



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

Thursday, March 23, 2023

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

Commissioners Absent:

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

Call to Order – 10:00 A.M.

Minutes: March 9, 2023 – Upon a roll call vote the Commission voted 3-0 to approve the minutes of March 9, 2023.

Requests for Continuances, Extensions, Postponements, & Withdrawals

- **Rhino Bites, Inc. dba Flying Rhino, 278 Shrewsbury Street-Postponed to April 20, 2023**
- **Westborough Beverage Corp, 25 Tobias Boland Way-Postponed to April 20, 2023**
- **OD-2023-001 – Lou Roc’s Diner, Inc., 1074 West Boylston Street-Postponed to April 20, 2023**
- **Request for outside area for ten tables with 42 seats**
 - **Monday – Saturday - 6:00 a.m. - 2:00 p.m.**
 - **Sunday - 7:00 a.m. - 1:00 p.m.**
- **OD-2023-002-Worcester Center for Performing Arts, 2 Southbridge Street**
Request for alteration of premises for outdoor plaza area-Postponed to April 20, 2023

One Day Liquor & Entertainment Requests

1. Khalid Karachi, 100 Institute Road

- **Request for one day liquor license**
 - **Tuesday, April 18, 2023 - 5:30 p.m. -8:00 p.m.**

Khaid Karachi, participating remotely, stated that this if for a faculty event. He stated that about 150 people are expected, and 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 March 16, 2023.

Common Victualer Requests

None

Outdoor Dining Requests

2. OD-2023-001 – Lou Roc’s Diner, Inc., 1074 West Boylston Street

- **Request for outside area for ten tables with 42 seats**
 - **Monday – Saturday - 6:00 a.m. - 2:00 p.m.**
 - **Sunday - 7:00 a.m. - 1:00 p.m.**

Upon a roll call vote the Commission voted 3-0 to postpone the application to the April 20, 2023 License Commission meeting.

3. OD-2023-002-Worcester Center for Performing Arts, 2 Southbridge Street

- **Request for alteration of premises for outdoor plaza area**

Upon a roll call vote the Commission voted 3-0 to postpone the application to the April 20, 2023 License Commission meeting.

Liquor/Entertainment Application Requests

4. Donana Food Services, Inc., 257 Park Avenue

- **Request for restaurant all alcohol license with outdoor patio**
- **Request for entertainment for jukebox, tv, radio, recorded music, live music, karaoke, inside. Patio-TV, radio, guitar.**

Attorney Matthew Porter along with Ana Maria Monfa appeared upon behalf of the applications.

Chair Shea stated that the Commissioners had viewed the premises prior to the meeting.

Mr. Porter explained that this premises had originally been a transfer of license, but the state had returned it for more details and then original owner did not file renewal, so they are proceeding now with new application with all updated information and a pledge of license.

The Commission asked what would be the hours for the outdoor area. Mr. Porter stated for patio it would be until 11:00 p.m.

The Commission asked Mr. Porter to review the entertainment. Lt. Vescera from Fire Department stated that the applicant should meet with Inspectional Services due to type of entertainment sprinkler system that may need to be installed.

Upon a roll call vote the Commission voted 3-0 to approve the restaurant all alcohol license and entertainment license subject to the entertainment being reviewed by Inspectional Services/Fire Department.

List of Exhibits: Application for restaurant all alcohol and entertainment license received and dated March 2, 2023.

5. Jusstevin, Inc., 266 Park Avenue

- **Request for entertainment license for tv, radio, dancing by patrons, dancing by entertainers, recorded music, live music, amplification system, moving picture show, light show, karaoke. Indoors/Outdoors.**

Stephen Hopkins appeared upon behalf of the application.

Lt. Vescera stated that the Fire Department had been at location and were satisfied with entertainment proposed.

The Commission members asked what the hours for the outside area would be. Mr. Hopkins stated he would abide by what Commission set. The Commission recommended 11:00 p.m. closing for entertainment in outside area.

Upon a roll call vote the Commission voted 3-0 to approve the entertainment with outside entertainment ending by 11:00 p.m.

List of Exhibits: Application for entertainment license received and dated March 16, 2023.

