



**MINUTES OF THE PROCEEDINGS OF THE
LICENSE COMMISSION OF THE CITY OF WORCESTER**

Thursday, February 9, 2023

Commissioners Present: Walter Shea, Chair
Anthony Vigliotti, Commissioner
Charran Fisher, Commissioner

Commissioners Absent:

Staff Present: Alexandra Kalkounis, Law Department
Sergeant Thomas Needham Worcester Police Department
Officer Patrick Harrington, Worcester Police Department
Captain Thomas Bull, Worcester Fire Department
Lt. Kevin Vescera, Worcester Fire Department
Inspector William Eckberg, Worcester Fire Department
Deborah Steele, Division of Planning & Regulatory Services

Call to Order – 10:00 A.M.

Minutes: January 26, 2023

Upon a roll call vote the Commission voted 3-0 to approve the minutes of January 26, 2023.

Requests for Continuances, Extensions, Postponements, & Withdrawals

One Day Liquor & Entertainment Requests

1. Elizabeth Purdy, 413 Park Avenue

- Request for one day liquor license (outside)
- Request for one day entertainment license for jukebox, tv, dancing by patrons, recorded music, live music, amplification system, floor show, light show
- Sunday -March 12, 2023 – 10:00 a.m. – 6:00 p.m.

Elizabeth Purdy, participating remotely, stated that this is for the St. Patrick's Day Parade and that she did the event last year. She stated that she will have the alley blocked off and band out back. There will be three security personnel to check ID's and confirm occupancy.

Upon a roll call vote the Commission voted 3-0 to approve the one-day liquor/one day entertainment licenses.

List of Exhibits: Application for one day liquor/one day entertainment license received and dated January 22, 2023.

2. Behram J Khaled, Iraqi Star on Tour, 30 Anna Street

- Request for one day liquor license
- Request for dancing by entertainers, live music, light show

- Saturday- February 25, 2023 – 7:00 p.m. – Midnight

Behram Khaled appeared in person upon behalf of the application. He stated that they were expecting around 200 people and they will have four security people at event as well as two Worcester Police details.

Upon a roll call vote the Commission voted 3-0 to approve the one-day liquor/entertainment licenses.

List of Exhibits: Application for one day liquor/one day entertainment license received and dated January 26, 2023.

3. St Spyridon Cathedral, 102 Russell Street

- Request for one day liquor license
 - Saturday- February 25, 2023 – 6:00 p.m. -11:00 p.m.

Mike Dionis, participating remotely, stated that this is for a one night event for the Men's Guild and they expect around 200 people

Commissioner Vigliotti stated that considering the large crowd the application should consider hiring a Worcester police detail.

Upon a roll call vote the Commission voted 3-0 to approve the one-day liquor license.

List of Exhibits: Application for one day liquor license received and dated January 31, 2023.

4. Michael Rubino, 500 Salisbury Street

- Request for one day liquor license
 - Saturday – February 25, 2023 – 5:30 p.m. – Midnight

Michael Rubino appeared upon behalf of the application. He requested to amend the date to February 12, 2023. He stated that this will be for a Superbowl event and there will be two police officers and four administrators present for the event. He stated that they will use different color bracelets to determine who is over 21 years of age and nobody knows color of the wristbands until day of event for security purposes.

Upon a roll call vote the Commission voted 3-0 to approve the one-day liquor license.

List of Exhibits: Application for one day liquor license received and dated January 31, 2023.

5. Khalid Karachi, 100 Institute Hall

- Request for one day liquor license
 - Thursday – February 23, 2023 – 5:00 p.m.-7:00 p.m. Gateway Park
 - Friday – February 24, 2023 – 4:00 p.m. – 6:00 p.m. Unity Hall

Khalid Karachi, participating remotely stated that these are for two events for faculty and staff. The February 23, 2023 event 35 people are expected, and the February 24 event 100 people are expected. For both events security will be present.

Upon a roll call vote the Commission voted 3-0 to approve the one-day liquor license.

List of Exhibits: Application for one day liquor license received and dated January 31, 2023.

6. Men's/Ladies Ancient Order of Hibernians, 102 Russell Street

- Request for one day liquor license
- Request for dancing by patrons, live music, dancing by entertainers
- Saturday- March 4, 2023 -Noon-9:00 p.m.

Mike Coonan, co-chair, of the Irish Festival appeared upon behalf of the application. He stated that around 250 will attend the event and that a Worcester Police Officer comes at 5:00 p.m. as that is when it starts to get busy and stays to end of the evening.

Upon a roll call vote the Commission voted 3-0 to approve the one-day liquor license.

List of Exhibits: Application for one day liquor license received and dated January 31, 2023.

