

**MINUTES OF THE PROCEEDINGS OF THE
LICENSE COMMISSION OF THE CITY OF WORCESTER
September 29, 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
Lt. James Johnson, Worcester Police Department

REGULAR MEETING (10:00 AM)

CALL TO ORDER:

Chairman Lukes called the meeting to order at 10:00 a.m.

MINUTES:

Upon a motion by Chairman Lukes and seconded by Commissioner Shea the Commission voted 3-0 to approve the minutes of September 1, 2011 and September 15, 2011.

UNFINISHED BUSINESS:

1. 897 Main Street – Healy’s Restaurant Inc. (dba Moynihan’s Pub):

Petition to open at 10:00 a.m. on Sundays. Ms. Steele informed the Commission that the applicant had called and withdrawn her application.

Exhibit A: City of Worcester Application petition to open at 10:00 a.m. on Sunday’s submitted by Ann Roje on August 23, 2011 and dated August 23, 2011.

2. 60 Madison Street – J. P. Alliance Inc. (dba Shangri-La, Xinchun Jian)

Petition: request for common victualer all alcoholic license & entertainment license to include tv, dancing by patrons, entertainers, live music, amplification system & karaoke.

Wei Jia, attorney representing J.P. Alliance and Xinchun Jian proposed manager appeared on behalf of the application.

Mr. Jei stated that Mr. Jian will be 100% shareholder and manager.

Mr. Lukes stated the Commissioners had viewed the premises prior to the meeting and the place looked wonderful and Commission was excited to see premises going to re-open.

Mr. Jian stated that this will be a Chinese/Japanese restaurant with alcohol. The seating will be for 280.

Mr. Jia stated that Mr. Jian has worked in industry previously.

Mr. Jia stated there will also be entertainment.

Mr. Mullan asked whether the restaurant and entertainment would be seven days a week.

Mr. Jia stated that food service will be seven days a week but entertainment will be Wednesday through Saturday.

Ms. Shea asked where dance area.

Mr. Jia stated dance area will be in function room in back.

Lt. Johnson stated Mr. Jian had passed background check.

Mr. Lukes stated that location has been Chinese Restaurant for decades and in commercial area so a good fit and thanked the applicant for their investment.

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

Exhibit A: City of Worcester Application for liquor license & entertainment license submitted by Attorney Wei Jia, Esq. on August 24, 2011 and dated August 15, 2011.

3. 344 Chandler Street – Tropical Gardens, John Gyasi

Ms. Steele informed the Commission members that Mr. Gyasi had relinquished his license to the City of Worcester.

Upon a motion by Chairman Lukes and seconded by Commissioner Shea the Commission voted 3-0 to accept the surrender of the liquor license from John Gyasi, dba Tropical Gardens, 344 Chandler Street.

Exhibit A: Letter dated September 26, 2011 from John Gyasi dba Tropical Gardens, 344 Chandler Street giving up liquor license to City of Worcester.

4. 242 Mill Street – LoveShack Inc. (dba Joey's Bar & Grill)

Petition: Request for change of location from 242 Mill Street to 344 Chandler Street, LoveShack Inc. dba Joey's Bar & Grill.

Joseph Rovezzi appeared on behalf of application.

Mr. Lukes stated that Commissioners had viewed the property prior to the last meeting.

Mr. Rovezzi stated he is moving from his current location of 242 Mill Street to 344 Chandler Street as his lease will be expiring at 242 Mill Street

Mr. Mullan asked how long for transfer will take place.

Mr. Rovezzi stated hopefully he will be in new location within a month.

Upon a motion by Chairman Lukes and seconded by Commissioner Shea the Commission voted 3-0 to approved the transfer of location.

Exhibit A: City of Worcester Application for transfer of location submitted by Joseph Rovezzi on August 31, 2011 and dated August 30, 2011.

NEW BUSINESS:

5. 100 Barber Avenue – The Bartending Service of New England LLC

Petition: One Day Liquor Permit
Date: November 21, 2011
Time: 5:30 p.m. – 9:30 p.m.

6. 100 Barber Avenue – The Bartending Service of New England LLC

Petition: One Day Liquor Permit
Date: October 21, 2011
Time: 6:00 p.m. – 9:00 p.m.

Items #5, #6 were taken contemporaneously.

