

**MINUTES OF THE PROCEEDINGS OF THE
LICENSE COMMISSION OF THE CITY OF WORCESTER
AUGUST 16 2012**

ESTHER HOWLAND, 3RD FLOOR, 455 MAIN STREET

Commission Members Present:

Karon Shea, Commissioner

Paul Mullan, Commissioner

Anthony Salvidio, Commissioner

Staff Present:

Deborah Steele, Planning & Regulatory Services

Lt. James Johnson, Worcester Police Department

Alexandra Haralambous, Law Department

Jim Foley, Inspectional Services

COMMISSION SITE VIEWS:

90 Commercial Street – Worcester Entertainment Concepts Corporation

475 Lincoln Street – Shiya Corporation – Golden Farms Mini Market

373 Park Avenue – Kohox Corporation – Smoky Joe’s Cigar Bar

72 Shrewsbury Street – Volturmo, LLC. dba Volturmo

139 Water Street – Ciotog, Inc., The Grey Hound Pub

192 Harding Street – Ziti’s Restaurant – Stella Rando

CALL TO ORDER:

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

Approval of the Minutes:

Upon a motion by Commissioner Mullan the Commission voted 3-0 to approve the minutes of June 28, 2012, July 19, 2012 and August 6, 2012.

Unfinished Business

1. 55 Salisbury Street – Worcester Art Museum
Petition: Request for change of manager

Tracy Cofori appeared on behalf of the application and stated she will be taking over management duties at Worcester Art Museum.

Lt. Johnson stated Ms. Confori would be approved as manager.

Upon a motion by Commissioner Mullan the Commission voted 3-0 to approve the request for change of manager.

Exhibit A: Application for change of manager dated March 8, 2012 and received on June 15, 2012.

2. 935 Grafton Street – Ervin Kasmi- Plaza Liquors

Petition: Request for change of manager

Upon a motion by Commissioner Mullan the Commission voted 3-0 to postpone item until the September 6, 2012 License Commission meeting.

Exhibit A: Application for change of manager dated June 18, 2012 and received on June 26, 2012.

3. 2 Rice Street – Worcester Country Club

Petition: Request for alteration of premises and change of manager

Upon a motion by Commissioner Mullan the Commission voted 3-0 to postpone item until the September 6, 2012 License Commission meeting.

Exhibit A: Application for alteration of premises and change of manager dated July 2, 2012 and received on July 2, 2012.

4. 82 Millbury Street – Savlana, Inc.

Petition: Request for transfer of package store all alcohol license from McGovern's Package Store of Worcester, Inc.

Commissioner Mullan recused himself from this item.

Attorney Stacy Forgit appeared on behalf of application. She stated she has been working with Kempton Pollard from Department of Revenue and they would request item be continued until September 6, 2012 License Commission meeting.

Kempton Pollard from Department of Revenue was present for meeting and stated that continuance would be acceptable to them.

Upon a motion by Commissioner Salvdio the Commission voted 2-0 to continue item until September 6, 2012 License Commission meeting.

Exhibit A: Application for transfer of package store all alcohol license dated July 2, 2012 and received on July 2, 2012

New Business

One Day Liquor Requests

5. 274 Franklin Street – John Travaglio

Petition: Request for one day liquor permit – August 18, 2012

Theresa Travaglio appeared on behalf of application. She stated there is a fundraiser run on this date and they would like to have one day outdoor permit for event.

Lt. Johnson stated he had reviewed plans for event and Police were satisfied.

Upon a motion by Commissioner Mullan the Commission voted 3-0 to approve the one day liquor permit for John Travaglio.

Exhibit A: Application for one day liquor permit, dated, July 24, 2012 and received on July 24, 2012.

6. 91 Stafford Street – John Ly

Petition: Request for one day liquor permit – September 7, 2012.

Attorney Glen Mattheson submitted request asking item be postponed until the September 6, 2012 License Commission meeting.