Common Victualer Requests

7. Family Farms, 341 Grove Street

- Sunday-Saturday – 6:00 a.m. – 9:00 p.m.

8. Family Farms, 443 Park Avenue

- Sunday – Saturday – 6:00 a.m. – 9:00 p.m.

9. Family Farms, 304 Belmont Street

- Sunday – Saturday – 6:00 a.m. – 9:00 p.m.

10. Family Farms, 1073 Pleasant Street

- Sunday – Saturday – 6:00 a.m. – 9:00 p.m.

Items #7 through 10 were taken contemporaneously.

Niravkumar Patel, participating remotely, stated that he was taking over the existing Honey Farms at these locations.

Upon a roll call vote the Commission voted 3-0 to approve the four common victualer licenses.

List of Exhibits: Applications for common victualer licenses received and dated January 26, 2023.

11. Jahveh Mekaddesh Gift Shop, 153 Chandler Street

- Sunday-Saturday-8:00 a.m. – 10:00 p.m.

No one appeared on behalf of the application. Staff stated that the application had been approved by the Police but needed final health inspection.

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

List of Exhibits: Applications for common victualer license received and dated January 26, 2023.

12. All In Poke, 160 Green Street-Worcester Public Market

- Wednesday-11:00 a.m. – 8:00 p.m., Thursday-11:00 a.m.-8:00 p.m. Friday, Saturday, Sunday- 11:00 a.m. 8:00 p.m.

Liri McDaniel appeared upon behalf of the application. She stated that she will be located inside the Worcester Public Market and will be selling sushi in a bowl.

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

List of Exhibits: Applications for common victualer license received and dated January 26, 2023.

13. Belen, 932B Main Street

- Tuesday-Saturday – 7:00 a.m. – 4:00 p.m.

Zayda Mendez appeared upon behalf of the application and stated that she would be opening a Salvadorian bakery.

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

List of Exhibits: Application for common victualer license received and dated January 30, 2023.

14. Annie’s Clark Brunch Diner, 934 Main Street

- Wednesday-Friday-6:00 a.m.- 2:00 p.m. Saturday, 6:00 a.m. -1:00 p.m., Sunday, Monday, Closed

Dennis Gagne appeared upon behalf of the application and stated that he will be a vendor partner for Clark and will run the establishment.

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

List of Exhibits: Application for common victualer license received and dated February 1, 2023.

15. Perry’s Tatnuck Deli/PB Deli, LLC, 643 Chandler Street

- Monday-Friday – 8:00 a.m. – 7:00 p.m., Saturday-8:00 a.m.-5:00 p.m., Sunday – 10:00 a.m. -4 :00p.m.

Perry Jano appeared upon behalf of the application and stated that he is taking over the old Bushel N Peck Deli that was at this location.

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

List of Exhibits: Application for common victualer license received and dated February 1, 2023.

16. The Cozy Bakery & Coffee, 1094 Pleasant Street

- Sunday-Saturday-8:00 a.m. -5:00 p.m.

Nicoleta Comoli, participating remotely, stated that this will be for a bakery and coffee shop.

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

List of Exhibits: Application for common victualer license received and dated February 1, 2023.

Liquor and Entertainment Application Requests

17. Nap LLC, 62 Green Street

- Request for change of manager
- Request for change of dba to Femme

Nicholas Panarelli and Julie Toupin appeared upon behalf of the applications.

Sgt. Needham stated that manager had passed the background check.

Upon a roll call vote the Commission voted 3-0 to approve the change of manager and change of dba.

List of Exhibits: Application for common victualer license received and dated February 1, 2023.

18. Aelux Lounge, LLC, dba Aelux Lounge, LLC, 316 Shrewsbury Street

Petition Purpose:

- Request for general on premises all alcohol license
- Request for common victualer license
- Request for entertainment license for tv, recorded music

Anhar Kaaed appeared upon behalf of the applications.

Chair Shea stated that the Commissioner had concerns when they went to view this establishment with the elevator that went downstairs and how a disabled person would be safely escorted out of the building in case of an emergency

Captain Bull stated that his Division had done an inspection on January 26, and there are still things that need to be fixed and they are scheduled to go back tomorrow to see if the deficiencies in the building have been corrected and that with regard to access that there is a wheelchair lift at front entrance and not a concern that if properly maintained and inspected that the lift would not work.

Upon a roll call vote the Commission voted 2-1 (Commissioner Vigliotti voting against) to approve the general on premises all alcohol license, common victualer license and entertainment license.

List of Exhibits: Application for general on premises all alcohol license, common victualer license and entertainment received and dated September 26, 2023.

