

MINUTES OF THE PROCEEDINGS OF THE
LICENSE COMMISSION OF THE CITY OF WORCESTER
JUNE 24, 2021

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

Commission Members Absent:

Staff Participating: Stephen Rolle, Planning & Regulatory Services
Sergeant Thomas Needham, Worcester Police
Department
Alexandra Kalkounis, Law Department
Jennifer Beaton, Law Department
Deborah Steele, Planning & Regulatory Services

The Worcester License Commission meeting was held in person on June 24, 2021.

Meeting attendees additionally had options to participate remotely by joining online or by phone using the following links;

- Use the following link to join the meeting via computer <https://cow.webex.com/meet/licensecommissionwebex> or
- Call 415-655-0001 (Access Code: 160 660 9360) for the License Commission.

Call to Order – 10:00 a.m.

Minutes – June 14, 2021-

Upon a roll call vote the Commission voted 3-0 to approve the minutes of June 14, 2021.

Other Business

1. 4th and 1 Club, 7 Muskeego Street

- Status hearing

Attorney Hector Pinero, Attorney Robert Scott, Mark Kelly, Robert Ginisi appeared upon behalf of the hearing.

Chairman Shea asked if Attorney Pinero had reviewed all the public records provided by the city. Mr. Pinero stated he had.

Mr. Pinero reviewed the history of the ownership.

Mr. Pinero asked if the license holder had spoken with the neighbors. Mr. Ginisi stated that he has spoken with one neighbor and neighbor was concerned with the parking and the neighbor wasn't aware that the parking was not all for 4th and 1 and the parking lot is also valet parking for the Flying Rhino.

Mr. Pinero asked if the owner had taken video of the parking. Mr. Ginisi stated that he had and showed some photos of the valet parking.

The attorney and the owner discussed the parking situation.

Commissioner Vigliotti asked if there is a sign posted at licensed premises saying no parking except for the 4th and 1 Club. Mr. Ginisi stated yes.

Mr. Ginisi stated that they had a learning curve, but now it is a tight run establishment.

Mr. Pinero presented letters of support for the outdoor dining and brief discussion was held regarding entertainment outside. Ms. Steele stated that no application for outdoor entertainment was submitted and there would be a separate application that would need to come back before the Commission.

Mr. Pinero asked Mr. Ginisi if any establishments on Shrewsbury Street have outdoor dining and Mr. Ginisi stated yes.

Mr. Scott stated that the police and incident reports for the 4th and 1 don't implicate the 4th and 1, and cited one instance in May where the Worcester Police were called for a fight in which the police don't implicate the 4th and 1. The disturbance originated from the Dunkin Donuts, which wound up near the 4th and 1, and the abutter believed it came from 4th and 1 but it did not.

Sgt. Needham stated that he printed up call log for the area and as of June 23 and there was very little calls for service.

Teddy Savas participated remotely. She stated that she is a resident of Biscuit Lofts. Stated that she saw the May fight and it did originate from the 4th and 1 Club and not Dunkin Donuts. She stated that she also observed the following evening Mr. Ginisi trying to disperse crowd at closing and was having difficulty.

Mr. Vigliotti asked whether Mr. Ginisi understood the rules of a club license. Mr. Ginisi stated that at beginning they did not really understand the rules, but Worcester Police came in to review all the requirements on the club rules.

Mr. Vigliotti stated that the license holder has brought up entertainment and he has concern that this will just increase the opposition from the neighbors.

1a. OD-2021-005- 4th and 1 Club, 7 Muskeego Street (alcohol and food) (Request to be reheard)

- Request for outdoor dining permit for 9 tables with 54 seats
- Hours: Monday–Wednesday – Sunday – Noon to 11:00 p.m.

Hector Pinero, Robert Ginisi and Robert Scott appeared upon behalf of the application.

The application would be for 45 seats and the fence surrounding it would have large vinyl sign to help reduce the noise.

The Commission and the applicant reviewed the days of the week and hours the outdoor area would be in operation.

Commissioner Vigliotti asked if the licensed premises had a full kitchen. Mr. Ginisi stated not a full kitchen. They would be serving Nachos, pizza, calzones, and hot dogs.

Mr. Vigliotti asked why the establishment wants the outdoor dining. Mr. Ginisi stated it would attract more people to the establishment.

Mr. Vigliotti asked how people would access the outdoor dining area. Mr. Ginisi stated that a person would need to go check in with bartender before being allowed into the outdoor area.

