

MINUTES OF THE PROCEEDINGS OF THE
LICENSE COMMISSION OF THE CITY OF WORCESTER
March 28, 2013

ESTHER HOWLAND CHAMBERS

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

Commission Members Absent: Paul Mullan, Commissioner

Staff Present: Marlyn Feliciano, Planning & Regulator Services
Lt. James Johnson, Worcester Police Department
Jim Foley, Inspectional Services

Call to Order –

Chair Shea called the meeting to order at 10:00 am.

Approval of the Minutes –

The Commission approved the minutes for March 14, 2013.

New Business

One Day Liquor Requests

1. 30 Elm Street – The Bridge of Central Massachusetts

Petition: Request for one day permit – May 3, 2013

Lorie Martiska, representing the Bridge of Central Massachusetts, stated that they are seeking to hold an event on May 3, 2013 at the Worcester Historical museum. It will be a spring gala for the People of Courage Award ceremony. They will be charging \$75/ticket and the hours will be from 6 pm to 9 pm. Ms. Martiska stated that there were changes to the management and security plan because they contracted Struck catering, who will be providing the food, bar, and security set up. The alcohol will be limited to beer/wine/signature cocktail and they expect a maximum of 120 people.

Upon a motion by Mr. Salvidio, the Commission voted 2-0 to approve the event.

Exhibit A: Special One Day Liquor License Application for 30 Elm Street; received March 14, 2013.

2. Worcester Common – Centro Las Americas

Petition: Request for one day permit – August 17, 2013

There was no one present for this item. The Commission postponed it to the next meeting.

Exhibit A: Special One Day Liquor License Application for Worcester Common; received March 13, 2013.

3. 1 College Street – The Bartending Service of New England, LLC

Petition: Request for one day permit – May 3, 2013

4. 100 Barber Ave – The Bartending Service of New England, LLC

Petition: Request for one day permits – 5/25/13, 10/19/13, 11/16/813, 12/7/13

Items 3 & 4 were taken up contemporaneously.

William Fuller from the Bartending Service of New England was present for these items. The first event is the Annual Holy Cross Pig Roast and will take place on May 3, 2013 from 4 pm to 8 pm. He expects approximately 500 people. Holy Cross will provide the security officers for the event.

The other 4 events are weddings taking place at the Higgins Armory museum. The first on May 25, 2013 is for 80 guests and serving hours are from 6:30 – 9:30 pm. The event on November 16, 2013 is for 40 guests and the serving hours are from 6:00 – 11:00 pm. The one is on October 19, 2013 is for 100 guests and the serving hours will be from 6:00 – 11:00 pm. The last event is on December 7, 2013 and the serving hours will also be from 6:00 – 11:00 pm.

Upon a motion by Mr. Salvidio, the Commission voted 2-0 to approve the events.

Exhibit A: Special One Day Liquor License Application for 1 College Street (Holy Cross) and 100 Barber Ave (Higgins Armory Museum); received March 21, 2013.

Common Victualer – Food Only

5. 525 Lincoln Street – Fruitti Frozen Yogurt

Petition: Request for common victualer license

Thien Pham was present for this item. He stated that he wants to open a frozen yogurt ice cream shop with 6 frozen yogurt machines and offer 60 toppings. The hours of operation will be Monday – Saturday 11:00 am to 10:00 pm and Sundays 12 pm to 9 pm.

Upon a motion by Mr. Salvidio, the Commission voted 2-0 to approve the common victualer license.

Exhibit A: Common Victualer License Application for Worcester Common; received March 13, 2013.

6. 158 Belmont Street – Bell Hill Deli

Petition: Request for common victualer license

Zakaria Ismael was present for this item. He stated that the deli will be across from UMASS and they will have meats and cheeses and prepare sandwiches. The hours of operation will be Monday – Friday 6:00 am to 10:00 pm and Saturdays and Sundays 8 am to 9 pm.

Upon a motion by Mr. Salvidio, the Commission voted 2-0 to approve the common victualer license.

