

MINUTES OF THE PROCEEDINGS OF THE
LICENSE COMMISSION OF THE CITY OF WORCESTER
AUGUST 8, 2013

ESTHER HOWLAND CHAMBERS

Commission Members Present: Karon Shea, Chairperson
Paul Mullan, Commissioner
Anthony Salvidio, Commissioner

Staff Present: Deborah Steele, Planning & Regulatory Services
Lt. James Johnson, Worcester Police Department
Officer William Stout, Worcester Police Department
Alexandra Haralambous, Law Department

Call to Order –

Chair Shea called the meeting to order at 10:00 A.M.

Upon a motion by Commissioner Mullan the Commission voted 3-0 to approve the minutes of April 11, 2013, May 9, 2013, July 11, 2013 and July 25, 2013. The April 25, 2013, May 23, 2013, minutes were held.

Old Business:

1. Petition: Request for transfer Restaurant All Alcohol license

Petitioner: Seven Hills Baystate dba Canal Restaurant & Bar, 65 Water Street

Attorney Jonathan Finkelstein and Elaine Courtney appeared on behalf of the item. Lt. Johnson stated the background check on all the applications were all set.

Chair Shea asked if there would be any changes to the establishment. Attorney Finkelstein stated it would remain the same.

Upon a motion by Commissioner Mullan the Commission voted 3-0 to approve the transfer of the restaurant all alcohol license.

Exhibit A: Application for transfer of restaurant all alcohol license received June 25, 2013 and dated June 25, 2013.

Entertainment Applications

2. Petition: Request for entertainment license to include: tv, radio, live music, amplification system, karaoke, any other audio or visual show, whether live or recorded specifically

Petitioner: Seven Hills Baystate dba Canal Restaurant & Bar, 65 Water Street

Upon a motion by Commissioner Mullan the Commission voted 3-0 to approve the entertainment license.

New Business

One Day Liquor Requests

3. Petition: Request for one day liquor license – October 17, 2013 – 5:00 p.m. – 9:00 p.m.- 102 Russell Street

Petitioner: Holy Trinity Nursing & Rehabilitation

Chris Liazos appeared on behalf of the item. He stated this will be for a food & wine festival.

Upon a motion by Commissioner Mullan the Commission voted 3-0 to approve the one day liquor license for Holy Trinity Nursing & Rehabilitation.

Exhibit A: Application for one day liquor license received on July 16, 2013 and dated July 16, 2013.

4. Petition: Request for one day liquor license – August 24, 2013 – 7:30 p.m. – 1:30 a.m., 30 Anna Street

Petitioner: St. George Cathedral

Judy Shaughnessy appeared on behalf of the item. She stated this is a church event with 200 to 300 people expected.

Upon a motion by Commissioner Mullan the Commission voted 3-0 to approve the one day liquor license for St. George Cathedral.

Exhibit A: Application for one day liquor license received on July 24, 2013 and dated July 24, 2013.

5. Petition: Request for one day liquor license – September 7, 2013 – 1:00 p.m. -1:00 a.m., 20 Exchange Street

Petitioner: Michael Barrasso

Michael Barrasso appeared on behalf of the item. Mr. Barrasso stated that this is a party for the Worcester Pride Celebration and will be held at 20 Exchange Street.

Commissioner Mullan asked Mr. Barrasso to described how event would be fenced off and security. Mr. Barrasso stated fencing will be in place and two off duty police officers as well as six to seven security guards will be present.

Upon a motion by Commissioner Mullan the Commission voted 3-0 to approve the one day liquor license for Michael Barrasso.

Common Victualer – Food Only:

6. Petition: Request for common vicualer license – 169 Lincoln Street

Petitioner: Jamaica Thyme

Elias Brock appeared on behalf of the petition.

Chair Shea asked what would be the hours of operation. Mr. Brock responded 10:00 a.m. – 10:00 p.m.

Upon a motion by Commissioner Mullan the Commission voted 3-0 to approve the common victualer license for Jamaica Thyme.

Exhibit A: Application for common victualer license received July 29, 2013 and dated July 29, 2013.

7. Petition: Request for common victualer license – 2 Coes Square

Petitioner: New House of India

Lakhveer Sahota appeared on behalf of the item.

Upon a motion by Commissioner Mullan the Commission voted 3-0 to approve the common victualer license at New House of India.

Exhibit A: Application for common victualer license received July 19, 2013 and dated July 19, 2013.