Chairman Shea stated that he has real concerns and he would suggest that the license holder meet with the Biscuit Loft residents and Shrewsbury Neighborhood Association to see if something can be worked out.

Commissioner Haller stated that she would like to see that management can keep control of the establishment and then come back before the Commission.

Upon a roll call vote the Commission voted 3-0 to deny the application for temporary outdoor dining.

List of Exhibits: Application for temporary extension of Outdoor Dining dated and received April 6, 2021.

Common Victualer Requests

2. Mercury Media & Entertainment, Inc. dba Narwhal, Worcester Public Market, 160 Green Street

- Request for common victualer license
- Hours: Wednesday-Sunday – 11:00 a.m. – 9:00 p.m.

Ms. Steele stated that this item had come before the License Commission at the last meeting for the liquor application and this was just the additional paperwork for the common victualer license that needed to be voted on.

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 May 24, 2021.

One Day Liquor & Entertainment Requests

3. Jennifer Carlson, 333 Shrewsbury Street

- Request for one day liquor license – outside
- June 26, 2021: Noon–10:00 p.m.
- June 27, 2021: Noon–8:00 p.m.

Jennifer Carlson from Redemption Rock participated remotely for the application.

She stated that the event is the “Bow Wow Worcester” which is a fundraiser for the animal rescue league.

She stated that the area will be roped off from the sidewalk so people can walk from inside to the outside area with a beer and that all people serving are TIPS certified and there will be no more than 40 people in the area and security will be present for the event.

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 June 15, 2021.

Liquor & Entertainment Application Requests

4. Brycol, Inc. dba Ralph’s Tavern, 117 Shrewsbury Street

- Request to amend entertainment license to have jukebox, TV, radio, dancing by patrons, dancing by entertainers, recorded music, live music, amplification system, play, karaoke outside
- Hours: Monday–Thursday: Noon–10:00 p.m., Friday and Saturday: Noon–11:00 p.m., Sunday: Noon–10:00 p.m.

Joanne Ceely participated remotely for the application. She stated that she is looking for a permanent outdoor entertainment license but is not looking to do every day of the week - just pop up events.

Commissioner Haller stated that she would not support that much entertainment outdoors.

The Commission discussed proposed entertainment and Mr. Vigliotti asked that dancing by entertainers be eliminated, and Ms. Ceely stated she is fine with that as it would just be patrons.

The Commission discussed how many people would be in the outside area at any one time and Ms. Ceely stated 60 people.

The Commission, applicant and city staff discussed the outside area and what would be the limits under zoning and it was determined that further review of the application would be needed.

Upon a roll call vote the Commission voted 3-0 to postpone the application to the July 15, 2021 License Commission meeting.

5. Chap Holdings, LLC dba Vintage Grille, 346 Shrewsbury Street

- Request to amend entertainment license to have live music outside Friday and Saturday
- Hours: 6:00 p.m.–10:00 p.m.

Chris Stone appeared in person for the meeting. He stated that he looking to add one small one band, single singer and meant just for background music for people eating dinner.

Commissioner Vigliotti stated that this is a large residential area and the Commission and Mr. Stone discussed hours and changing hours to limit ending time to 9:00 p.m.

Upon a roll call vote the Commission voted 3-0 to approve the amended entertainment outside with the hours being Friday and Saturday 5:00 p.m. – 9:00 p.m.

6. Dubai Restaurant & Lounge dba Mexi Town Bar & Grill, 27 Pleasant Street

- Request to transfer restaurant all alcohol license to 105 Water Street

Upon a roll call vote the Commission voted 3-0 to postpone the application to the July 15, 2021 License Commission meeting.

7. Iconlabel, LLC, 91 Stafford Street

- Request for entertainment license for dancing by patrons, amplification system
- Tuesday: 10:00 p.m.–2:00 a.m., Thursday–Saturday: 8:00 p.m.–2:00 a.m.

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

8. Hillcrest Apiary, LLC, Worcester Public Market, 160 Green Street

- Request for package store malt & wine license

James Dawber participated remotely for the meeting.

Mr. Dawber stated that he is a beekeeper and he has stall at the Worcester Public Market and he would like to have a small shelf to sell meade.

Commissioner Vigliotti stated that there are a number of package stores already in the area and he has difficulty with another package store in the area. Chairman Shea and Commissioner Haller stated that they agree.

