

**MINUTES OF THE PROCEEDINGS OF THE  
LICENSE COMMISSION OF THE CITY OF WORCESTER  
April 19, 2012**

**WORCESTER PUBLIC LIBRARY - BANX ROOM, 3 SALEM SQ.,  
WORCESTER, MA 01608**

**Commission Members Present:** Karon Shea, Chair  
Paul Mullan, Commissioner

**Staff Present:** Luba Zhaurova, Planning & Regulatory Services  
Attorney Alexandra Haralambous, Law Department  
Jim Foley, Inspectional Services  
Lieutenant Johnson, Worcester Police Department

**REGULAR MEETING (10:00 AM)**

**CALL TO ORDER:**

Chairwoman Shea called the meeting to order at 10:00 a.m.

**MINUTES:**

Upon a motion by Mr. Mullan and seconded by Ms. Shea, the Commission voted 2-0 to approve the April 5, 2012 meeting minutes.

**CONTINUATIONS/POSTPONEMENTS/LEAVE TO WITHDRAW:**

**1. 97D Webster Street:** Ms. Zhaurova informed the Commission that Randolph Gardner, the applicant, requested a Leave to Withdraw Without Prejudice of this petition. The Commission approved this request.

List of Exhibits:

Exhibit A: Application for a 1) Special One Day Malt & Wine License for May 6, 2012, 12:00pm-10:00pm – an Arts & Crafts Event; and 2) Entertainment License to allow for dancing by patrons; live music; and amplification system on May 6, 2012; prepared by Randolph Gardner; received April 10, 2012.

Exhibit B: Request for Leave To Withdraw Without Prejudice from Randal Gardner; dated April 18, 2012.

## **UNFINISHED BUSINESS:**

**2. 13-15 King Street** – South Middlesex Non-Profit Housing Corporation: Attorney James A. Maloney, representative for the License Holder, presented the petition. Lieutenant Johnson stated that Worcester Police Department signed off on the background check of the applicant. The Commission held the hearing until Attorney representing South Middlesex Non-Profit Housing Corporation is present.

**3. 41 Pleasant Street:** Farhad Khaledi, the manager of Club Instyle Inc., requested that the Commission consider a change of condition of a liquor license allowing him to have clients 18+ on Friday and Saturday nights in addition to the previously approved Thursday night. Lieutenant Johnson said he would be amenable to this request if the petitioner provided minimum 2 police details on those nights, and if the applicant comes in for a status hearing in 6 months. He stated that the establishment has had a few disciplinary issues in the past, but not recently.

Upon a motion by Mr. Mullan and seconded by Ms. Shea, the Commission voted 2-0 to approve Mr. Khaledi request with conditions per Lieutenant Johnson's recommendation. The Commission allowed Mr. Khaleid to start allowing 18+ aged clients the next day.

List of Exhibits:

Exhibit A: Request for change of condition on license from Farhad Khaledi received via email on February 23, 2012.

## **NEW BUSINESS:**

**4. 25 Foster Street (9<sup>th</sup> floor, Fuller Conference Room):** Bill Battelle, the applicant and representative for Chartwells Catering, stated that he is seeking a Special One Day Malt & Wine License for May 4, 2012 – 5:00pm-8:00pm.

Upon a motion by Mr. Mullan and seconded by Ms. Shea, the Commission voted 2-0 to approve a Special One Day Malt & Wine License for May 4, 2012 – 5:00pm-8:00pm.

List of Exhibits:

Exhibit A: Request for Special One Day Malt & Wine License; prepared by Bill Battelle; received April 2, 2012.

**5. 1 College Place:** William Fuller of The Bartending Service of New England, LLC, representative for College of the Holy Cross, the applicant, stated that the applicant is seeking a Special One Day Malt & Wine License for May 4, 2012 (May 5, 2012 rain date) – 4:00pm-8:00pm or 12:00pm-4:00pm for the rain date.

Upon a motion by Mr. Mullan and seconded by Ms. Shea, the Commission voted 2-0 to approve a Special One Day Malt & Wine License for May 4, 2012 (May 5, 2012 rain date) – 4:00pm-8:00pm or 12:00pm-4:00pm for the rain date.

List of Exhibits:

Exhibit A: Request for Special One Day Malt & Wine License; prepared by William Fuller; received April 2, 2012.