7. 102 Russell Street – St. Spyridon Cathedral

Petition: Request for one day liquor permit – September 22, 2012

Jim Economou appeared on behalf of the application and stated this is fundraiser for the family of a young boy who passed away and people attending the event will be 21 years of age or older.

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

Exhibit A: Application for one day permit, dated July 19, 2012 and received on July 19, 2012.

8. 11 Sycamore Street – Augustin Payta

Petition: Request for one day liquor permit – September 1, 2012

Augustin Payta appeared on behalf of application. Mr. Pyta stated event is for a party.

Commissioner Shea asked how many people were expected to attend the event.

Mr. Payta stated over 200 people.

Commissioner Mullan asked if a police detail had been hired for the event.

Mr. Payta stated a police detail will be hired.

Upon a motion by Commissioner Mullan the Commission approved the one day liquor permit for Augstin Payta.

Exhibit A: Application for one day permit, dated August 26, 2012 and received on August 26, 2012.

9. 433 Park Avenue – Nicole Brouillette

Petition: Request for one day liquor permit – October 6, 2012

Nicole Brouillette appeared on behalf of application. She stated event is for a music series and they would like to have a tent outside. She stated that event will not disturb the neighbors.

Upon a motion by Commissioner Mullan the Commission voted 3-0 to approve the one day liquor permit for October 6, 2012.

Exhibit A: Application for one day permit, dated August 1, 2012 and received August 1, 2012.

10. 257 Park Avenue – Konstantinos Singas

Petition: Request for one day liquor permit – September 16, 2012

Konstantinos Singas appeared on behalf of application and stated this would be outdoor event similar to event held during St. Patrick's Day.

Mr. Singas stated area used will be fenced off.

Upon a motion by Commissioner Mullan the Commission voted 3-0 to approve the one day liquor permit for September 16, 2012.

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

11. 10 Lincoln Square – Bill Batelle

Petition: Request for one day liquor permit – September 12, 2012, September 18, 2012, December 7, 2012

Bill Battelle appeared on behalf of the applications. He stated September 12, 2012 50 guests are expected, September 18, 2012 100 guest are expected and December 7, 2012 150 people are expected.

Upon a motion by Commissioner Mullan the Commission voted 3-0 to approved the three one day liquor permits.

Exhibit A: Application for one day liquor permit, dated August 3, 2012 and received via email on August 8, 2012.

Common Victualer – Food Only:

12. 229 Canterbury Street – Anila Taray – College Pizza

Petition: Request for common victualer license

Anila Taray appeared on behalf of application. Ms. Taray stating she is assuming ownership of existing pizza restaurant and that her husband will be working with her and has over seven years experience in restaurant business.

Commissioner Shea asked what the hours of operation would be.

Ms. Taray stated hours would be 11:00 a.m. to 11:00 p.m.

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

Exhibit A: Application for common victualer license, dated August 3, 2012 and received on August 3, 2012.

13. 214 Chandler Street – Abdu Rahim – Crown Fried Chicken

Petition: Request for common vitualer license

Abdu Rahim appeared on behalf of application. Mr. Rahim stated he is assuming ownership of existing business and this is just change of ownership.

Commissioner Shea asked what would be the hours of operation.

Mr. Rahim stated hours would be 10:00 a.m. to 10:00 p.m.

Exhibit A: Application for common victualer license, dated July 27, 2012 and received on July 27, 2012.

14. 709 Main Street – Ester Hope Jowah – Joyful Way Restaurant

Petition: Request for common victualer license

Ms. Jowah appeared on behalf of application. She stated she will be selling food at establishment and hours will be from 7:00 a.m. to 10:00 p.m. She stated reason for 7:00 a.m. opening is just to start preparing the food for the day.

Upon a motion by Commissioner Mullan the Commission voted 3-0 to approve the common victualer license for Joyful Way Restaurant.

Exhibit A: Application for common victualer license, dated July 18, 2012 and received on July 18, 2012.