Domenic Mercurio who participated remotely stated that this small retail establishment and Mr. Dawber wants to sell two types of meade wine.

Mr. Rolle stated that city staff has been reviewing putting to get together additional data as they know License Commission has had lot of package store requests in the city and wants to know if the Commission would like to continue the item to the July 15, 2021 License Commission meeting.

Upon a roll call the Commission voted 3-0 to continue the application to the July 15, 2021 License Commission meeting.

9. Catanese Entertainment LLC, 287 Grove Street

- Restaurant for restaurant all alcohol license
- Request for common victualer license
- Request for entertainment license for TV, recorded music

Marc Catanese participated remotely for the meeting. He stated that this will be a X Golf facility and they will be providing simple food such as pizza and wings.

Commissioner Haller asked what experience he had in alcohol industry.

Mr. Catanese stated that he is a golf enthusiast and there is no facility in the area. He plans to get the operation up and running, and then hire a full time manager who will manage the ten employees for the facility.

Alex Guardiola from the Chamber of Commerce of Commerce participated remotely and stated that this will be an Indoor facility with 8 golf simulators, which will be a popular outlet for people to play year round and will add vitality to the Grove St corridor.

Upon a roll call the Commission voted 3-0 to approve the restaurant all alcohol license, common victualer license, and entertainment license.

List of Exhibits: Application for restaurant all alcohol license, common victualer license and entertainment license received and dated May 20, 2021.

10. Café Neelu, Inc. dba Fuel America, Inc., 100 Grove Street, Suite B7

- Restaurant for restaurant malt & wine license
- Request for common victualer license
- Request for entertainment license for radio, recorded music, live music

Neelu (Nicole) Mohaghegh participated in person for the meeting. She stated that this will be the first Fuel franchisee and reviewed the operation of the business.

Upon a roll call vote the Commission voted 3-0 to approve the restaurant malt & wine license and common victualer license.

List of Exhibits: Application for restaurant malt & wine license and entertainment license receive/dated May 24, 2021.

Alteration of Premises – Temporary Outdoor Dining (New)

11. OD-2021-011 JC Mason LLC, 38 Franklin Street (alcohol & food)

- Request for temporary outdoor dining license for 6 tables with 12 seats
- Monday: 11:30 a.m.–9:00 p.m., Wednesday–Sunday: 11:30 a.m.–9:00 p.m.

Tam Le and Son Von appeared in person for the meeting.

Mr. Le stated that this would be for 6 tables outside with 12 seats.

Mr. Rolle stated that this is a pilot program for a streatory and described the proposal. Mr. Rolle stated that this is a temporary dining program, so it's only good until end of year.

Commissioner Haller asked how the alcohol would get to tables.

Staff stated that alcohol outside would only be permitted for patrons in the seating area and only servers can carry alcohol between the restaurant and the outside area.

Upon a roll call the Commission voted 3-0 to approve the temporary outdoor dining application with the following conditions;

- Adjust design to maintain a 5 ft minimum gap between the platform and first adjacent on-street parking space.
- Obtain applicable street use licenses from the city.
- Applicant shall be responsible for removal of structure no later than November 15, 2021.
- That alcohol outside would only be permitted for patrons in the seating area and only servers can carry alcohol between the restaurant and the outside area.

List of Exhibits: Application for Temporary Extension of Premises for Outdoor Dining receive and dated May 10, 2021.

12. OD-2021-017 & SW-2021-009 – The Muse Bar & Kitchen, 536 Main Street (alcohol & food)

- Request for temporary outdoor dining license for 4 tables with 20 seats
- Wednesday & Thursday: 5:00 p.m.–10:00 p.m., Friday & Saturday: 5:00 p.m.–11:00 p.m.

John Rinaldo participated remotely for the application and stated he was looking to put 4 tables outside.

Mr. Rolle asked if the entire building was owned by same landlord. Mr. Rinaldo stated yes.

The Commission discussed the conditions for the proposal.

Upon a roll call the Commission voted 3-0 to approve the Temporary Outdoor Dining application with the following conditions;

- Coordinate and obtain approval for removal of the bench with the city.
- No alcohol outside of the designated seating area except for servers.
- That alcohol outside would only be permitted for patrons in the seating area and only servers can carry alcohol between the restaurant and the outside area.

List of Exhibits: Application for Temporary Extension of Premises for Outdoor Dining received and dated June 3, 2021.

