

**MINUTES OF THE PROCEEDINGS OF THE
LICENSE COMMISSION OF THE CITY OF WORCESTER
March 22, 2012**

ESTHER HOWLAND CHAMBER – CITY HALL

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

Staff Present: Joel Fontane, Director, Planning & Regulatory Services
Deborah Steele, Planning & Regulatory Services
Attorney Jennifer Beaton, Law Department
Attorney Alexandra Haralambous

REGULAR MEETING (10:00 AM)

CALL TO ORDER:

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

MINUTES:

Upon a motion by Chairman Lukes and seconded by Commissioner Shea the Commission voted 3-0 to approve the meeting minutes of March 8, 2012.

Old Business:

1. 13-15 King Street – South Middlesex Non-Profit Housing Corporation

Petition: Request to transfer lodging house license to South Middlesex Non-Profit Housing Corporation

Item continued until April 5, 2012 License Commission meeting

New Business:

2. 25 Sagamore Road – The Bartending Service of New England LLC

Petition: Request for one day malt & wine license on April 5, 2012 from 5:00 p.m. – 8:30 p.m. Alcohol to be purchased from Colonial Wholesale, Trio Wines

3. 25 Sagamore Road – The Bartending Service of New England LLC
Petition: Request for one day malt & wine license on April 27, 2012 from 6:00 p.m. – 10:00 p.m. Alcohol to be purchased from Colonial Wholesale, Trio Wines

Items #2,#3 were taken contemporaneously. Bill Fuller from the Bartending Services appeared on behalf of the applications. April 5, 2012 will be for event at the Worcester Center for Crafts & April 27, 2012 will also be event held at Worcester Center for Crafts.

Upon a motion by Chairman Lukes and seconded by Commissioner Shea the Commission voted 3-0 to approve the two one day liquor permits for The Bartending Service of New England, LLC.

Exhibit A: Application for one day liquor permit received on March 13, 2012 and dated March 13, 2012.

Exhibit B: Application for one day liquor permit received on March 13, 2012 and dated March 13, 2012.

4. 87 Salisbury Street – The Armenian Churches of Worcester County

Petition: Request for one day all alcohol license on April 28, 2012 from 7:00 p.m. – 1:00 a.m. – Alcohol to be purchased from Consolidated, Horizon

Robert Babigian appeared on behalf of application. He stated the event is a charity dinner dance and about 300 people are expected to attend. A police detail will be hired for the event.

Upon a motion by Chairman Lukes and seconded by Commissioner Shea the Commission voted 3-0 to approve the one day liquor permit for the Armenian Churches of Worcester County.

Exhibit A: Application for one day liquor permit received on February 23, 2012 and dated February 23, 2012.

5. 10 Lincoln Square – Bill Battelle

Petition: Request for one day malt & wine license on April 2, 2012 from 4:30 p.m. – 7:00 p.m. – Alcohol to be purchased from Horizon, Masciarelli, Atlas, Ms Walker Distributors

Bill Battelle appeared on behalf of the application. He stated event will be held at Mass College of Pharmacy and about 50-60 people are expected to attend.

Upon a motion by Chairman Lukes and seconded by Commissioner Shea the Commission voted 3-0 to approve the one day liquor permit for Bill Battelle.

Exhibit 1: Application for one day liquor permit received on March 7, 2012 and dated March 7, 2012.

6. 100 Barber Avenue – William Fuller

Petition: Request for one day malt & wine license on April 1, 2012 from 7:00 p.m. – 11:00 p.m.- Alcohol to be purchased from Colonial, Trio, Horizon Beverages.

William Fuller from the Bartending Service of New England appeared on behalf of application. Mr. Fuller stated event will take place at Higgins Armory and will be from 7:00 p.m. – 11:00 p.m.

Upon a motion by Chairman Lukes and seconded by Commissioner Shea the Commission voted 3-0 to approve the one day liquor permit for William Fuller.

Exhibit A: Application for one day liquor permit received on March 15, 2012 and dated March 15, 2012.

7. 102 Russell Street – St. Spyridon Greek Orthodox Cathedral

Petition: Request for one day all alcohol license on March 31, 2012 from 8:00 p.m. – 1:00 a.m. – Alcohol to be purchased from Atlas

Demitrios Economou appeared on behalf of application. Mr. Economou stated event is for a dinner dance and a police detail will be hired for event.

