

**MINUTES OF THE PROCEEDINGS OF THE
LICENSE COMMISSION OF THE CITY OF WORCESTER
September 15, 2011**

ESTHER HOWLAND CHAMBER – CITY HALL

Commission Members Present: Peter Lukes, Chair
Paul Mullan, Commissioner
Karon Shea, Commissioner

Staff Present: Deborah Steele, Division of Planning & Regulatory Services
Edgar Luna, Division of Planning & Regulatory Services
Jennifer Beaton, Law Department
Alexandra Haralambous, Law Department
Lt. James Johnson, Worcester Police Department
James Foley, Health Department

REGULAR MEETING (10:00 AM)

CALL TO ORDER:

Chair Lukes called the meeting to order at 10:03 a.m.

MINUTES:

No Minutes

UNFINISHED BUSINESS:

NEW BUSINESS:

1. 300 Barber Avenue – One Day Alcohol Permit

Chris Liazos appeared on behalf of application. Application filed stated event would be at 300 Barber Avenue and Mr. Liazos stated event would be at 102 Russell Avenue.

Mr. Liazos stated event is for wine and food festival.

Upon a motion by Commissioner Shea and seconded by Chair Lukes, the Commission voted 3-0 to approve the requested One-Day All-Alcoholic Permit for Holy Trinity Nursing & Rehabilitation Center.

Exhibit A: City of Worcester Application for One Day Alcohol Permit submitted by Chris Liazos, dated August 24, 2011 and received August 25, 2011

2. 65 Water Street – One Day Alcohol Permit

Applicant had contacted DPRS via email that he would be withdrawing application

Exhibit A: City of Worcester Application for One Day Alcohol Permit submitted by Dzian Gallery, dated August 28, 2011 and received August 29, 2011

Exhibit B: Email from Dzian Gallery withdrawing application

3. 278 Shrewsbury Street – One Day Alcohol Permit

Paul Barber appeared on behalf of the applications. Mr. Barber stated the October 29, 2011 event was for a Halloween Party in lower part of parking lot which will be fenced off. The November 13, 2011 will be a Patriot party and the game will be broadcast outside in the lower parking lot and will be fenced off.

Upon a motion by Commissioner Shea and seconded by Chair Lukes, the Commission voted 3-0 to approve the two requests from Paul Barber for two one day alcohol permits.

Exhibit A: City of Worcester Application for One Day Alcohol Permit submitted by Paul Barber, dated August 29, 2011 and received August 30, 2011

4. 102 Russell Street – One Day Alcohol Permit

Jim McDonnell of St. Spyridon Cathedral appeared on behalf of application. The event will be held September 24, 2011 at the cathedral. The event is a gala affair to celebrate opening of their new family center followed by a dinner.

Upon a motion by Commissioner Shea and seconded by Chair Lukes, the Commission voted 3-0 to approve the request for One Day Alcohol Permit for St. Spyridon Cathedral.

Exhibit A: City of Worcester Application for One Day Alcohol Permit submitted by Father Dean Paleologos, dated August 30, 2011 and received September 1, 2011

5. 305 Shrewsbury Street – One Day Alcohol Permit

Alina Eisenhauer appeared on behalf of the application. Ms. Eisenhauer stated the event will be held on September 22, 2011 and that the event is for the annual walk and rock celebration on Shrewsbury Street and a tent will be placed in the parking lot for a television to televise Ms. Eisenhauer's new food show.

Upon a motion by Commissioner Shea and seconded by Chair Lukes, the Commission voted 3-0 to approve the requested One-Day All-Alcoholic Permit for Alina Eisenhauer.

Exhibit A: City of Worcester Application for One Day Alcohol Permit submitted by Alina Eisenhauer, dated September 3, 2011 and received September 6, 2011

6. 897 Main Street – Request to Open at 10:00 a.m. on Sundays

Applicant did not appear for item and Commission agreed to continue item until September 29, 2011.

Exhibit A: City of Worcester application to open at 10:00 a.m. on Sunday, submitted by Ann Roge, dated August 23, 2011 and received on August 23, 2011

7. 144-148 Shrewsbury Street – Request for sidewalk café

Dennis Richard appeared on behalf of application.

Mr. Lukes stated the Commissioners viewed the premises prior to the meeting and Commission members had reviewed the rules for outdoor dining at the site with the applicant.

Mr. Mullan stated that the applicant needs to make sure the sidewalk is cordoned off and that there is enough space for wheelchairs to pass on the sidewalk.

Upon a motion by Commissioner Shea and seconded by Chair Lukes, the Commission voted 3-0 to approve the request for alteration of premises.