6. 1121 LLC dba Brick & Stone, 1121 Grafton Street

- **Request for restaurant malt & wine license with outside patio for 3 tables with 12 seats**
- **Request for common victualer license**
- **Request for entertainment license for jukebox, tv, radio, inside only**

Ralf Makhlouta appeared upon behalf of the applications. He stated that there was previously a restaurant at this location and he is taking over the premises. He stated that they will be open to midnight and the patio area has no outside entertainment.

Upon a roll call vote the Commission voted 3-0 to approve

- **Request for restaurant malt & wine license with outside patio for 3 tables with 12 seats**
- **Request for common victualer license**
- **Request for entertainment license for jukebox, tv, radio, inside only**

List of Exhibits: Applications for restaurant malt & wine license, common victualer license, entertainment license received and dated March 13, 2023.

7. Dream 6 Estate, LLC, 369 Burncoat Street

- **Request for package store malt & wine license**

Samauel Nii Boiquaye appeared upon behalf of the application.

Chair Shea stated that the Commission members had viewed the premises prior to the meeting.

Mr. Boiquaye stated that the location had a package store license before, but last owner let it go and he has taken over the location and his customers have been requesting beer and wine.

Public Comment

William Talcott, stated that he is the manager of Greendale Liquor Store, and he opposed this location getting a liquor license ten years ago as it is in the middle of a residential area, and he believes there are at least three licenses within half mile of the location and he feels that the area is well served already.

Chair Shea stated that having reviewed it and growing up in the neighborhood he believed that the area is adequately served so he would be against location obtaining a license.

Mr. Boiquaye stated that he struggles with bills now at store and he feels if he obtains beer and wine license it would help the business and without the license he feels he going to go out of business.

Upon a roll call vote the Commission voted 2-1 (Commissioner Vigliotti supporting) to deny the application.

List of Exhibits: Application for package store malt & wine license received and dated February 27, 2023

8. Westborough Beverage Corp, 25 Tobias Boland Way

- **Request for package store malt & wine license**

Upon a roll call vote the Commission voted 3-0 to postpone the application to the April 20, 2023 License Commission meeting.

Other Business

9. Catanese Entertainment, LLC, 287 Grove Street

- **Request to open before 10:00 a.m. for food only on Sunday at 8:00 a.m.**

Marc Cantense, participating remotely, stated that he would like to open prior to 10:00 a.m. on Sunday but no alcohol sales would occur.

Sergeant Needham stated Worcester Police would not have issue with the proposal.

Upon a roll call vote the Commission voted 3-0 to allow 8:00 a.m. opening on Sunday with condition that no alcohol service until 10:00 a.m.

List of Exhibits: Email communication from Marc Catanese dated March 17, 2023.

Violation Hearing

10. Whiskey on Water LLC, 97 Water Street

- **Violation of Rules #14, #27, #36-Occupancy, promoted event**

Attorney Sean Murray, Benjamin Darcy Render and Michael Elrich appeared on behalf of the violation.

Sergeant Needham presented the following:

On February 2, 2023 members of the Alcoholic Beverages Control Commission, Worcester Fire Department, Worcester Code Department and the Worcester Police Department Alcohol Enforcement Unit went to Whiskey on Water, LLC to conduct a compliance check in response to two (2) emails that were sent to city departments by concerned parents about overcrowding and promoted events.

Prior to the evening's investigation, investigators located the following promoted event through Eventbrite on social media:

“College Thursday with DJ (JNAUGHTY B2B CHUCK BUSHY TARIK) 300 Tickets Sold \$0-\$10”

Whiskey on Water did not notify the Worcester Police Department or the License Commission via email 14 days prior to the event, as required by Rule 36, and the occupancy of the Licensed Premises is 240.

Upon approach to the premises the team of investigators observed that the premises was very busy and members of the Worcester Fire Department inquired with the employee monitoring the front door what the current occupancy of the premises was. Staff showed a device that read 224. Per code, the maximum occupancy inside the premises is 120 for the first floor and 120 for the second floor, totaling 240.

As the team went through the premises, they observed a staff person monitoring the flow of patrons to the second floor. When staff was asked what the current occupancy upstairs was, staff replied around 150. This staff member was not in possession of any device to assist with the count of people on the second floor.