Upon a motion by Chairman Lukes and seconded by Commissioner Shea the Commission voted 3-0 to approve the one day liquor permit for St. Spyridon Greek Orthodox Cathedral.

Exhibit A: Application for one day liquor permit, received on March 15, 2012 and dated March 15, 2012.

8. 25 Union Street – Alex Barbosa

Petition: Request for one day malt & wine license on March 24, 2012 – 4:00 p.m. – 8:00 p.m. – alcohol to be purchased from Atlas, Consolidated, Martinetti.

Alex Barbosa appeared on behalf of application. Mr. Barbosa stated that the NCCA Hockey team and their families would be in Worcester over the weekend and had requested Maxwell's to host them. Mr. Barbosa stated to comply with fire regulations they would like to have an outside fenced in area for any overflow from the restaurant.

Mr. Barbosa stated event will be very short and at 8:00 p.m. everything would be broken down in the outside area.

Upon a motion by Chairman Lukes and seconded by Commissioner Shea the Commission voted 3-0 to approve the one day liquor permit for Alex Barbosa.

9. 335 Chandler Street – NuCafe LLC, Joshua Van Dkye

Petition: Request for common victualer malt & wine license

Joshua Van Dyke appeared on behalf of the application. He stated he has owned the business for 3 ½ years and would know like to expand and add beer & wine.

Commissioner Mullan asked about what the hours would be as the lease for the premises had specific hours.

Mr. Dyke stated that hours would be consistent with lease.

Upon a motion by Chairman Lukes and seconded by Commissioner Shea the Commission voted 3-0 to approved the common victualer malt & wine license.

Exhibit 1: Application for liquor license received on February 27, 2012 and dated December 5, 2012.

10. 281 Main Street – Ritual, Inc

Petition: Request for change of manager to Nathan T. Aquilino

Application continued until April 5, 2012 License Commission meeting.

11. 704 Main Street – Boaben Enterprises dba New York Fried Chicken

Petition: Request for common victualer license

Vida Ofori Causey appeared on behalf of application. Ms. Causey stated she is just buying establishment from existing owners and has been training there for past two months.

Upon a motion by Chairman Lukes and seconded by Commissioner Shea the Commission voted 3-0 to approved the common victualer license for Boaben Enterprises dba New York Fried Chicken.

Exhibit A: Application for common victualer license received on March 9, 2012 and dated March 9, 2012.

12. 848 Main Street – Extreme Restaurant, Inc

Petition: Request for common victualer license

Ms. Steele informed Commission members that location had not received approval from Worcester Police and applicant did not appear at meeting.

Upon a motion by Commissioner Mullan and seconded by Commissioner Shea the Commission voted 3-0 to deny the common victualer license for Extreme Restaurant, Inc.

Exhibit A: Application for a common victualer license received on March 13, 2012 and dated March 13, 2012.

13. 425 Salisbury Street – Blitz Cafeteria

Petition: Request for common victualer license

Solange Blitz appeared on behalf of application. Ms. Blitz stated she is taking over the operation of the cafeteria operation at Notre Dame Academy. Commissioner Lukes asked if location is open to public. Ms. Blitz stated no and that just for Notre Dame.

Upon a motion by Chairman Lukes and seconded by Commissioner Shea the Commission voted 3-0 to approve the common victualer license for Blitz Cafeteria.

14. 186 Stafford Street – The Ugly Sub & Pizza Company

Petition: Request for common victualer license

Jonathan Victor appeared on behalf of the application. Mr. Victor stated that he will be running a similar pizza business that was at location previously. Chairman Lukes asked what the hours of the operation would be. Mr. Victor stated 11:00 a.m. to 11:00 p.m.

Chairman Lukes asked if Mr. Victor planned to sell alcohol at location and Mr. Victor responded no.

Chairman Lukes asked if Mr. Victor had previous experience operating a restaurant. Mr. Victor stated his family owned a Dairy Queen and he worked there.

Upon a motion by Chairman Lukes and seconded by Commissioner Shea the Commission voted 3-0 to approve the common victualer license for The Ugly Sub & Pizza Company.

Exhibit 1: Application for common victualer license, received on March 8, 2012 and dated March 8, 2012.

15. 274 Shrewsbury Street – Bar 2010, Inc. dba Rivalry Sports Bar

Petition: Request to amend entertainment license to include jukebox, live music, karaoke

Attorney Dan Cotton and Richard Blevins appeared on behalf of application. Mr. Blevins stated that business has been slow and they are looking to expand the entertainment in order to attract more patrons.