**6. 346 Shrewsbury Street:** Lieutenant Johnson requested a postponement of the item in order to provide the Police Department time to conduct a background check on the applicant. The applicant (Terrenee O'Connor – President of TD & Company Inc.) did not have an objection.

Upon a motion by Mr. Mullan and seconded by Ms. Shea, the Commission voted 2-0 to postpone the hearing to May 3, 2012.

**7. 19 Glennie Street:** Melissa McNally, representative for Percy's, stated that the applicant is seeking a Special One Day Malt & Wine License on May 22, 2012, 5pm-8pm for a "Dine and Learn" event for about 100 people. Ms. Shea stated she believed the space is sufficiently large to accommodate this event.

Upon a motion by Mr. Mullan and seconded by Ms. Shea, the Commission voted 2-0 to approve a Special One Day Malt & Wine License on May 22, 2012, 5pm-8pm.

List of Exhibits:

Exhibit A: Request for Special One Day Malt & Wine License; prepared by Alan Levine; received April 2, 2012.

**8. 1 College Place:** Kristin Dyer, Director of Alumni Relations, and representative for College of the Holy Cross, the applicant, stated that the applicant is seeking an approval of Special One Day Malt & Wine Licenses for Alumni Events during two weekends for cocktail parties and alumni dinners for the following dates and times:

- a) June 1, 2012 – 7pm-12am – Fenwick Tent
- b) June 2, 2012 – 6:30pm-1am – Kimball Hall – 3<sup>rd</sup> floor
- c) June 2, 2012 – 6:30pm-12am – Kimball Hall
- d) June 8, 2012 – 5:30pm – 10:00pm - Kimball Hall – 3<sup>rd</sup> floor
- e) June 8, 2012 – 5:30pm – 12:00am - Kimball 2 – Lower
- f) June 9, 2012 – 5:30pm-9:30pm – Kimball Quad
- g) June 9, 2012 – 6:30pm – 12:00am – Kimball Hall 2

Upon a motion by Mr. Mullan and seconded by Ms. Shea, the Commission voted 2-0 to approve the requested Special One Day Malt & Wine License.

List of Exhibits:

Exhibit A: Request for Special One Day Malt & Wine License for 7 events in June; prepared by The College of the Holy Cross; received April 4, 2012.

**9. 205 Hope Avenue:** Joseph E. Giaquinto, the applicant, presented the Common Victualer License (Food Only) petition for a Take It To Go: Joe's Sandwiches & Deli business. He stated that this is his first business and that he has received a Board of Health approval on this day.

Upon a motion by Mr. Mullan and seconded by Ms. Shea, the Commission voted 2-0 to approve the Common Victualer License for Take It To Go: Joe's Sandwiches & Deli.

List of Exhibits:

Exhibit A: Request for a Common Victualer License submitted by Joseph E. Giaquinto; dated April 5, 2012.

**10. 500 Salisbury Street:** Michael Rubino, representative for Assumption College Graduation Committee, the applicant, stated that the applicant is seeking a Special One Day Permit for the following dates and times:

- a) May 9, 2012 – 6:00pm – 11:00pm – Malt & Wine; Plourde Recreation Center
- b) May 11, 2012 – 7:00pm – 11:00pm - Malt & Wine; Plourde Recreation Center
- c) May 10, 2012 – 9:00pm – 2:00am - Malt & Wine; Plourde Recreation Center
- d) June 1, 2012 – 6:00pm – 1:00am – All Alcoholic Beverages; LA Maison Building Lobby Area
- e) June 2, 2012 – 6:00pm – 1:00am – All Alcoholic Beverages; Atrium of Testa Science Center;
- f) June 2, 2012 – 6:00pm – 1:00am - All Alcoholic Beverages; Pavilion of Multi-Sport Stadium
- g) June 2, 2012 – 6:00pm – 1:00am - All Alcoholic Beverages; Campus Ministry Center
- h) June 2, 2012 – 6:00pm – 1:00am - All Alcoholic Beverages; Taylor Dining Hall

Mr. Rubino stated that he will be using Atlas Distributing, Inc.

Upon a motion by Mr. Mullan and seconded by Ms. Shea, the Commission voted 2-0 to approve the requested Special One Day Permit.

List of Exhibits:

Exhibit A: Request for Special One Day Malt & Wine License for 8 events in May and June; prepared by Assumption College Graduation Committee; received April 5, 2012.