Alcohol Permit Applications

15. 187 Washington Street – Martwi, Inc, Rincon Latino Bar

Petition: Request for transfer of general on premises all alcohol license, common victualer & entertainment license from S&D Entertainment

Attorney Al Esposito appeared on behalf of application and requested that item be postponed.

Upon a motion by Commissioner Mullan the Commission voted 3-0 to postpone the item.

Exhibit A: Application for liquor license transfer, dated July 12, 2012 and received on July 12, 2012.

16. 475 Lincoln Street – Shiya Corporation – Golden Farms Mini Market

Petition: Request for package store malt & wine license

Attorney Joseph Devlin along with Jignesh Pachani appeared on behalf of the application.

Commissioner Shea stated that Commission members and Lt. Johnson and viewed the site proper to the meeting.

Mr. Devlin stated this is a small convenience store with only eight parking spaces. He stated there will be a cooler for beer and wine and one aisle for alcohol and area will be chained off during hours when alcohol cannot be sold.

Nicholas Valiadis stated his liquor store is only few blocks from this proposed location and area is already well served by the existing package stores in the area.

Mary McGovern stated she was from McGovern's package store and that she is in opposition as area is already served by existing businesses.

Madam Ponedui stated he operates a liquor store that would be less than mile from proposed location and would be in opposition as area well served by current license holders.

Lakhur Sheer stated he owns liquor store in the area and area is already well served so would be in opposition.

Attorney Devlin stated that competition is not a valid reason to deny the application and this his client would serve a limited side of the Lincoln Street area and would not have same customer base as current liquor stores.

Attorney Devlin presented petition of people in support of application.

Commissioner Mullan requested that a roll call vote on item be taken.

Upon a roll call vote the Commission voted 3-0 to deny the application for new package store malt & wine license at 475 Lincoln Street.

Exhibit A: Application for liquor license, dated August 17, 2012 and received on August 17, 2012.

Exhibit B: Map of liquor stores in area.

Exhibit C: Undated petition in support of application received August 16, 2012.

17. 373 Park Avenue – Kohax Corporation – Smoky Joe’s Cigar Bar

Petition: Request for general on premises all alcohol license

Attorney Kevin Byrne along with Niko Agoro appeared on behalf of the application. He stated this will location will be right next door to establishment that Mr. Agoro currently owns.

Commissioner Shea stated that Commissioners and Lt. Johnson had viewed the site prior to the meeting.

Upon a motion by Commissioner Mullan the Commission voted 3-0 to approved the general on premises all alcohol license for Kohax Corpration dba Smoky Joe’s Cigar Bar.

Attorney Bryne stated that this will be a new cigar bar.

Upon a motion by Commissioner Mullan the Commission voted 3-0 to approve the general on premises all alcohol license for Kohax Corporation dba Smoky Joe’s Cigar Bar.

Exhibit A: Application for liquor license, dated, July 19, 2012 and received on July 23, 2012.

18. 72 Shrewsbury Street – Volturmo LLC dba Volturmo, Gregory Califano, Sr.

Petition: Request for restaurant all alcohol license

Attorney Jonathan Finkelstein along with Gregory Califao appeared on behalf of the application.

Attorney Finkelstein stated that applicant had received approval from Historical Commission, Planning Board and Zoning Board of Appeals and now would request the liquor license be approved for the location.

Paul Girorgio stated he would be in support of this application.

Commissioner Mullan asked that type of entertainment would be at establishment.

Attorney Finkelstein stated tv, radio but unsure on what else.

Commissioner Mullan stated that entertainment application would need to be submitted for any time of entertainment.

Upon a motion by Commissioner Mullan the Commission voted 3-0 to approved the request for a restaurant all alcohol license.

Exhibit A: Application for liquor license, dated July 20, 2012 and received on August 1, 2012.

19. 139 Water Street – Ciotog Inc. dba The Grey Hound Pub, - Paul V. Curley

Petition: Request for transfer of location to 11-13 Kelley Square

Paul Curley appeared on behalf of application. He stated he is moving to his current location as no longer has lease at current property.

