



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

Thursday, November 16, 2023

Commissioners Present: Anthony Vigliotti, Chair
Charran Fisher, Commissioner
Maritza Cruz, Commissioner

Commissioners Absent:

Staff Present:
Sergeant Thomas Needham, Worcester Police Department
Officer Patrick Harrington, Worcester Police Department
Captain Bull, Worcester Fire Department
Kevin Vescera, Worcester Fire Department
David Carl, Inspectional Services
Deborah Steele, Licensing

Call to Order – 10:00 A.M.

Minutes: November 2, 2023

Upon a roll call vote the Commission voted 3-0 to approve the minutes of November 2, 2023.

One Day Liquor & Entertainment Requests

None

Common Victualer Requests

- Yume Dumplings, 5 Pleasant Street**
 - Sunday-Saturday – 11:00 a.m. – 8:00 p.m.**

Samuel Cheng appeared upon behalf of the application. Mr. Cheng stated that this will be Hong Kong style café.

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 November 7, 2023.

2. ILA Verde, 420 Main Street

- **Sunday-Closed**
- **Monday-Saturday – 11:00 a.m. – 7:00 p.m.**

Marial Mendez appeared upon behalf of the application. She stated that she is looking to open a healthy option restaurant.

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 November 7, 2023.

Alcohol/Entertainment Requests

3. Mayoush Enterprises, LLC (Meraki), 274 Shrewsbury Street

- **Request for entertainment license for jukebox, tv, radio, live music, karaoke**

Roger Bachour appeared upon behalf of the application. Mr. Bachour stated that he would like to have some additional entertainment.

Chair Vigliotti asked if entertainment was inside or outside. Mr. Bachour stated just inside.

Lt. Vescera reminded Mr. Bachour that his occupancy is 49.

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

List of Exhibits: Application for entertainment license received and dated July 25, 2023.

4. Bacalao Restaurant, Inc., 703 Main Street

- **Request for change of manager**

Upon a roll call vote the Commission voted 3-0 to postpone the application to the November 30, 2023 License Commission meeting.

5. Los 3 Reyes Magos Sandwiches LLC dba 3 Kings Restaurant, 118 Cambridge Street

- **Request for common victualer malt & wine license**
- **Request for common victualer license**

Gil Colon and Monica Gonzalez Galicia appeared upon behalf of the applications.

Ms. Galicia stated that they are looking for license for beer and wine to complement their food.

Sergeant Needham reminded Ms. Galicia to discuss with Officer Harrington where alcohol should be purchased.

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

List of Exhibits:

A. Application for restaurant malt & wine license received and dated November 1, 2023

B. Application for common victualer license received and dated November 1, 2023.

6. CEC Entertainment, LLC, 50 Southwest Cutoff
• **Amendment to previously approved application**

Staff reviewed the application.

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

List of Exhibits: Application for amendment to liquor application received and dated October 1, 2023.

Violation Hearings

7. Whiskey on Water, 97 Water Street

Violation of Rules #14, #27

Attorney Sean Murray and Benjamin Dacey Render appeared to answer to the violation.

Sergeant Needham presented the following;

On September 21, 2023 representatives from Worcester Fire, Code and Alcohol Enforcement Units went to Whiskey On Water to conduct a compliance check.

Upon entering Whiskey on Water, they were met by Benjamin Dacey Render who is the manager of the premises. Members of the Fire Department inquired the current occupancy and Mr. Dacey-Render showed a count of his handheld device of 186. Note: per code the max occupancy inside Whiskey on water is 120 first floor and 120 second floor, totaling 240.

The city representatives made their way to the stairwell to the second-floor dance area and observed staff monitoring the flow of patrons to the second floor. When investigators inquired the current occupancy upstairs, staff showed a handheld device at 120 which is the maximum occupancy upstairs.

Once upstairs members of the Fire Department began conducting occupancy checks throughout the crowd, utilizing a handheld mechanical counter.

The first occupancy count by members of the Fire Department read #172 by Investigator Vescera and #165 by Investigator Palumbo. A second count read #170 by Investigator Vescera and #180 by Investigator Palumbo. At that time Mr. Dacey-Render was advised of the overcrowding violation.

Investigators agreed once the music was turned off and the lights turned on, that an additional count would be conducted as patrons exited down the stairs.

Whiskey on Water staff the advised patrons to exit the second-floor area. The Investigators stood at the bottom of the stairs and began to count each body. When they reach maximum occupancy of 120, Officer Harrington of the Worcester Police, advised Mr. Dacey-Render who was at the bottom the stairs that. Upon resuming count which was #164 with the additional 24 patrons that left the second floor upon the investigators initial approach. Investigators went back to the second floor and counted the staff members which totaled 12.

The total occupancy count was 200 people.

Attorney Murray stated that they were not contesting that there was 120 people on the second floor and stated that they would waive the showing on the video on the incident.

Lt. Vescera stated Worcester Fire Department incident report is pretty much the same as the report that was just read into the record and that this is the third offense for Benjamin and third fine since managing Whiskey on Water. The Worcester Fire Department has conducted thirteen compliance checks since the opening of Whiskey on Water and nine times they have been found overcrowded.

Worcester Fire has issued 11 violations to the establishment, and they had received a complaint from a patron's parent saying their daughter had trouble getting out of the second floor due to overcrowding.

Worcester Fire would request a new manager, a 30-day liquor suspension or revocation of the license.

Attorney Murray stated that they agreed the second floor was overcrowded but the bar was short-staffed that evening because employees had called out to attend a memorial for a former employee who died unexpectedly and because of that Mr. Dacey was working the front door and not moving around the premises as he usually does.

Attorney Murray stated that Whiskey on Water since September 21, the morning after the incident, Mr. Dacey fired the entire staff and hired and outside company to provide security which costs \$2,500 a week. He stated that he knows there will be a suspension and asked that the Commission consider the difficult climate of bars and restaurants and impose any suspension in January.

Mr. Dacey stated that the night in question was not typical, and he normally walks around and keeps an eye on everything.

The Commission noted that there was a previous suspended suspension on record from earlier this year.

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

On a roll call vote the Commission voted 3-0 to impose the following.

Four days from previous suspension to be served November 22, 23, 29 and 30, 2023. A 21-day suspension with 10 days served January 4, 2024 through January 13, 2024.

List of Exhibits:

A. Police report dated October 14, 2023

B. Body camera video from Worcester Police Department

Other Business

8. Mayflower Medicinal, 645 Park Avenue

- **Request to amend hours**

Philip Paquet, participating remotely, stated they would like to amend their hours for the holiday and the amendment would be

November 24, 2023 – 8:00 a.m. -8:00 p.m.

December 24, 2023 – 9:00 a.m.-3:00 p.m.

December 31, 2023 – 10:00 a.m. – 6:00 p.m.

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

Adjournment

Upon a roll call vote the Commission voted 3-0 to adjourn the meeting at 10:36 a.m.