William Fuller from Bartending Service New England LLC appeared on behalf of the applications.

Mr. Fuller stated that the November 21, event will be for benefit for Veteran's Inc. and expects about a 100 people.

October 21, 2011 is Tournament of Wine at Higgins Armory. Mr. Lukes recused himself from this item. The event is a 35+ crowd and 400 people expected.

Upon a motion by Chairman Lukes and seconded by Commissioner Mullan the Commission voted 3-0 to approve the one day liquor permit for November 21, 2011.

Upon a motion by Commissioner Shea and seconded by Commissioner Mullan the Commission voted 2-0 to approve the one day liquor permit for October 21, 2011.

Exhibit A: City of Worcester Application for one day liquor permit submitted on September 6, 2011 and dated September 6, 2011.

Exhibit B: City of Worcester Application for one day liquor permit submitted on September 6, 2011 and dated September 6, 2011.

7. 25 Foster Street – Chartwells, Bill Battelle

Petition: One Day Liquor Permit
Date: December 11, 2011
Time: 3:00 p.m. – 10:00 p.m.

William Battelle appeared on behalf of the application. Mr. Battelle stated event is for Mass College of Pharmacy in downtown Worcester

Mr. Lukes asked how many people were expected.

Mr. Battelle stated about 60 people were expected to attend.

Mr. Battelle stated Charles Monahan, president of the College is having event.

Mr. Battelle stated actual time of event will be 4:30 to 9:30 but he wasn't sure of time when he filled out application.

Upon a motion by Chairman Lukes and seconded by Commissioner Shea the Commission voted 3-0 to approve the one day liquor permit for December 11, 2011.

Exhibit A: City of Worcester Application for one day liquor permit submitted on September 13, 2011 and dated September 14, 2011.

8. 91 Stafford Street – Rutha Michelle Law

Petition: One Day Liquor Permit
Date: November 25, 2011
Time: 8:00 p.m. – 1:30 a.m.

Rutha Michelle Law appeared on behalf of application. Ms. Law stated event is a fashion show. Ms. Law stated she is expecting 50-75.

Mr. Lukes asked how much of the event is fashion show and how much is dancing and dj.

Ms. Law stated fashion show is two hours and from 10:00 p.m. to 1:30 is dancing.

Mr. Lukes stated that this location has had difficulty in the past with crowds spilling over outside onto the sidewalk and events wind up being more than 50-75 people.

Ms. Law stated that would not be case in this event.

Mr. Lukes stated that they would hold event to 75 people.

Ms. Shea asked what event was for.

Ms. Law stated she sells lingerie and pajamas and does fashion shows.

Lt. Johnson stated that based on history of location he would recommend a police detail and if detail officer arrives and there are more than 100 people more details will be required.

Mr. Mullan asked whether Ms. Law was hiring a private security.

Ms. Law stated she planned to hire private security.

Mr. Mullan requested Ms. Law not do that so there is not an issue with private detail and Worcester Police being there at same time and did not want Ms. Law to waste her money on private security if Worcester Police details will be present.

Lt. Johnson stated that he would give Ms. Law the contact phone number for off-duty police details.

Upon a motion by Chairman Lukes and seconded by Commissioner Shea the Commission voted 3-0 to approved the one day liquor permit for November 25, 2011 with following conditions:

- One police officer required and if over 100 people present at event than two details will be required and determination will be made by officer at the event.

Exhibit A: City of Worcester Application for one day liquor permit submitted on September 15, 2011 and dated September 12, 2011.

9. 404 West Boylston Street - Ken Nicholas

Petition: One Day Liquor Permit
Date: October 15, 2011
Time: 2:00 p.m. – 10:00 p.m.

No one appeared for meeting. Item continued until October 13, 2011

10. 25 Sagamore Road – Katherine Krock & Elaine Evans

Petition: One Day Liquor Permit
Date: October 14, 2011
Time: 5:30 p.m. – 9:30 p.m.
No one appeared for meeting. Item continued until October 13, 2011

11. 344 Chandler Street – Tropical Gardens, John Gyasi

Petition: Request to transfer location from 344 Chandler Street

As Mr. Gyasi had relinquished his liquor license to the City of Worcester the Commission could not take any action of item and filed the matter.