Mr. Curley stated he will be renovating new location and hopes to be open by mid September.

Commissioner Salvidio asked whether the liquor storage area would be locked.

Mr. Curely stated area would be locked.

Upon a motion by Commissioner Mullan the Commission voted 3-0 to approve the request for transfer of location to 11-13 Kelley Square.

Exhibit A: Application for transfer of location for liquor license, dated July 20, 2012 and received on July 20, 2012.

20. 192 Harding Street – Ziti's Restaurant – Stella Rando

Petition: Request for outdoor patio

Stella Rando appeared on behalf of application.

Commissioner Shea stated that the Commissioners and Lt. Johnson had viewed the premises prior to meeting.

Commissioner Mullan asked whether the outside area would be accessed from the inside area of restaurant.

Ms. Rando stated that you would come in through side.

Commissioner Mullan stated he would be unsure whether Boston would approve that.

Commissioner Shea asked what hours would be.

Ms. Rando stated it would vary.

Ms. Steele asked the Commission to verify what hours would be and what would be occupancy in outside area.

Ms. Rando stated outside area would be for 20 people and hours would be 10:00 a.m. to Midnight.

Upon a motion by Commissioner Mullan the Commission voted 3-0 to approve the alteration of premises for outdoor area.

Exhibit A: Application for alteration for alteration of premises for liquor license, dated July 13, 2012 and received on July 13, 2012.

21. 545 Southwest Cutoff – Papa Gino’s Inc. – Debra Curran

Petition: Request for restaurant malt & wine license

Debra Curran appeared on behalf of application. She stated location previously had liquor license and they would like to obtain one again.

Upon a motion by Commissioner Mullan the Commission voted 3-0 to approve the restaurant malt & wine license.

Exhibit A: Application for liquor license, dated July 26, 2012 and received on July 26, 2012.

22. 90 Commercial Street – Worcester Entertainment Concepts Corporation

Petition: Request for restaurant all alcohol license, common victualer license & entertainment license

Attorney Sean Murray along with Michael Barrasso appeared on behalf of application.

Attorney Murray stated Mr. Barrasso had worked in several other liquor establishments and had experience in operating this type of business for over 25 years.

Lt. Johnson asked how they would be checking for ID’s at establishment.

Mr. Barrasso stated they have a new type of security system where patrons face can be scanned into computer and establishment will be able to use this information to ensure that rules are being complied with.

Commissioner Mullan asked if there will be some type of signage displayed so patrons know that this type of information is being used.

Mr. Barrasso stated they post signs to make patrons aware of they are being videotaped.

Upon a motion by Commissioner Mullan the Commission voted 3-0 to approve the restaurant all alcohol license, common victualer license and entertainment license.

Exhibit A: Application for liquor license, dated July 27, 2012 and received on July 30, 2012.

23. 70 James Street – The Country Music Ranch & Saloon, Inc.

Petition: Request for transfer of general on premises all alcohol license, common victualer license and entertainment license from Country Danceworks

William Broullon appeared on behalf of application. He stated is taking over existing ownership of the 7,000 square foot facility and type of establishment will remain the same.

Commissioner Shea asked what hours would be.

Mr. Broullon stated hours would remain same but he would hope to expand the opening of the operation to seven days a week.

Upon a motion by Commissioner Mullan the Commission voted 3-0 to approve the general on premises all alcohol license.

24. 270 Park Avenue – Blue Jeans Pizza – Stephen Hopkins

Request that alteration of premises approved in June 2012 by License Commission be for food only

Stephen Hopkins appeared on behalf of request. Mr. Hopkins stated he was approved for alteration of premises for location for alcohol and food but due to issue with Department of Revenue the A.B.C.C. will not approve item and he would like to just be approved for food only at this time.

Upon a motion by Commissioner Mullan the Commission voted 3-0 to approve the request for food only at 270 Park Avenue.

Exhibit A: Application for alteration of premises, dated April 26, 2012 and received on April 26, 2012.