Exhibit A: City of Worcester application for alteration of premises, submitted by Dennis Richard, dated August 15, 2011 and received on August 26, 2011

8. 12 Boylston Street – Request for change of manager

Applicant withdrew the application.

Exhibit A: City of Worcester application for change of manager, submitted by Madan Donepudi, dated August 25, 2011 and received on August 26, 2011

9. 60 Madison Street – Request for common victualer all alcoholic license & entertainment license

Mr. Lukes stated that the Commission members had attempted to view the new location prior to the meeting but no one was available at the premises.

Attorney Wei Jia along with Xinchun Jian appeared on behalf of application.

Mr. Jia stated was unaware that Commissioners were going to view the premises prior to the meeting.

Mr. Lukes and fellow Commission members agreed that they would like to continue the item until the September 29, 2011 License Commission meeting in order that they have opportunity to view location.

Mr. Jia stated he was agreeable to that.

Exhibit A: City of Worcester application for liquor license & entertainment license, submitted by Attorney Wei Jia, dated August 15, 2011 and received on August 31, 2011

- 10. 107 Water Street – Request for transfer of a common victualer all alcoholic license & entertainment license**

Scott Hurley, Shawn McCarthy, Tim Desantis appeared on behalf of application.

Mr. Hurley stated they will taking over the operation of the establishment. They want to try for a more upscale type of establishment and that Shawn McCarthy will be the manager of record.

Lt. Johnson stated Mr. McCarthy had passed the background check.

Upon a motion by Commissioner Shea and seconded by Chair Lukes, the Commission voted 3-0 to approve the request to transfer the common victualer all alcoholic license & entertainment license.

Exhibit A: City of Worcester application for liquor license & entertainment license submitted by Scott Hurley, dated August 24, 2011 and received on August 24, 2011

- 11. 751 Main Street – Request for transfer of a common victualer all alcoholic license & entertainment license**

Attorney Hung Tran and Tuyen Lam appeared on behalf of application.

Lt. Johnson stated he had met with Attorney Tran and the applicant to discuss a security plan for the premises.

Mr. Tran stated that the applicant is agreeable to the conditions as outlined by the Worcester Police Department.

Upon a motion by Commissioner Shea and seconded by Chair Lukes, the Commission voted 3-0 to approve the request to transfer the common victualer all alcoholic license & entertainment license with the following conditions:

- Manager will be working at the premises at least 40 hours per week**
- Start out slow by only allowing patrons who are 21 years or older**
- Employees – make sure all are TIPS certified**

- Police details – It is not required on Thursday, Sunday; however, it is advised for Friday and Saturday nights. Upon increase in business, Thursday and Sundays maybe required. Commission will revisit this issue on periodic basis
- ID Scanner is
- suggested, but a real time online database is preferred
- Post a list of accepted identifications, Mass Driver’s License, Mass Liquor Id, and military ID
- Keep on file a list of invoices and distributors
- Do not purchase supplies from a package store

Exhibit A: City of Worcester application for liquor license & entertainment license submitted by Attorney Hong V. Tran, dated August 23, 2011 and received on August 24, 2011

- 12. 632 Park Avenue – Request for transfer of a common victualer all alcoholic license & entertainment license**

Attorney Joseph Devlin and Frank Gauvin appeared on behalf of the application.

Mr. Devlin stated that Applebee’s is a large franchisee and is transferring to new corporation Apple New England LLC. Nothing will change at the licensed location.

Mr. Mullan asked about management at the location and Mr. Devlin stated Mr. Gauvin would be the licensed manager.

Lt. Johnson stated he will need to review the background check.

Upon a motion by Commissioner Shea and seconded by Chair Lukes, the Commission voted 3-0 to approve the request for transfer of the common victualer all alcoholic license and entertainment license subject to Mr. Guavin passing the background check by the Worcester Police Department.

Exhibit A: City of Worcester application for liquor license & entertainment license submitted by Attorney Joseph Devlin, dated August 17, 2011 and received on August 23, 2011

- 13. 557 Southwest Cutoff – Request for package store malt & wine license**

Attorney Arthur Pearlman appeared on behalf of the application. With him was Anal K Patel the applicant.

Mr. Lukes stated that the Commissioners viewed the site prior to the meeting.

Mr. Pearlman stated request is for a package store malt license. The hours of operation would be 8:00 a.m. and 11:00 p.m. Monday through Saturday. Mr.

Pearlman stated he was unaware of what Sunday operational hours are in Worcester but whatever is allowed will be the hours for the establishment.

Mr. Pearlman stated this license is not to compete with other package stores in the area and the location previously had a package store malt & wine license.

Mr. Lukes asked how long ago the location had license.

Ms. Steele stated that license had not been renewed three years ago.