Exhibit A: City of Worcester Application for transfer of location submitted by John Gyasi on September 19, 2011 and dated September 16, 2011.

12. 12 Boylston Street – Avighna Corporation

Madan Donepudi and Steven Joseph Nuzzetti appeared on behalf of the application. Mr. Nuzzetti stated he will be the new manager and worked at Belmont Liquors previously. Lt. Johnson stated that police would recommend Mr. Nuzzetti as manager. Upon a motion by Chairman Lukes and seconded by Commissioner Shea the Commission voted 3-0 to approve change of manager to Nuzzetti.

Exhibit A: City of Worcester Application for change of manager submitted by Madan Donepudi on September 13, 2011 and dated September 14, 2011.

13. 70 Winter Street- Universal Productions dba Boiler Room

Attorney Joseph Lussier and Paul Aboody appeared on behalf of item.

Mr. Lukes explained that there was a voluntary agreement in place from last License Commission meeting relative to having police details at establishment. Lieutenant Johnson stated he had met with Attorney Lussier and Mr. Aboody and they had agreed to the following

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

If events on other nights happen where establishment thinks they may have a crowd they will obtain a detail for that additional night.

Lt. Johnson stated that condition can be adjusted if things get busier or slower.

Mr. Lussier stated he did not want it to be placed as a condition on the license and that it would just be an understanding as stated at previous meeting.

Mr. Lukes explained that previous agreement was just temporary until today's meeting.

Lt. Johnson stated without it being a condition on the license there is no way they could enforce it because it is not on liquor license.

Mr. Lukes stated if there is a change in business and things are slower on certain nights then license holder can come back before Commission and request amendment to condition.

Mr. Aboody stated his concerns is going forward should he decide to sell the license then the condition is on the license.

Lt. Johnson asked whether there could be another type of rule that could address what was being requested.

Mr. Lukes stated it has to be a condition on the license in order to be enforceable.

Mr. Aboody asked whether if it could be a 30 day condition.

Lt. Johnson stated he felt 30 days was too short of a time.

Mr. Aboody stated he wants to work together with police.

Mr. Lussier stated problem is that establishment is competing with other bars in the area and they will not have the same restrictions as Boiler Room will have.

Mr. Lukes stated he understands their concerns but they cannot have police going to area to break up fights.

Mr. Lussier stated he understands that and that is why they have been cooperating with Commission and Police Department but the legal restriction is their concern.

Mr. Lukes stated that the Commission needs a way to enforce the issue and in order to do that it has to be on the license.

Mr. Lussier asked why if it is going to be restriction for Boiler Room why isn't it going to be a restriction for every other establishment in the area.

Mr. Lukes stated that other establishments in the area do not have the same amount of police calls and that is why Boiler Room is before the Commission

Mr. Lussier stated he respectfully disagrees with Commission comments.

Mr. Aboody stated that fights are going to happen no matter what and that a lot of the time the fights are occurring outside the establishment.

Mr. Lukes stated other option would be go through each police call and hold a hearing on each one and Commission can discuss whether to suspend the license but the Police did not wish to go that route and wanted to work with establishment.

Mr. Lussier asked for a few minutes to talk with his client.

Mr. Aboody stated he would agree with the conditions for 90 days.

Mr. Lukes stated Commission does this all the time with liquor establishments and would be happy to review it again in 90 days.

Upon a motion by Chairman Lukes and seconded by Commissioner Shea the Commission voted 3-0 to add the following condition to the liquor license for Universal Productions dba Boiler Room for 90 days:

Two officers on Thursday

Two officers on Saturday

One officer on Friday

Exhibit A: Letter from Law Office of Joseph Lussier, submitted on September 14, 2011 and dated September 13, 2011.

Ms. Steele updated Commission that due to the closing of the City Hall garage in late October that meetings in January, February, 2012 will need to be held at Worcester Public Library.

Ms. Steele provided a copy of letter that College of Holy Cross had submitted on status of the opening of the pub later in the evening in order to encourage students to stay on campus in the evening.

Exhibit A: Letter from College of Holy Cross dated September 9, 2011.

MEETING ADJOURNMENT:

Upon a motion by Chairman Lukes and seconded by Commissioner Shea the Commission adjourned the meeting at 11:03 a.m.