

MINUTES OF THE PROCEEDINGS OF THE
LICENSE COMMISSION OF THE CITY OF WORCESTER
OCTOBER 29, 2020

Commission Members Participating: Walter Shea, Chairman
Anthony Vigliotti, Commissioner
Barbara Haller, Commissioner

Commission Members Absent: None

Staff Participating: Stephen Rolle, Planning & Regulatory Services
Lt. James Johnson Worcester Police Department
Alexandra Kalkounis, Law Department
Deborah Steele, Planning & Regulatory Services

****Pursuant to Governor Baker’s March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor’s March 23, 2020 Order, as amended, imposing strict limitation on the number of people that may gather in one place, this meeting of the Worcester License Commission will be conducted via remote participation.**

Minutes

July 23, 2020; August 11, 2020; August 13, 2020; October 1, 2020; October 9, 2020; October 15, 2020; October 22, 2020

Upon a roll call the Commission voted 3-0 to approve the minutes of July 23, 2020, August 11, 2020, August 13, 2020, October 1, 2020, October 9, 2020, October 15, 2020 and October 22, 2020.

New Business

- 1. License Commission Temporary Outdoor Dining - Rules and Regulations**
- 2. Program Implementation Updates**

Alteration of Premises – Temporary Outdoor Dining (New)

- 3. OD-2020-104 Sanchez & Son Inc. dba Paradise Bar, 387 Cambridge Street**

Staff stated that the application is incomplete, and that staff has attempted multiple times to reach the applicant asking for the rest of the paperwork that needs to be provided with no success.

Upon a roll call the Commission voted 3-0 to deny the Temporary Outdoor Dining request.

Alteration of Premises-Permanent Outdoor Dining

- 4. Lou Roc’s Diner, Inc., 1074 West Boylston Street-**

Request for permanent alteration of premises for outdoor dining

Fenced outdoor dining area in parking lot on the side of building. 10 tables with 40 seats.

Sunday: 7 AM–1 PM; Monday–Saturday: 6 AM–2 PM

Upon a roll call the Commission voted 3-0 to postpone the application to the December 3, 2020 License Commission meeting.

Common Victualer Requests

5. Charley’s Wing Philly Steaks, 1241 Main Street, Unit 1

Monday–Sunday: 11:00 a.m.–10:00 p.m.

No one called in for item. Staff stated that applicant had passed the background check.

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

List of Exhibits: Application for common victualer license dated and received October 26, 2020.

6. Lovell Street Market & Bakery, 117 Lovell Street

Monday-Sunday: 10:00 a.m.–6:00 p.m.

No one called in for the item. Staff stated that applicant had passed the background check.

Kevin Ksen spoke in support of application.

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

List of Exhibits: Application for common victualer license dated and received October 25, 2020.

7. Anokye Krom African Restaurant, 2 Coes Square

Monday–Sunday: Noon–2:00 a.m.

Benedicta Boateng called in for the item.

Kevin Ksen spoke in support of application.

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

List of Exhibits: Application for common victualer license dated and received October 26, 2020.

8. Who Said Pizza, Inc., 80 West Street

Sunday–Tuesday: 11:00 a.m.–11:00 p.m.

Wednesday–Thursday: 11:00 a.m.–1:00 a.m.

Friday–Saturday: 11:00 a.m.–2:30 a.m.

Sander Ferreria called in for the item.

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

List of Exhibits: Application for common victualer license dated and received October 26, 2020.

Alcohol and Entertainment Request

9. Suzette LLC dba Suzette Creperie & Café, 126 Water Street

- Request for restaurant all alcohol license

Upon a roll call the Commission voted 3-0 to allow for Leave to Withdraw of the restaurant all alcohol application.

10. Wachusett Brewing Company, 152 Green Street

- Request for change of stockholder & officers

Kim Slyaton called in for the item.

Lt. Johnson stated that applicants had passed background check.

Upon a roll call the Commission voted 3-0 to approve the request for change of stockholder & officers.

List of Exhibits: Application for change of stockholder & officers dated and received October 1, 2020.