Alcohol Permit Applications

8. Petition: Request for Package Store Malt & Wine license

Petitioner: Miracle Pizza, Inc. dba Perucho's Pizza & Variety, 1280
Grafton Street

Attorney Gerald Shgrue and Emil Ghobrial appeared on behalf of the item.

Attorney Shgrue stated this is a combined variety store and pizza restaurant and they have operated in that plaza for seven years. They took over White Hen location to expand the business and they would like to now add beer and wine as convenience for the people in the neighborhood.

Chair Shea asked if anyone in audience was for or against the application. There was no one present who wished to speak for or against.

Commissioner Mullan stated this is basically a store with two separate entities, the convenience store and the pizza restaurant and if the license is approved it covers the entire store which means that no one can buy and consume alcohol on the premises.

Attorney Shgrue stated his client is aware of that.

Commissioner Mullan stated the Commissioners and Lt. Johnson had viewed the site that morning and the delivery and storage area are sufficient but stressed that employees ringing up sales must be server trained and manager has to be watchful not to serve underage and only sell alcohol during the hours allowed. He also stated when sales cannot take place the alcohol needs to be covered.

Commissioner Salvidio stated he had concerns about how much space the alcohol sales would take up and asked if applicant would have problem limiting the area.

Attorney Shgrue stated his client would be okay with that and they would amend plan.

Commissioner Mullan asked how many security cameras were on premises. Attorney Shgrue responded sixteen.

Commissioner Mullan stated the reason he was voting to approve this license is that there is a public need in the area as the location is undeserved.

Upon a motion by Commissioner Mullan and seconded by Commissioner Salvidio the Commission voted 3-0 to approve the package store malt & wine license with the following conditions:

No alcohol consumption on the premises. Alcohol placement is limited to one rack in middle of store and coolers showed on plan filed.

Exhibit A: Application for package store malt & wine license received on June 11, 2013;
dated May 9, 2013

Exhibit B: Quick Guide for Temporary signs

Exhibit C: Email communication, Attorney Gerald Shugure dated July 1, 2013

Exhibit D: Department of Planning & Regulatory Services memo dated August 6, 2013.

9. Petition: Request for transfer of package store all alcohol license from Andersen Breeds, 110 McKeon Road

Petitioner: OM Harsh Corporation dba Andersen & Breeds

Attorney Joseph Devlin and Govind Patel appeared on behalf of the application.

Mr. Devlin stated that in application it stated there was going to be a \$50,000 gift from a family member to help purchase the business but that was a mistake. It is going to be a \$50,000 loan which will be paid back in two years.

Mr. Delvin stated that Mr. Patel has experience in business as owns other package stores in Massachusetts.

Commissioner Mullan asked if this would be his fourth license in the state. Mr. Devlin stated that would be correct.

Commissioner Salvidio asked if the bank would have interest in the license. Mr. Devlin stated yes.

Mr. Devlin stated the corporation will be updating the scanners in the store to prevent underage from purchasing alcohol

Upon a motion by Commissioner Mullan the Commission voted 3-0 to approve the transfer and pledge of liquor license for OM Harsh Corporation dba Andersen & Breeds.

Exhibit A: Application for transfer of package store all alcohol license received on July 22, 2013 and dated July 23, 2013.

Violation Hearings

10. Plaza Azteca Lincoln Plaza LLC
dba Plaza Azteca
539 Lincoln Street

Violation of Rules #7, #11, 204 CMR 204, M.G.L. 138,§34 – Sale to minor

Edy Bachona appeared on behalf of item. He stated the person who was present at time of violation has been fired and at time of event the cameras in restaurant were off line but they have since fixed that problem.

Commissioner Mullan asked Mr. Bachona in what capacity was he appearing on behalf of Plaza Azteca. Mr. Bachona stated he was the manager of the premises.

Commissioner Mullan pointed out that David Gil was on the license as manager of record and asked Mr. Bachona where Mr. Gil was. Mr. Bachona sated Mr. Gil was owner of corporation but was in Mexico at moment.

Commissioner Mullan stated that Plaza Azteca needs to let police right away know who is in charge of premises while Mr. Gil is away and stated that since Mr. Bachona has no standing as manager or as corporate officer that License Commission should continue hearing until Mr. Gil can be present.

Upon a motion the Commission voted 3-0 to continue to the item and reminded Mr. Bachona to immediately file application for manager who will be in charge of premises during Mr. Gil's absence.

Communications

ABCC communication: P & N Inc dba Lincoln Discount Liquors

Commission no comment.

Adjournment

Upon a motion the Commission voted 3-0 to adjourn the meeting at 10:50 a.m.