Exhibit A: Common Victualer License Application for 158 Belmont Street; received March 15, 2013.

Entertainment License

7. 181 Millbury Street – La Brasa Dinner Restaurant

Petition: Request for television and radio for the restaurant

Ramon Genao stated he just opened La Brasa Restaurant and he wants to put a television and radio in his restaurant.

Upon a motion by Mr. Salvidio, the Commission voted 2-0 to approve the entertainment license.

Exhibit A: Entertainment License Application for 181 Millbury Street; received February 28, 2013.

8. 120 June Street - Le Mirage Café

Petition: Request for entertainment license for live music

Diane Louis was present for this item. She stated that she wants to have live entertainment on Fridays and Saturdays, mainly vocalists and guitarists. She would place the stage in the front by the corner window.

Upon a motion by Mr. Salvidio, the Commission voted 2-0 to approve the entertainment license.

Exhibit A: Entertainment License Application for 120 June Street; received February 28, 2013.

9. Cristoforo Colombo Park (East Park) – Emily Hern

Petition: Request for amplification system and recorded music on 10/19/13

The applicant requested a postponement to July 11, 2013 prior to the meeting.

Exhibit A: Entertainment License Application for East Park; received March 14, 2013.

10. Cristoforo Colombo Park (East Park) – American Heart Association

Petition: Request for amplification system and live music on 5/19/13

Event coordinator for the American Heart Association, stated that they are hosting a non-competitive 1, 3, and 5 mile walk throughout City Park. There will be a live band at the park. The police details have already been arranged. The hours will be from 10:30 am to 3:00 pm.

Upon a motion by Mr. Salvidio, the Commission voted 2-0 to approve the event.

Exhibit A: Entertainment License Application for East Park; received March 18, 2013.

Liquor Requests

11. 72 Grove Street – Courtyard by Marriott

Petition: Request for change of manager to Socrates Ramirez

Socrates Ramirez, General Manager for the Courtyard by Marriott, stated he is requesting a change of manager of the liquor license. Lt. Johnson stated the applicant was all set.

Upon a motion by Mr. Salvidio, the Commission voted 2-0 to approve the request.

Exhibit A: Change of Manager Application for 72 Grove Street; received February 11, 2013.

12. 315 Grove Street – Jillian’s Billiards

Petition: Request for alteration of premises to allow outside seating

Chrystal Brown, Assistant general manager of Jillian’s, stated that they want to add outdoor seating. They plan to fence it off. Lt. Johnson stated that the applicant will have to reconfigure the outdoor seating area because they need an entrance/exit to the outdoor area from the inside.

Commissioner Salvidio stated that they can continue the item to April 11th to allow them time to reconfigure the outdoor area to meet regulations.

Upon a motion by Mr. Salvidio, the Commission voted 2-0 to continue the item.

Exhibit A: Alteration of Premises Application for 315 Grove Street; received March 11, 2013.

13. 254 Mill Street – Worcester Discount Liquors, Inc.

Petition: Request for transfer of stock, change of directors and officers

Attorney Dan Cotton stated that two of the partners are buying out the other two and that triggers a change of officers and change of stock application.

Upon a motion by Mr. Salvidio, the Commission voted 2-0 to approve the change of officers/stock.

Exhibit A: Change of Officers/transfer of Stock Application for 254 Mill Street; received March 5, 2013.

Status Hearings

14. 316 Main Street – Blush Yogurt Cafe

Status of liquor license

No one was present for this hearing. Commissioner Salvidio stated that he believed that the business is closed since he walks by every day and they are never open.

Upon a motion by Mr. Salvidio, the Commission voted 2-0 to continue the status hearing one more month.

15. 287 Main Street –The Crazy Horse Bar & Grill

Status of change of manager

Jim Foley, Inspectional Services, stated he received a letter stating that they are presently out of business.

Upon a motion by Mr. Salvidio, the Commission voted 2-0 to continue the status hearing to April 11, 2013.