19. Thacura, Inc., 1082 Main Street

- Request for change of manager
- Request for change of dba

Gary David Thacker appeared upon behalf of the application.

Sgt. Needham stated that the applicant had passed the background check.

Mr. Thacker stated that the new dba would be Jack's Tiki Tavern.

Upon a roll call vote the Commission voted 3-0 to approve the change of manager and change of dba.

List of Exhibits: Application for change of manager/change of dba received and dated January 18, 2023.

20. My Liquors, Inc., 340 Shrewsbury Street

Petition Purpose:

- Request for package store all alcohol license

Upon a roll call vote the Commission voted to continue the application to the February 23, 2023 License Commission meeting.

Violation Hearing

21. Whiskey on Water, LLC dba Whiskey on Water, 97 Water Street

- Violations of Rules #7, #14, #27 – Sale to under 21, occupancy violation

Sgt Needham presented the following report;

On November 10, 2022 members of the Alcoholic Beverage Control Commission, Worcester Fire Department, Worcester Code Department and Worcester Alcohol Enforcement Units were conducting compliance checks at Licensed Premises within the city and Officer Patrick Harrington along with other members from the various units stopped at Whiskey on Water, LLC, 97 Water Street.

The team members observed that the premises was extremely busy with patrons waiting in line to enter.

Officer Harrington asked the employee monitoring the door at the establishment what the current occupancy was, and staff held up an ID scanner that read 22 scanned and occupancy 467. The current occupancy permit issued Whiskey on Water LLC is 120 first floor and 120 second floor, totaling 240.

The team went inside the premises and observed that staff was not monitoring the flow of patrons for occupancy purposes. When upstairs staff of Whiskey on Water were asked the current occupancy in the upstairs area, they were not aware and did not have any mechanical or digital counters to assist with the count.

During the Fire Department's investigation of the occupancy upstairs utilizing a handheld mechanical device Officer Harrington and members of the Alcoholic Beverage Control Commission observed well over two dozen youthful looking patrons consuming alcohol.

Twelve (12) underage patrons were found to be in possession/consuming alcohol on the premises.

The final occupancy count by members of the Fire Department read 130 on floor #1, 270 on floor #2. Total of 400. 240 over capacity.

Officer Harrington showed the Commission members the fraudulent confiscated ID's that were used by the underage patrons.

Attorney Sean Murray represented Whiskey on Water, LLC. Also, present at the hearing was Mark Elrich the owner of the premises and Benjamin Darcey Render, the manager of record.

Attorney Murray stated that they were not disputing the violation but did question how the actual count of how many people were in the establishment was taken and stated that the clicker at the front door of the premises doesn't include how many people also left the establishment and asked how fire determined the occupancy.

Lt. Vescera stated that the fire officials use a handheld counter and they walk through the establishment excluding the bathrooms doing a count and it was determined on that night there were 130 people on first floor and 230 on second floor.

Attorney Murray stated that it just a visual check and that inspectors don't require patrons to stand still while the count is being taken. Inspector Eckberg stated no that it is just a visual count.

Mr. Elrich stated that he doesn't dispute there was a crowd but doesn't believe there were that many patrons on the premises.

Attorney Murray stated that the premises has had a difficult time as had to closed during Covid and lost a lot of staff and had a loss their former manager and the business has been struggling but they are doing things to change the premises. They have ordered a new scanner to read false ID's. They have increased staff wages and now have policy to only allow the 5 ID' allowed under the law and asked the License Commission to take that into consideration when they vote.

Lt Vescera stated that the premises had been cited in the past for overcrowding but not brought before License Commission.

Michael Elrich stated that in addition to what Attorney Murray has said that the establishment has also hired new security personnel and bringing in an expert on how to check ID's. He stated that he has also reminded staff that they just can't rely on the technology that they must also look at people's faces when checking the ID.

Attorney Murray stated that the night in question person downstairs was checking how many people were being let in, but person was not doing job communicating to person on second floor of the premises how many he did let in.

Mr. Render stated that staff now does a walk through of the premises every 15 minutes to check how many patrons on premises but the night in question they were very understaffed. He stated that they have three counters now and more staff monitoring the upstairs.

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

Upon a roll call vote the Commission voted to issue a three (3) day suspension with one (1) day served. The one day will be served on February 23, 2023.

List of Exhibits: Police report dated December 1, 2022.

22. Exchange Place, Inc., dba Michael's Cigar Bar, 1 Exchange Place

- Violations of Rules #1, #14, #29-Hours, disturbance of the peace

Upon a roll call vote the Commission voted to continue the item to the February 23, 2023 License Commission meeting

Communications

Upon a roll call vote the Commission voted 3-0 to adjourn the meeting at 11:14 a.m.