13. OD-2021-016 & SW-2021-008 – Fantastic Pizza, 910A Main Street (food only)

- Request for temporary outdoor dining license for 3 tables with 9 seats
- Monday–Thursday: 11:00 a.m. – 9:00 p.m., Friday–Sunday: Noon – 9:00 p.m.

Saket Lottia participated remotely for the hearing. He stated that he is looking to put 3 tables with total of 9 seats outside and that this is a food only establishment.

Mr. Rolle stated that the applicant needs to make sure there is five foot clearance from any objects and Mr. Vigliotti stated that there was a bush on the sidewalk that might need to be moved in order to have adequate clearance. Mr. Lottia stated that he could have landscaper remove the bush.

Upon a roll call the Commission voted 3-0 to approve the Temporary Outdoor Dining license with the following conditions;

- Maintain a 5 foot minimum from all obstructions including tree pits.

List of Exhibits: Application for Temporary Extension of Premises for Outdoor Dining received/dated May 24, 2021.

Parking Lot Applications

None

Violation Hearings

14. RSL Enterprises dba Harrahy’s, 107 Ward Street

- Violation of Rules #6, #21

Bob Largess appeared in person and waived his right to counsel.

Sgt. Needham presented the following;

On April 3, 2021, 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 12:46 p.m. the underage male entered Harrahy's and purchased a six pack of Bud Light cans. The male was able to purchase the alcohol without being asked for identification.

Members of the Alcohol Unit notified the store manager of the violation.

Mr. Largess stated that he was embarrassed to be before the Commission and there is no excuse as everyone who works for him is TIPS certified.

The Commission noted that there were previous violations on file including a one day suspended suspension.

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

Upon a roll call vote the Commission voted 3-0 to impose the previous one day suspension to be served July 12, 2021 and two impose an additional two day suspended suspension.

List of Exhibits: Police report dated April 6, 2020.

Chairman Shea recused himself from Item #15.

15. Mansi Vijay Corp dba McGovern's Package Store, 82 Millbury Street

- Violation of Rules #6, #21

Attorney Matthew Porter and Pankaj Patel participated remotely.

Sgt. Needham presented the following;

On April 3, 2021, 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 12:17 p.m. the underage male entered McGovern's Package Store and purchased a six pack of Bud Light cans. The male was able to purchase the alcohol without being asked for identification.

Mr. Porter stated that they were not disputing the facts as presented. He stated that the employee was new and TIPS certified but wasn't following instructions.

Mr. Porter stated that the store does have a card reader and the owners understand the rules and they will continue training staff.

The Commission noted that it was less than one year since the licensed premises had a previous violation.

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

Upon a roll call the Commission voted 2-0 to issue a one day suspension with one day served on July 12, 2021.

List of Exhibits: Police report dated April 14, 2021.

16. Big Bob's Wine and Spirits, 501 Southbridge Street

- Violation of Rules #6, #21

Attorney Matthew Porter and Falguni Patel participated remotely for the hearing.

Sgt. Needham presented the following;

On April 3, 2021, 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 12:30 p.m. the underage male entered the Licensed Premises and purchased a six pack of Bud Light cans. The male was able to purchase the alcohol without being asked for identification.

Mr. Porter stated that they are not disputing the facts as presented.

Mr. Porter stated that the license holder purchased the store in 2019 and hasn't had any violations and this was a mistake by an employee.

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

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

List of Exhibits: Police report dated April 6, 2021.

17. Narayandas Corporation dba Webster Square Package Store, 1014 Main Street

- Violation of Rules #6, #21

Attorney Matthew Porter and Amish Shah participated remotely for the meeting.

Sgt. Needham presented the following;

On April 3, 2021, 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 12.20 p.m. the underage male entered the Licensed Premises and purchased a six pack of Bud Light cans. The male was able to purchase the alcohol without being asked for identification.

Mr. Porter stated that they were not disputing the facts as presented.

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

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

Chairman Shea recused himself from Item #18.

18. Shri Mahadev dba One Stop Beer & Wine, 147A Highland Street

- Violation of Rule #6, #21

Attorney Arthur Pearlman and Rajendrakumar D. Patel were present for the meeting.

Sgt. Needham presented the following;

On April 3, 2021, 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 12:08 p.m. the underage male entered the Licensed Premises and purchased a six pack of Bud Light cans. The male was able to purchase the alcohol without being asked for identification.