Once upstairs, members of the Worcester Fire Department began conducting occupancy checks using a handheld mechanical counter. During this time members of the Worcester Police Department and the

Alcoholic Beverages Control Commission observed numerous youthful looking patrons consuming and possessing alcohol and began to check identifications; three minors were found in possession of alcohol and fraudulent identifications. The fraudulent identifications were confiscated by the Alcoholic Beverages Control Commission, who will be hearing that portion of the violation. The minors were relieved of the alcohol and escorted out of the premises.

The first occupancy count by members of the Worcester Fire Department read 229 on the second floor. A second occupancy count read 241 on the second floor. Both such counts were over the maximum occupancy of 120 for the second floor of the premises.

Two videos provided by the Worcester Fire Department were shown at the meeting.

Chair Shea read two emails, sent to city staff, into the record from parents who reported concerns about underage drinking occurring at the premises.

Attorney Murray presented his own photos and video of the night in question and said that employees were taking video and photos of the second floor that showed the employees were counting the occupancy and the photo counts showed that they were under the occupancy limits.

There was an eight-minute time difference between the video taken by the Worcester Fire Department and the employees of Whiskey on Water.

Mark Elrich, owner of Whiskey on Water, said the night in question was one of their worst on record financially, which indicated that the occupancy may have been lower than what the Worcester Fire Department counted and disputed the fire department count.

Lt. Vescera stated that the photos presented by Attorney Murray do not show patrons to the left and right and they do not provide full view of premises and that during counts Worcester Fire does not count people who maybe in the bathrooms.

Regarding Rule #36, Mr. Murray stated that the DJ who performed on February 2, 2023 was paid a flat fee and the promoter did not rent the premises or receive a portion of the gross receipts from the door or bar. Rule #36 states that any licensee holding a promoted event must notify, via email, the License Commission and the Worcester Police Department fourteen (14) days prior to the event. A promoted event shall include when a person or entity ("Promoter") contracts with a licensee to hold an event at the licensed premises, including performing artists, advertising services, and entertainment performances such as live performances and amplified presentations, and said Promoter has a financial interest in the event by receiving a portion of the profit by renting the licensed premises from licensee, or by receiving a portion of gross receipts from the door or bar.

Chair Shea stated that he was very concerned as the city doesn't want to see somebody getting hurt in the establishment and expressed concern that city staff had received complaints from parents about the establishment.

Commissioner Vigliotti stated that he would agree with Attorney Murray with regard to the promoted event but not the count of people in the establishment as photos only show a portion of the premises and he would have no reason to believe that Worcester Fire would just come up with the number of people on premises.

Upon a roll call vote the Commission voted 3-0 that the violations of Rules #14, #27 occurred.

Upon a roll call vote the Commission voted 3-0 to issue the two-day suspended suspension that was imposed at the February 9, 2023 License Commission meeting to be served April 13, 14, 2023 and to impose an additional three-day suspension with two days suspended and one day served April 20, 2023.

Mr. Elrich objected to the additional two-day suspension saying that the February 2, 2023 incident occurred before they received the violation on February 9, 2023 for the November 10, 2022 incident.

Worcester Law and Police representatives stated that the Commission was following state policy.

Upon a roll call vote the Commission voted 3-0 that no violation of Rules #36 occurred.

List of Exhibits: Police report dated February 28, 2023

Video provided by Worcester Fire Department

11. Rhino Bites, Inc. dba Flying Rhino, 278 Shrewsbury Street

Upon a roll call vote the Commission voted 3-0 to postpone the application to the April 20, 2023 License Commission meeting.

Communications

12. ABCC Decision - Whiskey on Water, LLC, 97 Water Street - Notice of Suspension

13. ABCC Hearing - Whiskey on Water, LLC, 97 Water Street - Notice of ABCC Violation Hearing

14. ANSH Inc, dba KJ Baarons, 730 West Boylston Street - Notice of ABCC Violation Hearing

15. Fatchops, LLC, 225 Canterbury Street - Notice of ABCC Violation Hearing

16. Beth's On Grafton Hill - 271 Grafton Street - Notice of ABCC Violation Hearing

17. Worcester Randell Package Store, Inc, 108 Canterbury Street - Notice of ABCC Violation Hearing

No comment

Adjournment

Upon a roll call vote the Commission voted 3-0 to adjourn the meeting at 11:30 a.m.