11. K&B 168 Restaurant Group, 401 Park Avenue

- Request for alteration of premises

Upon a roll call the Commission voted 3-0 to postpone the alteration of premises to the November 12, 2020 License Commission meeting.

12. Café Neo Inc. dba One Way Bar & Grill, 202 Millbury Street

- Request for restaurant all alcohol license
- Request for common victualer license
- Request for entertainment license for jukebox, TV, karaoke

Upon a roll call the Commission voted 3-0 to postpone the applications to the November 12, 2020 License Commission meeting.

13. 4th and 1 LLC, 7 Muskeego Street

- Request for club all alcohol license with outside area
- Request for common victualer license

Rob Ginisi called in for the item. He stated that he is looking to reopen the establishment that used to be there.

Chair Shea stated that the Commission had received some letters of opposition as previous establishment had motorcycle nights which disturbed the neighbors.

Commissioner Haller stated that she had concerns with the impacts the establishment may have on the neighborhood.

Mr. Ginisi stated that this will be a low key club and there will be no bike nights or bands. Mr. Ginisi stated that the previous owner had outside speakers for music and they have since been removed.

Commissioner Haller asked how many people could be in the outside area. Mr. Ginisi stated 20-30 people.

The Commission members and the applicant reviewed the proposed hours for establishment.

Upon a roll call the Commission voted 3-0 to approve the club all alcohol license with outside area and common victualer license with following conditions;

Hours: Noon – 2:00 a.m. seven days a week. Outside area is limited to 10:00 p.m.

List of Exhibits: Application for club all alcohol license and common victualer license dated and received September 14, 2020.

14. Discount Mini Market, LLC dba Discount Mini Market, 65 James Street

- Request for package store malt & wine license

Upon a roll call the Commission voted 3-0 to postpone the package store malt & wine license request to November 12, 2020.

15. Maker to Main LLC, 328 Main Street

- Request for package store malt & wine license

Attorney Jonathan Finkelstein and Lynn Cheney called in for the application.

Ms. Cheney stated that she is looking to bring craft beer and wine to the area.

Chair Shea stated that he supported the application as apartments are being built in the area.

Upon a roll call the Commission voted 3-0 to approve the package store malt & wine license.

List of Exhibits: Application for package store malt & wine license dated and received October 13, 2020.

16. JPP Petroleum Incorporated, 419 Grove Street

- Request for package store malt & wine license

Attorney Paul F. Mourad and the applicant, Fouad Mourad called in for the item.

Mr. Mourad stated that this is a newly renovated gas station and believes the addition of beer and wine would be asset to the business and neighborhood.

No one called in in favor or opposition to the application.

Chair Shea stated that he has reviewed the application and has viewed the area proposed and believes that the area is already well served by the existing package stores in the area.

Commissioner Haller stated that she agreed with Chair Shea and believes that the area is already adequately well served by existing stores.

Commissioner Vigliotti stated that he had viewed the site and the area is adequately served.

Attorney Mourad stated that the customers of store are looking for this service and the application shouldn't be denied because of competition from area package stores.

The Commission reiterated that the area is adequately served.

Attorney Mourad stated that there is no neighborhood opposition. Just competing package stores.

Upon a roll call the Commission voted 3-0 to deny the package store malt & wine license.

List of Exhibits: Application for package store malt & wine license dated and received October 8, 2020.

Retail Marijuana License

17. Evergreen Strategies, LLC, 143 Southwest Cutoff

Attorney Michael Brangwynne and Anthony Parrinello called in for the application.

Mr. Parinello reviewed the business plan and the establishment's plan for curbside pickup.

Mr. Parinello stated that they are hoping to open in January 2021.

Upon a roll call the Commission voted 3-0 to approve the Retail Marijuana License with the following condition:

Licensee shall appear before the License Commission at least thirty (30) days prior to opening and submit a "thirty (30) day opening plan" for review and approval by the Commission.

List of Exhibits: Retail Marijuana application dated and received October 7, 2020.

Violation Hearings

18. Holden Brattle Market, Inc., 1 Brattle Street

- Violation of Rules #6, #21

Attorney Jonathan Finkelstein and Fotini Angelis called in for the item.