Lodging House

25. 32 Irving Street – WCHR, Inc.- request for change in resident manager

Commissioner Salvdio recused himself from this item.

Jeanne Kenders appeared on behalf of application and stated they just doing a change in resident manager at location and no other changes.

Upon a motion by Commissioner Mullan the Commission voted 2-0 to approve the request for change in resident manager.

Exhibit A: Application for change of manager/lodging house, dated February 14, 2012 and received on August 6, 2012.

Entertainment

26. Beaver Brook Park – The Bridge at Central Mass

Request for entertainment license for outdoor festival

Tina Hyland appeared on behalf of application and stated this is a 5k run and family festival that will run from 10:00 a.m. to 2:00 p.m. and 5 off duty police officers will be hired for event.

Upon a motion by Commissioner Mullan the Commission voted 3-0 to approve the entertainment license for The Bridge at Central Mass.

Hearings

27. 202 Chandler Street – Quinsigamond Lodge #173, B.P.E.O. of Worcester, Inc.
M.G.L. c. 138, §77 – Cessation of business

Russell Smith appeared on behalf of item and stated they have been closed due to structural damages and have been trying to raise money to do the repairs.

Jim Foley from Inspectional Services stated a cease and desist order for premises had been order by their department for failure to pay Health Department renewal fee.

Mr. Smith stated that they plan to pay for the fee when they are going to re-open.

Commissioner Mullan and Commissioner Salvido stated they would recommend applicant be given time to do repairs and come back in November 2012 and provide a status on the property.

28. 4B Richmond Avenue – Big Bob's Liquors, Inc.
Violation of Rule #6, 204 CMR 2.05 and M.G.L. c. 138, § 34

Attorney Sean Murray appeared on behalf of Big Bob's Liquors and requested that item be postponed until the first meeting in October.

Upon a motion by Commissioner Mullan the Commission voted 3-0 to approve postponement until the October 11, 2012 License Commission meeting.

29. 566 Southwest Cutoff – Swamishrijj Corporation dba Boston Liquor Mart
Violation of Rule #6, 204 CMR 2.05 and M.G.L. c. 138, § 34

Jignesh Patel appeared on behalf of item. Mr. Patel was advised of his right to have legal counsel at meeting and waived that right.

Lt. Johnson presented the following:

On May 25, 2012, Officers Edward Saucier and Bill Stout of the Alcohol Enforcement Unit of the Worcester Police Department and a 20 year old male conducted an underage sting at various package stores throughout the City.

Prior to going out to the various package stores the underage male was given a breathalyzer test at the Worcester Police Station.

The underage male did not carry identification on him.

The Officers instructed the underage male to enter Boston Liquors and attempt to purchase a six pack of beer. Additionally, he was instructed to walk out calmly and courteously with or without a purchase.

The underage male entered Boston Liquors at 9:20 p.m. and purchased a six pack of 12 ounce Fosters beer for \$7.00, without being asked for identification.

Accordingly, Officer Edward Saucier went into Boston Liquors to notify the manager of the violation which had just occurred. There were 3 males working behind the counter; Officer Saucier asked for the manager. Initially one of the males behind the counter identified himself as the manager leading Officer Saucier to advise him of the violation which had just occurred.

At that point the male then identified someone else as the manager and called him over to speak to Officer Saucier.

The manager came over and spoke with Officer Saucier and apologized for not asking the underage male for identification.

Mr. Patel admitted that the incident occurred and admitted to the facts as presented by Lt. Johnson. He further testified that since the incident occurred he purchased a new machine that checks I.D.s and has trained all his employees to use this machine and to always ask for identification.

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

Upon a roll call the Commission voted 3-0 to impose a Warning.

Other Business

A.B.C.C. Communications –

International Lounge, 27 Pleasant Street – A.B.C.C. Hearing – 9/11/2012-**FILED**

Big Bob's Liquors, 4B Richmond Avenue, A.B.C.C. Hearing – 9/11/2012-**FILED**

ADJOURNMENT

The Commission adjourned the meeting at **11:30 a.m.**