Mr. Pearlman stated that they are not contesting the facts as presented.

Commissioner Haller asked how long the business had been open. Mr. Pearlman stated January 2021 but Mr. Patel has owned other package stores with no violation and they have an ID scanner and put up signs stating no one under 21 will be served and they plan to have the employees TIPS trained again.

Commissioner Haller recommended that license holder contact Worcester Police and maybe having them come in and do some training with staff.

Upon a roll call vote the Commission voted 2-0 that the violation occurred.

Upon a roll call vote the Commission voted 2-0 to issue a Warning.

List of Exhibits: Police Report dated May 11, 2021.

Lodging House

19. 14 Oread Street – Status report

Chris Valeri was present for the meeting.

Amanda Wilson from the Department of Inspectional Services gave overview of problems on the site.

Commissioner Haller asked if there were electrical issues at the property.

Francis Sena, health inspector stated that there are no current violations related to electrical and any past electrical problems have been corrected. He believes owner is planning to do an upgrade, but doesn't know when that will occur and there also has been problems with water damage from tenants which creates mold.

Commissioner Haller asked Ms. Wilson if the parking lot for the property is inspected. Ms. Wilson stated it was.

Commissioner Haller stated that people have been living in the parking lots, and there has been drug injections, prostitution and rubbish and asked if Ms. Wilson observed that. Ms. Wilson stated that she has not but is not at the property every day, and she can work with the Quality of Life Team and WPD on the issue now that is known.

Mr. Valeri stated they work hard and recently he has been working with the agency right around the corner from building. They rented some of his rooms for some homeless people, and now the homeless have started making part of his area as their home and they have been hanging out in his parking lot and he is now looking for a security guard to combat the issues. He stated the homeless have been getting into the building. Mr. Valeri stated that going forward security will keep people out and they will be removing some tenants.

Commissioner Haller submitted some letters from people who have concerns about the property including concerns about homeless, prostitutes and drug dealers and buyers.

Steve Teadsdale was present at the meeting and stated that the situation is out of control at the lodging house, which is having a huge impact on people who live in the building and around the building and he asked the Commission to consider revoking the license unless changes be made. Mr. Teadsdale stated that people have seen people shooting up in the parking lot, and his organization has spent money on obtaining police details to deal with situations at 14 Oread Street and around the neighborhood and Mr. Teadsdale also asked if the police could take a more active role in policing the area.

Martia Cruz participated remotely and stated that she was an abutter and co-chair of the Beacon Brightly Neighborhood Association, and she stated she's familiar with Mr. Valeri since she asked him to come to meet with neighbors as this situation is so out of control. Ms. Cruz stated that there was a person with a gun outside when her children were outside. On Sunday she was out having cookout and a naked woman was in the parking lot at Oread Street cleaning up, and there are people shooting up drugs and altercations in the parking lot. Ms. Cruz stated that she does call the police and they do come, but this is an on-going situation at the property and Mr. Valeri is aware of the situation and has been told he really needs to get paid police details to get the situation in control. Ms. Cruz also asked that the trees in the parking lot be taken down to prevent the homeless from camping there.

Brenda Jenkins participated remotely and stated that she was a tenant of Ms. Cruz. She stated she was trying to eat outside last night and couldn't as people were shooting up outside at 14 Oread, and further stated that Mr. Valeri hires active addicts. She wants police detail hired not just a security guard.

Mr. Valeri stated that some of these problems are city culture in general and he doesn't want this in his building.

Commissioner Haller asked that this item be continued as an active item on the agenda to see what progress is made.

Chairman Shea stated that he would suggest Mr. Valeri obtain a police detail.

Mr. Valeri stated that he wants to work with the License Commission, but he'd like some assistance from the city also as some of these people are just hanging around Oread Street.

Ms. Kalkounis suggested that the city could provide copy of the security to plan submitted by the Albino which could assist Mr. Valeri on preparing a management/security plan for property.

Staff asked that the plan be provided a few days before the next License Commission meeting in order that staff/board members have time to review prior to meeting.

Communications

- A. Notice of Appeal Hearing – Stillman Quality Meats, LLC, 157 Harding Street- August 4, 2021- filed
- B. ABCC Communication Expansion of Patio Service/Delivery of Alcohol by On Premises Licensees-filed

Upon a roll call vote the Commission voted 3-0 to adjourn the meeting at 1:00 p.m.