officer Harrington observed the Licensed Premises and after several minutes observed a male and female exit and observed that the female had a mixed drink in her hand. Fifteen minutes later an employee from the Licensed Premises began to clean up all the empty bottles and cups and at that time Officer Harrington contacted Sergeant Needham to come to the Licensed Premises.

Officer Harrington observed another female exit the front door with a cup of beer and walk up and down the public sidewalk while he was awaiting Sergeant Needham's arrival.

Sergeant Needham informed Officer Harrington that upon his arrival a female exited the bar with what appeared to be a mixed drink on the May Street side of the building. Officer Harrington approached the female and asked what she was drinking and she stated vodka.

Officer Harrington entered the Licensed Premises and spoke with the bartender, Mary Hickey, and asked where the door staff was and she stated that they went home and that it became extremely busy and she got overwhelmed.

Sergeant Needham informed Officer Harrington that he spoke with the female who had the vodka outside on the sidewalk and stated that the female was extremely intoxicated.

Attorney Tupper asked Officer Harrington if he had observed a yellow bus outside the Licensed Premises. Officer Harrington stated that he had but did not inquire why the bus was there.

Attorney Tupper stated that the Assumption College Reunion had a bus that was originally scheduled to go to Letirims but due to it being closed it went Mahoney's Pub.

Mr. Bartosiewicz stated that he doesn't employ anyone who isn't crowd certified and he implemented once school ended that due to smaller crowds that glass was to be used and that no more than 30 people could be in the establishment. Mr. Bartosiewicz stated that the class of 1990 had planned to go to another bar but it was closed so they came to Mahoney's and staff did their best not to let them in the License Premises and they wouldn't allow them in with drinks.

Commissioner Salvidio asked if it was the contention that the alcohol had come from the people on the bus and not from the Licensed Premise or was it a mitigating circumstance and that person coming out of the bar with a drink incident did not occur.

Desmond MacFee a bouncer for Mahoney's stated that night he turned away a lot of people as they were trying to bring in drinks and were rowdy.

Jose Diaz a bouncer stated that he is also a Mahoney's and stated that they turned people away from the bus who had been drinking and had come off the bus and he cleaned up the mess that they left outside.

Chair Shea asked if the people from the bus had gone inside. Mr. Diaz stated no as they do not have beer cans and plastic cups and they came from the bus.

Officer Harrington stated that he did observe Mr. MacFee and Mr. Diaz that evening and Mr. Diaz had left and Mr. MacFee had told him that he had been turning people away but he wasn't working that night and he was just helping out a friend.

Mr. Bartosiewicz stated that the incident did happen but it was explainable and he is doing his best.

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

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

Attorney Kalkounis stated that the license holder had a two day suspended suspension still pending.

Commissioner Salvidio stated that after reviewing the facts he is not clear whether a violation did occur and asked for a re-vote.

Upon a motion the Commission voted 3-0 to not find a violation.

Exhibit A: Police report dated June 14, 2016.

Commissioner Shea rescued himself from the item

**24. Padavano's Place, Inc. dba Padavano's Place, 358 Shrewsbury Street-
Violation of Rule #14 -Manager responsible for the premises**

Angela Padavano appeared on behalf of the violation and waived her right to counsel.

Lt. Johnson presented the violation.

On June 21, 2016 Sgt. Thomas Needham and Officer Shane Marcotte were assigned to the Alcohol Enforcement Unit and responded to a complaint of loud music coming from the outdoor patio at the Licensed Premises.

The officers spoke with the owner, Angela Padavano, who stated that she did have an acoustical band but they had stopped playing at 9:00 p.m. The officers pointed out that the entertainment license for the Licensed Premises outdoor live music is permitted but only on Sundays between the hours of 4:00 p.m. to 9:00 p.m. Ms. Padavano stated that because there was a special event that evening, The Taste of Shrewsbury Street, she thought she was exempt from applying for a one day permit for the outdoor entertainment.

Ms. Padavano admitted that the violation had occurred.

Upon a motion the Commission voted 2-0 that the violation had occurred.

Upon a motion the Commission voted 2-0 to issue a warning.

Exhibit A: Police report dated June 23, 2016.

25. 765 Main Street LLC, Lodging house hearing

Attorney Jonathan Finkelstein and Cleland Blair appeared on behalf of the item.

Attorney Finkelstein stated that he had received the memo from staff yesterday afternoon and would like to postpone the item until they have had a chance to discuss with staff the management plan.

Commissioner Salvidio stated that they would prefer that to give the license holder and staff to meet and work on items with condition that the license holder not accept any new residents and would like the item continued to September 1, 2016 License Commission meeting.

Mr. Blair stated that they have two empty rooms.

William Breault, Main South Alliance stated that he is familiar with the building and his concern is domestic tranquility and they are not getting that in the neighborhood and he is not there to say the occupancy should be reduce and would ask the License Commission to revoke the license.

Barbara Haller stated that the building is too big to manage and the neighbors need the License Commission help in getting the building under control and the building is taking the neighborhood down.

Councilor Sarai Rivera stated that the city has been to the building many times for violations and there have been repairs and money has gone into the building and they have spoken with the owner but nothing has worked and she believes that this building is unmanageable.

Did not identify himself- Stated that he managed the building at 769 Main Street and it has 28 apartments and in the past 10 years they have only had 1 police call and the police calls at 765 Main Street is over 500 calls.

Commissioner Salvidio stated that he recommend that the owner and staff meet so that the Commission can be fully briefed before the September 1, 2016 License Commission meeting.

Upon a motion the Commission voted 3-0 to continue the item until the September 1, 2016 License Commission meeting with the condition that no new tenants be allowed at establishment until the item comes back before the Commission.

Exhibit A: Communication from Barbara Haller of five year history of building received at the July 21, 2016 License Commission meeting.

Communications

ADJOURNMENT

11:15. a.m.