Violation Hearings

16. 12 Boylston Street –Valley Liquors

Violation of Rule #6 (sale to underage person)

Steven Nuzzetti, owner of Valley Liquors, and his employee was present for this matter. He waived his right to counsel. Chair Shea swore them in. Lt. Johnson read the following report:

“On August 12, 2012, Officers Edward Saucier and Bill Stout, along with Lieutenant James Johnson conducted compliance checks at various package stores throughout the city. A 19 year old 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 a six pack of Bud Light cans 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 19 year old 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 4:20 p.m., the 19 year old male entered Valley Liquors, located at 12 Boylston Street, and purchased a six pack of Bud Light 12 ounce cans for \$6.19 without being asked to provide identification. Officer Saucier entered the place of business a short time later to advise them of the violation. The clerk at Valley Liquors stated that he must have made a mistake and stated he was sorry. He was advised that the manager would be notified to appear before the License Commission for the violation.”

Mr. Nuzzetti stated that he understands that they were wrong. He stated that they had a new employee, whom they have re-educated. The employee has taken the TIPS training and is a model employee who made a mistake. Everyone in their store under 30 years of age gets carded.

Mr. Salvidio stated that there was a violation in 2011 for which they received a warning, because of this he stated that he would recommend finding a violation and giving them a 2 day suspended suspension.

Ms. Feliciano performed roll call on whether or not a violation was found. Both Commissioner Salvidio and Chair Shea stated they found a violation.

Ms. Feliciano performed roll call on issuing a two day suspended suspension. Both Commissioner Salvidio and Chair Shea stated they would issue a two day suspended suspension.

Exhibit A: Police Report for Valley Liquors Violation on August 12, 2012; received March 1, 2013.

17. 560 Lincoln Street – Lincoln Discount Liquors

Violation of Rule #6 (sale to underage person)

Nick Vasiliadis, owner of the business, and David Garzo, employee, were present for this matter. Mr. Vasiliadis waived his right to counsel. Chair Shea swore them in. Lt. Johnson read the following report:

On August 12, 2012, Officers Edward Saucier and Bill Stout, along with Lieutenant James Johnson, conducted compliance checks at various package stores throughout the city. A 19 year old 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 a six pack of Bud Light cans 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 19 year old 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 4:15 p.m., the 19 year old male entered Lincoln Discount Liquors, located at 560 Lincoln St., and purchased a six pack of Bud Light 12 ounce cans for \$6.50 without being asked to provide identification. Officer Saucier entered the place of business a short time later to advise them of the violation. A woman and her son were working inside. The woman stated that they did not sell anything to a minor. The 19 year old male described the son (with a clothing description) as the employee who had sold him the beer. The mother was advised that the manager would be notified to appear before the License Commission for the violation.

Mr. Vasiliadis stated he has been in business 19 years and he stated he constantly tells his employees to check IDs. This incident happened on his day off so he was not present in the store. His employee, Mr. Garzo, is a hard worker and he insisted that he wanted to be present to explain to the commission what occurred.

Mr. Garzo stated that he had been working in that package store for 5 years. In August 2012, he was suffering from back pain from an injury incurred at his construction job and he was not on any pain medication. He was offered to take time off but he declined because his girlfriend was 7 months pregnant and he needed the work. Mr. Garzo stated he is constantly reminded to ask for identification and apologized for not doing his due diligence.

Mr. Vasiliadis stated that he spent \$1,200 for a point of sale tool that checks the IDs.

Mr. Salvidio stated that the business has an excellent record and recommends a warning be issued for the violation.

Ms. Feliciano performed roll call on whether or not a violation was found. Both Commissioner Salvidio and Chair Shea stated they found a violation.

Ms. Feliciano performed roll call on issuing a warning. Both Commissioner Salvidio and Chair Shea stated they would issue a warning.

Exhibit A: Police Report for Lincoln Discount Liquors Violation on August 12, 2012; received March 1, 2013.

Adjournment

The Commission adjourned at 10:38 a.m.