Lt. Johnson presented the following;

On January 26, 2020, Officers of the Worcester Police Department Alcohol Unit conducted compliance checks at various package stores throughout the City of Worcester. An underage female accompanied the officers and was instructed to enter a package store and attempt to purchase alcohol without providing identification.

At around 12:16 p.m., the underage female entered Holden Brattle Market and purchased a six pack of Truly hard seltzers. The female was able to purchase the alcohol without being asked for identification.

Attorney Finkelstein stated that they admitted to the facts as presented. He stated that a part-time college cashier was working the register, and she is no longer employed by the establishment.

Attorney Finkelstein stated that after the violation occurred, the employees of the store took the Police Department training course.

The Commission noted that there was one previous violation in the file.

Upon a roll call the Commission voted 3-0 that the violation did occur.

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

List of Exhibits: Police report January 28, 2020.

19. Marlyn Gas Corp dba Bee Zee Gas, 177 Southwest Cutoff

- Violation of Rules #6, #21

George Youssef, the license holder, called in for the item and waived his right to counsel.

Lt. Johnson presented the following;

On January 26, 2020, Officers of the Worcester Police Department Alcohol Unit conducted compliance checks at various package stores throughout the City of Worcester. An underage male accompanied the officers and was instructed to enter a package store and attempt to purchase alcohol without providing identification.

At around 1:10 p.m. the underage male entered Bee Zee Gas and purchased a six pack of Bud Light 12 oz. The male was able to purchase the alcohol without being asked for identification.

Mr. Youssef admitted that the violation had occurred.

The Commission noted that there was one previous violation in the file.

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

List of Exhibits: Police report dated February 4, 2020.

20. Emerald Ale Corp dba Belmont Liquors, 108 Belmont Street

- Violation of Rules #6, #21

Madan Donepudi, the license holder, called in for the item and waived his right to counsel.

Lt. Johnson presented the following;

On January 26, 2020, Officers of the Worcester Police Department Alcohol Unit conducted compliance checks at various package stores throughout the City of Worcester. An underage male accompanied the officers and was instructed to enter a package store and attempt to purchase alcohol without providing identification.

At around 11:35 p.m., the underage male entered Belmont Liquors and purchased a six pack of Bud Light 12 oz bottles. The male was able to purchase the alcohol without being asked for identification.

Mr. Donepudi stated that the employee that day has worked for him for 25 years and made an honest mistake.

Mr. Donepudi stated that since the violation occurred, Belmont Liquors has purchased a new ID scanner that costs \$4,000 and scans all ID's.

The Commission noted that there was one previous violation in the file.

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

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

List of Exhibits: Police report dated January 29, 2020.

21. RSL Enterprises, Inc. dba Harrahy's Package Store, 107-107A Ward Street

- Violation of Rules #6, #21

Bob Largess the license holder called in for the item and waived his right to counsel.

Lt. Johnson presented the following;

1. On January 26, 2020, Officers of the Worcester Police Department Alcohol Unit conducted compliance checks at various package stores throughout the City of Worcester.
2. An underage male accompanied the officers and was instructed to enter a package store and attempt to purchase alcohol without providing identification.
3. At around 12:40 p.m. the underage male entered the Licensed Premises and purchased a six pack of Bud Light 12 oz bottles.
4. The male was able to purchase the alcohol without being asked for identification.

Mr. Largess stated that there were no excuses for what happened. He stated that he now has a big sign on counter/door that says what forms of ID are acceptable.

He stated that he has no candy for sale; a very small amount soda; and no cigarettes, so anyone young will stand out if they come in.

Mr. Largess stated that he only has 4 staff people and they all have been trained.

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

The Commission noted that there were previous violations in the file.

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

List of Exhibits: Police report dated February 1, 2020.

Communications

- A. Dirt McGirt's LLC dba Dirt McGirt, 1051 Main Street-Notice of Violation hearing-No comment**
- B. Notice from Simjang, LLC, 72 Shrewsbury Street – Relinquishing Liquor License-No Comment.**

Adjournment

Upon a roll call the Commission voted 3-0 to adjourn the meeting at 11:37 a.m.