Al Belmonte and Marie Belmont spoke in opposition of request.

Mr. Belmonte stated that previous owners, Jeff's, the neighbors had nothing but problems with and does want to see a repeat of those problems.

Ms. Belmont asked whether the windows would be opened or closed.

Joe Smalley stated that he also had problems with the noise with Jeff's operated the liquor license at location. He also asked whether the License Commission was going to place a restriction on whether windows would be closed.

Attorney Cotton stated that current establishment is not run like previous license holder and would to expand entertainment with reasonable conditions placed on license.

Chairman Lukes stated if expanded entertainment is approved he would not want to see any electronic amplification.

Mr. Belmonte stated if license is approved and there are problems who do the neighbors bring complaints to.

Chairman Lukes stated that if any complaints neighbors can bring to the License Commission's attention.

Upon a motion by Chairman Lukes and seconded by Commissioner Shea the Commission voted 3-0 to approve expansion of the entertainment license with following conditions: windows & doors closed at 10:00 p.m.

Exhibit A: Application to expand entertainment license received March 5, 2012 and dated March 5, 2012.

Exhibit B: Email dated March 16, 2012 from Gary Vecchio in opposition of application.

Exhibit C: Letter from Albert Belmonte in opposition of application dated March 19, 2012 and received on March 19, 2012.

16. 41 Pleasant Street – City Instyle

Petition: Request for change of condition on liquor license relative to 18+

Farhad Khaledi appeared on behalf of application.

Chairman Lukes stated that unfortunately Lt. Johnson was unable to attend this meeting and the Commission would like his input relative to this request.

Upon a motion by Chairman Lukes and seconded by Commissioner Shea the Commission voted 3-0 to continue item until April 5, 2012 License Commission meeting.

Exhibit A: Email dated February 23, 2012 from Farhad Khaledi requesting change in condition of license.

17. 9 Einhorn Road – Alpha Phi International Fraternity

Petition: Request for lodging house license

Attorney Todd Rodman appeared on behalf of application. Mr. Rodman stated that this location had been approved for a lodging house by the Zoning Board of Appeals. The location will have a maximum occupancy of 12 residents and there is no smoking, drinking, drugs or pets allowed.

Attorney Rodman stated that they had met with neighbors to inform them about the proposal.

Chairman Lukes thank Attorney Rodman for meeting with neighbors and stated this will have minimal impact on the neighborhood.

Upon a motion by Chairman Lukes and seconded by Commissioner Shea the Commission voted 3-0 to approved the lodging house license for 9 Einhorn Road.

Exhibit A: Application for lodging house license received on March 9, 2012 and dated March 7, 2012.

HEARINGS

18. 912 Main Street – Roastmeisters Coffe, LLC – Rescinding of approval for common victualer all alcohol license

Ms. Steele informed the Commission that David Fullerton had contacted the office via email on March 3, 2012 to inform the License Commission that negotiations for lease had fell through and project will no longer take place.

Upon a motion by Chairman Lukes and seconded by Commissioner Shea the Commission voted 3-0 to rescind the common victualer all alcohol license for Roastmeisters Coffee, LLC.

19. 36-40 Southbridge Street – Ding Ho Dynasty, Inc., - Cessation of Business

Ms. Steele stated that establishment has been closed and license holder was notified of hearing being held today.

Upon a motion by Chairman Lukes and seconded by Commissioner Shea the Commission voted 3-0 to revoke the common victualer all alcohol license for Ding Ho Dynasty, Inc.

Other Business:

Policy – One Day Liquor

Joel Fontane, Director of Planning & Regulatory Services present a proposal relative to one day liquor permits. Mr. Fontane stated this was in response to a request to streamline the process for applicants who apply for multiple one day liquor permits throughout the year.

Commission members stated they support the proposal but would like to see a draft of an application that will be used.

Exhibit A: Letter from Joel Fontane dated March 22, 2012 relative to One Day Liquor Policy.

A.B.C.C. Communications – Kelly W. dba Club Kas Bar

Ms. Steele stated that ABCC had notified local board that Club Kas Bar was found by the ABCC in violation by serving intoxicated person and ABCC had imposed a suspension at location.

Adjournment

Upon a motion by Chairman Lukes and seconded by Commissioner Shea the Commission voted 3-0 to adjourn the meeting at 11:10 a.m.