**11. 393 (aka 395) Chandler Street:** Aurel Metohu, the applicant, stated that he is seeking approval of a permit to extend the common victualer (restaurant) permit to an outside deck area for Café Espresso Trattoria, Inc. He submitted a plan showing patio location (Exhibit B). Mr. Metohu stated that access to the patio will be provided via a door in the rear. Mr. Mullan stated that he did not do a site visit and would like Lt. Johnson to inspect the site before a License is issued.

Upon a motion by Mr. Mullan and seconded by Ms. Shea, the Commission voted 2-0 to approve the requested permit to extend the common victualer (restaurant) permit to an outside deck area for Café Espresso Trattoria, Inc. with a condition that Police Department inspects and finds satisfactory access to the patio.

List of Exhibits:

Exhibit A: Request for a permit amendment by Aurel Metohu of Café Espresso Trattoria, Inc to License Commission; dated April 2, 2012.

Exhibit B: Plan of premises of 395 Chandler Street; prepared by J. Ferrera Associates, Inc; dated April 4, 2012.

**12. 171 Stafford Street:** The petitioner did not show and the Commission postponed the hearing to May 3, 2012.

**13. 316 (aka 314) Main Street:** Thien-An D. Nguyen, the applicant, stated that he is seeking a Common Victualer License for Blush Yogurt & Café. He stated that he is planning to operate 7am-7pm Monday through Friday and 12pm-7pm on weekends.

Upon a motion by Mr. Mullan and seconded by Ms. Shea, the Commission voted 2-0 to approve the requested Common Victualer License for Blush Yogurt & Café.

List of Exhibits:

Exhibit A: Common Victualer Application; prepared by Thien-An D. Nguyen; received April 10, 2012.

**14. 13-15 King Street – South Middlesex Non-Profit Housing Corporation:** The Commission took up the item again. Katherine Garrahan from Bowditch & Dewey, LLP presented the applicant - South Middlesex Non-Profit Housing Corporation. Ms. Garrahan stated that this address had a Lodging House License since 1950s.

Jo Hart expressed her opposition to this petition and stated that she felt it is “improper for a non-profit house to take a for-profit house”. She asked if it was a ‘program house’. Ms. Garrahan stated that it will not be a program house and that the applicant would be paying taxes to the City, correcting her statement from the previous meeting. Ms. Hart stated that she did not like that the neighborhood was not made aware of the ownership change. Attorney Maloney stated that it was a private sale and that the owner did not have an obligation to inform the neighborhood of the sale, but that a sale sign was in the front yard for some time and that South Middlesex Non-Profit Housing Corporation made the only offer to the seller.

Andrew McKee stated his opposition to the petition and stated that “SMOC is not a good neighbor” and that “residents do not want this” project. Mr. McKee stated that SMOC promised the neighborhood “not to saturate the neighborhood with these types of homes and programs.

Mr. Mullan stated that this item has been continued several times and that the applicant has no obligation to inform the neighborhood of the purchase. He stated that this particular petition was properly advertised and noticed. Ms. Garrahan stated that abutters were properly notified, and that Councilor Rivera and the community were informed of this petition. She stated that the sale was handled via private brokers. Ms. Garrahan stated that the applicant is proposing to continue a use that has been there for decades.

Steven Teasdale of Main South Community Development Corporation stated his opposition to the petition and stated that SMOC had a good neighbor agreement with the neighborhood which requires positive outreach. He expressed distrust of SMOC.

William Breault stated his opposition to the petition and stated that SMOC and the City did not support a 3-year plan in Main South area.

Ms. Hart stated that she believed the City needs “more well-run rooming houses.”

Upon a motion by Mr. Mullan and seconded by Ms. Shea, the Commission voted 2-0 to approve the requested Transfer of the Lodging House License to South Middlesex Non-Profit Housing Corporation.

Exhibits:

Exhibit A: Application for lodging house received on February 23, 2012 and dated February 23, 2012.

Exhibit B: Letter from Worcester Area Mission Society received April 5, 2012 and dated April 4, 2012.

**15. 364 West Boylston Street:** The applicant did not show and the Commission voted 2-0 to postpone the hearing to May 3, 2012.

**OTHER BUSINESS:**

**16. Communication:**

- a. From Dianne Louis re: Liquor License Suspension Request for 1 Airport Drive; dated March 20, 2012: The Commission requested a status hearing on this business in 6 months.

**ADJOURNMENT:**

Upon a motion by Mr. Mullan and seconded by Ms. Shea, the Commission voted 2-0 to adjourn the meeting at 10:44 am. .