Mr. Lukes stated that when Commission looks at new application they look at the public need and that there are several licenses within two miles of the site.

Mr. Mullan asked applicant how far this location was from Wal-Mart as at a previous meeting the Commission had voted not to issue license to that applicant.

Mr. Patel stated that they are about three miles from Wal-Mart but that this is a small store which has always held a license until few years ago and would have no negative impact on the area.

Mr. Pearlman stated that there is a mobile home park across from this location and that would be the customer base for this location so would not be in competition with other licensees in the area.

John Sczlmak stated he has lived in the area since 1976 and that as far back as he can remember that the location had a liquor license.

Mr. Lukes stated that after reviewing the fact that there had been a license previously in location and that location would basically be serving the needs of the neighborhood he would be in support.

Upon a motion by Commissioner Shea and seconded by Chair Lukes, the Commission voted 3-0 to approve the request for a package store malt & wine license.

Exhibit A: City of Worcester application for liquor license submitted by Attorney Arthur M. Pearlman, dated August 25, 2011 and received on August 29, 2011.

Exhibit B: Petition of support of application submitted by Attorney Arthur M. Pearlman, dated September 13, 2011 and received on September 14, 2011.

14. 344 Chandler Street – Request for change of location, LoveShack, Inc. dba Joey’s

Mr. Lukes stated that Commission members had viewed the site prior to the meeting and that the location the applicant wishes to move to has a liquor license.

Mr. Rovezzi stated that he had an agreement with current license holder that they would vacate so they could transfer to that location. However, the deal fell through.

Ms. Steele stated that current license holder, Tropical Gardens had put in request to transfer location to 344A Chandler Street but item would not be heard until September 29, 2011.

Mr. Lukes recommended that both transfer of location requests be heard at the September 29, 2011 meeting as they could not vote on current item until the matter of the current license at location is resolved.

15. 1 College Street – Request for entertainment license – College of Holy Cross

Attorney Donna Truex, Linda Nardella and Arthur Kordanikas appeared on behalf of application.

Ms. Truex stated that since last time they have appeared before Commission that things have been going well at the campus and they are requesting to allow entertainment at the pub in order to encourage more students to stay on campus.

Upon a motion by Commissioner Shea and seconded by Chair Lukes, the Commission voted 3-0 to approve the request for entertainment license for College of Holy Cross.

16. 4 Mann Street – Request for entertainment license – Bridge of Central Massachusetts

Tina Hyland appeared on behalf of application. Ms. Hyland stated request is for a one day festival and 5k road race that will be held on October 1, 2011 from 10:00 a.m. to 2:00 p.m.

Upon a motion by Commissioner Shea and seconded by Chair Lukes, the Commission voted 3-0 to approve the request for entertainment license for Bridge of Central Massachusetts.

HEARINGS

17. Universal Productions & Entertainment LLC dba Boiler room 70 Winter Street

Attorney Joseph Lussier appeared on behalf of license holder as license holder was out of state and could not attend.

Mr. Lussier stated he had met with Lt. Johnson of the Worcester Police Department and they have come up with the following agreement that will remain in effect until the September 29, 2011 License Commission meeting when license holder will be present:

- **Two officers on Thursday**
- **Two officers on Saturday**
- **One officer on Friday**

Ms. Beaton stated that Commission could impose as a condition and still have applicant come in for the September 29, 2011 meeting.

The Commission voted to hold the item until September 29, 2011 meeting.

18. Pypelyene LLC dba Bluri Bar – 320 Main Street

Ms. Steele informed members that she had received email at 9:45 a.m. that day from license holder that she would not be in attendance at meeting but would be turning in the liquor license.

The Commission voted 3-0 to revoke the liquor license for Pypelyene LLC for cessation of business.

19. Victory Bar & Cigar LLC – 56 Shrewsbury Street

Mark Piscillo was present from Victory Bar & Cigar LLC

Lt. Johnson presented the following report:

The Officer Edward Saucier requests that the License Commission notify Victory Cigar Bar located at 56 Shrewsbury St. to appear before the Commission to answer police complaints that a violation of Rule #14 of the Rules and Regulations of the License Commission occurred on July 15, 2011.

Rule #14- Managers of all licensed liquor establishment shall be responsible for all violations or infractions of the law occurring on the premises whether present or not. The licensee is responsible for any disorder, disturbance or illegality of any kind taking place on the licensed premises whether present or not.

On July 15, 2011 at 1900 hrs, Officer Edward Saucier and P.O. Mark Jolin met with a female on Shrewsbury St. in response to citizen complaints regarding difficulty getting by “sidewalk patios” along Shrewsbury St. The female (personal information at WPD Head Quarters) is a severely handicapped individual with a motorized wheel-chair. Officer Jolin and Officer Saucier were in plain clothes

and in an unmarked police vehicle. We observed the female trying to pass by the Victory Cigar Bar (56 Shrewsbury St) at about 1925 hrs. The female had to maneuver her motorized wheelchair into the dirt area of a tree on the sidewalk and a patron of the POB had to move the rope sectioning off the patio from the sidewalk in order for her to pass by.

Mr. Piscillo admitted to the facts as presented by the Police but stated there is problem with the sidewalks collapsing on Shrewsbury Street and weeds coming through cracks in sidewalk.

Mr. Lukes stated that if there are problems with sidewalks on Shrewsbury Street he would encourage the Shrewsbury Street merchants to call the City of Worcester and speak with staff as to what can be done.

Mr. Mullan stated that is imperative that the establishment has manager keep an eye on the outdoor area to make sure not blocking the access.

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

The Commission on a roll call voted that establishment should be given a warning.

20. Rhino Bites Inc dba Flying Rhino Café – 278 Shrewsbury Street

Paul Barber was present from Flying Rhino Cafe

Lt. Johnson presented the following report:

That Officer Edward Saucier requested that the License Commission notify Flying Rhino located at 278 Shrewsbury St. to appear before the Commission to answer police complaints that a violation of Rule #14 of the Rules and Regulations of the License Commission occurred on July 15, 2011.

Rule #14- Managers of all licensed liquor establishment shall be responsible for all violations or infractions of the law occurring on the premises whether present or not. The licensee is responsible for any disorder, disturbance or illegality of any kind taking place on the licensed premises whether present or not.

On July 15, 2011 at 1900 hrs, Officer Saucier and P.O. Mark Jolin met with a female on Shrewsbury St. in response to citizen complaints

regarding difficulty getting by “sidewalk patios” along Shrewsbury St. The female (personal information at WPD Head Quarters) is a severely handicapped individual with a motorized wheel-chair. Officer Jolin and Officer Edward Saucier were in plain clothes and in an unmarked police vehicle. We observed the female trying to pass by the Flying Rhino (278 Shrewsbury St) at about 1908 hrs. The female was unable to get by on the sidewalk due to tables and chairs until a patron of the POB moved chairs on both sides of the “sidewalk-patio”.

Mr. Barber admitted to the facts as presented.

Mr. Barber stated he has spoken to employees and gone over what is required.

Mr. Barber also stated there is problem with sidewalk and weeds grow up through sidewalk and the Shrewsbury Street merchants have taken over the responsibility of trying to eradicating the weeds every year.

The Commission on a roll call voted 3-0 that violation had occurred.

The Commission on a roll call voted 3-0 to issue a warning to the establishment.

21. Coral Seafood Worcester Inc, 225 Shrewsbury Street

Demtrious Voyiatzis was present from Coral Seafood

Lt. Johnson presented the following report:

Officer Edward Saucier requested that the License Commission notify Coral Seafood located at 225 Shrewsbury St. to appear before the Commission to answer police complaints that a violation of Rule #14 of the Rules and Regulations of the License Commission occurred on July 15, 2011.

Rule #14- Managers of all licensed liquor establishment shall be responsible for all violations or infractions of the law occurring on the premises whether present or not. The licensee is responsible for any disorder, disturbance or illegality of any kind taking place on the licensed premises whether present or not.

On July 15, 2011 at 1900 hrs, Officer Edward Saucier and P.O. Mark Jolin met with a female on Shrewsbury St. in response to citizen

complaints regarding difficulty getting by “sidewalk patios” along Shrewsbury St. The female (personal information at WPD Head Quarters) is a severely handicapped individual with a motorized wheel-chair. Officer Jolin and Officer Saucier were in plain clothes and in an unmarked police vehicle. We observed the female trying to pass by Coral Seafood (225 Shrewsbury St) at about 1936 hrs. The female was unable to get by on the sidewalk due the “sidewalk patio” and actually became stuck. There was no one on the patio at this time. Before we could assist her, a male came out of the POB and helped her with her wheelchair and moved some patio chairs so that she could get by.

Mr. Voyiatzis admitted to the facts as presented and stated they use to have a total of six tables with eighteen chairs and they have removed an entire table and eight additional chairs so now each table only has two chairs in order for situation will not occur again.

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

On a roll call the Commission voted 3-0 that establishment should be given a warning.

OTHER BUSINESS:

Ms. Steele informed members that ABCC will be holding a violation hearing on Main Restaurant Associates, Inc and will notify members of outcome when received

MEETING ADJOURNMENT:

Meeting adjourned at 11:03 a.m.